

HOUSE BILL No. 5719

December 17, 2009, Introduced by Reps. Meltzer and McMillin and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5127, 6121, and 9132 (MCL 333.5127, 333.6121, and 333.9132), section 5127 as added by 1988 PA 491 and section 9132 as added by 1984 PA 153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5127. (1) Subject to section 5133, the consent to the
2 provision of medical or surgical care, treatment, or services by a
3 hospital, clinic, or physician that is executed by a minor who is
4 or professes to be infected with a venereal disease or HIV is valid
5 and binding as if the minor had achieved the age of majority. The
6 consent is not subject to later disaffirmance by reason of
7 minority. The consent of any other person, including a spouse,

1 parent, or guardian, or person in loco parentis, is not necessary
2 to authorize the services described in this subsection to be
3 provided to a minor.

4 (2) ~~For medical reasons a~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
5 **SUBSECTION, THE** treating physician, and on the advice and direction
6 of the treating physician, a physician, a member of the medical
7 staff of a hospital or clinic, or other health professional, ~~may,~~
8 ~~but is not obligated to, inform the spouse,~~ **SHALL NOTIFY THE**
9 parent, guardian, or person in loco parentis as to the treatment
10 given **TO** or needed **BY THE MINOR UNDER SUBSECTION (1)**. The
11 information ~~may~~ **SHALL** be given to ~~or withheld from these persons~~
12 **THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS** without consent of
13 the minor and notwithstanding the express refusal of the minor to
14 the providing of the information. **A TREATING PHYSICIAN IS NOT**
15 **REQUIRED TO NOTIFY THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS**
16 **UNDER THIS SUBSECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

17 (A) **THE MINOR IS MARRIED. FOR MEDICAL REASONS IN THE CASE OF A**
18 **MARRIED MINOR, THE TREATING PHYSICIAN, AND ON THE ADVICE AND**
19 **DIRECTION OF THE TREATING PHYSICIAN, A PHYSICIAN, A MEMBER OF THE**
20 **MEDICAL STAFF OF A HOSPITAL OR CLINIC, OR OTHER HEALTH**
21 **PROFESSIONAL, MAY NOTIFY THE MINOR'S SPOUSE AS TO THE TREATMENT**
22 **GIVEN OR NEEDED UNDER SUBSECTION (1). THE INFORMATION MAY BE GIVEN**
23 **TO THE SPOUSE WITHOUT CONSENT OF THE MINOR AND NOTWITHSTANDING THE**
24 **EXPRESS REFUSAL OF THE MINOR TO THE PROVIDING OF THE INFORMATION**
25 **UNDER THIS SUBDIVISION.**

26 (B) **THE MINOR IS EMANCIPATED UNDER SECTION 4 OF 1968 PA 293,**
27 **MCL 722.4.**

1 (C) THE NOTIFICATION WOULD, IN THE TREATING PHYSICIAN'S
2 PROFESSIONAL OPINION, COMPROMISE THE MINOR'S SAFETY OR ABILITY TO
3 SEEK THE MEDICAL OR SURGICAL CARE, TREATMENT, OR SERVICES UNDER
4 SUBSECTION (1).

5 (3) A spouse, parent, guardian, or person in loco parentis of
6 a minor is not financially responsible for surgical care,
7 treatment, or services provided under this section.

8 Sec. 6121. (1) The consent to the provision of substance abuse
9 related medical or surgical care, treatment, or services by a
10 hospital, clinic, or health professional authorized by law executed
11 by a minor who is or professes to be a substance abuser is valid
12 and binding as if the minor had achieved the age of majority. The
13 consent is not subject to later disaffirmance by reason of
14 minority. The consent of any other person, including a spouse,
15 parent, guardian, or person in loco parentis, is not necessary to
16 authorize these services to be provided to a minor.

17 (2) ~~For medical reasons~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
18 **SUBSECTION**, the treating physician, and on the advice and direction
19 of the treating physician, a member of the medical staff of a
20 hospital or clinic, or other health professional, ~~may, but is not~~
21 ~~obligated to, inform the spouse,~~ **SHALL NOTIFY THE** parent, guardian,
22 or person in loco parentis as to the treatment given **TO** or needed
23 **BY THE MINOR UNDER SUBSECTION (1)**. The information ~~may~~ **SHALL** be
24 given to ~~or withheld from these persons~~ **THE PARENT, GUARDIAN, OR**
25 **PERSON IN LOCO PARENTIS** without consent of the minor and
26 notwithstanding the express refusal of the minor to the providing
27 of the information. **A TREATING PHYSICIAN IS NOT REQUIRED TO NOTIFY**

1 THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS UNDER THIS
2 SUBSECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

3 (A) THE MINOR IS MARRIED. FOR MEDICAL REASONS IN THE CASE OF A
4 MARRIED MINOR, THE TREATING PHYSICIAN, AND ON THE ADVICE AND
5 DIRECTION OF THE TREATING PHYSICIAN, A PHYSICIAN, A MEMBER OF THE
6 MEDICAL STAFF OF A HOSPITAL OR CLINIC, OR OTHER HEALTH
7 PROFESSIONAL, MAY NOTIFY THE MINOR'S SPOUSE AS TO THE TREATMENT
8 GIVEN OR NEEDED UNDER SUBSECTION (1). THE INFORMATION MAY BE GIVEN
9 TO THE SPOUSE WITHOUT CONSENT OF THE MINOR AND NOTWITHSTANDING THE
10 EXPRESS REFUSAL OF THE MINOR TO THE PROVIDING OF THE INFORMATION
11 UNDER THIS SUBDIVISION.

