

6702--B

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. PAULIN, SCHIMEL, GOTTFRIED, DINOWITZ, MAYERSOHN, JACOBS, HOYT, JAFFEE, ALFANO -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, JEFFRIES, MARKEY, PHEFFER, RUSSELL, TITONE, WALKER, WRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to providing medical care to minors for sexually transmitted diseases without a parent's or guardian's consent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 2305 of the public health
2 law, as amended by chapter 878 of the laws of 1980, is amended to read
3 as follows:
4 Sexually transmissible diseases; CARE AND treatment [by licensed
5 physician or staff physician of a hospital; prescriptions] ; CONSENT BY
6 MINORS.
7 S 2. Subdivisions 2 and 3 of section 2305 of the public health law, as
8 amended by chapter 878 of the laws of 1980, are amended to read as
9 follows:
10 2. (A) A [licensed physician, or in a hospital, a staff physician,]
11 HEALTH CARE PRACTITIONER may diagnose, treat or prescribe TREATMENT FOR
12 A SEXUALLY TRANSMISSIBLE DISEASE for a person under the age of [twenty-
13 one] EIGHTEEN years without the consent or knowledge of the parents or
14 [guardian] GUARDIANS of said person, where such person is infected with
15 a sexually transmissible disease, or has been exposed to infection with
16 a sexually transmissible disease.
17 (B) A HEALTH CARE PRACTITIONER MAY PROVIDE HEALTH CARE RELATED TO THE
18 PREVENTION OF A SEXUALLY TRANSMISSIBLE DISEASE, INCLUDING ADMINISTERING

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 VACCINES, TO A PERSON UNDER THE AGE OF EIGHTEEN YEARS WITHOUT THE
2 CONSENT OR KNOWLEDGE OF THE PARENTS OR GUARDIANS OF SUCH PERSON,
3 PROVIDED THAT THE PERSON HAS CAPACITY TO CONSENT TO THE CARE, WITHOUT
4 REGARD TO THE PERSON'S AGE, AND THE PERSON CONSENTS.

5 (C) ANY RELEASE OF PATIENT INFORMATION REGARDING VACCINES PROVIDED
6 UNDER THIS SECTION SHALL BE CONSISTENT WITH SECTIONS SEVENTEEN AND EIGH-
7 TEEN OF THIS CHAPTER AND OTHER APPLICABLE LAWS AND REGULATIONS.

8 3. For the purposes of this section, [the term]

9 (A) "hospital" shall mean a hospital as defined in article twenty-
10 eight of this chapter; AND

11 (B) "HEALTH CARE PRACTITIONER" SHALL MEAN A PERSON LICENSED, CERTIFIED
12 OR OTHERWISE AUTHORIZED TO PRACTICE UNDER TITLE EIGHT OF THE EDUCATION
13 LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE.

14 S 3. This act shall take effect immediately.