STATE OF NEW YORK

3248

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act and the public health law, in relation to allowing a person having a lawful order of custody of a child to make medical decisions for such child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (c) of section 657 of the family court act, as added by section 5 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

(c) Notwithstanding any other provision of law to the contrary, persons possessing a lawful order of guardianship **or custody** of a child shall have the right and responsibility to make decisions, including issuing any necessary consents, regarding the child's protection, education, care and control, health and medical needs, and the physical custody of the person of the child. Provided, however, that nothing in this subdivision shall be construed to limit the ability of a child to consent to his or her own medical care as may be otherwise provided by law.

§ 2. Subdivision 4 of section 2504 of the public health law, as added by chapter 769 of the laws of 1972 and as renumbered by chapter 976 of the laws of 1984, is amended to read as follows:

4. Medical, dental, health and hospital services may be rendered to persons of any age without the consent of a parent [~~or~~], legal guardian **or person possessing a lawful order of custody** when, in the physician's judgment an emergency exists and the person is in immediate need of medical attention and an attempt to secure consent would result in delay of treatment which would increase the risk to the person's life or health.

§ 3. This act shall take effect immediately.

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

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