

MAINE STATE LEGISLATURE

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Date: 5/23/19

MINORITY

(Filing No. S-152)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 159, L.D. 494, Bill, "An Act To Update the Family Planning Statutes"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 22 MRSA §1823, as amended by PL 2017, c. 407, Pt. A, §73, is further amended to read:

§1823. Treatment of minors

Any hospital licensed under this chapter or alcohol or drug treatment facility licensed pursuant to section 7801 that provides facilities to a minor in connection with the prevention of a sexually transmitted infection or the treatment of that minor for ~~vener~~real disease a sexually transmitted infection or treatment of that minor for substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004. The hospital shall notify and obtain the consent of that minor's parent or guardian if that hospitalization continues for more than 16 hours.

Sec. 2. 22 MRSA §1901, as enacted by PL 1973, c. 624, §1, is amended to read:

§1901. Legislative intent

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State; that unwanted ~~conception~~ pregnancy may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services shall have ready and practicable access ~~thereto~~ to the services in appropriate settings sensitive to ~~their~~ persons' needs and beliefs. The Legislature therefore declares that it is consistent with public

COMMITTEE AMENDMENT

1 policy to make available comprehensive medical knowledge, assistance and services
2 relating to family planning.'

3 Amend the bill in section 1 in §1902 in subsection 4 in the 5th line from the end
4 (page 1, line 34 in L.D.) by striking out the following: ", including"

5 Amend the bill in section 1 in §1902 in subsection 4 in the 2nd and 3rd lines from the
6 end (page 1, lines 36 and 37 in L.D.) by striking out the following: "screening, testing,
7 counseling and vaccinating for" and inserting the following: 'prevention or treatment of'

8 Amend the bill in section 2 in §1903 in subsection 3 in the last line (page 2, line 17 in
9 L.D.) by striking out the following: "and" and inserting the following: 'and'

10 Amend the bill in section 2 in §1903 in subsection 4 in the 2nd line (page 2, line 19 in
11 L.D.) by striking out the following: "physician shall may not" and inserting the following:
12 'physician shall health care practitioner may not'

13 Amend the bill in section 2 in §1903 in subsection 4 in the last line (page 2, line 21 in
14 L.D.) by striking out the following: "." and inserting the following: ' ; and'

15 Amend the bill in section 2 in §1903 by adding after subsection 4 the following:

16 '5. Scope of practice. Nothing in this chapter changes the scope of practice of a
17 health care practitioner.'

18 Amend the bill by inserting after section 2 the following:

19 '**Sec. 3. 22 MRSA §1904**, as enacted by PL 1973, c. 624, §1 and amended by PL
20 2003, c. 689, Pt. B, §§6 and 7, is repealed and the following enacted in its place:

21 **§1904. Rules**

22 The commissioner is authorized and directed to adopt rules and establish programs to
23 enable the department, either directly or under contractual arrangements with other
24 organizations, to promptly implement this chapter.

25 **Sec. 4. 22 MRSA §1905**, as enacted by PL 1973, c. 624, §1 and amended by PL
26 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

27 **§1905. Funds**

28 The ~~Department of Health and Human Services~~ department is authorized to receive
29 and disburse such funds as may be available to it for family planning services to any
30 nonprofit organization, public or private, engaged in providing such services. Family
31 planning programs administered by the ~~Department of Health and Human Services~~
32 department may be developed in consultation, in coordination or on a contractual basis,
33 with other family planning agencies in this State, including, but not limited to, the Family
34 Planning Association of Maine, Inc., and its affiliates.

35 **Sec. 5. 22 MRSA §1906**, as enacted by PL 1973, c. 624, §1 and amended by PL
36 1975, c. 293, §4 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed and the following
37 enacted in its place:

1 **§1906. Availability**

2 To the extent family planning funds are available, the department shall provide
3 family planning services to medically indigent persons eligible for such services as
4 determined by rules adopted by the commissioner. Family planning services must also be
5 available to all others who are unable to reasonably obtain these services privately, at a
6 reasonable cost to be determined by the rules adopted by the commissioner. Any funds so
7 collected must be retained by the department for the support of these services.'

8 Amend the bill by striking out all of section 4 and inserting the following:

9 'Sec. 4. 22 MRSA §1908, as enacted by PL 1973, c. 624, §1, is repealed and the
10 following enacted in its place:

11 **§1908. Minors**

12 1. Family planning services. Except as provided in subsection 2, and
13 notwithstanding section 1503, family planning services may be furnished to any minor
14 who is a parent or married or has the consent of that minor's legal guardian or who may
15 suffer in the professional judgment of a health care practitioner probable health hazards if
16 such services are not provided.

17 2. Sexually transmitted infections. A health care practitioner who provides to a
18 minor medical care for the prevention or treatment of a sexually transmitted infection is
19 under no obligation to obtain the consent of the minor's parent or guardian or to inform
20 the parent or guardian of the prevention or treatment. Nothing in this subsection may be
21 construed to prohibit the health care practitioner rendering the prevention services or
22 treatment from informing the parent or guardian.

23 Sec. 5. 32 MRSA §2595, as amended by PL 1999, c. 90, §3, is further amended to
24 read:

25 **§2595. Treatment of minors**

26 An individual licensed under this chapter who renders medical care to a minor for the
27 prevention or treatment of ~~venereal disease~~ a sexually transmitted infection or ~~abuse of~~
28 ~~drugs or alcohol~~ treatment of substance use or for the collection of sexual assault
29 evidence through a sexual assault forensic examination is under no obligation to obtain
30 the consent of the minor's parent or guardian or to inform the parent or guardian of the
31 prevention or treatment or collection. Nothing in this section may be construed so as to
32 prohibit the licensed individual rendering the prevention services or treatment or
33 collection from informing the parent or guardian. For purposes of this section, "~~abuse of~~
34 ~~drugs~~ substance use" means the use of drugs or alcohol solely to induce a stimulant,
35 depressant or hallucinogenic effect upon the higher functions of the central nervous
36 system and not as a therapeutic agent recommended by a practitioner in the course of
37 medical treatment.

38 Sec. 6. 32 MRSA §3292, as amended by PL 2017, c. 407, Pt. A, §128, is further
39 amended to read:

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§3292. Treatment of minors

An individual licensed under this chapter who renders medical care to a minor for the prevention or treatment of venereal disease a sexually transmitted infection or treatment of substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment or collection. prevention services or treatment or collection from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, amends the bill to remove conflicts with other provisions in statute relating to consent by minors. Current law provides that the treatment of a minor for a sexually transmitted infection does not require the consent of the minor's parent or guardian. The amendment provides that the prevention or treatment of a sexually transmitted infection does not require the consent of the minor's parent or guardian. The amendment clarifies that the provisions of the Maine Revised Statutes, Title 22, chapter 406 regarding family planning services are not intended to change the scope of practice of a health care provider. It also makes other technical changes.