

**Representative Jennifer M. Seelig** proposes the following substitute bill:

**IMMUNIZATIONS FOR TEEN MOTHERS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer M. Seelig**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ replaces the term "crippled children" with "children with disabilities";
- ▶ allows minors who are pregnant or who have custody of a child to consent to certain immunizations;
- ▶ defines the immunizations for which a minor may provide consent;
- ▶ establishes the legal effect of the minor's consent for immunizations; and
- ▶ provides that a parent or guardian of a minor who consents to an immunization is not responsible for the fees associated with the immunization unless the parent or guardian consented to the immunization.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **26-10-1**, as last amended by Laws of Utah 2001, Chapter 73

29 **26-10-2**, as enacted by Laws of Utah 1981, Chapter 126

30 ENACTS:

31 **26-10-9**, Utah Code Annotated 1953



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

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

35 **26-10-1. Definitions.**

36 As used in this chapter:

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

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

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

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

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

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

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

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

52 (a) the early location of [~~crippled~~] children with disabilities, provided that any program  
53 of prenatal diagnosis for the purpose of detecting the possible disease or disabilities of an  
54 unborn child will not be used for screening, but rather will be utilized only when there are  
55 medical or genetic indications that warrant diagnosis;

56 (b) the provision [~~for such children~~] of preventive, diagnosis, and treatment services,

57 including medical care, hospitalization, and other institutional care and aftercare, appliances,  
58 and facilitating services directed toward the diagnosis of the condition of [~~such~~] children with  
59 disabilities or toward the restoration of the children to maximum physical and mental health;

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

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

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

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

67 **26-10-2. Maternal and child health provided by department.**

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

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

73 **26-10-9. Immunizations -- Consent of minor to treatment.**

74 (1) This section is not intended to interfere with the integrity of the family or to  
75 minimize the rights of parents or children.

76 (2) A minor may give consent for the immunizations described in Subsection (3) for  
77 the minor or the minor's child, if at the time the care described in Subsection (3) is sought, the  
78 minor is:

79 (a) married or has been married;

80 (b) a parent with custody of a minor child;

81 (c) pregnant; or

82 (d) emancipated as provided for in Section 78A-6-805.

83 (3) A minor described in Subsection (2) may consent to:

84 (a) immunizations against epidemic infections and communicable diseases as defined  
85 in Section 26-6-2; and

86 (b) examinations and immunizations required to attend school as provided in Title  
87 53A, Chapter 11, Students in Public Schools.

- 88           (4) The consent of the minor pursuant to this section:  
89           (a) is not subject to later disaffirmance because of the minority of the person receiving  
90 the medical services;  
91           (b) is not voidable because of minority at the time the medical services were provided;  
92           (c) has the same legal effect upon the minor and the same legal obligations with regard  
93 to the giving of consent as consent given by a person of full age and capacity; and  
94           (d) does not require the consent of any other person or persons to authorize the medical  
95 services described in Subsection (3).  
96           (5) A health care provider who provides medical services to a minor in accordance  
97 with the provisions of this section is not subject to civil or criminal liability for providing the  
98 services described in Subsection (3) without obtaining the consent of another person prior to  
99 rendering the medical services.  
100           (6) This section does not remove the requirement for parental consent or notice when  
101 required by Section 76-7-304 or 76-7-304.5.  
102           (7) The parents, parent, or legal guardian of a minor who receives medical services  
103 pursuant to Subsection (3) are not liable for the payment for those services unless the parents,  
104 parent, or legal guardian consented to the medical services.