

By: Representatives Rushing, Crawford

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 900

1 AN ACT TO CREATE "THE FAMILIES' RIGHTS AND RESPONSIBILITIES
2 ACT"; TO PROVIDE THE DEFINITIONS FOR THE ACT; TO PROHIBIT THE
3 STATE OR ANY OTHER GOVERNMENTAL ENTITY FROM SUBSTANTIALLY
4 BURDENING A PARENT'S FUNDAMENTAL RIGHT TO DIRECT THE UPBRINGING OF
5 HIS OR HER CHILD; TO PROVIDE EXCEPTIONS TO THE PROHIBITION; TO
6 PROVIDE THAT THIS ACT DOES NOT GIVE A PARENT A RIGHT TO ABUSE HIS
7 OR HER CHILD; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following words and phrases shall have the
10 meanings ascribed herein, unless the context indicates otherwise:

11 (a) "Child" means an individual under the age of
12 eighteen.

13 (b) "Parent" means a biological parent of a child, an
14 adoptive parent of a child, or an individual who has been granted
15 exclusive right and authority over the welfare of a child under
16 state law.

17 **SECTION 2.** (1) The state, any political subdivision of the
18 state, or any other governmental entity shall not substantially
19 burden the fundamental right of a parent to direct the upbringing,
20 education, health care, and mental health of that parent's child



21 without demonstrating that the burden is required by a compelling
22 governmental interest of the highest order as applied to the
23 parent and the child and is the least restrictive means of
24 furthering that compelling governmental interest.

25 (2) Except as otherwise provided by law or court order, a
26 person, private entity, government entity, or any employee or
27 agent of any private or government entity must obtain the consent
28 of a parent of a child before taking any of the following actions:

29 (a) Procuring, soliciting to perform, arranging for the
30 performance of, providing a referral for, or performing surgical
31 procedures upon a child;

32 (b) Procuring, soliciting to perform, arranging for the
33 performance of, providing a referral for, or performing a physical
34 or medical examination upon a child;

35 (c) Prescribing or dispensing any prescription drug or
36 medication to a child; or

37 (d) Procuring, soliciting to perform, arranging for the
38 performance of, providing a referral for, or performing a mental
39 health evaluation in a clinical or nonclinical setting or mental
40 health treatment on a child.

41 (3) This section shall not apply if:

42 (a) A parent of the child has given a blanket consent
43 authorizing the person or entity to perform an activity listed in
44 subsection (2) (a) of this act; or



45 (b) It has been reasonably determined by the person or
46 entity that an emergency exists and either of the following
47 conditions is true:

48 (i) It is necessary to perform an activity listed
49 in subsection (2)(a) in order to prevent death or imminent,
50 irreparable physical injury to the child, or

51 (ii) A parent of the child cannot be located or
52 contacted after a reasonably diligent effort.

53 (c) The person or entity has reason to believe that a
54 parent or both parents have perpetrated abuse against the child,
55 or has failed to protect the child from abuse perpetrated by a
56 third party.

57 (4) This section does not authorize or allow a parent to
58 abuse or neglect a child as defined herein. This section does not
59 apply to a parental action or decision that would end life. The
60 provisions of this section do not apply to an abortion, which
61 shall be governed by state law. This section does not prohibit a
62 court from issuing an order that is otherwise permitted by law.

63 (5) Upon request of a parent, a physician and any other
64 medical provider shall provide the parent with medical information
65 or records of a child. Physicians and medical providers shall not
66 withhold any medical information or records from parents of a
67 child when a parent requests such from the physician or medical
68 provider.



69 (6) A parent may bring suit for any violation of this
70 Section and may raise this Section as a defense in any judicial or
71 administrative proceeding without regard to whether the proceeding
72 is brought by or in the name of the government, any private
73 person, or any other party.

74 (a) A parent who successfully asserts a claim or
75 defense under this Act may recover declaratory relief, injunctive
76 relief, compensatory damages, reasonable attorneys' fees and
77 costs, and any other appropriate relief.

78 (b) A government entity shall indemnify its employees
79 for any liability incurred by the employee and for any judgment
80 entered against the employee for claims arising under this
81 section; provided however that a government entity does not have
82 to indemnify an employee if the employee was convicted of a
83 criminal violation for the conduct from which the claim arises.

84 **SECTION 3.** This act shall take effect and be in force from
85 and after July 1, 2024.

