

By: Senator(s) Hill

To: Public Health and  
Welfare

SENATE BILL NO. 2452

1 AN ACT TO ENACT THE MISSISSIPPI FAMILIES' RIGHTS AND  
2 RESPONSIBILITIES ACT TO PROVIDE THAT THE STATE, ANY POLITICAL  
3 SUBDIVISION OF THE STATE, OR ANY OTHER GOVERNMENTAL ENTITY SHALL  
4 NOT SUBSTANTIALLY BURDEN THE FUNDAMENTAL RIGHT OF A PARENT TO  
5 DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH OF  
6 THAT PARENT'S CHILD WITHOUT DEMONSTRATING THAT THE BURDEN IS  
7 REQUIRED BY A COMPELLING GOVERNMENTAL INTEREST OF THE HIGHEST  
8 ORDER AS APPLIED TO THE PARENT AND THE CHILD AND IS THE LEAST  
9 RESTRICTIVE MEANS OF FURTHERING THAT COMPELLING GOVERNMENTAL  
10 INTEREST; TO REQUIRE THE CONSENT OF A PARENT OR GUARDIAN FOR  
11 CERTAIN ACTIONS, INCLUDING PRESCRIBING MEDICATION OR PERFORMING  
12 SURGERY; TO SET CERTAIN EXCEPTIONS TO THE CONSENT REQUIREMENT; TO  
13 PROVIDE THAT NO STATE EMPLOYEE SHALL WITHHOLD INFORMATION ABOUT  
14 THE CHILD'S PHYSICAL, EMOTIONAL OR MENTAL HEALTH FROM THE PARENT;  
15 TO PROVIDE A CAUSE OF ACTION TO THE PARENT FOR ANY VIOLATION OF  
16 THE ACT; TO PROVIDE THAT A PARENT MAY RAISE THE PROVISIONS OF THIS  
17 ACT AS A DEFENSE AGAINST CERTAIN JUDICIAL OR ADMINISTRATIVE  
18 PROCEEDINGS; TO SET CERTAIN LIMITATIONS ON THE PROVISIONS OF THE  
19 ACT; TO AMEND SECTION 41-10-5, MISSISSIPPI CODE OF 1972, TO  
20 PROVIDE THAT A HEALTH CARE PROVIDER, HEALTH CARE FACILITY OR ITS  
21 AGENT(S), OR ANY COMBINATION THEREOF, OR MEDICAL STAFF OF A SCHOOL  
22 SHALL NOT WITHHOLD MEDICAL RECORDS FROM A PARENT OR GUARDIAN OF AN  
23 UNEMANCIPATED MINOR UNDER 18 YEARS OF AGE OR REQUIRE A PARENT OR  
24 GUARDIAN TO RECEIVE THE CONSENT OF AN UNEMANCIPATED MINOR UNDER 18  
25 YEARS OF AGE TO BE GRANTED ACCESS TO THE MINOR'S MEDICAL RECORDS;  
26 TO AMEND SECTION 41-41-14, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
27 THE PROVISIONS OF THE ACT; TO REPEAL SECTION 41-41-13, MISSISSIPPI  
28 CODE OF 1972, WHICH ESTABLISHES THAT A MEDICAL PROVIDER HAS NO  
29 OBLIGATION TO OBTAIN PARENTAL CONSENT FOR THE TREATMENT OF MINORS  
30 FOR VENEREAL DISEASE; AND FOR RELATED PURPOSES.

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



32           **SECTION 1. Title.** This chapter shall be known and may be  
33 cited as the "Mississippi Families' Rights and Responsibilities  
34 Act."

35           **SECTION 2. Definitions.** For purposes of this chapter, the  
36 following terms shall have the meanings ascribed herein:

37           (a) "Child" means any person, male or female, under  
38 eighteen (18) years of age, in accordance with Section 1-3-27.

39           (b) "Parent" means the father or mother to whom the  
40 child has been born, or the father or mother by whom the child has  
41 been legally adopted, in accordance with Section 43-21-105. For  
42 purposes of this act, "parent" shall also include a  
43 court-appointed guardian of the person of a child.

44           **SECTION 3. Parental rights and responsibilities.** (1) The  
45 state, any political subdivision of the state, or any other  
46 governmental entity shall not substantially burden the fundamental  
47 right of a parent to direct the upbringing, education, health care  
48 and mental health of that parent's child without demonstrating  
49 that the burden is required by a compelling governmental interest  
50 of the highest order as applied to the parent and the child and is  
51 the least restrictive means of furthering that compelling  
52 governmental interest.

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



57 (a) Procuring, soliciting to perform, arranging for the  
58 performance of, providing a referral for, or performing surgical  
59 procedures upon a child;

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

63 (c) Prescribing or dispensing any prescription drug or  
64 medication to a child; or

65 (d) Procuring, soliciting to perform, arranging for the  
66 performance of, providing a referral for, or performing a mental  
67 health evaluation in a clinical or nonclinical setting or mental  
68 health treatment on a child.

