S T A T E O F N E W Y O R K

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:

Section 1. Section 2305 of the public health law, as amended by chapter 878 of the laws of 1980, the section heading and subdivisions 1 and 2 as amended by section 35 of part E of chapter 56 of the laws of 2013, is amended to read as follows:

S 2305. Sexually transmitted diseases; CARE AND treatment [by licensed physician or staff physician of a hospital; prescriptions]; CONSENT BY MINORS. 1. No person, other than a [licensed physician, or, in a hospital, a staff physician] HEALTH CARE PRACTITIONER, shall diagnose, treat or prescribe for a person who is infected with a sexually transmitted disease, or who has been exposed to infection with a sexually transmitted disease, or dispense or sell a drug, medicine or remedy for the treatment of such person except on prescription of a [duly licensed physician] HEALTH CARE PRACTITIONER.

2. (A) A [licensed physician, or in a hospital, a staff physician] HEALTH CARE PRACTITIONER, may diagnose, treat or prescribe TREATMENT FOR A SEXUALLY TRANSMITTED DISEASE for a person under the age of [twenty-one] EIGHTEEN years without the consent or knowledge of the parents or [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.

LBD01523-02-3

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

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

(C) ANY RELEASE OF PATIENT INFORMATION REGARDING VACCINES PROVIDED UNDER THIS SECTION SHALL BE CONSISTENT WITH SECTIONS SEVENTEEN AND EIGHTEEN OF THIS CHAPTER AND OTHER APPLICABLE LAWS AND REGULATIONS.

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

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

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

S 2. This act shall take effect immediately.