

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 519
PROPOSED COMMITTEE SUBSTITUTE H519-CSST-6 [v.8]
04/28/2025 05:46:36 PM

Short Title: Parents' Medical Bill of Rights.

(Public)

Sponsors:

Referred to:

March 27, 2025

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

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 1A of Chapter 90 reads as rewritten:

"Article 1A.

Treatment of Minors.

Part 1. General Provisions.

§ 90-21.1. When ~~physician-providers~~ may treat minor without consent of parent, guardian or person in loco parentis.

It shall be lawful for any ~~physician-physician, physician assistant, or nurse practitioner~~ licensed to practice ~~medicine~~ in North Carolina to render treatment to any minor without first obtaining the consent and approval of either the father or mother of said child, or any person acting as guardian, or any person standing in loco parentis to said child where:

- (1) The parent or parents, the guardian, or a person standing in loco parentis to said child cannot be located or contacted with reasonable diligence during the time within which said minor needs to receive the treatment herein authorized, or
- (2) Where the identity of the child is unknown, or where the necessity for immediate treatment is so apparent that any effort to secure approval would delay the treatment so long as to endanger the life of said minor, or
- (3) Where an effort to contact a parent, guardian, or person standing in loco parentis would result in a delay that would seriously worsen the physical condition of said minor, or
- (4) Where the parents refuse to consent to a procedure, and the necessity for immediate treatment is so apparent that the delay required to obtain a court order would endanger the life or seriously worsen the physical condition of the child. No treatment shall be administered to a child over the parent's objection as herein authorized unless the ~~physician-physician, physician assistant, or nurse practitioner~~ shall first obtain the opinion of another ~~physician-physician, physician assistant, or nurse practitioner~~ licensed to practice medicine in the State of North Carolina that such procedure is necessary to prevent immediate harm to the child.



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(5) Where the physician, physician assistant, or nurse practitioner has a reasonable belief the treatment is for a condition, disease, or injury triggering an obligation to report under G.S. 7B-301 or G.S. 90-21.20(c1).

(b) ~~Provided, however, that the~~ The refusal of a physician-physician, physician assistant, or nurse practitioner to use, perform or render treatment to a minor without the consent of the minor's parent, guardian, or person standing in the position of loco parentis, in accordance with this Article, shall not constitute grounds for a civil action or criminal proceedings against such physician-the physician, physician assistant, or nurse practitioner.

§ 90-21.2. "Treatment" defined.

The word "treatment" as used in G.S. 90-21.1 is hereby defined to mean any medical procedure or treatment, including X rays, the administration of drugs, blood transfusions, use of anesthetics, and laboratory or other diagnostic procedures employed by or ordered by a ~~physician~~ physician, physician assistant, or nurse practitioner licensed to practice ~~medicine~~ in the State of North Carolina that is used, employed, or ordered to be used or employed commensurate with the exercise of reasonable care and equal to the standards of medical practice normally employed in the community where said ~~physician-physician, physician assistant, or nurse practitioner~~ administers treatment to said minor.

§ 90-21.3. Performance of surgery on minor; obtaining second opinion as to necessity.

The word "treatment" as defined in G.S. 90-21.2 shall also include any surgical procedure which in the opinion of the attending physician is necessary under the terms and conditions set out in G.S. 90-21.1; provided, however, no surgery shall be conducted upon a minor as herein authorized unless the surgeon shall first obtain the opinion of another physician licensed to practice medicine in the State of North Carolina that said surgery is necessary under the conditions set forth in G.S. 90-21.1; provided further, that in any emergency situation that shall arise in a rural community, or in a community where it is impossible for the surgeon to contact any other physician for the purpose of obtaining his opinion as to the necessity for immediate surgery, it shall not be necessary for the surgeon to obtain approval from another physician before performing such surgery as is necessary under the terms and conditions set forth in G.S. 90-21.1.

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

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

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

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

(a) ~~Subject to subsection (a1) of this section, any~~ Any minor may give effective consent to a ~~physician-physician, physician assistant, or nurse practitioner~~ licensed to practice medicine in North Carolina for medical health services for the ~~prevention,~~ diagnosis and treatment of (i)

~~venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance.~~pregnancy.

(a1) Any minor age 16 or older may give effective consent to a physician, physician assistant, or nurse practitioner licensed to practice in North Carolina for medical health services for the diagnosis and treatment of venereal disease and other diseases reportable under G.S. 130A-135 if the disease can be treated with a prescription with a duration of 10 days or less.

(a2) This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.

~~(a1)(a3)~~ Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age.

(b) Any minor who is emancipated may consent to any medical treatment, dental and health services for himself or for his child.

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

(a) Except as provided in this section, parents and legal guardians have the right to access and review all medical records of their minor child, including medical records of care for which the minor may give effective consent under G.S. 90-21.5.

(b) Notwithstanding subsection (a) of this section, parents and legal guardians do not have the right to access and review a minor's medical records if any of the following apply:

(1) The medical records are of health care described in G.S. 90-21.1(5).

(2) The medical records are of health care described in G.S. 90-21.5(a).

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

(4) The parent or legal guardian is the subject of an investigation for a crime committed against the minor and a law enforcement agency or official has requested that the medical records not be released.

(c) For purposes of this section, medical record shall include any documentation of treatment regardless of medium, whether paper, electronic, or database storage."

SECTION 2. This act becomes effective October 1, 2025, and applies to acts occurring on or after that date.