

497--A

Cal. No. 238

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PAULIN, SCHIMEL, GOTTFRIED, DINOWITZ, JACOBS, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, RUSSELL, TITONE, WRIGHT -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on 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, the section heading and subdivisions 1 and  
3 2 as amended by section 35 of part E of chapter 56 of the laws of 2013,  
4 is amended to read as follows:  
5 S 2305. Sexually transmitted diseases; CARE AND treatment [by licensed  
6 physician or staff physician of a hospital; prescriptions]; CONSENT BY  
7 MINORS. 1. No person, other than a [licensed physician, or, in a hospi-  
8 tal, a staff physician] HEALTH CARE PRACTITIONER, shall diagnose, treat  
9 or prescribe for a person who is infected with a sexually transmitted  
10 disease, or who has been exposed to infection with a sexually transmit-  
11 ted disease, or dispense or sell a drug, medicine or remedy for the  
12 treatment of such person except on prescription of a [duly licensed  
13 physician] HEALTH CARE PRACTITIONER.  
14 2. (A) A [licensed physician, or in a hospital, a staff physician]  
15 HEALTH CARE PRACTITIONER, may diagnose, treat or prescribe TREATMENT FOR  
16 A SEXUALLY TRANSMITTED DISEASE for a person under the age of [twenty-  
17 one] EIGHTEEN years without the consent or knowledge of the parents or  
18 [guardian] GUARDIANS of said person, where such person is infected with

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

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1 a sexually transmitted disease, or has been exposed to infection with a  
2 sexually transmitted disease.

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

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

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

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

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

18 S 2. This act shall take effect immediately.