

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 1383

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HANAWAY, NAEGER, REINHART, CRAWFORD, CUNNINGHAM, MOORE, MYERS, REID, BEARDEN, SECREST (Co-sponsors), LUETKEMEYER, SCOTT, BARTLE, BERKSTRESSER, ROARK, KELLEY (47), PORTWOOD, BEHNEN, BARTELSMEYER, MAY (149), RECTOR, HUNTER, FROELKER, BARNETT, HENDRICKSON, BURTON, LEVIN, PHILLIPS, HENDERSON AND JETTON.

Pre-filed January 4, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3103L.011

AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof one new section relating to medical treatment of minors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 431.061, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 431.061, to read as follows:

- 431.061. 1. In addition to such other persons as may be so authorized and empowered, any one of the following persons if otherwise competent to contract, is authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or procedures not prohibited by law:
- (1) Any adult eighteen years of age or older for himself **or herself**;
 - (2) Any parent for [his] **the parent's** minor child in [his] **the parent's** legal custody;
 - (3) Any minor who has been lawfully married and any minor parent or legal custodian of a child for himself **or herself**, his **or her** child and any child in his **or her** legal custody;
 - (4) Any minor for himself **or herself** in case of:
 - (a) Pregnancy, but excluding abortions **and birth control pills and devices**;
 - (b) Venereal disease;
 - (c) Drug or substance abuse including those referred to in chapter 195, RSMo;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 (5) Any adult standing in loco parentis, whether serving formally or not, for [his] **the**
14 **adult's** minor charge in case of emergency as defined in section 431.063;

15 (6) Any guardian of the person for [his] **the guardian's** ward;

16 (7) During the absence of a parent so authorized and empowered, any adult for [his] **the**
17 **adult's** minor brother or sister;

18 (8) During the absence of a parent so authorized and empowered, any grandparent for
19 [his] **the grandparent's** minor grandchild;

20 (9) "Absence" as used in (7) and (8) above shall mean absent at a time when further
21 delay occasioned by an attempt to obtain a consent may jeopardize the life, health or limb of the
22 person affected, or may result in disfigurement or impairment of faculties.

23 2. For purposes of consent to hospitalization or medical, surgical or other treatment or
24 procedures, a "minor" shall be defined as any person under eighteen years of age and an "adult"
25 shall be defined as any person eighteen years of age or older.

26 3. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all
27 relationships set forth in subsection 1 of this section shall include the adoptive and
28 step-relationship as well as the natural relationship and the relationship by the half blood as well
29 as by the whole blood.

30 4. A consent by one person so authorized and empowered shall be sufficient
31 notwithstanding that there are other persons so authorized and empowered or that such other
32 persons shall refuse or decline to consent or shall protest against the proposed surgical, medical
33 or other treatment or procedures.

34 5. Any person acting in good faith and not having been put on notice to the contrary shall
35 be justified in relying on the representations of any person purporting to give such consent,
36 including, but not limited to, [his] identity, [his] age, [his] marital status, and [his] **the person's**
37 relationship to any other person for whom the consent is purportedly given.