

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2359 Session of 2015

INTRODUCED BY HAHN, McNEILL, MACKENZIE, STURLA, JAMES, PICKETT, SCHLOSSBERG, BOBACK, ENGLISH, DRISCOLL, ORTITAY, MILLARD, WARD, LONGIETTI, READSHAW, HARHAI, D. COSTA, MURT, GROVE, OBERLANDER, MARSICO, HELM, SAYLOR, DeLUCA AND GILLEN, SEPTEMBER 22, 2016

REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 22, 2016

AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,
 2 as amended, "An act establishing the Pennsylvania Advisory
 3 Council on Drug and Alcohol Abuse; imposing duties on the
 4 Department of Health to develop and coordinate the
 5 implementation of a comprehensive health, education and
 6 rehabilitation program for the prevention and treatment of
 7 drug and alcohol abuse and drug and alcohol dependence;
 8 providing for emergency medical treatment; providing for
 9 treatment and rehabilitation alternatives to the criminal
 10 process for drug and alcohol dependence; and making repeals,"
 11 further providing for consent of minor.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. Section 12 of the act of April 14, 1972 (P.L.221,
 15 No.63), known as the Pennsylvania Drug and Alcohol Abuse Control
 16 Act, is amended to read:

17 Section 12. Consent [of Minor] for Minors.--(a)

18 Notwithstanding any other provisions of law, a minor who suffers
 19 from the use of a controlled or harmful substance may give
 20 consent to furnishing of medical care or counseling related to
 21 diagnosis or treatment. The consent of the parents or legal

1 guardian of the minor shall not be necessary to authorize
2 medical care or counseling related to such diagnosis or
3 treatment. The consent of the minor shall be valid and binding
4 as if the minor had achieved his majority. Such consent shall
5 not be voidable nor subject to later disaffirmance because of
6 minority. Any physician or any agency or organization operating
7 a drug abuse program, who provides counseling to a minor who
8 uses any controlled or harmful substance may, but shall not be
9 obligated to inform the parents or legal guardian of any such
10 minor as to the treatment given or needed.

11 (b) Notwithstanding a minor's refusal to provide consent, a
12 parent or legal guardian may give consent for the minor.

13 Section 2. This act shall take effect in 60 days.