

1528

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. PAULIN, SCHIMEL, GOTTFRIED, DINOWITZ, JAFFEE, ROSENTHAL, LAVINE, STECK -- Multi-Sponsored by -- M. of A. BROOK-KRASNYY, PERRY, RUSSELL, 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, 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
19 a sexually transmitted disease, or has been exposed to infection with a
20 sexually transmitted disease.
21 (B) A HEALTH CARE PRACTITIONER MAY PROVIDE HEALTH CARE RELATED TO THE
22 PREVENTION OF A SEXUALLY TRANSMISSIBLE DISEASE, INCLUDING ADMINISTERING

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

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

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

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

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

11 (B) "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 2. This act shall take effect immediately.