

28 **26B-7-522. Tobacco and nicotine cessation services for minors.**

29 (1) As used in this section:

30 (a) "Minor" means an individual who is younger than 18 years old.

31 (b) (i) "Tobacco and nicotine cessation services" means a program that is:

32 (A) specifically designed for minors who use tobacco products, electronic cigarette  
33 products, or nicotine products; and

34 (B) is operated by the department, a local health department, or a contractor that is  
35 approved by the department or a local health department.

36 (ii) "Tobacco and nicotine cessation services" includes:

37 (A) providing general information about the services offered by the department or a  
38 contractor that is approved by the department prior to the minor's registration and participation  
39 in the program; and

40 (B) providing the minor with access to guided cessation services which may include  
41 assessment, phone counseling, web-based resources, and coaching through technology-based  
42 communication tools.

43 (iii) "Tobacco and nicotine cessation services" does not include ~~it~~ :

43a (A) ~~it~~ offering or distributing  
44 nicotine replacement therapy ~~it~~ [ ] : or

44a (B) **any other service that is not described in Subsection (1)(b)(i).** ~~it~~

45 (2) A minor may consent to and participate in tobacco and nicotine cessation services  
46 without:

47 (a) informing the minor's parent or legal guardian that the minor intends to participate  
48 in a tobacco nicotine cessation service; or

49 (b) obtaining consent from the minor's parent or legal guardian to participate in tobacco  
50 and nicotine cessation services.

51 Section 2. Section **78B-3-406** is amended to read:

52 **78B-3-406. Failure to obtain informed consent -- Proof required of patient --**  
53 **Defenses -- Consent to health care.**

54 (1) (a) When a person submits to health care rendered by a health care provider, it is  
55 presumed that actions taken by the health care provider are either expressly or impliedly  
56 authorized to be done.

57 (b) For a patient to recover damages from a health care provider in an action based  
58 upon the provider's failure to obtain informed consent, the patient must prove the following: