

9:17A-4

LEGISLATIVE HISTORY CHECKLIST

NJSA 9:17A-4 (Minors if sexually assaulted--consent to medical procedures)

LAWS 1982 CHAPTER 186

Bill No. S580

Sponsor(s) Lipman

Date Introduced Pre-filed

Committee: Assembly Corrections, Health & Human Services

Senate Institutions, Health & Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Sept. 20, 1982

Senate May 24, 1982

Date of approval Dec. 1, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below) Also attached: Assembly amendments, adopted 7-8-82

Committee Statement: Assembly Yes ~~No~~ (with statements)

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsor's statement:

This bill permits minors who have been sexually assaulted to consent to medical care, and provides that in the case of a child who has been sexually assaulted, the child's parents or guardian shall be notified immediately; however, inability to locate or notify the parents or guardian shall not preclude the physician, hospital or clinic from providing any necessary emergency care.

6/22/81

1983

186
APPROVED 12-1-82

[OFFICIAL COPY REPRINT]

SENATE, No. 580

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator LIPMAN

AN ACT to amend "An act concerning consent by minors to treatment for venereal disease and for certain other physical and mental illnesses," approved July 31, 1968 (P. L. 1968, c. 230), as said title was amended by P. L. 1975, c. 89.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 1. The consent to the provisions of medical or surgical care or
4 services by a hospital, public clinic, or the performance of medical
5 or surgical care or services by a physician, licensed to practice
6 medicine, when executed by a minor who is or professes to be
7 afflicted with a venereal disease, *or by a minor who, in the judg-*
8 *ment of a treating physician, appears to have been sexually as-*
9 *saulted,* shall be valid and binding as if the minor had achieved
10 his or her majority, as the case may be. Any such consent shall
11 not be subject to later disaffirmance by reason of minority. *In the*
11A *case of a minor who appears to have been sexually assaulted, the*
11B *minor's parent or guardian shall be notified immediately *unless*
11C *the attending physician believes that it is in the best interests of*
11D *the patient not to do so*; however, inability of the treating physi-*
11E *cian, hospital or clinic to locate or notify the parent or guardian*
11F *shall not preclude the provision of any necessary emergency*
11G *medical or surgical care to the minor.*

12 When a minor believes that he is suffering from the use of drugs
13 or is a drug dependent person as defined in [N. J. S. A. 24:21-2]

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly amendment adopted July 8, 1982.**

14 *section 2 of P. L. 1970, c. 226 (C. 24:21-2)*, his consent to treatment
15 under the supervision of a physician licensed to practice medicine
16 shall be valid and binding as if the minor had achieved his or her
17 majority, as the case may be. Any such consent shall not be subject
18 to later disaffirmance by reason of minority. Treatment for drug
19 use or drug abuse that is consented to by a minor shall be considered
20 confidential information between the physician and his patient and
21 neither the minor nor his physician shall be required to report such
22 treatment, when it is the result of voluntary consent, except as may
23 be required by the "Controlled Dangerous Substances Registry
24 Act of 1970," *P. L. 1970, c. 227 (C. 26:2G-17 et seq.)*.

25 The consent of no other person or persons, including but not
26 limited to a spouse, parent, custodian or guardian, shall be neces-
27 sary in order to authorize such hospital or clinical care or services
28 or medical or surgical care or services to be provided by a physician
29 licensed to practice medicine to such a minor.

1 2. This act shall take effect immediately.

to

ADOPTED

Senate Bill No. 580

Amend:

JUL 8 1982

Page	Sec.	Line
1	1	11B

After "immediately" insert "unless the attending physician believes that it is in the best interests of the patient not to do so"

STATEMENT

The bill, as presently drafted, would require automatic notification of parents in any case where a minor was treated for sexual assault. In some cases, e.g. incest, this might be unwise. Accordingly, this amendment would give the doctor the discretion to withhold notification in instances where it would be harmful to the patient.

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 580

STATE OF NEW JERSEY

DATED: JUNE 21, 1982

Under existing law, a minor may consent to medical treatment for venereal disease. This bill amends this law to permit a minor to consent to treatment in the case of sexual assault. The bill also provides that the treating authority notify the child's parent or guardian in the case of a sexual assault. The bill further stipulates that emergency care shall not be withheld due to inability to contact a parent or guardian.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 580

STATE OF NEW JERSEY

DATED: MAY 6, 1982

This bill permits minors who have been sexually assaulted to consent to medical treatment and care. The bill requires that the child's parents or guardian be notified immediately; however, inability to locate or notify the parents or guardian will not preclude the physician from providing any necessary care.