

STATE OF NEW YORK

973

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. PAULIN, GOTTFRIED, DINOWITZ, JAFFEE, L. ROSENTHAL, STECK, BRONSON, FAHY -- Multi-Sponsored by -- M. of A. HEVESI, PERRY, RICHARDSON, SIMON, 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 § 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.

LBD00631-01-9

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 § 2. This act shall take effect immediately.