

SENATE BILL No. 257

April 11, 1991, Introduced by Senators DI NELLO, PRIDNIA, KOIVISTO and CARL and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 5127, 6121, and 9132 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 5127 as added by Act No. 491 of the Public Acts of 1988 and section 9132 as added by Act No. 153 of the Public Acts of 1984, being sections 333.5127, 333.6121, and 333.9132 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5127, 6121, and 9132 of Act No. 368 of
2 the Public Acts of 1978, section 5127 as added by Act No. 491 of
3 the Public Acts of 1988 and section 9132 as added by Act No. 153
4 of the Public Acts of 1984, being sections 333.5127, 333.6121,
5 and 333.9132 of the Michigan Compiled Laws, are amended to read
6 as follows:

1 Sec. 5127. (1) Subject to section 5133, the consent to the
2 provision of medical or surgical care, treatment, or services FOR
3 VENEREAL DISEASE OR HIV INFECTION by a ~~hospital, clinic, or~~
4 ~~physician~~ HEALTH FACILITY OR AGENCY LICENSED UNDER ARTICLE 17 OR
5 A PHYSICIAN OR OTHER HEALTH PROFESSIONAL LICENSED UNDER ARTICLE
6 15 that is executed by a minor who is or professes to be infected
7 with a venereal disease or HIV is valid and binding as if the
8 minor had achieved the age of majority. The consent is not
9 subject to later disaffirmance by reason of minority. The con-
10 sent of any other person, including a spouse, parent, or guardi-
11 an, or person in loco parentis, is not necessary to authorize the
12 services described in this subsection to be provided to a minor.

13 (2) For medical reasons ~~a~~ THE treating physician ~~—~~ and,
14 on the advice and direction of the treating physician, a physi-
15 cian, a member of the medical staff of a ~~hospital or clinic~~
16 HEALTH FACILITY OR AGENCY, or other health professional ~~—~~ may,
17 but is not ~~obligated~~ REQUIRED to, inform the spouse ~~—, parent,~~
18 ~~guardian, or person in loco parentis~~ OF THE MINOR, IF ANY, as to
19 the CARE, treatment, OR SERVICES given or needed UNDER SUBSECTION
20 (1). A TREATING PHYSICIAN AND, ON THE ADVICE AND DIRECTION OF
21 THE TREATING PHYSICIAN, A PHYSICIAN, A MEMBER OF THE MEDICAL
22 STAFF OF A HEALTH FACILITY OR AGENCY, OR OTHER HEALTH PROFES-
23 SIONAL SHALL INFORM THE PARENT, GUARDIAN, OR PERSON IN LOCO PAR-
24 ENTIS OF THE MINOR AS TO THE CARE, TREATMENT, OR SERVICES GIVEN
25 OR NEEDED UNDER SUBSECTION (1). The information UNDER THIS
26 SUBSECTION may be given ~~to or withheld from these persons~~

1 without THE consent of the minor and notwithstanding the express
2 refusal of the minor to the providing of the information.

3 (3) A spouse, parent, guardian, or person in loco parentis
4 of a minor is not financially responsible for ~~surgical~~ care,
5 treatment, or services provided under this section.

6 Sec. 6121. (1) The consent to the provision of substance
7 abuse related medical or surgical care, treatment, or services by
8 a ~~hospital~~ HEALTH FACILITY OR AGENCY, clinic, or health profes-
9 sional authorized by law TO PROVIDE SUCH SERVICES THAT IS exe-
10 cuted by a minor who is or professes to be a substance abuser is
11 valid and binding as if the minor had achieved the age of
12 majority. The consent is not subject to later disaffirmance by
13 reason of minority. The consent of any other person, including a
14 spouse, parent, guardian, or person in loco parentis, is not nec-
15 essary to authorize ~~these~~ THE services DESCRIBED IN THIS
16 SUBSECTION to be provided to a minor.