12 (B) THE MINOR IS EMANCIPATED UNDER SECTION 4 OF 1968 PA 293,
13 MCL 722.4.

14 (C) THE NOTIFICATION WOULD, IN THE TREATING PHYSICIAN'S
15 PROFESSIONAL OPINION, COMPROMISE THE MINOR'S SAFETY OR ABILITY TO
16 SEEK THE MEDICAL OR SURGICAL CARE, TREATMENT, OR SERVICES UNDER
17 SUBSECTION (1).

18 (3) A spouse, parent, guardian, or person in loco parentis of
19 a minor is not legally responsible for service provided under this
20 section.

21 Sec. 9132. (1) If a minor consents to the provision of
22 prenatal and pregnancy related health care or to the provision of
23 health care for a child of the minor by a health facility or agency
24 licensed under article 17 or a health professional licensed under
25 article 15, the consent shall be valid and binding as if the minor
26 had achieved the age of majority. The consent is not subject to
27 later disaffirmance by reason of minority. The consent of any other

1 person, including the putative father of the child or a spouse,
2 parent, guardian, or person in loco parentis, is not necessary to
3 authorize the provision of health care to a minor or to a child of
4 a minor.

5 (2) Before providing health care to a minor pursuant to this
6 section, a health facility or agency or a health professional shall
7 inform the minor that the putative father of the child or the
8 minor's spouse, parent, guardian, or person in loco parentis may be
9 notified pursuant to subsection (4).

10 (3) At the initial visit to the health facility or health
11 professional, permission shall be requested of the minor to contact
12 the minor's parents for any additional medical information ~~which~~
13 **THAT** may be necessary or helpful to the provision of proper health
14 care.

15 (4) ~~For medical reasons~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
16 **SUBSECTION**, the treating physician, and on the advice and direction
17 of the treating physician, a member of the medical staff of a
18 health facility or agency, or other health professional, ~~may, but~~
19 ~~is not obligated to, inform the putative father of the child or the~~
20 ~~spouse,~~ **SHALL NOTIFY THE** parent, guardian, or person in loco
21 parentis **AND MAY NOTIFY THE PUTATIVE FATHER** as to the health care
22 given **TO** or needed **BY AN UNMARRIED MINOR UNDER SUBSECTION (1)**. The
23 information ~~may~~ **SHALL** be given to ~~or withheld from these persons~~
24 **THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OR MAY BE GIVEN TO**
25 **THE PUTATIVE FATHER** without consent of the **UNMARRIED** minor and
26 notwithstanding the express refusal of the minor to the providing
27 of the information. **A TREATING PHYSICIAN IS NOT REQUIRED TO NOTIFY**

1 THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OR THE PUTATIVE
2 FATHER UNDER THIS SUBSECTION UNDER ANY OF THE FOLLOWING
3 CIRCUMSTANCES:

4 (A) THE MINOR IS MARRIED. FOR MEDICAL REASONS IN THE CASE OF A
5 MARRIED MINOR, THE TREATING PHYSICIAN, AND ON THE ADVICE AND
6 DIRECTION OF THE TREATING PHYSICIAN, A PHYSICIAN, A MEMBER OF THE
7 MEDICAL STAFF OF A HOSPITAL OR CLINIC, OR OTHER HEALTH
8 PROFESSIONAL, MAY NOTIFY THE MINOR'S SPOUSE AS TO THE TREATMENT
9 GIVEN OR NEEDED UNDER SUBSECTION (1). THE INFORMATION MAY BE GIVEN
10 TO THE SPOUSE WITHOUT CONSENT OF THE MINOR AND NOTWITHSTANDING THE
11 EXPRESS REFUSAL OF THE MINOR TO THE PROVIDING OF THE INFORMATION
12 UNDER THIS SUBDIVISION.

13 (B) THE MINOR IS EMANCIPATED UNDER SECTION 4 OF 1968 PA 293,
14 MCL 722.4.

15 (C) THE NOTIFICATION WOULD, IN THE TREATING PHYSICIAN'S
16 PROFESSIONAL OPINION, COMPROMISE THE MINOR'S SAFETY OR ABILITY TO
17 SEEK THE MEDICAL OR SURGICAL CARE, TREATMENT, OR SERVICES UNDER
18 SUBSECTION (1).

19 (5) As used in this section, "health care" means only
20 treatment or services intended to maintain the life and improve the
21 health of both the minor and the minor's child or fetus.