

By: Representatives Yancey, Crawford

To: Public Health and Human Services

HOUSE BILL NO. 1100

1 AN ACT TO AMEND SECTION 41-41-3, MISSISSIPPI CODE OF 1972, TO  
 2 PROHIBIT A HEALTH-CARE INSTITUTION OR HEALTH-CARE PROVIDER FROM  
 3 PROVIDING HEALTH CARE FOR AN UNEMANCIPATED MINOR WITHOUT FIRST  
 4 OBTAINING THE CONSENT OF THE MINOR'S PARENT, GUARDIAN OR  
 5 SURROGATE; TO PROVIDE FOR CERTAIN EXCEPTIONS TO THE REQUIREMENT OF  
 6 OBTAINING PARENTAL CONSENT; TO AUTHORIZE A PARENT, GUARDIAN OR  
 7 SURROGATE OF AN UNEMANCIPATED MINOR TO BRING SUIT FOR ANY  
 8 VIOLATION OF THIS ACT; TO AMEND SECTIONS 41-41-17 AND 41-42-7,  
 9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
 10 TO REPEAL SECTION 41-41-13, MISSISSIPPI CODE OF 1972, WHICH  
 11 PROVIDES THAT A PHYSICIAN OR NURSE PRACTITIONER MAY TREAT MINORS  
 12 FOR VENEREAL DISEASE WITHOUT PARENTAL CONSENT, AND SECTION  
 13 41-41-14, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A  
 14 PHYSICIAN OR PSYCHOLOGIST MAY TREAT CERTAIN MINORS FOR MENTAL OR  
 15 EMOTIONAL PROBLEMS CAUSED OR RELATED TO ALCOHOL OR DRUGS WITHOUT  
 16 PARENTAL CONSENT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 41-41-3, Mississippi Code of 1972, is  
 19 amended as follows:

20 41-41-3. (1) For the purpose of this section, the terms  
 21 health-care institution or health-care provider, unemancipated  
 22 minor and surrogate shall have the meanings as defined in Section  
 23 41-41-203.

24 ( \* \* \*2) Except as provided by subsection (3) of this  
 25 section, it is \* \* \* recognized and established that \* \* \* a



26 health-care institution or health-care provider may provide health  
27 care that is not prohibited by law \* \* \* for an unemancipated  
28 minor only after first obtaining the consent of a parent with  
29 joint or separate legal custody of the minor, a guardian of the  
30 minor, or the minor's surrogate.

31 \* \* \*

32 (3) The consent required by subsection (2) of this section  
33 shall not be required:

34 (a) In any circumstance regarding a person with mental  
35 illness as governed by Sections 41-21-61 through 41-21-109;

36 (b) In an emergency as provided for in Section 41-41-7;

37 (c) When a judicial consent is obtained pursuant to  
38 Section 41-41-9;

39 (d) In relation to minors age sixteen (16) years or  
40 older donating to a blood bank as provided for in Section  
41 41-41-15;

42 (e) In relation to physicians or hospitals  
43 authorizations to test for or diagnose infectious disease as  
44 provided for in Section 41-41-16;

45 (f) In relation to any minor in the custody of the  
46 Department of Child Protection Services;

47 (g) In relation to any inmate lacking the capacity to  
48 make health-care decisions as provided for in Section 47-5-180; or

49 (h) In relation to the baby drop-off law, Section  
50 43-15-201 et seq.



51 ( \* \* \*4) Any female, regardless of age or marital status,  
52 is empowered to give consent for herself in connection with  
53 pregnancy or childbirth.

54 (5) The provisions of this section do not affect other  
55 statutes of this state governing treatment for mental illness of  
56 an individual involuntarily committed to a mental health-care  
57 institution.

58 **SECTION 2.** (1) A parent, guardian or surrogate of an  
59 unemancipated minor may bring suit for any violation of Section 1  
60 of this act and may raise Section 1 of this act as a defense in  
61 any judicial or administrative proceeding without regard to  
62 whether the proceeding is brought by or in the name of the state  
63 government, any private person, or any other party.

64 (2) An action under this section may be brought, and relief  
65 may be granted, without regard to whether the person bringing the  
66 action has sought or exhausted available administrative remedies.

67 (3) Any person who successfully asserts a claim or defense  
68 under this section may recover declaratory relief, injunctive  
69 relief, nominal damages, compensatory damages reasonable  
70 attorneys' fees and costs, and any other appropriate relief.

71 (4) Sovereign, governmental and qualified immunities to suit  
72 and from liability are waived and abolished to the extent of  
73 liability created by this section.

74 **SECTION 3.** Section 41-41-17, Mississippi Code of 1972, is  
75 amended as follows:



76 41-41-17. \* \* \* Any adult, as defined in Section  
77 41-41-203(a), \* \* \* or emancipated minor, as defined in Section  
78 41-41-203(e), \* \* \* may consent to participate as a subject in  
79 research if that research is conducted in accordance with federal  
80 law (Title 45 CFR Part 46: Protection of Human Subjects).

81 \* \* \*

82 **SECTION 4.** Section 41-42-7, Mississippi Code of 1972, is  
83 amended as follows:

84 41-42-7. Contraceptive supplies and information may not be  
85 furnished by physicians to any minor \* \* \* except in compliance  
86 with the provisions of Section 41-41-3.

87 **SECTION 5.** Section 41-41-13, Mississippi Code of 1972, which  
88 provides that a physician or nurse practitioner may treat minors  
89 for venereal disease without parental consent, and Section  
90 41-41-14, Mississippi Code of 1972, which provides that a  
91 physician or psychologist may treat certain minors for mental or  
92 emotional problems caused or related to alcohol or drugs without  
93 parental consent, are repealed.

94 **SECTION 6.** This act shall take effect and be in force from  
95 and after July 1, 2024.

