

JAN 21 2022

A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 577A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§577A- HIV medical care relating to minors. (a)
Notwithstanding any other law to the contrary, a minor who may
have come into contact with the human immunodeficiency virus
(HIV) may consent to medical care related to the diagnosis or
treatment of HIV provided by a licensed health care provider.

(b) A minor may consent to medical care related to the
prevention of HIV.

(c) A parent or legal guardian may not abrogate consent
given by the minor on the minor's own behalf.

(d) If a minor consents to receive medical care or
preventive care pursuant to this section, the minor shall not be
liable for payment.

(e) As used in this section, "health care provider" means
an individual licensed, certified, or otherwise authorized or



1 permitted by law to provide health care in the ordinary course
2 of the individual's business or profession."

3 SECTION 2. Section 577A-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted
6 and to read:

7 "Sexually transmitted infection" means an infection that
8 is commonly transmitted through sexual contact, including but
9 not limited to human immunodeficiency virus infection."

10 2. By amending the definition of "medical care and
11 services" to read:

12 "'Medical care and services" means the diagnosis,
13 examination, and administration of medication in the prevention
14 or treatment of [venereal diseases,] sexually transmitted
15 infection, pregnancy, and family planning services. It shall
16 not include surgery or any treatment to induce abortion."

17 SECTION 3. Section 577A-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§577A-2 Consent valid.** The consent to the provision of
20 medical care and services by public and private hospitals or
21 public and private clinics, or the performance of medical care



1 and services by a physician or physician assistant licensed to
2 practice medicine, or advanced practice registered nurse as
3 defined in section 457-2.7, when executed by a female minor who
4 is or professes to be pregnant, or by a minor who is or
5 professes to be ~~[afflicted with a venereal disease,]~~ infected
6 with, or to have been exposed to, a sexually transmitted
7 infection, or a minor seeking family planning services shall be
8 valid and binding as if the minor had achieved ~~[his or her]~~ the
9 age of majority as the case may be; that is, a female minor who
10 is, or professes to be pregnant, or a minor who is, or professes
11 to be ~~[afflicted with a venereal disease,]~~ infected with, or to
12 have been exposed to, a sexually transmitted infection, or a
13 minor seeking family planning services shall be deemed to have,
14 and shall have the same legal capacity to act, and the same
15 legal obligations with regard to the giving of such consent to
16 such hospitals and such clinics or medical care and services to
17 be provided by a physician or physician assistant licensed to
18 practice medicine or advanced practice registered nurse as
19 defined in section 457-2.7, as a person of full legal age and
20 capacity, the infancy of the minor and any contrary provisions
21 of law notwithstanding, and such consent shall not be subject to



1 later disaffirmance by reason of such minority; and the consent
2 of no other person or persons (including[7] but not limited to a
3 spouse, parent, custodian, or guardian) shall be necessary in
4 order to authorize such hospitals or such clinics or medical
5 care and services provided by a physician or physician assistant
6 licensed to practice medicine or advanced practice registered
7 nurse as defined in section 457-2.7, to such a minor."

8 SECTION 4. Section 577A-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§577A-3 Providing information. Public and private
11 hospitals, [~~or~~] public and private clinics, [~~or~~] physicians and
12 physician assistants licensed to practice medicine, or advanced
13 practice registered nurses as defined in section 457-2.7 may, at
14 the discretion of the treating physician, physician assistant,
15 or advanced practice registered nurse, inform the spouse,
16 parent, custodian, or guardian of any minor patient of the
17 provision of medical care and services to the minor or disclose
18 any information pertaining to such care and services after
19 consulting with the minor patient to whom such medical care and
20 services have been provided under this chapter.



1 If the minor patient is not diagnosed as being pregnant or
2 ~~[afflicted with [a] venereal disease,~~ having a sexually
3 transmitted infection, such information as well as the
4 application for diagnosis may be disclosed, at the discretion of
5 the treating physician, physician assistant, or advanced
6 practice registered nurse, after consulting with the minor
7 patient."

8 SECTION 5. Section 577A-4, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) If a minor consents to ~~[receive]~~ receiving medical
11 care and services, the spouse, parent, custodian, or guardian of
12 the minor patient shall not be liable for the legal obligations
13 resulting from the furnishing of medical care and services
14 provided by the public and private hospital, public and private
15 clinic or physician or physician assistant licensed to practice
16 medicine, or advanced practice registered nurse as defined in
17 section 457-2.7. A minor who consents to the provision of
18 medical care and services under this section shall assume
19 financial responsibility for the costs of ~~[such]~~ the medical
20 care and services[-]; provided that a minor who consents to
21 receiving medical care and services related to the treatment or



1 prevention of HIV pursuant to section 577A- shall not be
2 liable for payment. Any other law to the contrary
3 notwithstanding, no spouse, parent, custodian, or guardian whose
4 consent has not been obtained or who has no prior knowledge that
5 the minor has consented to the provision of [~~such~~] the medical
6 care and services shall be liable for the costs incurred by
7 virtue of the minor's consent."

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11
INTRODUCED BY: 



S.B. NO. 2241

Report Title:

Minors; Medical Care; HIV; Consent; Prevention; Treatment

Description:

Permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV.
Provides that a minor, under certain circumstances, shall not be liable for payment for treatment or prevention of HIV.
Authorizes physician assistants, in addition to physicians and advanced practice registered nurses, to render medical care and services to minors.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

