To: Public Health and Welfare

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2001

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2048

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

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

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

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

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

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

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

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

(3) The prohibition in subsection (2) shall not apply if:
ST: Medical procedures on minor by Department of Health; require parental consent.

(a) The minor is married;  
(b) An emergency exists;  
(c) The physician, nurse or employee of the State Department of Health is rendering medical care to a minor for treatment of a venereal disease as provided in Section 41-41-13, Mississippi Code of 1972;  
(d) The minor is voluntarily donating blood;  
(e) The physician, nurse or employee of the State Department of Health is conducting tests for infectious diseases as authorized by law; or  
(f) The minor has been ordered by a competent court to undergo the treatment, procedure, prescription or consultation.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.