

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 575

By: Allen of the Senate

and

Randleman and Kiger of the
House

COMMITTEE SUBSTITUTE

An Act relating to the Parents' Bill of Rights;
amending Section 4, Chapter 238, O.S.L. 2014, as
amended by Section 1, Chapter 50, O.S.L. 2016 (25
O.S. Supp. 2018, Section 2004), which relates to
consent for medical treatment of minors; allowing
certain consent provided to a school district to be
effective for certain school year and subject to
renewal; exempting certain health professional
providing certain assessment or treatment through
telemedicine from being required to make certain
verification; amending Section 5, Chapter 238, O.S.L.
2014 (25 O.S. Supp. 2018, Section 2005), which
relates to consent for mental health treatment of
minors; modifying types of mental health evaluations
and assessments that require certain consent;
removing requirement that certain health professional
shall make certain verification; allowing certain
consent provided to a school district to be effective
for certain school year and subject to renewal;
exempting certain health professional providing
certain assessment or treatment through telemedicine
from being required to make certain verification;
providing an effective date; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY Section 4, Chapter 238, O.S.L.

2 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S.
3 Supp. 2018, Section 2004), is amended to read as follows:

4 Section 2004. A. Except as otherwise provided by law, no
5 person, corporation, association, organization, state-supported
6 institution, or individual employed by any of these entities may
7 procure, solicit to perform, arrange for the performance of, perform
8 surgical procedures, or perform a physical examination upon a minor
9 or prescribe any prescription drugs to a minor without first
10 obtaining a written consent of a parent or legal guardian of the
11 minor. Provided, however, that if written consent is provided to a
12 school district for assessment or treatment, such consent shall be
13 effective for the school year for which it is granted and shall be
14 renewed each subsequent school year. If an assessment or treatment
15 is performed through telemedicine at a school site and if consent
16 has been provided by the parent and is currently effective, the
17 health professional shall not be required to verify that the parent
18 is at the site.

19 B. Except as otherwise provided by law, no hospital as defined
20 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit
21 surgical procedures to be performed upon a minor in its facilities
22 without first having received a written consent from a parent or
23 legal guardian of the minor.

1 C. The provisions of this section shall not apply when it has
2 been determined by a physician that an emergency exists and that it
3 is necessary to perform such surgical procedures for the treatment
4 of an injury, illness or drug abuse, or to save the life of the
5 patient, or when such parent or other adult authorized by law to
6 consent on behalf of a minor cannot be located or contacted after a
7 reasonably diligent effort.

8 D. The provisions of this section shall not apply to an
9 abortion, which shall be governed by the provisions of Sections 1-
10 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
11 of the Oklahoma Statutes or any successor statute.

12 E. A person who violates a provision of this section is guilty
13 of a misdemeanor, punishable by a fine of not more than One Thousand
14 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
15 the county jail, or by both such fine and imprisonment.

16 SECTION 2. AMENDATORY Section 5, Chapter 238, O.S.L.
17 2014 (25 O.S. Supp. 2018, Section 2005), is amended to read as
18 follows:

19 Section 2005. A. Except as otherwise provided by law or a
20 court order, no person, corporation, association, organization or
21 state-supported institution, or any individual employed by any of
22 these entities, may procure, solicit to perform, arrange for the
23 performance of or perform ~~mental health evaluation in a clinical or~~
24 ~~nonclinical setting or~~ an assessment for mental health ~~treatment~~

1 therapy on a minor without first obtaining the written or oral
2 consent of a parent or a legal guardian of the minor child. ~~If the~~
3 ~~parental consent is given through telemedicine, the health~~
4 ~~professional must verify the identity of the parent at the site~~
5 ~~where the consent is given~~ Provided, however, that if written
6 consent is provided to a school district for assessment or
7 treatment, such consent shall be effective for the school year for
8 which it is granted and shall be renewed each subsequent school
9 year. If an assessment or treatment is performed through
10 telemedicine at a school site and if consent has been provided by
11 the parent and is currently effective, the health professional shall
12 not be required to verify that the parent is at the site.

13 B. This section does not apply when an emergency exists that
14 requires a person to perform mental health screening or provide
15 mental health treatment to prevent serious injury to or save the
16 life of a minor child.

17 C. A person who violates this section is guilty of a
18 misdemeanor, punishable by a fine of not more than One Thousand
19 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
20 the county jail, or by both such fine and imprisonment.

21 SECTION 3. This act shall become effective July 1, 2019.

22 SECTION 4. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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