

By: Senator(s) Nunnelee

To: Public Health and
Welfare

SENATE BILL NO. 2084

1 AN ACT TO MAKE IT UNLAWFUL FOR ANY PHYSICIAN, NURSE OR OTHER
2 EMPLOYEE OF THE STATE DEPARTMENT OF HEALTH TO PERFORM ANY SURGICAL
3 OR MEDICAL TREATMENT OR PROCEDURE OR CONSULT WITH OR PRESCRIBE
4 MEDICATION FOR A MINOR WITHOUT OBTAINING THE WRITTEN CONSENT OF
5 THE PARENT OR GUARDIAN; TO PROVIDE EXCEPTIONS AND CRIMINAL
6 PENALTIES; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. (1) As used in this section:

9 (a) "Minor" means any person who is fifteen (15) years
10 of age or less.

11 (b) "Guardian" means any person standing in loco
12 parentis of the minor, whether formally serving or not, including
13 any guardian, conservator or custodian.

14 (c) "Emergency" means a situation wherein, in competent
15 medical judgment, the proposed surgical or medical treatment or
16 procedures are immediately or imminently necessary and any delay
17 occasioned by an attempt to obtain a consent would reasonably
18 jeopardize the life, health or limb of the minor affected, or
19 would reasonably result in disfigurement or impairment of
20 faculties of the minor.

21 (d) "Consult" means a person to person instructional
22 conversation with the minor in a confidential setting, and not a
23 group instructional setting.

24 (2) No physician, nurse or other employee of the State
25 Department of Health shall perform any surgical or medical
26 treatment or procedures on, or consult with or prescribe
27 medication for, a minor without obtaining the written consent of
28 the parent or guardian of said minor.

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30 (3) The prohibition in subsection (2) shall not apply if:

31 (a) The minor is married;

32 (b) An emergency exists;

33 (c) The physician, nurse or employee of the State
34 Department of Health is rendering medical care to a minor for
35 treatment of a venereal disease as provided in Section 41-41-13,
36 Mississippi Code of 1972;

37 (d) The minor is voluntarily donating blood;

38 (e) The physician, nurse or employee of the State
39 Department of Health is conducting tests for infectious diseases
40 as authorized by law; or

41 (f) The minor has been ordered by a competent court to
42 undergo the treatment, procedure, prescription or consultation.

43 (4) Violation of this section shall, upon conviction, be
44 punishable by imprisonment in the county jail for not more than
45 six (6) months, or a fine of Ten Thousand Dollars (\$10,000.00), or
46 both, and the court shall automatically suspend the professional
47 health license of any such person.

48 SECTION 2. This act shall take effect and be in force from
49 and after July 1, 1999.