

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 980

Short Title: Medical Information/Foster Care/Minors. (Public)

Sponsors: Representative Loftis.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 6, 2024

A BILL TO BE ENTITLED

AN ACT TO ALLOW PARENTAL ACCESS TO A MINOR'S MEDICAL RECORDS AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-21.5 reads as rewritten:

"§ 90-21.5. **Minor's consent sufficient for certain medical health services.**

(a) Subject to subsection (a1) of this section, any minor may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance. This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.

(a1) Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age.

(b) Any minor who is emancipated may consent to any medical treatment, dental and health services for himself or for his child.

(c) A parent or guardian may access any medical records for the medical health services provided for in this section in accordance with Part 3 of this Article."

SECTION 1.(b) Part 3 of Article 1A of Chapter 90 of the General Statutes reads as rewritten:

"Part 3. Parental Consent for ~~Treatment~~.Treatment and Medical Records.

"§ 90-21.10A. **Definitions.**

The following definitions apply in this Article:

...

(4a) Medical records. – As defined in G.S. 90-410(2).

(5) Minor. – Any person under the age of 18 who has not been married or has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes.



(6) Parent. – A minor's parent, guardian, or person standing in loco parentis. A person standing in loco parentis is a person who has assumed parental responsibilities, including support and maintenance of the minor.

...

"§ 90-21.10B. Parental consent for treatment.

(a) Except as otherwise provided in this Article or by court order, a health care practitioner shall not provide, solicit, or arrange treatment for a minor child without first obtaining written or documented consent from that minor child's parent.

(b) Except as otherwise provided in this Article or by court order, a health care facility shall not allow treatment to be performed on a minor child in its facility without first obtaining written or documented consent from that minor child's parent.

(c) This section does not apply to services provided by a clinical laboratory unless the services are delivered through a direct encounter with the minor child at the clinical laboratory facility.

(d) Except as otherwise provided in the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), as amended, other federal law, or Subchapter I of Chapter 7B of the General Statutes, no health care practitioner shall limit or restrict a parent's access to a minor's or dependent's hard copy or electronic medical records without a court order. For the purposes of this subsection, the term "dependent" means a child for whom the parent is allowed an exemption pursuant to section 151 of the Internal Revenue Code or a "dependent child" as that term is defined in G.S. 110-129.

(e) The provision of medical records to a parent under subsection (d) of this section shall not delay or prevent a health care practitioner from treatment of a minor in a medical emergency, as defined in G.S. 90-21.81.

"§ 90-21.10C. Penalty.

A health care practitioner or other person that violates this section is subject to disciplinary action by the board that licensed, certified, or otherwise authorized the health care practitioner to provide treatment, including a fine of up to five thousand dollars (\$5,000)."

SECTION 2. Effective July 1, 2024, there is appropriated from the General Fund to the Department of Health and Human Services the nonrecurring sum of ten thousand dollars (\$10,000) for the 2024-2025 fiscal year to implement the provisions of this act.

SECTION 3. Except as otherwise provided, this act becomes effective October 1, 2024.