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HOUSE BILL NO. 484

Offered January 18, 2000

A BILL to amend and reenact § 54.1-2969 of the Code of Virginia, relating to authority to consent to surgical and medical treatment of certain minors.

Patrons—Landes, Harris, Louderback and Weatherholtz; Senator: Hanger

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2969 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2969. Authority to consent to surgical and medical treatment of certain minors.

A. Whenever any minor who has been separated from the custody of his parent or guardian is in need of surgical or medical treatment, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, as follows:

1. Upon judges with respect to minors whose custody is within the control of their respective courts.

2. Upon local superintendents of public welfare or social services or their designees with respect to (i) minors who are committed to the care and custody of the local board by courts of competent jurisdiction, (ii) minors who are taken into custody pursuant to § 63.1-248.9, and (iii) minors who are entrusted to the local board by the parent, parents or guardian, when the consent of the parent or guardian cannot be obtained immediately and, in the absence of such consent, a court order for such treatment cannot be obtained immediately.

3. Upon the Director of the Department of Corrections or the Director of the Department of Juvenile Justice or his designees with respect to any minor who is sentenced or committed to his custody.

4. Upon the principal executive officers of state institutions with respect to the wards of such institutions.

5. Upon the principal executive officer of any other institution or agency legally qualified to receive minors for care and maintenance separated from their parents or guardians, with respect to any minor whose custody is within the control of such institution or agency.

6. Upon any person standing in loco parentis, or upon a conservator or custodian for his ward or other charge under disability.

B. Whenever the consent of the parent or guardian of any minor who is in need of surgical or medical treatment is unobtainable because such parent or guardian is not a resident of this Commonwealth or his whereabouts is unknown or he cannot be consulted with promptness reasonable under the circumstances, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, upon judges of juvenile and domestic relations district courts.

C. Whenever delay in providing *transportation in an emergency medical services vehicle as defined in § 32.1-111.1* or medical or surgical treatment to a minor may adversely affect such minor's recovery and no person authorized in this section to consent to such treatment for such minor is available within a reasonable time under the circumstances, no liability shall be imposed upon *emergency medical services personnel as defined in § 32.1-111.1*, a licensed health professional or licensed hospital by reason of lack of consent to such *transportation or* medical or surgical treatment. However, in the case of a minor fourteen years of age or older who is physically capable of giving consent, such consent shall be obtained first.

D. A minor shall be deemed an adult for the purpose of consenting to:

1. Medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease which the State Board of Health requires to be reported;

2. Medical or health services required in case of birth control, pregnancy or family planning except for the purposes of sexual sterilization;

3. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in § 37.1-203;

4. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for mental illness or emotional disturbance; or

5. The release of medical records related to subdivisions 1 and 2.

E. Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment.

F. A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or

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60 medical treatment is provided during the delivery of the child or the duration of the hospital admission
61 for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the
62 purpose of giving consent to surgical and medical treatment for her child.

63 G. Any minor seventeen years of age may, with the consent of a parent or legal guardian, consent to
64 donate blood and may donate blood if such minor meets donor eligibility requirements. However,
65 parental consent to donate blood by any minor seventeen years of age shall not be required if such
66 minor receives no consideration for his blood donation and the procurer of the blood is a nonprofit,
67 voluntary organization.

68 H. Any judge, local superintendent of public welfare or social services, Director of the Department of
69 Corrections, Director of the Department of Juvenile Justice, or principal executive officer of any state or
70 other institution or agency who consents to surgical or medical treatment of a minor in accordance with
71 this section shall make a reasonable effort to notify the minor's parent or guardian of such action as
72 soon as practicable.

73 I. Nothing in subsection F of this section shall be construed to permit a minor to consent to an
74 abortion without complying with § 16.1-241.