

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1809

H.P. 1154

House of Representatives, April 25, 2023

An Act to Prohibit Health Care Services Without Parental Consent

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ADAMS of Lebanon.

Cosponsored by Representatives: GREENWOOD of Wales, POMERLEAU of Standish.

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

2 **Sec. 1. 20-A MRSA §4008-A, sub-§2**, as enacted by PL 2019, c. 45, §1, is
3 amended to read:

4 **2. Direct and indirect services to students.** Each school counselor and school social
5 worker shall spend at least 80% of the school counselor's or school social worker's time
6 providing direct services to and indirect services on behalf of students. A school counselor
7 and a school social worker shall obtain the consent of a student's parent or guardian to
8 provide direct and indirect services to the student and shall inform that parent or guardian
9 of the provision of those services.

10 **Sec. 2. 20-A MRSA §6606**, as amended by PL 2017, c. 407, Pt. A, §61, is further
11 amended to read:

12 **§6606. Participation in substance use disorder services**

13 In compliance with written school policy adopted by a school board, the school board
14 may require that a student who has been determined to be in violation of school rules
15 governing substance use or alcohol or drug possession participate in a substance use
16 assessment, education or support group service offered by the school. The school board
17 shall obtain consent for the service from the parent or legal guardian of a student required
18 to participate in the service and provide for notice to the parents parent or legal guardian of
19 a student required to participate in such services. If the school board elects to do so, it may
20 request a parent or legal guardian to participate in the services.

21 **Sec. 3. 22 MRSA §1502**, as amended by PL 2017, c. 407, Pt. A, §70, is further
22 amended to read:

23 **§1502. Consent**

24 ~~In addition to the ability to consent to treatment for health services as provided in~~
25 ~~sections 1823 and 1908 and Title 32, sections 2595, 3292, 3817, 6221 and 7004, a~~ A minor
26 may not consent to treatment for substance use disorder or for emotional or psychological
27 problems without the consent of the minor's parent or legal guardian.

28 **Sec. 4. 22 MRSA §1502-A**, as enacted by PL 1999, c. 10, §1, is amended to read:

29 **§1502-A. Consent to give blood**

30 A minor may not consent to give blood ~~if the minor is at least 17 years of age,~~
31 ~~notwithstanding any other provision of law~~ without the consent of the minor's parent or
32 legal guardian.

33 **Sec. 5. 22 MRSA §1503-A**, as enacted by PL 2015, c. 444, §2, is repealed.

34 **Sec. 6. 22 MRSA §1504**, as repealed and replaced by PL 2015, c. 444, §3, is
35 repealed.

36 **Sec. 7. 22 MRSA §1507**, as amended by PL 2015, c. 444, §4, is further amended to
37 read:

38 **§1507. Consent for sexual assault forensic examination**

39 ~~Notwithstanding the limitations set forth in section 1503 or the existence of a surrogate~~
40 ~~described in section 1503-A, a~~ A minor may not consent to health services associated with

1 a sexual assault forensic examination to collect evidence after an alleged sexual assault
2 without the consent of the minor's parent or legal guardian.

3 **Sec. 8. 22 MRSA §1597-A, sub-§2**, as amended by PL 2019, c. 262, §2, is further
4 amended to read:

5 **2. Prohibitions; exceptions.** Except as otherwise provided by law, a health care
6 professional, as defined in section 1596, subsection 1, paragraph C, may not knowingly
7 perform an abortion upon a pregnant minor unless:

8 A. The health care professional has received and will make part of the medical record
9 the informed written consent of the minor and one parent; or guardian ~~or adult family~~
10 ~~member;~~

11 B. The health care professional has secured the informed written consent of the minor
12 as prescribed in subsection 3 and the minor, under all the surrounding circumstances,
13 is mentally and physically competent to give consent; or

14 C. The minor has received the information and counseling required under subsection
15 4, the minor has secured written verification of receiving the information and
16 counseling and the health care professional has received and will make part of the
17 medical record the informed written consent of the minor and the written verification
18 of receiving information and counseling required under subsection 4; ~~or.~~

19 ~~D. The Probate Court or District Court issues an order under subsection 6 on petition~~
20 ~~of the minor or the next friend of the minor for purposes of filing a petition for the~~
21 ~~minor, granting:~~

22 ~~(1) To the minor majority rights for the sole purpose of consenting to the abortion~~
23 ~~and the health care professional has received the informed written consent of the~~
24 ~~minor; or~~

25 ~~(2) To the minor consent to the abortion, when the court has given its informed~~
26 ~~written consent and the minor is having the abortion willingly, in compliance with~~
27 ~~subsection 7.~~

28 **Sec. 9. 22 MRSA §1597-A, sub-§6**, as corrected by RR 2021, c. 2, Pt. B, §96, is
29 repealed.

30 **Sec. 10. 22 MRSA §1597-A, sub-§7**, as corrected by RR 2021, c. 2, Pt. B, §97, is
31 amended to read:

32 **7. Abortion performed against the minor's will.** An abortion may not be performed
33 on any minor against the minor's will, ~~except that an abortion may be performed against~~
34 ~~the will of a minor pursuant to a court order described in subsection 6 that the abortion is~~
35 ~~necessary to preserve the life of the minor.~~

36 **Sec. 11. 22 MRSA §1823**, as amended by PL 2019, c. 236, §1, is further amended
37 to read:

38 **§1823. Treatment of minors**

39 Any hospital licensed under this chapter or alcohol or drug treatment facility licensed
40 pursuant to section 7801 that provides facilities to a minor in connection with the
41 prevention of a sexually transmitted infection or the treatment of that minor for a sexually
42 transmitted infection or treatment of that minor for substance use or for the collection of

