

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

27 Section 1. Section **26B-7-522** is enacted to read:

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) "Tobacco and nicotine cessation services" means a program that:

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

34 (ii) 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 (iii) provides general information about the services offered by the department, the
37 local health department, or a contractor that is approved by the department or the local health
38 department before the minor's registration and participation in the program;

39 (iv) provides the minor with access to any of the following:

40 (A) assessment;

41 ~~§~~ → ~~[(B) phone counseling;~~

42 ~~— (C)] (B) ← §~~ web-based resources; or

43 ~~§~~ → ~~[(D)] (C) ← §~~ coaching through technology-based communication tools; and

44 (v) does not provide:

45 (A) any form of nicotine replacement therapy; or

46 (B) any other service not described in Subsection (1)(b)(iii) or (iv).

47 ~~§~~ → ~~[(2) A minor may consent to and participate in tobacco and nicotine cessation services~~
48 ~~without:~~

49 ~~— (a) informing the minor's parent or legal guardian that the minor intends to participate~~
50 ~~in a tobacco nicotine cessation service; or~~

51 ~~— (b) obtaining consent from the minor's parent or legal guardian to participate in tobacco~~
52 ~~and nicotine cessation services.] (2) Consent to tobacco and nicotine cessation services executed~~

52a ~~by a minor who is or professes to be afflicted with nicotine dependence shall have the same~~

52b ~~legal effect upon the minor and the same legal obligations with regard to the giving of consent~~

52c ~~as consent given by an individual of full legal age and capacity.~~

52d ~~(3) A person providing tobacco and nicotine cessation services shall actively encourage a minor~~
52e ~~to inform the minor's parent or guardian for support.~~

52f ~~(4) Nothing in this section authorizes a violation of Section 53E-9-203. ← §~~

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

54 **78B-3-406. Failure to obtain informed consent -- Proof required of patient --**
55 **Defenses -- Consent to health care.**

56 (1) (a) When a person submits to health care rendered by a health care provider, it is