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P.L. 2005, CHAPTER 342, *approved January 12, 2006*

Senate, No. 2481

1 AN ACT concerning minors' consent to medical care or treatment and
2 amending P.L.1968, c.230.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as
8 follows:

9 1. The consent to the provision of medical or surgical care or
10 services by a hospital, public clinic, or the performance of medical or
11 surgical care or services by a physician, licensed to practice medicine,
12 when executed by a minor who is or **[professes to]** believes that he
13 may be afflicted with a venereal disease, or who is at least 13 years of
14 age and is or believes that he may be infected with the human
15 immunodeficiency virus or have acquired immune deficiency
16 syndrome, or by a minor who, in the judgment of a treating physician,
17 appears to have been sexually assaulted, shall be valid and binding as
18 if the minor had achieved his or her majority, as the case may be. Any
19 such consent shall not be subject to later disaffirmance by reason of
20 minority. In the case of a minor who appears to have been sexually
21 assaulted, the minor's parents or guardian shall be notified
22 immediately, unless the attending physician believes that it is in the
23 best interests of the patient not to do so; however, inability of the
24 treating physician, hospital or clinic to locate or notify the parents or
25 guardian shall not preclude the provision of any necessary emergency
26 medical or surgical care to the minor.

27 When a minor believes that he is suffering from the use of drugs or
28 is a drug dependent person as defined in section 2 of P.L.1970, c.226
29 (C.24:21-2) or is suffering from alcohol dependency or is an alcoholic
30 as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), his consent to
31 treatment under the supervision of a physician licensed to practice
32 medicine, or an individual licensed or certified to provide treatment for
33 alcoholism or in a facility licensed by the State to provide for the
34 treatment of alcoholism shall be valid and binding as if the minor had
35 achieved his or her majority, as the case may be. Any such consent
36 shall not be subject to later disaffirmance by reason of minority.
37 Treatment for drug use, drug abuse, alcohol use or alcohol abuse that
38 is consented to by a minor shall be considered confidential information
39 between the physician, the treatment provider or the treatment facility,
40 as appropriate, and his patient, and neither the minor nor his physician,
41 treatment provider or treatment facility, as appropriate, shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 required to report such treatment when it is the result of voluntary
2 consent, except as may otherwise be required by law.

3 The consent of no other person or persons, including but not
4 limited to a spouse, parent, custodian or guardian, shall be necessary
5 in order to authorize such hospital, facility or clinical care or services
6 or medical or surgical care or services to be provided by a physician
7 licensed to practice medicine or by an individual licensed or certified
8 to provide treatment for alcoholism to such a minor.
9 (cf: P.L.1992, c.57, s.1)

10

11 2. This act shall take effect immediately.

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13

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STATEMENT

15

16 This bill amends N.J.S.A.9:17A-4 to clarify that a minor's right to
17 consent to the provision of medical or surgical care (including testing)
18 under that statute extends to a minor who is at least 13 years of age
19 and is or believes that he may be infected with the human
20 immunodeficiency virus (HIV) or have acquired immune deficiency
21 syndrome (AIDS).

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26 _____
27 Permits certain minors to consent to medical care or treatment for HIV
infection or AIDS.

SENATE, No. 2481

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 5, 2005

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BYRON M. BAER

District 37 (Bergen)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

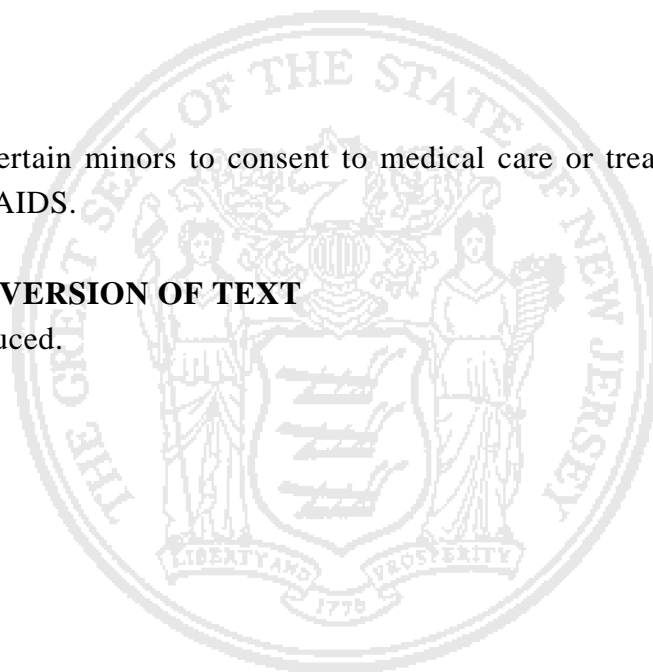
**Assemblymen Conaway, Conners, Payne, Pennacchio, Assemblywomen
Previte, Quigley, Watson Coleman, Pou, Assemblymen Roberts, Rooney,
Gordon and Stack**

