

9:17A-4

LEGISLATIVE HISTORY CHECKLIST  
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(Minors--medical treatment)

NJSA: 9:17A-4

LAWS OF: 1992 CHAPTER: 57

BILL NO: A1020

SPONSOR(S): Mikulak and others

DATE INTRODUCED: February 27, 1992

COMMITTEE: ASSEMBLY: Senior Citizens  
SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: April 13, 1992  
SENATE: June 4, 1992

DATE OF APPROVAL: July 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 1020

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1992

By Assemblymen MIKULAK, STUHLTRAGER and Colburn

1 AN ACT concerning the medical care and treatment of minors  
2 <sup>1</sup>[and] <sup>1</sup>,<sup>1</sup> amending <sup>1</sup>and supplementing<sup>1</sup> P.L.1968, c.230.

3

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows.

<sup>1</sup> Assembly ASC committee amendments adopted March 30, 1992.

1 Dangerous Substances Registry Act of 1970," P.L.1970, c.227  
2 (C.26:2G-17 et seq.)] law.

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

10 (cf. P.L.1982, c.186, s.1)

11 2. (New section) This act shall not be interpreted to  
12 interfere with any parental rights to place a child in treatment on  
13 a voluntary or involuntary basis under applicable State law.

14 Treatment programs shall not be required to admit minors.  
15 Treatment programs may establish their own admission and  
16 reimbursement criteria which may include parental notification  
17 and involvement.<sup>1</sup>

18 <sup>1</sup>[2] 3.1 This act shall take effect immediately.

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23 Permits minors to give consent for treatment for alcohol  
24 dependency.

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8 individual licensed or certified to provide treatment for  
9 alcoholism to such a minor.  
10 (cf. P.L.1982, c.186, s.1)

11 2. This act shall take effect immediately.

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#### STATEMENT

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16 This bill authorizes minors to give consent for treatment of  
17 alcoholism. The bill amends section 1 of P.L.1968, c.230  
18 (C.9:17A-4) which provides that a minor's consent would be  
19 binding for treatment by a doctor, or by an individual licensed by  
20 the State to provide treatment for alcoholism, or for treatment  
21 in an alcoholism treatment center. The minor's consent would  
22 remain confidential information between himself, his doctor, his  
23 treatment provider or the treatment facility, as appropriate.

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29 Permits minors to give consent for treatment for alcohol  
dependency.

ASSEMBLY SENIOR CITIZENS AND SOCIAL SERVICES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1020**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 30, 1992

The Assembly Senior Citizens and Social Services Committee favorably reports Assembly Bill No. 1020 with committee amendments.

As amended, this bill authorizes minors to give consent for treatment of alcoholism. The bill amends section 1 of P.L.1968, c.230 (C.9:17A-4) which provides that a minor's consent would be binding for treatment by a doctor or an individual licensed by the State to provide treatment for alcoholism, or for treatment in an alcoholism treatment center. The minor's consent would remain confidential information between himself and his doctor, treatment provider or the treatment facility, as appropriate.

The amendments preserve parental rights in deciding to place a child in treatment on a voluntary or involuntary basis and would give treatment programs the option of establishing their own admission and reimbursement criteria which may include parental involvement.

As amended, this bill is identical to Senate Bill No. 524.

SENATE WOMEN'S ISSUES, CHILDREN  
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1020

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 1020 (1R).

This bill authorizes minors to give consent for the treatment of alcoholism. The bill amends section 1 of P.L.1968, c.230 (C.9:17A-4) which provides that a minor's consent would be binding for treatment by a doctor or an individual licensed by the State to provide treatment for alcoholism, or for treatment in an alcoholism treatment center. The minor's consent would remain confidential information between himself and his doctor, treatment provider or the treatment facility, as appropriate.

The bill would also preserve parental rights in deciding to place a child in treatment on a voluntary or involuntary basis and would give treatment programs the option of establishing their own admission and reimbursement criteria which may include parental involvement.

This bill is identical to Senate Bill No. 525 which is pending before the Legislature.