

Introduced: 1/16/73
Referred: Health, Welfare &
Education and Judiciary

1 IN THE HOUSE

BY CHANCE AND HUBER

2 HOUSE BILL NO. 83

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the examination and treatment of
7 minors."

8 DE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.65.100 is repealed and re-enacted to read:

10 Sec. 09.65.100. EXAMINATION AND TREATMENT OF MINORS. (a) Except
11 as otherwise provided by law, a minor may give consent to medical,
12 surgical, dental or psychological services in the following cases:

13 (1) an emancipated minor may give consent to medical, surgi-
14 cal, dental or psychological services for himself, and the consent of
15 no other person is required;

16 (2) a minor who has been married or has conceived a child may
17 give consent to medical, surgical, dental or psychological services for
18 himself and for his child, and the consent of no other person is re-
19 quired;

20 (3) a minor may give consent for medical, surgical or psycho-
21 logical services to determine the presence of or to treat pregnancy and
22 conditions associated with pregnancy, venereal disease, or alcohol and
23 other drug abuse, and the consent of no other person is required;

24 (4) medical, surgical, dental or psychological services may
25 be rendered to minors of any age without the consent of a parent or
26 legal guardian when, in the judgment of the person qualified to render
27 the services, the risk to the minor's life or health is of a nature
28 that treatment should be given without delay and the requirement of
29 consent would result in delay or denial of treatment.

1 (b) The consent of a minor who represents that he may give consent
2 for the purpose of receiving medical, surgical, dental or psychological
3 services under this section but who may not in fact do so, shall be
4 considered effective without the consent of the minor's parent or legal
5 guardian if the person rendering the service relied in good faith upon
6 the representations of the minor.

7 (c) A minor who consents to and receives health services under
8 this section is liable for the cost of the services.

9 (d) Nothing in this section may be construed to remove liability
10 of the person performing the examination or treatment for failure
11 to meet the standards of care common throughout the health professions
12 in the state or for intentional misconduct.

13 (e) In this section

14 (1) "emancipated minor" means a person under 19 years of age
15 who is living separate and apart from his parents or legal guardian with
16 their consent and who is managing his own financial affairs regardless
17 of the source or extent of his income;

18 (2) "psychological services" means mental health services
19 performed by a licensed psychologist or a person licensed to practice
20 medicine.