131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

An Act to Prohibit Health Care Services Without Parental Consent

Reference to the Committee on Judiciary suggested and ordered printed.

Presented by Representative ADAMS of Lebanon.
Cosponsored by Representatives: GREENWOOD of Wales, POMERLEAU of Standish.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4008-A, sub-§2, as enacted by PL 2019, c. 45, §1, is amended to read:

2. Direct and indirect services to students. Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students. A school counselor and a school social worker shall obtain the consent of a student's parent or guardian to provide direct and indirect services to the student and shall inform that parent or guardian of the provision of those services.

Sec. 2. 20-A MRSA §6606, as amended by PL 2017, c. 407, Pt. A, §61, is further amended to read:

§6606. Participation in substance use disorder services

In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance use or alcohol or drug possession participate in a substance use assessment, education or support group service offered by the school. The school board shall obtain consent for the service from the parent or legal guardian of a student required to participate in the service and provide for notice to the parent or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

Sec. 3. 22 MRSA §1502, as amended by PL 2017, c. 407, Pt. A, §70, is further amended to read:

§1502. Consent

In addition to the ability to consent to treatment for health services as provided in sections 1823 and 1908 and Title 32, sections 2595, 3292, 3817, 6221 and 7004, a minor may not consent to treatment for substance use disorder or for emotional or psychological problems without the consent of the minor's parent or legal guardian.

Sec. 4. 22 MRSA §1502-A, as enacted by PL 1999, c. 10, §1, is amended to read:

§1502-A. Consent to give blood

A minor may not consent to give blood if the minor is at least 17 years of age, notwithstanding any other provision of law without the consent of the minor's parent or legal guardian.

Sec. 5. 22 MRSA §1503-A, as enacted by PL 2015, c. 444, §2, is repealed.

Sec. 6. 22 MRSA §1504, as repealed and replaced by PL 2015, c. 444, §3, is repealed.

Sec. 7. 22 MRSA §1507, as amended by PL 2015, c. 444, §4, is further amended to read:

§1507. Consent for sexual assault forensic examination

Notwithstanding the limitations set forth in section 1503 or the existence of a surrogate described in section 1503-A, a minor may not consent to health services associated with
a sexual assault forensic examination to collect evidence after an alleged sexual assault
without the consent of the minor's parent or legal guardian.

Sec. 8. 22 MRSA §1597-A, sub-§2, as amended by PL 2019, c. 262, §2, is further
amended to read:

2. Prohibitions; exceptions. Except as otherwise provided by law, a health care
professional, as defined in section 1596, subsection 1, paragraph C, may not knowingly
perform an abortion upon a pregnant minor unless:

A. The health care professional has received and will make part of the medical record
the informed written consent of the minor and one parent, or guardian, or adult family
member;

B. The health care professional has secured the informed written consent of the minor
as prescribed in subsection 3 and the minor, under all the surrounding circumstances,
is mentally and physically competent to give consent; or

C. The minor has received the information and counseling required under subsection
4, the minor has secured written verification of receiving the information and
counseling and the health care professional has received and will make part of the
medical record the informed written consent of the minor and the written verification
of receiving information and counseling required under subsection 4; or

D. The Probate Court or District Court issues an order under subsection 6 on petition
of the minor or the next friend of the minor for purposes of filing a petition for the
minor, granting:

   (1) To the minor majority rights for the sole purpose of consenting to the abortion
and the health care professional has received the informed written consent of the
minor; or

   (2) To the minor consent to the abortion, when the court has given its informed
written consent and the minor is having the abortion willingly, in compliance with
subsection 7.

Sec. 9. 22 MRSA §1597-A, sub-§6, as corrected by RR 2021, c. 2, Pt. B, §96, is
repealed.

Sec. 10. 22 MRSA §1597-A, sub-§7, as corrected by RR 2021, c. 2, Pt. B, §97, is
amended to read:

7. Abortion performed against the minor's will. An abortion may not be performed
on any minor against the minor's will, except that an abortion may be performed against
the will of a minor pursuant to a court order described in subsection 6 that the abortion is
necessary to preserve the life of the minor.

Sec. 11. 22 MRSA §1823, as amended by PL 2019, c. 236, §1, is further amended
to read:

§1823. Treatment of minors

Any hospital licensed under this chapter or alcohol or drug treatment facility licensed
pursuant to section 7801 that provides facilities to a minor in connection with the
prevention of a sexually transmitted infection or the treatment of that minor for a sexually
transmitted infection or treatment of that minor for substance use or for the collection of
sexual assault evidence through a sexual assault forensic examination is under no obligation to shall obtain the consent of that minor's parent or guardian or to and inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004. The hospital shall notify and obtain the consent of that minor's parent or guardian if that hospitalization continues for more than 16 hours.

Sec. 12. 22 MRSA §1908, as repealed and replaced by PL 2019, c. 236, §9, is amended to read:

§1908. Minors

Notwithstanding section 1503, family planning services may not be furnished to any minor by a health care practitioner without the consent of the minor's parent or guardian. The health care practitioner is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment under this section. Nothing in this section may be construed to prohibit the health care practitioner rendering the prevention services or treatment from informing the parent or guardian.

Sec. 13. 32 MRSA §2595, as amended by PL 2019, c. 236, §10, is further amended to read:

§2595. Treatment of minors

An individual licensed under this chapter who renders medical care to a minor for the prevention or treatment of a sexually transmitted infection or treatment of substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to shall obtain the consent of the minor's parent or guardian or to and inform the parent or guardian of the prevention or treatment or collection. Nothing in this section may be construed so as to prohibit the licensed individual rendering the prevention services or treatment or collection from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely to induce a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

Sec. 14. 32 MRSA §3292, as amended by PL 2019, c. 236, §11, is further amended to read:

§3292. Treatment of minors

An individual licensed under this chapter who renders medical care to a minor for the prevention or treatment of a sexually transmitted infection or treatment of substance use or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to shall obtain the consent of the minor's parent or guardian or to and inform the parent or guardian of the prevention or treatment or collection. This section may not be construed to prohibit the licensed individual rendering the prevention services or treatment or collection from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.
Sec. 15.  32 MRSA §3817, as amended by PL 2017, c. 407, Pt. A, §129, is further amended to read:

§3817. Services to minors for substance use

Any person licensed under this chapter who renders psychological services to a minor for problems associated with substance use is under no obligation to shall obtain the consent of the minor's parent or guardian or to and inform the parent or guardian of such services. Nothing in this section may be construed so as to prohibit the licensed person rendering such services from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

Sec. 16.  32 MRSA §6221, as amended by PL 2017, c. 407, Pt. A, §139, is further amended to read:

§6221. Treatment of minors

Any person licensed under this chapter who renders counseling services to a minor for the treatment of problems associated with substance use shall obtain the consent of that minor's parent or guardian or to and inform that parent or guardian of that treatment. Nothing in this section may be construed so as to prohibit the licensed person rendering that treatment from informing that parent or guardian. For the purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

Sec. 17.  32 MRSA §7004, as amended by PL 2017, c. 407, Pt. A, §140, is further amended to read:

§7004. Services to minors for substance use

Any person licensed under this chapter who renders social work services to a minor for problems associated with substance use shall obtain the consent of that minor's parent or guardian or to and inform that parent or guardian of the treatment. Nothing in this section may be construed so as to prohibit the licensed person rendering this treatment from informing that parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

SUMMARY

This bill requires parental consent and the provision of parental notification before a minor can obtain treatment for all health care services, including but not limited to:

1. Giving blood;
2. Preventing or treating a sexually transmitted infection;
3. Preventing or treatment for substance use disorder, including psychological, counseling or social work services;
4. Collecting sexual assault evidence through a sexual assault forensic examination;
5. Providing health services associated with a sexual assault forensic examination;
6. Providing family planning services;
7. Providing an abortion;
8. Treating emotional or psychological problems;
9. Providing direct and indirect services by school counselors and school social workers; and
10. Providing a substance use assessment, education or support group service when a student has been determined to be in violation of school rules governing substance use or alcohol or drug possession.

The bill repeals the provision of law authorizing a surrogate to provide consent for the health care of a minor.