

A Bill for an Act Relating to Medical Care for Minors.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

“Covered entity” has the same meaning as in title 45 Code of Federal Regulations section 160.103.

“Licensed health care provider” means a physician or an osteopathic physician licensed under chapter 453, a physician assistant licensed under chapter 453, or an advanced practice registered nurse licensed under chapter 457.

“Sexually transmitted infection” means an infection that is commonly transmitted through sexual contact. “Sexually transmitted infection” includes human immunodeficiency virus infection.”

2. By amending the definitions of “medical care and services” and “minor” to read:

“Medical care and services” means the diagnosis, examination, and administration of medication in the prevention or treatment of [venereal diseases,] sexually transmitted infections, pregnancy, and family planning services.

“Minor” [shall be] means any person from the age of fourteen years to seventeen years inclusive.”

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

**§577A-2 Consent valid.** (a) The consent to the provision of medical care and services by public [and] or private hospitals [or], public [and] or private clinics, or [the performance of medical care and services by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7,] licensed health care providers, when executed by a [female] minor who is or professes to be pregnant[, or by] a minor who is or professes to be [afflicted with a venereal disease,] infected with, to be at risk of exposure to, or to have been exposed to a sexually transmitted infection; or a minor seeking family planning services shall be valid and binding as if the minor had achieved [his or her] the age of majority [as the case may be; that is, a female]. A minor who is, or professes to be pregnant[, or]; a minor who is[;] or professes to be [afflicted with a venereal disease,] infected with, to be at risk of exposure to, or to have been exposed to a sexually transmitted infection; or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of [such] consent to [such] hospitals [and such], clinics, or licensed health care providers for the provision of medical care and services [to be provided by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7], as a person of full legal age and capacity, the infancy of the minor and any contrary provisions of law notwithstanding[; and such consent].

(b) No consent given under this section shall [not] be subject to later disaffirmance by reason of [such] the minor patient’s minority[; and the].

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

~~physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7.] licensed health care providers to [such a] the minor.~~

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

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

**“§577A-3 Providing information.** (a) Public ~~[and] or~~ private hospitals, ~~[or] public [and] or~~ private clinics, or ~~[physicians licensed to practice medicine or advanced practice registered nurses as defined in section 457-2.7] licensed health care providers~~ may, at the discretion of the treating ~~[physician or advanced practice registered nurse.] licensed health care provider~~, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to ~~[such] the medical~~ care and services after consulting with the minor patient to whom ~~[such] the~~ medical care and services have been provided under this chapter.

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

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

**“§577A-4 Financial responsibility; counseling.** (a) If a minor consents to receive medical care and services, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public ~~[and] or~~ private hospital, public ~~[and] or~~ private clinic, or ~~[physician licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7.] licensed health care provider~~. A minor who consents to the provision of medical care and services under ~~[this] section 577A-2~~ shall assume financial responsibility for the costs of ~~[such] the~~ medical care and services. Any other law to the contrary notwithstanding, no spouse, parent, custodian, or guardian whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of ~~[such] the~~ medical care and services shall be liable for the costs incurred by virtue of the minor’s consent.

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

(c) A covered entity shall establish policies and procedures to ensure that minor-initiated medical care and services provided under section 577A-2 are not disclosed to the minor’s spouse, parent, custodian, or guardian in accordance with federal regulations, including title 45 Code of Federal Regulations part 164, subpart E. The licensed health care provider may submit a claim to the covered entity for payment for the costs of minor-initiated medical care and services to the minor provided pursuant to section 577A-2.

(d) If a claim for medical care or services obtained under this chapter is submitted to a covered entity under which a minor is enrolled, and the minor does not want the covered entity to disclose information regarding the claim

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to a spouse, parent, custodian, or guardian, the minor or licensed health care provider shall so notify the covered entity when the claim is submitted; provided that the licensed health care provider who provided the medical care and services to the minor may notify the covered entity on behalf of the minor. The covered entity may require that the request for confidential communication be made in writing and contain a statement that disclosure of all or part of the information to which the request pertains could harm the minor. The covered entity may accommodate requests by the minor or licensed health care provider to receive communications related to the medical care and services by alternative means or at alternative locations.”

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

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

(Approved June 27, 2024.)