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# A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

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

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

3 1. By adding three new definitions to be appropriately  
4 inserted and to read:

5 "Covered entity" has the same meaning as in title 45 Code  
6 of Federal Regulations section 160.103.

7 "Licensed health care provider" means a physician or an  
8 osteopathic physician licensed under chapter 453, a physician  
9 assistant licensed under chapter 453, or an advanced practice  
10 registered nurse licensed under chapter 457.

11 "Sexually transmitted infection" means an infection that is  
12 commonly transmitted through sexual contact. "Sexually  
13 transmitted infection" includes human immunodeficiency virus  
14 infection."

15 2. By amending the definition of "medical care and  
16 services" to read:



1        "Medical care and services" means the diagnosis,  
2 examination, and administration of medication in the prevention  
3 or treatment of [venereal diseases,] sexually transmitted  
4 infections, pregnancy, and family planning services."

5        3. By amending the definition of "minor" to read:

6        "Minor" [~~shall be~~] means any person from the age of  
7 fourteen years to seventeen years inclusive."

8        SECTION 2. Section 577A-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10        "**§577A-2 Consent valid.** (a) The consent to the provision  
11 of medical care and services by public [~~and~~] or private  
12 hospitals [~~or~~], public [~~and~~] or private clinics, or [~~the~~  
13 ~~performance of medical care and services by a physician licensed~~  
14 ~~to practice medicine or advanced practice registered nurse as~~  
15 ~~defined in section 457-2.7,] a licensed health care provider,  
16 when executed by a [~~female~~] minor who is or professes to be  
17 pregnant [~~, or~~]; by a minor who is or professes to be [~~afflicted~~  
18 ~~with a venereal disease,] infected with, at risk of exposure to,  
19 or to have been exposed to, a sexually transmitted infection; or  
20 a minor seeking family planning services shall be valid and  
21 binding as if the minor had achieved [~~his or her~~] the age of~~~~



1 majority [~~as the case may be, that is,~~]. Accordingly, a  
2 [~~female~~] minor who is, or professes to be pregnant[~~, or~~]; a  
3 minor who is, or professes to be [~~afflicted with a venereal~~  
4 ~~disease,~~] infected with, at risk of exposure to, or to have been  
5 exposed to, a sexually transmitted infection; or a minor seeking  
6 family planning services shall be deemed to have, and shall have  
7 the same legal capacity to act, and the same legal obligations  
8 with regard to the giving of [~~such~~] consent to [~~such~~] hospitals  
9 [~~and such~~], clinics, or licensed health care providers for the  
10 provision of medical care and services [~~to be provided by a~~  
11 ~~physician licensed to practice medicine or advanced practice~~  
12 ~~registered nurse as defined in section 457-2.7,~~] as a person of  
13 full legal age and capacity, the infancy of the minor and any  
14 contrary provisions of law notwithstanding[~~, and such consent~~].

15 (b) No consent given under this section shall [~~not~~] be  
16 subject to later disaffirmance by reason of [~~such~~] the minor  
17 patient's minority[~~, and the~~].

18 (c) No consent of [~~no~~] any other person or persons  
19 [~~(including),~~] including but not limited to a spouse, parent,  
20 custodian, or guardian[~~+~~], shall be necessary [~~in order~~] to  
21 authorize [~~such~~] the provision of medical care and services by



1 hospitals [~~or such~~], clinics, or [~~medical care and services~~  
2 ~~provided by a physician licensed to practice medicine or~~  
3 ~~advanced practice registered nurse as defined in section~~  
4 ~~457-2.7,~~] licensed health care providers to [~~such a~~] the minor.

5 (d) Each licensed health care provider who provides  
6 medical care and services to a minor under this section shall  
7 ensure that an applicable covered entity has been notified that  
8 the information pertaining to the minor-initiated medical care  
9 and services shall not be disclosed."

10 SECTION 3. Section 577A-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§577A-3 Providing information.** (a) Public [~~and~~] or  
13 private hospitals, [~~or~~] public [~~and~~] or private clinics, or  
14 [~~physicians licensed to practice medicine or advanced practice~~  
15 ~~registered nurses as defined in section 457-2.7]~~ licensed health  
16 care providers may, at the discretion of the treating [~~physician~~  
17 ~~or advanced practice registered nurse,~~] licensed health care  
18 provider, inform the spouse, parent, custodian, or guardian of  
19 any minor patient of the provision of medical care and services  
20 to the minor or disclose any information pertaining to [~~such~~]  
21 the medical care and services after consulting with the minor



1 patient to whom [~~such~~] the medical care and services have been  
2 provided under this chapter.

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

10 SECTION 4. Section 577A-4, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§577A-4 Financial responsibility; counseling.** (a) If a  
13 minor consents to receive medical care and services, the spouse,  
14 parent, custodian, or guardian of the minor patient shall not be  
15 liable for the legal obligations resulting from the furnishing  
16 of medical care and services provided by the public [~~and~~] or  
17 private hospital, public [~~and~~] or private clinic, or [~~physician~~  
18 ~~licensed to practice medicine, or advanced practice registered~~  
19 ~~nurse as defined in section 457-2.7.]~~ licensed health care  
20 provider. A minor who consents to the provision of medical care  
21 and services under [~~this~~] section 577A-2 shall assume financial



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

8 (b) Medical care and services shall include individual  
9 counseling for each minor patient by a [~~physician licensed to~~  
10 ~~practice medicine or advanced practice registered nurse as~~  
11 ~~defined in section 457 2.7.~~ Such] licensed health care  
12 provider. The counseling shall seek to open the lines of  
13 communication between parent and child.

14 (c) Each covered entity shall establish policies and  
15 procedures to ensure that no minor-initiated medical care and  
16 services provided under section 577A-2 are disclosed to the  
17 minor's parent, spouse, custodian, or guardian in accordance  
18 with federal regulations, including title 45 Code of Federal  
19 Regulations part 164, subpart E. The licensed health care  
20 provider may submit a claim to the covered entity for payment



1 for the costs of minor-initiated medical care and services to  
2 the minor provided pursuant to section 577A-2.

3 (d) If a claim for medical care or services obtained under  
4 this chapter is submitted to a covered entity under which a  
5 minor is enrolled, and the minor does not want the covered  
6 entity to disclose information regarding the claim to a spouse,  
7 parent, custodian, or guardian, the minor or the provider shall  
8 so notify the covered entity when the claim is submitted;  
9 provided that the licensed health care provider who provided the  
10 medical care and services to the minor may notify the covered  
11 entity on behalf of the minor. The covered entity may require  
12 that the request for confidential communication be made in  
13 writing and contain a statement that disclosure of all or part  
14 of the information to which the request pertains could harm the  
15 minor. The covered entity may accommodate requests by the minor  
16 or the licensed health care provider to receive communications  
17 related to the medical care and services by alternative means or  
18 at alternative locations."

19 SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on January 1, 2025.



**Report Title:**

Minor Consent; Health Care; Sexually Transmitted Infections;  
Covered Entity; Policies

**Description:**

Authorizes minors who are 14 years of age or older to consent to medical care for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections. Requires confidentiality policies and practices for insurers and providers. Effective 1/1/2025.  
(SD2)

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