

ASSEMBLY, No. 3373

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Vainieri Huttle

SYNOPSIS

Permits minors 13 years of age and older to consent to behavioral health care services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning the age of consent for certain health care
2 services and amending P.L.1968, c.230.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read
8 as follows:

9 1. a. (1) The consent to the provision of medical or surgical
10 care or services or a forensic sexual assault examination by a
11 hospital or public clinic, or consent to the performance of medical
12 or surgical care or services or a forensic sexual assault examination
13 by a health care professional, when executed by a minor who is or
14 believes that he or she may have a sexually transmitted infection, or
15 who is at least 13 years of age and is or believes that he or she may
16 be infected with the human immunodeficiency virus or have
17 acquired immune deficiency syndrome, or by a minor who, in the
18 judgment of the treating health care professional, appears to have
19 been sexually assaulted, shall be valid and binding as if the minor
20 had achieved the age of majority. Any such consent shall not be
21 subject to later disaffirmance by reason of minority. In the case of
22 a minor who appears to have been sexually assaulted, the minor's
23 parents or guardian shall be notified immediately, unless the
24 treating healthcare professional believes that it is in the best
25 interests of the patient not to do so. Inability of the treating health
26 care professional, hospital, or clinic to locate or notify the parents
27 or guardian shall not preclude the provision of any emergency or
28 medical or surgical care to the minor or the performance of a
29 forensic sexual assault examination on the minor.

30 (2) As used in this subsection, "health care professional" means
31 a physician, physician assistant, nurse, or other health care
32 professional whose professional practice is regulated pursuant to
33 Title 45 of the Revised Statutes.

34 b. When a minor believes that he or she is adversely affected
35 by a substance use disorder involving drugs or is a person with a
36 substance use disorder involving drugs as defined in section 2 of
37 P.L.1970, c.226 (C.24:21-2) or is adversely affected by an alcohol
38 use disorder or is a person with an alcohol use disorder as defined
39 in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to
40 treatment under the supervision of a physician licensed to practice
41 medicine, or an individual licensed or certified to provide treatment
42 for an alcohol use disorder, or in a facility licensed by the State to
43 provide for the treatment of an alcohol use disorder, shall be valid
44 and binding as if the minor had achieved the age of majority. Any
45 such consent shall not be subject to later disaffirmance by reason of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 minority. Treatment for an alcohol use disorder or a substance use
2 disorder involving drugs that is consented to by a minor shall be
3 considered confidential information between the physician, the
4 treatment provider, or the treatment facility, as appropriate, and the
5 patient, and neither the minor nor the minor's physician, treatment
6 provider, or treatment facility, as appropriate, shall be required to
7 report such treatment when it is the result of voluntary consent,
8 except as may otherwise be required by law.

9 When a minor who is **【sixteen】** 13 years of age or older believes
10 that he or she is in need of behavioral health care services for the
11 treatment of mental illness or emotional disorders, the minor's
12 consent to temporary outpatient treatment, excluding the use or
13 administration of medication, under the supervision of a physician
14 licensed to practice medicine, an advanced practice nurse, or an
15 individual licensed to provide professional counseling under Title
16 45 of the Revised Statutes, including, but not limited to, a
17 psychiatrist, licensed practicing psychologist, certified social
18 worker, licensed clinical social worker, licensed social worker,
19 licensed marriage and family therapist, certified psychoanalyst, or
20 licensed psychologist, or in an outpatient health care facility
21 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall be
22 valid and binding as if the minor had achieved the age of majority.
23 Any such consent shall not be subject to later disaffirmance by
24 reason of minority. Treatment for behavioral health care services
25 for mental illness or emotional disorders that is consented to by a
26 minor shall be considered confidential information between the
27 physician, the individual licensed to provide professional
28 counseling, the advanced practice nurse, or the health care facility,
29 as appropriate, and the patient, and neither the minor nor the
30 minor's physician, professional counselor, nurse, or outpatient
31 health care facility, as appropriate, shall be required to report such
32 treatment when it is the result of voluntary consent.

33 The consent of no other person or persons, including but not
34 limited to, a spouse, parent, custodian, or guardian, shall be
35 necessary in order to authorize a minor to receive such hospital
36 services, facility, or clinical care or services, medical or surgical
37 care or services, or counseling services from a physician licensed to
38 practice medicine, an individual licensed or certified to provide
39 treatment for an alcohol use disorder, an advanced practice nurse, or
40 an individual licensed to provide professional counseling under
41 Title 45 of the Revised Statutes, as appropriate, except that
42 behavioral health care services for the treatment of mental illness or
43 emotional disorders shall be limited to temporary outpatient
44 services only.

45 (cf: P.L.2017, c.131, s.7)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill amends current law to lower the age requirement for a
7 minor to consent to behavioral health care services for treatment of
8 mental illness or emotional disorders. Under current law, the
9 minimum age to consent to behavioral health care services for
10 treatment of mental illness or emotional disorders is 16 years of
11 age. A minor under 16 years of age is required to obtain the consent
12 of the minor's parent or guardian to receive these services.

13 This bill lowers the age requirement for minors to consent to
14 behavioral health care services to 13 years of age, and provides that
15 the minor's consent to treatment under the supervision of a
16 physician, an advanced practice nurse, and certain other licensed
17 providers will be valid and binding in the same manner as if the
18 patient had attained the age of majority.