

1 IMMUNIZATIONS FOR TEEN MOTHERS

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Jennifer M. Seelig

5 Senate Sponsor: Curtis S. Bramble

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10

11 LONG TITLE

12 General Description:

13 This bill amends the Health Code to allow a minor who is the parent of a child, or who
14 is pregnant, to consent to immunizations.

15 Highlighted Provisions:

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ replaces the term "crippled children" with "children with disabilities";
- 19 ▶ allows minors who are pregnant or who have custody of a child to consent to

20 immunizations in certain circumstances;

- 21 ▶ defines the immunizations for which a minor may provide consent;
- 22 ▶ establishes the legal effect of the minor's consent for immunizations; and
- 23 ▶ provides that a parent or guardian of a minor who consents to an immunization is

24 not responsible for the fees associated with the immunization unless the parent or
25 guardian consented to the immunization.

26 Money Appropriated in this Bill:

27 None

28 Other Special Clauses:

29 None

30 Utah Code Sections Affected:

31 AMENDS:

32 **26-10-1**, as last amended by Laws of Utah 2001, Chapter 73

33 **26-10-2**, as enacted by Laws of Utah 1981, Chapter 126

34 ENACTS:

35 **26-10-9**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **26-10-1** is amended to read:

39 **26-10-1. Definitions.**

40 As used in this chapter:

41 (1) "Maternal and child health services" means:

42 (a) the provision of educational, preventative, diagnostic, and treatment services,
43 including medical care, hospitalization, and other institutional care and aftercare, appliances,
44 and facilitating services directed toward reducing infant mortality and improving the health of
45 mothers and children provided, however, that nothing in this [section] Subsection (1) shall be
46 construed to allow any agency of the state to interfere with the rights of the parent of an
47 unmarried minor in decisions about the providing of health information or services;

48 (b) the development, strengthening, and improvement of standards and techniques
49 relating to the services and care;

50 (c) the training of personnel engaged in the provision, development, strengthening, or
51 improvement of the services and care; and

52 (d) necessary administrative services connected with Subsections (1)(a), (b), and (c).

53 [~~(2) "Crippled children's services" means:~~]

54 (2) "Minor" means a person under the age of 18.

55 (3) "Services to children with disabilities" means:

56 (a) the early location of [~~crippled~~] children with a disability, provided that any program
57 of prenatal diagnosis for the purpose of detecting the possible disease or disabilities of an
58 unborn child will not be used for screening, but rather will be utilized only when there are

59 medical or genetic indications that warrant diagnosis;

60 (b) the provision for ~~[such]~~ children described in Subsection (3)(a) of preventive,
61 diagnosis, and treatment services, including medical care, hospitalization, and other
62 institutional care and aftercare, appliances, and facilitating services directed toward the
63 diagnosis of the condition of ~~[such]~~ those children or toward the restoration of the children to
64 maximum physical and mental health;

65 (c) the development, strengthening, and improvement of standards and techniques
66 relating to ~~[such]~~ services and care described in this Subsection (3);

67 (d) the training of personnel engaged in the provision, development, strengthening, or
68 improvement of ~~[such]~~ services and care described in this Subsection (3); and

69 (e) necessary administrative services connected with Subsections ~~[(2)]~~ (3)(a), (b), and
70 (c).

71 Section 2. Section **26-10-2** is amended to read:

72 **26-10-2. Maternal and child health provided by department.**

73 The department shall, as funding permits, provide for maternal and child health service
74 and ~~[crippled children's] services [to individuals who need such services and] for children with~~
75 a disability if the individual needs the services and the individual cannot reasonably obtain
76 [them] the services from other sources.

77 Section 3. Section **26-10-9** is enacted to read:

78 **26-10-9. Immunizations -- Consent of minor to treatment.**

79 (1) This section:

80 (a) is not intended to interfere with the integrity of the family or to minimize the rights
81 of parents or children; and

82 (b) applies to a minor, who at the time care is sought is:

83 (i) married or has been married;

84 (ii) emancipated as provided for in Section 78A-6-805;

85 (iii) a parent with custody of a minor child; or

86 (iv) pregnant.

87 (2) (a) A minor described in Subsections (1)(b)(i) and (ii) may consent to:

88 (i) immunizations against epidemic infections and communicable diseases as defined
89 in Section 26-6-2; and

90 (ii) examinations and immunizations required to attend school as provided in Title
91 53A, Chapter 11, Students in Public Schools.

92 (b) A minor described in Subsections (1)(b)(iii) and (iv) may consent to the
93 immunizations described in Subsections (2)(a)(i) and (ii), and the vaccine for human
94 papillomavirus only if:

95 (i) the minor represents to the health care provider that the minor is an abandoned
96 minor as defined in Section 76-5-109; and

97 (ii) the health care provider makes a notation in the minor's chart that the minor
98 represented to the health care provider that the minor is an abandoned minor under Section
99 76-5-109.

100 (c) Nothing in Subsection (2)(a) or (b) requires a health care provider to immunize a
101 minor.

102 (3) The consent of the minor pursuant to this section:

103 (a) is not subject to later disaffirmance because of the minority of the person receiving
104 the medical services;

105 (b) is not voidable because of minority at the time the medical services were provided;

106 (c) has the same legal effect upon the minor and the same legal obligations with regard
107 to the giving of consent as consent given by a person of full age and capacity; and

108 (d) does not require the consent of any other person or persons to authorize the medical
109 services described in Subsections (2)(a) and (b).

110 (4) A health care provider who provides medical services to a minor in accordance
111 with the provisions of this section is not subject to civil or criminal liability for providing the
112 services described in Subsections (2)(a) and (b) without obtaining the consent of another
113 person prior to rendering the medical services.

114 (5) This section does not remove the requirement for parental consent or notice when

115 required by Section 76-7-304 or 76-7-304.5.

116 (6) The parents, parent, or legal guardian of a minor who receives medical services
117 pursuant to Subsections (2)(a) and (b) are not liable for the payment for those services unless
118 the parents, parent, or legal guardian consented to the medical services.