1 sexual assault evidence through a sexual assault forensic examination ~~is under no~~
2 ~~obligation to~~ shall obtain the consent of that minor's parent or guardian ~~or to~~ and inform
3 that parent or guardian of the provision of such facilities ~~so long as such facilities have~~
4 ~~been provided at the direction of the person or persons referred to in Title 32, sections 2595,~~
5 ~~3292, 3817, 6221 or 7004. The hospital shall notify and obtain the consent of that minor's~~
6 ~~parent or guardian if that hospitalization continues for more than 16 hours.~~

7 **Sec. 12. 22 MRSA §1908**, as repealed and replaced by PL 2019, c. 236, §9, is
8 amended to read:

9 **§1908. Minors**

10 ~~Notwithstanding section 1503, family~~ Family planning services may not be furnished
11 to any minor by a health care practitioner without the consent of the minor's parent or
12 guardian. ~~The health care practitioner is under no obligation to obtain the consent of the~~
13 ~~minor's parent or guardian or to inform the parent or guardian of the prevention or treatment~~
14 ~~under this section. Nothing in this section may be construed to prohibit the health care~~
15 ~~practitioner rendering the prevention services or treatment from informing the parent or~~
16 ~~guardian.~~

17 **Sec. 13. 32 MRSA §2595**, as amended by PL 2019, c. 236, §10, is further amended
18 to read:

19 **§2595. Treatment of minors**

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

31 **Sec. 14. 32 MRSA §3292**, as amended by PL 2019, c. 236, §11, is further amended
32 to read:

33 **§3292. Treatment of minors**

34 An individual licensed under this chapter who renders medical care to a minor for the
35 prevention or treatment of a sexually transmitted infection or treatment of substance use or
36 for the collection of sexual assault evidence through a sexual assault forensic examination
37 ~~is under no obligation to~~ shall obtain the consent of the minor's parent or guardian ~~or to~~ and
38 inform the parent or guardian of the prevention or treatment or collection. This section
39 may not be construed to prohibit the licensed individual rendering the prevention services
40 or treatment or collection from informing the parent or guardian. For purposes of this
41 section, "substance use" means the use of drugs or alcohol solely for their stimulant,
42 depressant, or hallucinogenic effect upon the higher functions of the central nervous system
43 and not as a therapeutic agent recommended by a practitioner in the course of medical
44 treatment.

1 **Sec. 15. 32 MRSA §3817**, as amended by PL 2017, c. 407, Pt. A, §129, is further
2 amended to read:

3 **§3817. Services to minors for substance use**

4 Any person licensed under this chapter who renders psychological services to a minor
5 for problems associated with substance use ~~is under no obligation to~~ shall obtain the consent
6 of the minor's parent or guardian ~~or to~~ and inform the parent or guardian of such services.
7 ~~Nothing in this section may be construed so as to prohibit the licensed person rendering~~
8 ~~such services from informing the parent or guardian.~~ For purposes of this section,
9 "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or
10 hallucinogenic effect upon the higher functions of the central nervous system and not as a
11 therapeutic agent recommended by a practitioner in the course of medical treatment.

12 **Sec. 16. 32 MRSA §6221**, as amended by PL 2017, c. 407, Pt. A, §139, is further
13 amended to read:

14 **§6221. Treatment of minors**

15 Any person licensed under this chapter who renders counseling services to a minor for
16 the treatment of problems associated with substance use ~~is under no obligation to~~ shall
17 obtain the consent of that minor's parent or guardian ~~or to~~ and inform that parent or guardian
18 of that treatment. ~~Nothing in this section may be construed so as to prohibit the licensed~~
19 ~~person rendering that treatment from informing that parent or guardian.~~ For the purposes
20 of this section, "substance use" means the use of drugs or alcohol solely for their stimulant,
21 depressant or hallucinogenic effect upon the higher functions of the central nervous system
22 and not as a therapeutic agent recommended by a practitioner in the course of medical
23 treatment.

24 **Sec. 17. 32 MRSA §7004**, as amended by PL 2017, c. 407, Pt. A, §140, is further
25 amended to read:

26 **§7004. Services to minors for substance use**

27 Any person licensed under this chapter who renders social work services to a minor for
28 problems associated with substance use ~~is under no obligation to~~ shall obtain the consent
29 of that minor's parent or guardian ~~or to~~ and inform that parent or guardian of the treatment.
30 ~~Nothing in this section may be construed so as to prohibit the licensed person rendering~~
31 ~~this treatment from informing that parent or guardian.~~ For purposes of this section,
32 "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or
33 hallucinogenic effect upon the higher functions of the central nervous system and not as a
34 therapeutic agent recommended by a practitioner in the course of medical treatment.

35 **SUMMARY**

36 This bill requires parental consent and the provision of parental notification before a
37 minor can obtain treatment for all health care services, including but not limited to:

- 38 1. Giving blood;
- 39 2. Preventing or treating a sexually transmitted infection;
- 40 3. Preventing or treatment for substance use disorder, including psychological,
41 counseling or social work services;

- 1 4. Collecting sexual assault evidence through a sexual assault forensic examination;
- 2 5. Providing health services associated with a sexual assault forensic examination;
- 3 6. Providing family planning services;
- 4 7. Providing an abortion;
- 5 8. Treating emotional or psychological problems;
- 6 9. Providing direct and indirect services by school counselors and school social
- 7 workers; and
- 8 10. Providing a substance use assessment, education or support group service when a
- 9 student has been determined to be in violation of school rules governing substance use or
- 10 alcohol or drug possession.
- 11 The bill repeals the provision of law authorizing a surrogate to provide consent for the
- 12 health care of a minor.