

An Act

ENROLLED SENATE
BILL NO. 575

By: Allen of the Senate

and

Randleman and Kiger of the
House

An Act relating to the Parents' Bill of Rights; amending Section 4, Chapter 238, O.S.L. 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S. Supp. 2018, Section 2004), which relates to consent for medical treatment of minors; allowing certain consent provided to a school district to be effective for certain school year and subject to renewal; exempting certain health professional providing certain assessment or treatment through telemedicine from being required to make certain verification; amending Section 5, Chapter 238, O.S.L. 2014 (25 O.S. Supp. 2018, Section 2005), which relates to consent for mental health treatment of minors; modifying types of mental health evaluations and assessments that require certain consent; removing requirement that certain health professional shall make certain verification; allowing certain consent provided to a school district to be effective for certain school year and subject to renewal; exempting certain health professional providing certain assessment or treatment through telemedicine from being required to make certain verification; providing an effective date; and declaring an emergency.

SUBJECT: Medical consent under the Parents' Bill of Rights

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

SECTION 1. AMENDATORY Section 4, Chapter 238, O.S.L. 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S. Supp. 2018, Section 2004), is amended to read as follows:

Section 2004. A. Except as otherwise provided by law, no person, corporation, association, organization, state-supported institution, or individual employed by any of these entities may procure, solicit to perform, arrange for the performance of, perform surgical procedures, or perform a physical examination upon a minor or prescribe any prescription drugs to a minor without first obtaining a written consent of a parent or legal guardian of the minor. Provided, however, that if written consent is provided to a school district for assessment or treatment, such consent shall be effective for the school year for which it is granted and shall be renewed each subsequent school year. If an assessment or treatment is performed through telemedicine at a school site and if consent has been provided by the parent and is currently effective, the health professional shall not be required to verify that the parent is at the site.

B. Except as otherwise provided by law, no hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes may permit surgical procedures to be performed upon a minor in its facilities without first having received a written consent from a parent or legal guardian of the minor.

C. The provisions of this section shall not apply when it has been determined by a physician that an emergency exists and that it is necessary to perform such surgical procedures for the treatment of an injury, illness or drug abuse, or to save the life of the patient, or when such parent or other adult authorized by law to consent on behalf of a minor cannot be located or contacted after a reasonably diligent effort.

D. The provisions of this section shall not apply to an abortion, which shall be governed by the provisions of Sections 1-740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63 of the Oklahoma Statutes or any successor statute.

E. A person who violates a provision of this section is guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment of not more than one (1) year in the county jail, or by both such fine and imprisonment.

SECTION 2. AMENDATORY Section 5, Chapter 238, O.S.L. 2014 (25 O.S. Supp. 2018, Section 2005), is amended to read as follows:

Section 2005. A. Except as otherwise provided by law or a court order, no person, corporation, association, organization or state-supported institution, or any individual employed by any of these entities, may procure, solicit to perform, arrange for the performance of or perform ~~mental health evaluation in a clinical or nonclinical setting or an assessment for mental health treatment therapy~~ on a minor without first obtaining the written ~~or oral~~ consent of a parent or a legal guardian of the minor child. ~~If the parental consent is given through telemedicine, the health professional must verify the identity of the parent at the site where the consent is given~~ Provided, however, that if written consent is provided to a school district for assessment or treatment, such consent shall be effective for the school year for which it is granted and shall be renewed each subsequent school year. If an assessment or treatment is performed through telemedicine at a school site and if consent has been provided by the parent and is currently effective, the health professional shall not be required to verify that the parent is at the site. However, a child shall not be seen without consent.

B. This section does not apply when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury to or save the life of a minor child.

C. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment of not more than one (1) year in the county jail, or by both such fine and imprisonment.

SECTION 3. This act shall become effective July 1, 2019.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 2nd day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____