

By: Representative Yancey

To: Public Health and Human
ServicesCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 120

1 AN ACT TO AMEND SECTION 41-41-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE HEALTH-CARE PROVIDERS, WHEN A MINOR PATIENT IS ACCOMPANIED
3 BY A PARENT OR GUARDIAN, TO PRESENT TO THE CHILD'S PARENT OR
4 GUARDIAN A WRITTEN DOCUMENT ADVISING THE PARENT OR GUARDIAN THAT
5 HE OR SHE HAS THE RIGHT TO ELECT TO PREVENT PERSONS OTHER THAN
6 THEMSELVES, ANOTHER PARENT OR GUARDIAN, OR THEIR ADULT DESIGNEES
7 FROM CONSENTING TO MEDICAL TREATMENT FOR THEIR MINOR CHILD; TO
8 PROVIDE THAT THE WRITTEN CONSENT DOCUMENT SHALL ALSO OFFER TO THE
9 PARENT OR GUARDIAN THE ADDITIONAL OPTION TO DESIGNATE A LIST OF
10 THE NAMES AND CONTACT INFORMATION OF ADDITIONAL ADULTS WHO THE
11 PARENT OR GUARDIAN AUTHORIZES TO CONSENT TO TREATMENT FOR EACH
12 MINOR CHILD LISTED ON THE DOCUMENT; TO PROHIBIT HEALTH-CARE
13 INSTITUTIONS AND HEALTH-CARE PROVIDERS FROM PROVIDING HEALTH CARE
14 FOR AN UNEMANCIPATED MINOR WITHOUT FIRST OBTAINING THE CONSENT OF
15 THE MINOR'S PARENT, GUARDIAN OR OTHER ADULT DESIGNATED BY A PARENT
16 OR GUARDIAN AS HAVING AUTHORITY TO CONSENT; TO PROVIDE THAT IF
17 NEITHER A MINOR'S PARENT, GUARDIAN, OR OTHER PARENT-DESIGNATED
18 ADULT HAS PROVIDED CONSENT WITHIN 72 HOURS AFTER ATTEMPTED CONTACT
19 BY THE HEALTH-CARE INSTITUTION OR HEALTH-CARE PROVIDER, THEN ANY
20 OF CERTAIN OTHER PERSONS WHO ARE REASONABLY AVAILABLE ARE
21 AUTHORIZED TO CONSENT ON BEHALF OF THE MINOR; TO PROVIDE FOR
22 CERTAIN EXCEPTIONS TO THE REQUIREMENT OF OBTAINING PARENTAL
23 CONSENT; TO AUTHORIZE A PARENT, GUARDIAN OR SURROGATE OF AN
24 UNEMANCIPATED MINOR TO BRING SUIT FOR ANY VIOLATION OF THIS ACT;
25 TO AMEND SECTIONS 41-41-17 AND 41-42-7, MISSISSIPPI CODE OF 1972,
26 TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION
27 41-41-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A
28 PHYSICIAN OR NURSE PRACTITIONER MAY TREAT MINORS FOR VENEREAL
29 DISEASE WITHOUT PARENTAL CONSENT, AND SECTION 41-41-14,
30 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A PHYSICIAN OR
31 PSYCHOLOGIST MAY TREAT CERTAIN MINORS FOR MENTAL OR EMOTIONAL
32 PROBLEMS CAUSED OR RELATED TO ALCOHOL OR DRUGS WITHOUT PARENTAL
33 CONSENT; AND FOR RELATED PURPOSES.



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

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

41-41-3. (1) For the purpose of this section, the terms "health-care institution," "health-care provider," "unemancipated minor" and "surrogate" shall have the meanings as defined in Section 41-41-203, and the term "parent" means any parent with joint or separate legal custody of a minor.

(2) Each health-care provider operating in this state, at each minor patient's visit when accompanied by a parent or guardian after July 1, 2025, shall present to the parent or legal guardian a written document advising the parent or guardian that he or she has the statutory right to elect to prevent persons other than themselves, another parent or guardian, or their adult designees from consenting to medical treatment for their minor child. This written document also shall:

(a) Invite the parent or legal guardian to identify on the document the names of each of their minor children, and their dates of birth or other customary patient identifiers;

(b) Offer the parent or guardian the option for each of their minor children so identified to declare that no person other than a parent or guardian may consent to that health-care provider's treatment of that minor child, except where consent by another is authorized by subsection (4) of this section; and



58 (c) Offer the parent or guardian the option to
59 designate a list of the names and contact information of
60 additional adults who the parent or guardian authorizes to consent
61 to treatment for each minor child listed.

62 (3) Except as provided by subsection (4) of this section, it
63 is * * * recognized and established that * * * a health-care
64 institution or health-care provider may provide health care that
65 is not prohibited by law * * * for an unemancipated minor only
66 after first obtaining the consent of any parent or guardian or
67 other adult designated by a parent or guardian as having authority
68 to consent as specified in subsection (2) of this section. If
69 neither a minor's parent, guardian, or other parent or
70 guardian-designated adult has provided consent within seventy-two
71 (72) hours after attempted contact by the health-care institution
72 or health-care provider at those persons' last known telephone
73 numbers, then any one (1) of the following persons who are
74 reasonably available, in descending order of priority, is
75 authorized and empowered to consent on behalf of the minor:

76 (a) The minor's * * * custodian * * *;

77 * * *

78 (* * *b) * * * The minor's adult brother or
79 sister * * *; or

80 (* * *c) The minor's grandparent.



(* * *4) * * * The consent required by subsection (3) of this section shall not be required in any of the following circumstances:

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

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

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

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

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

(f) In relation to any minor in the custody of the Department of Child Protection Services (CPS) to which CPS consents;

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

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

(i) When the health-care institution or health-care provider has reasonable cause to suspect reportable parental abuse or neglect of the minor as defined in Section 43-21-353; or



(j) In regard to medical assistance rendered by an athletic trainer during a school or youth recreation league sporting event.

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

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

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

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

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



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

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

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

* * *

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

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

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

SECTION 6. This act shall take effect and be in force from and after July 1, 2025.

