

By: Senator(s) Hill

To: Public Health and  
Welfare

SENATE BILL NO. 2676

1 AN ACT TO PROVIDE THAT A HEALTH CARE PROFESSIONAL OR STUDENT  
2 MAY NOT PERFORM OR SUPERVISE THE PERFORMANCE OF ANY INTIMATE  
3 EXAMINATION ON A PATIENT WHO IS SEDATED, ANESTHETIZED OR  
4 UNCONSCIOUS ABSENT SPECIFIC WRITTEN INFORMED CONSENT, INFORMED  
5 CONSENT OR CERTAIN EXTENUATING CIRCUMSTANCES; TO PROVIDE CRITERIA  
6 AND REQUIREMENTS FOR THE SPECIFIC WRITTEN INFORMED CONSENT TO  
7 PERFORM AN INTIMATE EXAMINATION ON SUCH A PATIENT; TO REQUIRE  
8 NOTIFICATION FOLLOWING AN INTIMATE EXAMINATION; TO PROVIDE THAT  
9 VIOLATIONS CONSTITUTE UNPROFESSIONAL CONDUCT AND GROUNDS FOR  
10 DISCIPLINE AND SUBJECT SUCH VIOLATOR TO DISCIPLINE BY THE  
11 APPROPRIATE LICENSING BOARD OR MEDICAL EDUCATION PROGRAM; AND FOR  
12 RELATED PURPOSES.

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

14 **SECTION 1.** (1) As used in this section, the following terms  
15 shall have the meaning ascribed herein:

16 (a) "Health care professional" means a person who is  
17 licensed, certified, registered or otherwise authorized by the  
18 laws of this state to administer health care in the ordinary  
19 course of the practice of his or her profession.

20 (b) "Intimate examination" means the performance of a  
21 breast, pelvic, anal, rectal, prostate or other urogenital  
22 examination.



23 (c) "Student" means any person enrolled in a health  
24 education program, including in a residency, internship or  
25 fellowship, and is working under the supervision of a health care  
26 professional.

27 (2) (a) A health care professional or student may not  
28 perform or supervise the performance of any intimate examination  
29 on a patient who is sedated, anesthetized or unconscious, unless:

30 (i) The patient or the patient's representative  
31 has given specific written informed consent to the intimate  
32 examination under subsection (3);

33 (ii) The performance of the intimate examination  
34 is within the scope and standard of care for the procedure or  
35 diagnostic examination to be performed on the patient and the  
36 patient or the patient's representative has given informed  
37 consent;

38 (iii) A medical emergency exists and the intimate  
39 examination is medically necessary for diagnosis or treatment of  
40 the patient; or

41 (iv) A court orders performance of the intimate  
42 examination for the collection of evidence.

43 (b) Nothing in this section affects the ability to  
44 perform a medical forensic examination, including the collection  
45 of evidence, in connection with an alleged sexual assault or other  
46 crime or the investigation of an alleged sexual assault or other  
47 crime, pursuant to applicable laws.



(3) To obtain specific written informed consent to perform an intimate examination on a sedated, anesthetized, or unconscious patient, a health care professional or student shall:

(a) Provide the patient or the patient's representative with a written or electronic document that:

(i) Is provided separately from any other notice or agreement;

(ii) Specifies the nature and purpose of the intimate examination;

(iii) Includes a description of the procedure to be performed;

(iv) States which health care professional will be performing the intimate examination;

(v) Identifies whether the intimate examination will be performed or observed by a student; and

(vi) Provides the patient the ability to consent to or decline:

1. The intimate examination to be performed by a health care professional; or

2. The intimate examination to be performed by a student;

(b) Obtain the signature of the patient or the patient's representative; and

(c) Sign the informed consent form.



72           (4) If an intimate examination is performed on a sedated,  
73 anesthetized or unconscious patient by a health care professional  
74 or student under subsection (2) of this section, the health care  
75 professional or student shall notify the patient at a reasonable  
76 time before the patient is discharged from the care of the health  
77 care professional or student.

78           (5) Nothing in this section diminishes any other requirement  
79 to obtain informed consent for an intimate examination or any  
80 other procedure.

81           (6) A health care professional or student who violates this  
82 section or retaliates against an individual who reports a  
83 violation of this section engages in unprofessional conduct,  
84 commits an act that is grounds for discipline and shall be subject  
85 to discipline by the appropriate licensing board or medical  
86 education program.

87           **SECTION 2.** This act shall take effect and be in force from  
88 and after July 1, 2025.

