

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 699

H.P. 492

House of Representatives, January 26, 1999

An Act Concerning Minors' Consent for Services.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative THOMPSON of Naples.

Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 22 MRSA §1507 is enacted to read:

4 **§1507. Consent for sexual assault forensic examination**

6 Notwithstanding the limitations set forth in section 1503, a
8 minor may consent to health services associated with a sexual
10 assault forensic examination to collect evidence after an alleged
12 sexual assault.

14 Sec. 2. 22 MRSA §1823, as amended by PL 1979, c. 663, §134,
16 is further amended to read:

18 **§1823. Treatment of minors**

20 Any hospital licensed under this chapter or alcohol or drug
22 treatment facility licensed pursuant to section 7801 which that
24 provides facilities to a minor in connection with the treatment
26 of that minor for venereal disease or abuse of drugs or alcohol
28 or for the collection of sexual assault evidence through a sexual
30 assault forensic examination is under no obligation to obtain the
32 consent of that minor's parent or guardian or to inform that
34 parent or guardian of the provision of such facilities so long as
36 such facilities have been provided at the direction of the person
38 or persons referred to in Title 32, sections 2595, 3292, 3817,
40 6221 or 7004. ~~Such~~ The hospital shall notify and obtain the
42 consent of that minor's parent or guardian if that
44 hospitalization continues for more than 16 hours.

46 Sec. 3. 32 MRSA §2595, as amended by PL 1993, c. 600, Pt. A,
48 §188, is further amended to read:

§2595. Treatment of minors

 An individual licensed under this chapter who renders
 medical care to a minor for treatment of venereal disease or
 abuse of drugs or alcohol 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 treatment.
 Nothing in this section may be construed so as to prohibit the
 licensed individual rendering the treatment from informing the
 parent or guardian. For purposes of this section, "abuse of
 drugs" means the use of drugs solely to induce a 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.

2 **Sec. 4. 32 MRSA §3292**, as amended by PL 1993, c. 600, Pt. A,
§221, is further amended to read:

4 **§3292. Treatment of minors**

6 An individual licensed under this chapter who renders
7 medical care to a minor for treatment of venereal disease or
8 abuse of drugs or alcohol or for the collection of sexual assault
9 evidence through a sexual assault forensic examination is under
10 no obligation to obtain the consent of the minor's parent or
11 guardian or to inform the parent or guardian of the treatment.
12 This section may not be construed to prohibit the licensed
13 individual rendering the treatment from informing the parent or
14 guardian. For purposes of this section, "abuse of drugs" means
15 the use of drugs solely for their stimulant, depressant or
16 hallucinogenic effect upon the higher functions of the central
17 nervous system and not as a therapeutic agent recommended by a
18 practitioner in the course of medical treatment.

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SUMMARY

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23 This bill authorizes a minor to consent to a sexual assault
24 forensic examination by a physician or in a hospital to collect
evidence after an alleged sexual assault.

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