

1 ENGROSSED SENATE
2 BILL NO. 575

By: Allen of the Senate

3 and

4 Randleman and Kiger of the
5 House

6
7 An Act relating to the Parents' Bill of Rights;
8 amending Section 4, Chapter 238, O.S.L. 2014, as
9 amended by Section 1, Chapter 50, O.S.L. 2016 (25
10 O.S. Supp. 2018, Section 2004), which relates to
11 consent for medical treatment of minors; allowing
12 certain consent provided to a school district to be
13 effective for certain school year and subject to
14 renewal; exempting certain health professional
15 providing certain evaluation or treatment through
16 telemedicine from being required to make certain
17 verification; amending Section 5, Chapter 238, O.S.L.
18 2014 (25 O.S. Supp. 2018, Section 2005), which
19 relates to consent for mental health treatment of
20 minors; removing language requiring certain health
21 professional to make certain verification; allowing
22 certain consent provided to a school district to be
23 effective for certain school year and subject to
24 renewal; exempting certain health professional
providing certain evaluation 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

21 C. The provisions of this section shall not apply when it has
22 been determined by a physician that an emergency exists and that it
23 is necessary to perform such surgical procedures for the treatment
24 of an injury, illness or drug abuse, or to save the life of the

1 patient, or when such parent or other adult authorized by law to
2 consent on behalf of a minor cannot be located or contacted after a
3 reasonably diligent effort.

4 D. The provisions of this section shall not apply to an
5 abortion, which shall be governed by the provisions of Sections 1-
6 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
7 of the Oklahoma Statutes or any successor statute.

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

12 SECTION 2. AMENDATORY Section 5, Chapter 238, O.S.L.
13 2014 (25 O.S. Supp. 2018, Section 2005), is amended to read as
14 follows:

15 Section 2005. A. Except as otherwise provided by law or a
16 court order, no person, corporation, association, organization or
17 state-supported institution, or any individual employed by any of
18 these entities, may procure, solicit to perform, arrange for the
19 performance of or perform mental health evaluation in a clinical or
20 nonclinical setting or mental health treatment on a minor without
21 first obtaining the written or oral consent of a parent or a legal
22 guardian of the minor child. ~~If the parental consent is given~~
23 ~~through telemedicine, the health professional must verify the~~
24 ~~identity of the parent at the site where the consent is given~~

1 Provided, however, that if written consent is provided to a school
2 district for mental health evaluation or treatment, such consent
3 shall be effective for the school year for which it is granted and
4 shall be renewed each subsequent school year. If an evaluation or
5 treatment is performed through telemedicine at a school site and if
6 consent has been provided by the parent and is currently effective,
7 the health professional shall not be required to verify that the
8 parent is at the site.

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

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

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

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

1 Passed the Senate the 20th day of February, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives