

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1292

S.P. 405

In Senate, March 29, 2021

### **An Act Regarding the Parental Right To Direct the Health Care of Children**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator KEIM of Oxford.  
Cosponsored by Senator: MIRAMANT of Knox.

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

2 **Sec. 1. 22 MRSA §802, sub-§2, ¶A**, as enacted by PL 1989, c. 487, §11, is  
3 amended to read:

4 A. Procedures for the isolation and placement of infected persons for purposes of care  
5 and treatment or infection control. In carrying out procedures under this paragraph,  
6 the department may not place an infected minor in isolation without the permission of  
7 that minor's parent or guardian;

8 **Sec. 2. 32 MRSA §3300-J** is enacted to read:

9 **§3300-J. Unauthorized medical procedures; minors**

10 **1. Unauthorized medical treatment of a minor prohibited.** Except as provided in  
11 subsection 3, an individual licensed, registered or certified under this chapter may not  
12 perform a physical examination or surgical procedure on, administer a vaccine to or  
13 prescribe a prescription drug to a minor without the permission of that minor's parent or  
14 guardian.

15 **2. Unauthorized withholding of medical treatment of a minor prohibited.** An  
16 individual licensed, registered or certified under this chapter may not institute an order not  
17 to resuscitate, an order to withhold an artificial life-sustaining procedure or an order to  
18 withhold artificial nutrition and hydration for a minor without the permission of that minor's  
19 parent or guardian.

20 **3. Exception.** Notwithstanding subsection 1, an individual licensed, registered or  
21 certified under this chapter may perform a physical examination or surgical procedure on  
22 or prescribe a prescription drug to a minor without the permission of that minor's parent or  
23 guardian if that individual determines that an emergency exists and that the examination,  
24 procedure or prescription drug is necessary to save the life of the minor or when the parent  
25 or guardian cannot be located or contacted after a reasonably diligent effort.

26 **SUMMARY**

27 This bill requires the Department of Health and Human Services to obtain permission  
28 from a parent or guardian before placing an infected minor in isolation during a public  
29 health emergency. It also prohibits physical examinations, surgical procedures, vaccine  
30 administrations and drug prescriptions for a minor without parent or guardian permission,  
31 as well as a physician's orders not to resuscitate, to withhold an artificial life-sustaining  
32 procedure or to withhold artificial nutrition and hydration. An exception is provided for  
33 life-threatening situations or when the parent or guardian cannot be readily located or  
34 contacted.