69 (3) This section shall not apply if:

70 (a) A parent of the child has given a blanket consent  
71 authorizing the person or entity to perform an activity listed in  
72 subsection (2) of this section; or

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

76 (i) It is necessary to perform an activity listed  
77 in subsection (2) of this section in order to prevent death or  
78 imminent, irreparable physical injury to the child, or

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



81           (4) This section does not authorize or allow a parent to  
82 abuse or neglect a child. This section does not prohibit a court  
83 from issuing an order that is otherwise permitted by law.

84           (5) No employee of this state, except for law enforcement  
85 personnel in the performance of their duty, shall encourage or  
86 coerce a child to withhold information from the child's parent.  
87 Nor shall any such employee withhold from a child's parent  
88 information that is relevant to the physical, emotional or mental  
89 health of the child.

90           (6) A parent may bring suit for any violation of this  
91 section and may raise this section as a defense in any judicial or  
92 administrative proceeding without regard to whether the proceeding  
93 is brought by or in the name of the government, any private person  
94 or any other party.

95           (7) A parent who successfully asserts a claim or defense  
96 under this act may recover declaratory relief, injunctive relief,  
97 compensatory damages, reasonable attorney's fees and costs, and  
98 any other appropriate relief.

99           (8) A government entity shall indemnify its employees for  
100 any liability incurred by the employee and for any judgment  
101 entered against the employee for claims arising under this  
102 section; provided, however, that a government entity does not have  
103 to indemnify an employee if the employee was convicted of a  
104 criminal violation for the conduct from which the claim arises.



105           **SECTION 4.** Section 41-10-5, Mississippi Code of 1972, is  
106 amended as follows:

107           41-10-5. (1) A health care provider or its agent(s), or  
108 both, shall provide medical records and billing records that are  
109 in their possession or custody to the patient who is the subject  
110 of the records or the patient's representative within thirty (30)  
111 days from the date a valid request from the patient or the  
112 patient's representative is received by the health care provider  
113 or its agent(s). As used in this section, the term "medical  
114 records" shall have the same meaning as defined in Section  
115 41-10-3(1).

116           (2) A health care provider, health care facility or its  
117 agent(s), or any combination thereof, or medical staff of a  
118 school, shall not:

119           (a) Withhold medical records from a parent or guardian  
120 of an unemancipated minor under eighteen (18) years of age; or

121           (b) Require a parent or guardian to receive the consent  
122 of an unemancipated minor under eighteen (18) years of age to be  
123 granted access to the minor's medical records.

124           For purposes of this section, "medical records" shall include  
125 all medical records in the possession of the health care provider,  
126 health care facility, or school, including any medical records  
127 that are accessed electronically. The term "health care  
128 provider," when used in this section, shall have the same meaning  
129 as ascribed in Section 83-47-3. The term "health care facility,"



130 when used in this section, shall have the same meaning as ascribed  
131 in Section 83-47-3.

132 (3) A parent or guardian may bring suit for any violation of  
133 subsection (2) of this section and obtain compensatory damages,  
134 punitive damages, injunctive relief, declaratory relief or any  
135 other appropriate relief. Such claim may be brought against any  
136 health care provider, health care facility or any combination  
137 thereof, who caused or contributed to a violation of this act.

138 **SECTION 5.** Section 41-41-14, Mississippi Code of 1972, is  
139 amended as follows:

140 41-41-14. (1) Any physician or psychologist duly licensed  
141 to practice medicine or psychology in the State of Mississippi,  
142 who in the exercise of due care consults with or prescribes  
143 medication for \* \* \* an unemancipated minor \* \* \* for mental or  
144 emotional problems caused by or related to alcohol or drugs \* \* \*  
145 shall obtain the consent of the \* \* \* parent or guardian of said  
146 minor \* \* \*.

147 (2) The licensed physician or psychologist \* \* \* shall \* \* \*  
148 inform the \* \* \* parent or guardian of \* \* \* an unemancipated  
149 minor in the circumstances enumerated as to the treatment given or  
150 needed and the information \* \* \* shall be given to the \* \* \*  
151 parent or guardian without the consent of the minor patient and  
152 over the express refusal of the minor patient.



153           (3) The parent \* \* \* or guardian shall not be financially  
154 liable for any such consultation unless and until they have  
155 consented to the same.

156           **SECTION 6.** Section 41-41-13, Mississippi Code of 1972, which  
157 establishes that a medical provider has no obligation to obtain  
158 parental consent for the treatment of minors for venereal disease,  
159 is hereby repealed.

160           **SECTION 7.** This act shall take effect and be in force from  
161 and after July 1, 2024.

