

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, SCHIMEL, GOTTFRIED, DINOWITZ, MAYERSOHN, JACOBS, HOYT, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, GABRYSZAK, JEFFRIES, MARKEY, PHEFFER, RUSSELL, TITONE, WRIGHT -- read once and referred 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. 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.  
19 (B) A HEALTH CARE PRACTITIONER MAY PROVIDE HEALTH CARE RELATED TO THE  
20 PREVENTION OF A SEXUALLY TRANSMISSIBLE DISEASE, INCLUDING ADMINISTERING  
21 VACCINES, TO A PERSON UNDER THE AGE OF EIGHTEEN YEARS WITHOUT THE

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

LBD00330-01-1

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

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

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

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

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

13 S 2. This act shall take effect immediately.