

4779

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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 CURATIVE
12 TREATMENT FOR A SEXUALLY TRANSMISSIBLE DISEASE for a person under the
13 age of [twenty-one] EIGHTEEN years without the consent or knowledge of
14 the parents or [guardian] GUARDIANS of said person, where such person is
15 infected with a sexually transmissible disease, or has been exposed to
16 infection with a sexually transmissible disease.

17 (B) A HEALTH CARE PRACTITIONER MAY PROVIDE MEDICAL CARE RELATED TO THE
18 PREVENTION OF A SEXUALLY TRANSMISSIBLE DISEASE, INCLUDING ADMINISTERING
19 VACCINES, TO A PERSON UNDER THE AGE OF EIGHTEEN YEARS WITHOUT THE
20 CONSENT OR KNOWLEDGE OF THE PARENTS OR GUARDIANS OF SUCH PERSON,
21 PROVIDED THAT THE PERSON HAS CAPACITY TO CONSENT TO THE CARE, WITHOUT
22 REGARD TO THE PERSON'S AGE, AND THE PERSON CONSENTS.

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

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1 (C) ANY RELEASE OF PATIENT INFORMATION REGARDING VACCINES PROVIDED
2 UNDER THIS SECTION SHALL BE CONSISTENT WITH SECTIONS SEVENTEEN AND EIGH-
3 TEEN OF THIS CHAPTER.

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

5 (A) "hospital" shall mean a hospital as defined in article twenty-
6 eight of this chapter;

7 (B) "SEXUALLY TRANSMISSIBLE DISEASE" SHALL INCLUDE ANY INFECTION OR
8 DISEASE THAT IS TRANSMISSIBLE BY SEXUAL CONTACT, REGARDLESS OF WHETHER
9 IT IS A SEXUALLY TRANSMISSIBLE DISEASE UNDER SECTION TWENTY-THREE
10 HUNDRED ELEVEN OF THIS TITLE; AND

11 (C) "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 nine months after it shall have become
15 a law.