

1 **SENATE FLOOR VERSION**

2 February 12, 2019

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 575

By: Allen

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.

22 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
23 February 12, 2019 - DO PASS AS AMENDED  
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