

Alaska State Legislature

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Senate Bill 90

Sectional Analysis (Version A)

“An Act relating to examination and treatment of minors; relating to consent for behavioral health and mental health treatment for minors 16 years of age or older; and providing for an effective date.”

Section 1. Amends AS 25.20.025: Examination and Treatment of Minors.

This section adds youth who provide documentation demonstrating they are an unaccompanied homeless minor to the list of minors who can consent to medical treatment.

This section would add behavioral and mental health services to the list of services an unaccompanied homeless minor, a minor living apart from their parents or legal guardian, and a minor who is the parent of a child, are able to consent to.

Section 2. Adds new subsections to AS. 25.20.025: Examination and Treatment of Minors.

This section adds new subsections relating to documentation required by homeless unaccompanied minors for the purposes of giving consent.

The documentation must state that the minor is:

1. 16 years of age or older
2. Does not have a fixed, regular, adequate nighttime residence; and
3. Is not in the care and physical custody of a parent or guardian,

And the document must be signed by:

1. A director or designee of a director of a governmental or nonprofit entity that receives funds to provide assistance to those who are homeless;
2. A local educational agency liaison for homeless youth, a local educational agency foster care point of contact, or a licensed clinical social worker employed by a school in the state;
3. An attorney that represents the minor; or
4. The minor and 2 adults with actual knowledge of the minor’s situation.

Section 3. Adds a new section to AS. 25.20: Parent and Child.

This section would give a minor aged 16 years or older the ability to consent to receive five 90-minute sessions of outpatient behavioral or mental health appointments, without obtaining the consent of the minor's parent or guardian. A mental health provider may not prescribe medication without consent of the parent or guardian. After the fifth appointment, a provider may continue to provide services to the minor if:

1. Attempting to get consent from the minor's parent or guardian would be detrimental to the minor's well-being by:
 - a. The behavioral or mental health services are related to allegations of neglect, sexual abuse, or mental or physical abuse by the minor's parent or guardian; or
 - b. The provider finds that requiring the consent of the minor's parent or guardian would cause the minor to reject services, failing to provide services would be detrimental to the minor's well-being, the minor sought services knowingly and willingly, and the minor has the maturity to productively participate in services.
2. The provider determines that contacting the parent or guardian would not be detrimental to the minor's well-being, the provider has informed the minor that parental consent is required to continue services, the provider has made at least two unsuccessful attempts to contact the minor's parent or guardian by mail, e-mail, or phone, and the mental health provider has the written consent of the minor.

If a provider continues treatment due to the belief that obtaining consent from the minor's parent or guardian would be detrimental to the minor's well-being, the mental or behavioral health provider may continue services with documentation of the determination in the patient's clinical record, written consent from the minor, and evaluations every 60 days about if the minor's well-being is continually in question until either the provider discontinues services, or the minor turns 18 years of age.

If a mental health provider has decided to continue services due to the belief that obtaining the parent or guardians consent would be detrimental to the minor's well-being, they may not contact the minor's parents or guardian without written consent from the minor. A provider may not disclose the information to the parent or guardian if the minor chooses to discontinue services after being informed that they must obtain parental consent after 5 sessions. A provider may deny a minor's parent or guardian access to any part of the minor's clinical record if the provider has compelling reasons to deny the parent or guardian access.

A parent or guardian is relieved of any financial obligation to pay for services consented to by this new section.

Nothing in this new section can be taken as an excuse to remove liability or the person performing examination or treatment for failure to meet typical standards of care in the state.

Section 4. Amends AS. 47.10.084(c): Legal custody, guardianship, and residual parental rights and responsibilities.

This section adds the new section from section 3 to the list of exceptions of a parent's residual rights and responsibilities.

Section 5. Amends AS. 47.12.150(c): Legal custody, guardianship, and residual parental rights and responsibilities.

This section adds the new section from section 3 to the list of exceptions of a parent's residual rights and responsibilities.

Section 6. Effective date.

This section provides for an effective date of January 1, 2026.