

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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SENATE BILL DRS45358-NB-104A

Short Title: Minors Health Protection Act. (Public)

Sponsors: Senators Moffitt and Jones (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT REVISING THE LAWS REGARDING WHEN MINORS CAN GIVE EFFECTIVE  
3 CONSENT TO MEDICAL TREATMENT ON THEIR OWN AUTHORITY AND WHEN  
4 PARENTS ARE ALLOWED ACCESS TO MINORS' MEDICAL RECORDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-21.4 reads as rewritten:

7 "§ 90-21.4. Responsibility, liability and immunity of physicians.

8 (a) Any physician licensed to practice medicine in North Carolina providing health  
9 services to a minor under the terms, conditions and circumstances of this Article shall not be held  
10 liable in any civil or criminal action for providing such services without having obtained  
11 permission from the minor's parent, legal guardian, person standing in loco parentis, or a legal  
12 custodian other than a parent when granted specific authority in a custody order to consent to  
13 medical or psychiatric treatment. The physician shall not be relieved on the basis of this Article  
14 from liability for negligence in the diagnosis and treatment of a minor.

15 (b) The physician shall not notify a parent, legal guardian, person standing in loco  
16 parentis, or a legal custodian other than a parent when granted specific authority in a custody  
17 order to consent to medical or psychiatric treatment, without the permission of the minor,  
18 concerning the medical health services set out in G.S. 90-21.5(a), unless the situation in the  
19 opinion of the attending physician indicates that notification is essential to the life or health of  
20 the minor. ~~If a parent, legal guardian[,] person standing in loco parentis, or a legal custodian other~~  
21 ~~than a parent when granted specific authority in a custody order to consent to medical or~~  
22 ~~psychiatric treatment contacts the physician concerning the treatment or medical services being~~  
23 ~~provided to the minor, the physician may give information."~~

24 SECTION 2. G.S. 90-21.5 reads as rewritten:

25 "§ 90-21.5. Minor's consent sufficient for certain medical health services.

26 (a) ~~Subject to subsection (a1) of this section, any~~ Any minor may give effective consent  
27 to a physician licensed to practice medicine in North Carolina for medical health services for the  
28 ~~prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under~~  
29 ~~G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional~~  
30 ~~disturbance.~~ pregnancy. This section does not authorize the inducing of an abortion, performance  
31 of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter  
32 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit  
33 the admission of a minor to a treatment facility upon his own written application in an emergency  
34 situation as authorized by G.S. 122C-223.

35 (a1) Notwithstanding any other provision of law to the contrary, a health care provider  
36 shall obtain written consent from a parent or legal guardian prior to administering any vaccine



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1 that has been granted emergency use authorization and is not yet fully approved by the United  
2 States Food and Drug Administration to an individual under 18 years of age.

3 (b) Any minor who is emancipated may consent to any medical treatment, dental  
4 services, and health services for ~~himself that minor~~ or ~~for his that minor's~~ child."

5 **SECTION 3.** Article 1A of Chapter 90 of the General Statutes is amended by adding  
6 two new sections to read:

7 "**§ 90-21.5A. Limited exception for examination without parental consent in cases of**  
8 **suspected abuse or neglect.**

9 (a) A health care practitioner may conduct or continue an examination of a minor without  
10 first obtaining written or documented consent from a parent if the health care practitioner has a  
11 reasonable belief that the examination will reveal information triggering an obligation to report  
12 under G.S. 7B-301.

13 (b) A physician may conduct or continue an examination of a minor without first  
14 obtaining written or documented consent from a parent if the physician has a reasonable belief  
15 that the examination will reveal information triggering an obligation to report under  
16 G.S. 90-21.20(c1).

17 "**§ 90-21.5B. Parental access to minors' medical records.**

18 (a) Parents have the right to access and review all medical records of their minor child,  
19 including medical records of care for which the minor may give effective consent under  
20 G.S. 90-21.5(a).

21 (b) Notwithstanding subsection (a) of this section, parents do not have the right to access  
22 and review the medical records of their minor child if any of the following apply:

23 (1) The medical records are of health care described in G.S. 90-21.5A.

24 (2) The release of the medical records is prohibited by a valid court order.

25 (3) The parent is the subject of an investigation for a crime committed against the  
26 minor child and a law enforcement agency or official has requested that the  
27 medical records not be released."

28 **SECTION 4.** This act becomes effective October 1, 2025, and applies to acts  
29 occurring on or after that date.