17 (2) For medical reasons the treating physician ~~—~~ and, on
18 the advice and direction of the treating physician, a member of
19 the medical staff of a ~~hospital~~ HEALTH FACILITY OR AGENCY or
20 clinic or other health professional may, but is not ~~obligated~~
21 REQUIRED to, inform the spouse ~~—, parent, guardian, or person in~~
22 ~~loco parentis~~ OF THE MINOR as to the CARE, treatment, OR
23 SERVICES given or needed UNDER SUBSECTION (1). A TREATING PHYSI-
24 CIAN AND, ON THE ADVICE AND DIRECTION OF THE TREATING PHYSICIAN,
25 A MEMBER OF THE MEDICAL STAFF OF A HOSPITAL OR CLINIC OR OTHER
26 HEALTH PROFESSIONAL SHALL INFORM THE PARENT, GUARDIAN, OR PERSON
27 IN LOCO PARENTIS AS TO THE CARE, TREATMENT, OR SERVICES GIVEN OR

1 NEEDED UNDER SUBSECTION (1). The information UNDER THIS
2 SUBSECTION may be given ~~to or withheld from these persons~~ with-
3 out THE consent of the minor and notwithstanding the express
4 refusal of the minor to the providing of the information.

5 (3) A spouse, parent, guardian, or person in loco parentis
6 of a minor is not ~~legally~~ FINANCIALLY responsible for ~~service~~
7 CARE, TREATMENT, OR SERVICES provided under this section.

8 Sec. 9132. (1) If a minor consents to the provision of pre-
9 natal and pregnancy related health care or to the provision of
10 health care for a child of the minor by a health facility or
11 agency licensed under article 17 or a PHYSICIAN OR health profes-
12 sional licensed under article 15, the consent ~~shall be~~ IS valid
13 and binding as if the minor had achieved the age of majority.
14 The consent is not subject to later disaffirmance by reason of
15 minority. The consent of any other person, including the puta-
16 tive father of the child or a spouse, parent, guardian, or person
17 in loco parentis, is not necessary to authorize the provision of
18 health care to a minor or to a child of a minor.

19 (2) Before providing health care to a minor pursuant to this
20 section, a health facility or agency or a health professional
21 shall inform the minor that the putative father of the child or
22 the minor's spouse ~~, parent, guardian, or person in loco~~
23 ~~parentis~~ may be notified pursuant to subsection (4) AND THAT THE
24 MINOR'S PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS WILL BE
25 NOTIFIED PURSUANT TO SUBSECTION (4).

26 ~~(3) At the initial visit to the health facility or health~~
27 ~~professional, permission shall be requested of the minor to~~

1 ~~contact the minor's parents for any additional medical~~
2 ~~information which may be necessary or helpful to the provision of~~
3 ~~proper health care.~~

4 (3) ~~-(4)-~~ For medical reasons, the treating physician ~~,~~
5 and, on the advice and direction of the treating physician, a
6 member of the medical staff of a health facility or agency or
7 other health professional may, but is not ~~obligated~~ REQUIRED
8 to, inform the putative father of the child or the spouse ~~,~~
9 ~~parent, guardian, or person in loco parentis~~ OF THE MINOR as to
10 the health care given or needed. THE TREATING PHYSICIAN AND, ON
11 THE ADVICE AND DIRECTION OF THE TREATING PHYSICIAN, A MEMBER OF
12 THE MEDICAL STAFF OF A HEALTH FACILITY OR AGENCY OR OTHER HEALTH
13 PROFESSIONAL SHALL INFORM THE PARENT, GUARDIAN, OR PERSON IN LOCO
14 PARENTIS OF THE MINOR AS TO THE HEALTH CARE GIVEN OR NEEDED. The
15 information UNDER THIS SUBSECTION may be given ~~to or withheld~~
16 ~~from these persons~~ without THE consent of the minor and notwith-
17 standing the express refusal of the minor to the providing of the
18 information.

19 (4) ~~-(5)-~~ As used in this section, "health care" means only
20 PRENATAL AND PREGNANCY RELATED treatment or services intended to
21 maintain the life and improve the health of both the minor and
22 the minor's child or fetus.