

By: Senator(s) Wiggins, Robinson

To: Judiciary, Division A;
Public Health and Welfare

SENATE BILL NO. 2893

1 AN ACT TO AMEND SECTION 41-41-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A PARENT OF AN UNEMANCIPATED MINOR HAS THE
3 FUNDAMENTAL RIGHT TO DIRECT THE UPBRINGING, EDUCATION AND CARE,
4 INCLUDING HEALTH CARE, OF THE MINOR, AND THAT GOVERNMENT SHALL NOT
5 SUBSTANTIALLY BURDEN THAT RIGHT UNLESS IT DEMONSTRATES THAT DOING
6 SO FURTHERS A COMPELLING GOVERNMENTAL INTEREST AND IS THE LEAST
7 RESTRICTIVE MEANS OF FURTHERING SUCH INTEREST; TO REQUIRE PARENTAL
8 CONSENT BEFORE PROVIDING HEALTH CARE TO AN UNEMANCIPATED MINOR,
9 WITH CERTAIN EXCEPTIONS; TO AUTHORIZE AND EMPOWER CERTAIN
10 INDIVIDUALS TO CONSENT ON BEHALF OF AN UNEMANCIPATED MINOR IF A
11 PARENT'S RIGHT TO MAKE HEALTH CARE DECISIONS ON BEHALF OF THE
12 MINOR HAS BEEN SUSPENDED OR TERMINATED; TO PROVIDE THAT THOSE WHO
13 REASONABLY RELY IN GOOD FAITH ON AN INDIVIDUAL'S REPRESENTATION
14 THAT THE INDIVIDUAL IS A MINOR'S PARENT SHALL NOT INCUR LIABILITY;
15 TO REPEAL SECTION 41-41-13, MISSISSIPPI CODE OF 1972, WHICH
16 PROVIDES THAT A LICENSED PHYSICIAN OR NURSE PRACTITIONER WHO
17 TREATS A MINOR FOR A VENEREAL DISEASE IS NOT OBLIGATED TO OBTAIN
18 CONSENT FROM OR TO INFORM A PARENT OR GUARDIAN OF SUCH TREATMENT;
19 TO REPEAL SECTION 41-41-14, MISSISSIPPI CODE OF 1972, WHICH
20 PROVIDES THAT ANY LICENSED PHYSICIAN OR PSYCHOLOGIST WHO CONSULTS
21 WITH OR PRESCRIBES MEDICATION FOR A MINOR OF AT LEAST 15 YEARS OF
22 AGE FOR MENTAL OR EMOTIONAL PROBLEMS CAUSED BY OR RELATED TO
23 ALCOHOL OR DRUGS IS NOT OBLIGATED TO OBTAIN THE CONSENT OF THE
24 SPOUSE, PARENT OR GUARDIAN OF SAID MINOR; TO AMEND SECTION
25 41-42-7, MISSISSIPPI CODE OF 1972, TO REMOVE FROM CERTAIN
26 INDIVIDUALS AND ENTITIES THE AUTHORITY TO REFER A MINOR FOR
27 CONTRACEPTIVE SUPPLIES AND INFORMATION; AND FOR RELATED PURPOSES.

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

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



31 41-41-3. (1) It is hereby recognized and established that a
32 parent of an unemancipated minor has the fundamental right to
33 direct the upbringing, education and care, including health care,
34 of the minor. Government shall not substantially burden this
35 right unless it demonstrates that application of the burden to the
36 parent is in furtherance of a compelling governmental interest and
37 is the least restrictive means of furthering that compelling
38 governmental interest.

39 (2) A health-care provider, health-care institution or any
40 other person shall obtain a parent's consent before providing
41 health care to an unemancipated minor. Provided, however, that
42 the parent's consent is not required when:

43 (a) A parent has given blanket consent authorizing a
44 person to provide health care to the minor;

45 (b) The minor is in the custody of the Department of
46 Child Protection Services;

47 (c) Authorized persons are acting in response to
48 medical emergencies or mental health crises as permitted by the
49 Mississippi Code, including, but not limited to, Sections 41-41-7,
50 41-21-61, 41-29-1491 or 73-25-37;

51 (d) The minor is donating blood pursuant to Section
52 41-41-15;

53 (e) A health-care provider or health-care institution
54 conducts a test for any infectious disease pursuant to Section
55 41-41-16;



56 (f) An emergency medical services provider performs
57 necessary acts pursuant to Section 43-15-201; or

58 (g) When a person acts reasonably to render
59 appropriate, non-emergency first aid to a minor who appears or
60 represents to be sick or injured. Such non-emergency first aid
61 includes, but is not limited to, dressing minor wounds, applying
62 topical agents, providing fluids or ice and performing checks to
63 identify minor illnesses or injuries.

64 (3) In the event that a parent's right to make health-care
65 decisions on behalf of the minor have been suspended or
66 terminated, in addition to such other persons as may be so
67 authorized and empowered, any one (1) of the following persons who
68 is reasonably available, in descending order of priority, is
69 authorized and empowered to consent on behalf of an unemancipated
70 minor, either orally or otherwise, to any surgical or medical
71 treatment or procedures not prohibited by law which may be
72 suggested, recommended, prescribed or directed by a duly licensed
73 physician:

74 (a) The minor's guardian or custodian.

75 * * *

76 (* * *b) An adult brother or sister of the minor.

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

78 * * *



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

82 (5) A health-care provider, health-care institution or any
83 other person who reasonably relies in good faith on an
84 individual's representation that the individual is a minor's
85 parent shall not be liable for any claims, actions or damages
86 brought under this section.

87 **SECTION 2.** Section 41-41-13, Mississippi Code of 1972, which
88 provides that a licensed physician or nurse practitioner who
89 renders medical care to a minor for treatment of a venereal
90 disease is under no obligation to obtain consent from or to inform
91 a parent or guardian of such treatment, is repealed.

92 **SECTION 3.** Section 41-41-14, Mississippi Code of 1972, which
93 provides that any licensed physician or psychologist who consults
94 with or prescribes medication for a minor of at least fifteen (15)
95 years of age for mental or emotional problems caused by or related
96 to alcohol or drugs is under no obligation to obtain the consent
97 of the spouse, parent or guardian of said minor, is repealed.

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

100 41-42-7. Contraceptive supplies and information may be
101 furnished by physicians to any minor who is a parent, or who is
102 married * * * or who has the consent of his or her parent or legal
103 guardian * * *.



104 **SECTION 5.** This act shall take effect and be in force from
105 and after July 1, 2025.

