

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS85197-LU-8B (11/05)

Short Title: Eliminate Exceptions/Med Treatment/Minors. (Public)

Sponsors: Senators Daniel, Randleman, and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ELIMINATE CERTAIN EXCEPTIONS FOR PARENTAL CONSENT FOR  
3 MEDICAL TREATMENT OF UNEMANCIPATED MINORS UNDER THE LAWS  
4 PERTAINING TO THE PRACTICE OF MEDICINE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-21.5(a) is repealed.

7 SECTION 2. G.S. 90-21.7(a) reads as rewritten:

8 "(a) No physician licensed to practice medicine in North Carolina shall perform an  
9 abortion upon an unemancipated minor or provide medical health services for an  
10 unemancipated minor for the prevention, diagnosis, and treatment of (i) venereal disease and  
11 other diseases reportable under G.S. 130A-135, (ii) abuse of controlled substances or alcohol,  
12 (iii) mental illness or emotional disturbance, or (iv) pregnancy unless the physician or agent  
13 thereof or another physician or agent thereof first obtains the written consent of the minor and  
14 the written consent, acknowledged in accordance with Chapter 10B of the General Statutes, of:

- 15 (1) A parent with custody of the minor; or  
16 (2) The legal guardian or legal custodian of the minor; or  
17 (3) A parent with whom the minor is living; or  
18 (4) A grandparent with whom the minor has been living for at least six months  
19 immediately preceding the date of the minor's written consent."

20 SECTION 3. G.S. 122C-221(a) reads as rewritten:

21 "(a) Except as otherwise provided in this Part, a minor may be admitted to a facility if  
22 the minor is (i) mentally ill or a substance abuser and in need of treatment, abuser, (ii) in need of  
23 treatment, and (iii) has complied with the consent requirements under G.S. 90-21.7(a). Except  
24 as otherwise provided in this ~~Part,~~Part and to the extent allowed under G.S. 90-21.7, the  
25 provisions of G.S. 122C-211 shall apply to admissions of minors under this Part. ~~Except as~~  
26 ~~provided in G.S. 90-21.5, in~~In applying for admission to a facility, ~~in consenting to medical~~  
27 ~~treatment when consent is required,~~facility and in any other legal procedure under this Article,  
28 the legally responsible person shall act for the minor. If a minor reaches the age of 18 while in  
29 treatment under this Part, further treatment is authorized only on the written authorization of  
30 the client or under the provisions of Part 7 or Part 8 of Article 5 of this Chapter."

31 SECTION 4. This act becomes effective October 1, 2013.

