

HB0013S02 compared with HB0013S01

~~{deleted text}~~ shows text that was in HB0013S01 but was deleted in HB0013S02.

inserted text shows text that was not in HB0013S01 but was inserted into HB0013S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: _____

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 in certain circumstances;
- ▶ 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

HB0013S02 compared with HB0013S01

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

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

26-10-9, Utah Code Annotated 1953

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

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

26-10-1. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

HB0013S02 compared with HB0013S01

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

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

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

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

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

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

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

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

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

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

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

(1) This section:

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

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

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

HB0013S02 compared with HB0013S01

(i) married or has been married;

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

~~(c) pregnant; or~~

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

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

(iv) pregnant.

~~(3)2) (a)~~ A minor described in ~~{Subsection}~~ Subsections (2)1)(b)(i) and (ii) may consent to:

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

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

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

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

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

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

~~(4)3)~~ The consent of the minor pursuant to this section:

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

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

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

(d) does not require the consent of any other person or persons to authorize the medical services described in ~~{Subsection}~~ Subsections (3)2)(a) and (b).

~~(5)4)~~ A health care provider who provides medical services to a minor in accordance

HB0013S02 compared with HB0013S01

with the provisions of this section is not subject to civil or criminal liability for providing the services described in ~~{Subsection}~~Subsections ~~(3)2~~(a) and (b) without obtaining the consent of another person prior to rendering the medical services.

~~(6)5~~ This section does not remove the requirement for parental consent or notice when required by Section 76-7-304 or 76-7-304.5.

~~(7)6~~ The parents, parent, or legal guardian of a minor who receives medical services pursuant to ~~{Subsection}~~Subsections ~~(3)2~~(a) and (b) are not liable for the payment for those services unless the parents, parent, or legal guardian consented to the medical services.