

4779--B

Cal. No. 440

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sens. KRUEGER, ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. Section 2305 of the public health law, as amended by chap-  
2     ter 878 of the laws of 1980, is amended to read as follows:  
3     S 2305. Sexually transmissible diseases; CARE AND treatment [by  
4     licensed physician or staff physician of a hospital; prescriptions] ;  
5     CONSENT BY MINORS. 1. No person, other than a [licensed physician, or,  
6     in a hospital, a staff physician] HEALTH CARE PRACTITIONER, shall diag-  
7     nose, treat or prescribe for a person who is infected with a sexually  
8     transmissible disease, or who has been exposed to infection with a sexu-  
9     ally transmissible disease, or dispense or sell a drug, medicine or  
10     remedy for the treatment of such person except on prescription of a  
11     [duly licensed physician] HEALTH CARE PRACTITIONER.  
12     2. (A) A [licensed physician, or in a hospital, a staff physician,]  
13     HEALTH CARE PRACTITIONER may diagnose, treat or prescribe TREATMENT FOR  
14     A SEXUALLY TRANSMISSIBLE DISEASE for a person under the age of [twenty-  
15     one] EIGHTEEN years without the consent or knowledge of the parents or  
16     [guardian] GUARDIANS of said person, where such person is infected with  
17     a sexually transmissible disease, or has been exposed to infection with  
18     a sexually transmissible disease.

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

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1 (B) A HEALTH CARE PRACTITIONER MAY PROVIDE HEALTH CARE RELATED TO THE  
2 PREVENTION OF A SEXUALLY TRANSMISSIBLE DISEASE, INCLUDING ADMINISTERING  
3 VACCINES, TO A PERSON UNDER THE AGE OF EIGHTEEN YEARS WITHOUT THE  
4 CONSENT OR KNOWLEDGE OF THE PARENTS OR GUARDIANS OF SUCH PERSON,  
5 PROVIDED THAT THE PERSON HAS CAPACITY TO CONSENT TO THE CARE, WITHOUT  
6 REGARD TO THE PERSON'S AGE, AND THE PERSON CONSENTS.

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

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

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

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

16 S 2. This act shall take effect immediately.