
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 PART I

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

5 "PART . SEXUAL OFFENSES

6 §577A- Consent valid; sexual offense. (a) Any
7 physician licensed to practice in the State, upon consultation
8 by a minor as a patient who indicates that the minor was the
9 victim of a sexual offense described in part V of chapter 707,
10 with the consent of the minor patient, may perform customary and
11 necessary examinations to obtain evidence of the sexual offense
12 and may prescribe for and treat the patient for any immediate
13 condition caused by the sexual offense.

14 (b) Prior to examining or treating a minor pursuant to
15 subsection (a), a physician shall make a reasonable effort to
16 notify of the sexual offense the parent, parents, legal
17 guardian, or any other person having custody or decision-making



1 responsibility with respect to the medical care of the minor;
2 provided that the notification described in this subsection
3 shall not apply if the alleged sexual offense was committed by
4 the parent, parents, legal guardian, or any other person having
5 custody or decision-making responsibility with respect to the
6 medical care of the minor.

7 (c) So long as the minor has consented, the physician may
8 examine and treat the minor as provided for in subsection (a),
9 regardless of whether the physician has been able to make the
10 notification provided for in subsection (b) and regardless of
11 whether those notified have given consent; provided that, if the
12 person having custody or decision-making responsibility with
13 respect to the minor's medical care objects to treatment, then
14 the physician shall proceed under the authority established
15 under chapter 350.

16 (d) Nothing in this section shall be deemed to relieve any
17 person from the requirements of chapter 350 concerning child
18 abuse.

19 (e) If a minor is unable to give the consent required by
20 this section by reason of age or mental or physical condition
21 and it appears that the minor has been the victim of a sexual



1 assault, the physician shall not examine or treat the minor as
2 provided in subsection (a) but shall proceed under the
3 requirements of chapter 350.

4 (f) A physician shall incur no civil or criminal liability
5 by reason of having examined or treated a minor pursuant to
6 subsection (a); provided that this immunity shall not apply to
7 any negligent acts or omissions by the physician."

8 SECTION 2. Chapter 577A, Hawaii Revised Statutes, is
9 amended by designating sections 577A-1 to 577A-5 as part I,
10 entitled "General Provisions".

11 PART II

12 SECTION 3. Chapter 352, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§352- Consent for medical services. (a) The consent
16 of the parent, parents, or legal guardian of an offender under
17 the age of eighteen years who has been committed to the youth
18 correctional facilities is not necessary in order to authorize
19 hospital, medical, mental health, dental, emergency health, or
20 emergency surgical care.



H.B. NO. 731

Report Title:

Minors; Consent; Medical Care; Sexual Offenses; DHS; Hawaii
Youth Correctional Facilities; Minor Offenders

Description:

Authorizes a physician, upon consultation with a minor patient who indicates that the minor was the victim of a sexual offense, with the consent of the minor patient, to perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Provides that the consent of the parent, parents, or legal guardian of a minor offender who has been committed to the Hawaii youth correctional facilities is not necessary in order to authorize hospital, medical, mental health, dental, emergency health, or emergency surgical care.

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