SYNOPSIS

Permits certain minors to consent to medical care or treatment for HIV infection or AIDS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

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22 immediately, unless the attending physician believes that it is in the
23 best interests of the patient not to do so; however, inability of the
24 treating physician, hospital or clinic to locate or notify the parents or
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14 This bill amends N.J.S.A.9:17A-4 to clarify that a minor's right to
15 consent to the provision of medical or surgical care (including testing)
16 under that statute extends to a minor who is at least 13 years of age
17 and is or believes that he may be infected with the human
18 immunodeficiency virus (HIV) or have acquired immune deficiency
19 syndrome (AIDS).

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2481

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2481.

This bill amends N.J.S.A.9:17A-4 to clarify that a minor's right to consent to the provision of medical or surgical care (including testing) under that statute extends to a minor who is at least 13 years of age and is or believes that he may be infected with the human immunodeficiency virus (HIV) or have acquired immune deficiency syndrome (AIDS).

N.J.S.A.9:17A-4 currently provides that a minor who believes that he or she is afflicted with a venereal disease, or a minor who, in the judgment of a treating physician, appears to have been sexually assaulted, can consent to medical or surgical care or services. In the case of a minor who appears to have been sexually assaulted, however, the law provides that the minor's parents or guardian shall be notified immediately unless the attending physician believes it is in the best interest of the minor not to do so. Also, under that statute, a minor who believes he or she is suffering from substance abuse (drugs or alcohol) may provide consent for treatment provided by a treatment provider or facility.

Also, N.J.S.A.9:17A-1 provides that an unmarried pregnant minor can consent to the furnishing of hospital, medical and surgical care related to her pregnancy or her child.

This bill is identical to Assembly Bill No.774(1R) (Gusciora/Weinberg), which is on 2nd Reading in the General Assembly.

ASSEMBLY, No. 774

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

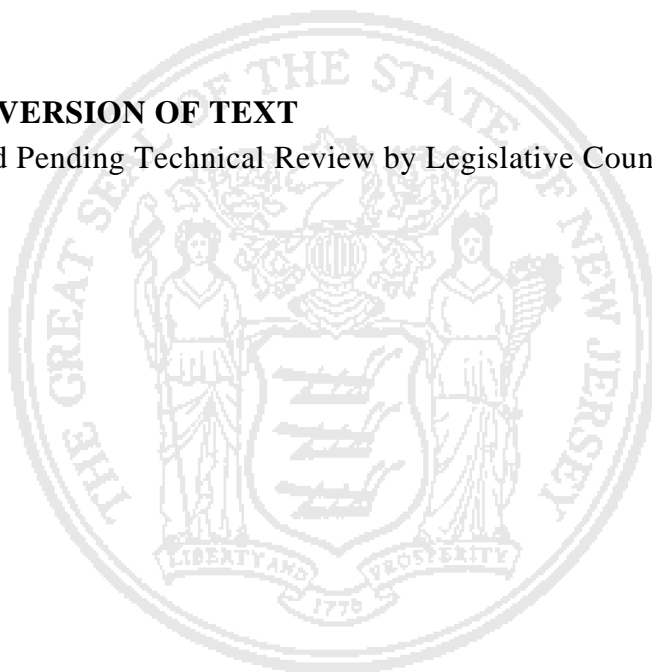
**Assemblymen Conaway, Connors, Payne, Pennacchio, Assemblywomen
Previte, Quigley, Watson Coleman, Pou, Assemblymen Roberts and
Rooney**

SYNOPSIS

Permits minor to consent to medical care or treatment for HIV infection or AIDS.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A774 GUSCIORA, WEINBERG

2

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15 under that statute extends to a minor who is or believes that he may be
16 infected with the human immunodeficiency virus (HIV) or have
17 acquired immune deficiency syndrome (AIDS).

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 774

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 27, 2004

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 774.

As amended by the committee, this bill amends N.J.S.A.9:17A-4 to clarify that a minor's right to consent to the provision of medical or surgical care (including testing) under that statute extends to a minor who is at least 13 years of age and is or believes that he may be infected with the human immunodeficiency virus (HIV) or have acquired immune deficiency syndrome (AIDS).

As reported by the committee, this bill is similar to Assembly Bill No. 287 of 2002 (Gusciora/Weinberg), which this committee reported during the prior session. That bill passed the General Assembly 48-25-1 on October 17, 2002 and was pending in the Senate Health, Human Services and Senior Citizens Committee at the conclusion of the 210th Legislature.

This bill was prefiled for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS

The committee amendments specify that a minor who is at least 13 years of age, and is or believes that he may be infected with HIV or have AIDS, may consent to the provision of medical or surgical care.