

1 **SENATE FLOOR VERSION**

2 February 8, 2016

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 1196

By: Griffin of the Senate

and

Nelson of the House

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8  
9 An Act relating to public health; amending 63 O.S.  
10 2011, Section 2602, which relates to self-consent for  
11 medical services; permitting certain consent under  
12 certain circumstances; providing certain limitation;  
13 and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2602, is  
16 amended to read as follows:

17 Section 2602. A. Notwithstanding any other provision of law,  
18 the following minors may consent to have services provided by health  
19 professionals in the following cases:

20 1. Any minor who is married, has a dependent child or is  
21 emancipated;

22 2. Any minor who is separated from his parents or legal  
23 guardian for whatever reason and is not supported by his parents or  
24 guardian;

1           3. Any minor who is or has been pregnant, afflicted with any  
2 reportable communicable disease, drug and substance abuse or abusive  
3 use of alcohol; provided, however, that such self-consent only  
4 applies to the prevention, diagnosis and treatment of those  
5 conditions specified in this section. Any health professional who  
6 accepts the responsibility of providing such health services also  
7 assumes the obligation to provide counseling for the minor by a  
8 health professional. If the minor is found not to be pregnant nor  
9 suffering from a communicable disease nor drug or substance abuse  
10 nor abusive use of alcohol, the health professional shall not reveal  
11 any information whatsoever to the spouse, parent or legal guardian,  
12 without the consent of the minor;

13           4. Any minor parent as to his child;

14           5. Any spouse of a minor when the minor is unable to give  
15 consent by reason of physical or mental incapacity;

16           6. Any minor who by reason of physical or mental capacity  
17 cannot give consent and has no known relatives or legal guardian, if  
18 two physicians agree on the health service to be given; ~~or~~

19           7. Any minor in need of emergency services for conditions which  
20 will endanger his health or life if delay would result by obtaining  
21 consent from his spouse, parent or legal guardian; provided,  
22 however, that the prescribing of any medicine or device for the  
23 prevention of pregnancy shall not be considered such an emergency  
24 service; or

1       8. Any minor who is the victim of sexual assault; provided,  
2 however, that such self-consent only applies to a forensic medical  
3 examination by a qualified licensed health care professional.

4       If any minor falsely represents that he may give consent and a  
5 health professional provides health services in good faith based  
6 upon that misrepresentation, the minor shall receive full services  
7 without the consent of the minor's parent or legal guardian and the  
8 health professional shall incur no liability except for negligence  
9 or intentional harm. Consent of the minor shall not be subject to  
10 later disaffirmance or revocation because of his minority.

11       B. The health professional shall be required to make a  
12 reasonable attempt to inform the spouse, parent or legal guardian of  
13 the minor of any treatment needed or provided under paragraph 7 of  
14 subsection A of this section. In all other instances the health  
15 professional may, but shall not be required to inform the spouse,  
16 parent or legal guardian of the minor of any treatment needed or  
17 provided. The judgment of the health professional as to  
18 notification shall be final, and his disclosure shall not constitute  
19 libel, slander, the breach of the right of privacy, the breach of  
20 the rule of privileged communication or result in any other breach  
21 that would incur liability.

22       Information about the minor obtained through care by a health  
23 professional under the provisions of this act shall not be  
24 disseminated to any health professional, school, law enforcement

1 agency or official, court authority, government agency or official  
2 employer, without the consent of the minor, except through specific  
3 legal requirements or if the giving of the information is necessary  
4 to the health of the minor and public. Statistical reporting may be  
5 done when the minor's identity is kept confidential.

6 The health professional shall not incur criminal liability for  
7 action under the provisions of this act except for negligence or  
8 intentional harm.

9 SECTION 2. This act shall become effective November 1, 2016.

10 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
11 February 8, 2016 - DO PASS AS AMENDED  
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