

SB58 INTRODUCED



1 SB58
2 W6K395E-1
3 By Senators Givhan, Kelley, Allen, Roberts
4 RFD: Children and Youth Health
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing law, a minor who is at least 14 years of age, who has graduated from high school, or who is married, divorced, or pregnant may give legal consent to medical, dental, and mental health services for himself or herself.

Also under existing law, any minor may give legal consent to participate in school counseling services, to donate bone marrow, or to determine the presence of or treat pregnancy, sexually transmitted infections, and alcohol or drug dependency.

This bill would require a minor to be at least 18 years of age to consent to medical, dental, and mental health services, including participation in school counseling services, receipt of a vaccine, and the donation of bone marrow, unless the minor is married, divorced, pregnant, emancipated, or living independently apart from his or her parents or legal guardian.

This bill would allow any minor to consent to services to prevent or treat pregnancy, sexually transmitted infections, and alcohol or drug dependency.

This bill would prohibit a health care provider or governmental entity from denying a parent access to his or her minor child's health information, unless a



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29 court order prohibits the access or the parent is under
30 investigation for a crime against the child.

31 This bill would also provide that parents have a
32 fundamental right to make decisions concerning the
33 furnishing of health care services to their minor
34 child.

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A BILL

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TO BE ENTITLED

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AN ACT

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42 Relating to consent to medical treatment; to amend
43 Sections 16-22-16.2, 22-8-4, 22-8-6, 22-8-9, and 22-8-10, Code
44 of Alabama 1975; to add Sections 22-8-12 and 22-8-13 to the
45 Code of Alabama 1975; to raise the age at which a minor may
46 give legal consent to medical, dental, and mental health
47 services for himself or herself; to provide exceptions for
48 certain minors and certain services; to prohibit health care
49 providers and governmental entities from denying a parent
50 access to his or her minor child's health information, with
51 exceptions; and to provide that it is the fundamental right of
52 a parent to make decisions concerning the health care of his
53 or her child.

54 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

55 Section 1. Sections 16-22-16.2, 22-8-4, 22-8-6, 22-8-9,
56 and 22-8-10, Code of Alabama 1975, are amended to read as



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57 follows:

58 "§16-22-16.2

59 (a) Subject to appropriations by the Legislature,
60 commencing with the 2023-2024 school year, each local board of
61 education in the state shall employ a mental health service
62 coordinator. The coordinator shall be responsible for
63 coordinating student mental health services throughout the
64 local school system.

65 (b) An individual hired as a coordinator shall possess
66 at least one of the following qualifications:

67 (1) Have a bachelor's degree in social work.

68 (2) Satisfy State Department of Education
69 qualifications for a school counselor.

70 (3) Satisfy State Department of Education
71 qualifications for a school nurse.

72 (4) Have professional mental health experience, or have
73 been licensed in a mental health occupation including, but not
74 limited to, licensure as a licensed professional counselor or
75 marriage and family therapist.

76 (5) Other qualifications as determined by the Alabama
77 Department of Mental Health and the State Department of
78 Education.

79 (c) Within one year after being hired as a mental
80 health service coordinator, an individual shall earn a
81 school-based mental health certificate by successfully
82 completing a certification program developed by the Alabama
83 Department of Mental Health.

84 (d) On or before the last day of the 2021 fiscal year,



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85 and as requested thereafter, each local board of education
86 shall complete and submit to the Alabama Department of Mental
87 Health a needs assessment and resource map for the schools
88 under the jurisdiction of the board. The assessment shall
89 document the status of mental health for the entire school
90 system and allow the local board of education to engage in a
91 quality improvement process to improve the provision of mental
92 health resources to students within the school system.

93 (e) The Alabama Department of Mental Health and the
94 State Department of Education may adopt rules and policies as
95 necessary for implementation of this section.

96 (f) The administration of this section shall be subject
97 to appropriations made by the Legislature.

98 (g) As used in this section, the term "local board of
99 education" and "school system" shall include the schools or
100 school systems provided by Chapter 1 of Title 21; Chapters
101 26A, 26B, and 26D of this title; and Article 4 of Chapter 1 of
102 Title 44.

103 (h) (1) For the purposes of this section, (i) "mental
104 health services" includes services, treatment, surveys, or
105 assessments relating to mental health, including, but not
106 limited to, guidance counseling and any programming offered by
107 an employee or independent contractor of a local board of
108 education relating to mental health, suicide prevention, or
109 bullying prevention; and (ii) "parent" includes a student's
110 parent or legal guardian, as applicable.

111 (2) a. Except as provided in paragraph b., no ~~No~~ student
112 of a public K-12 school under ~~the age of 14~~ 18 years of age



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113 may be allowed to participate in ongoing school counseling
114 services including, but not limited to, mental health
115 services, unless specific written instruction has been granted
116 by the student's parent, ~~unless there is an imminent threat to~~
117 ~~the health of the student or others~~. For the purposes of this
118 section, this written permission is referred to as an ~~opt-in~~
119 opt in.

120 b. No school counselor may be precluded from providing
121 school counseling services due to:

122 1. An imminent threat to the health of the student or
123 others;

124 2. Suspected abuse, neglect, or exploitation; or

125 3. When there is an immediate necessity for immediate
126 grief counseling.

127 (3) All local boards of education in this state shall
128 adopt a policy concerning parent ~~opt-in~~ opt in for mental
129 health services. At a minimum, each policy shall contain the
130 following:

131 a. A provision for written notification, at least
132 annually, to parents about school provided or sponsored mental
133 health services. The notification shall include the purpose
134 and general description of each of the mental health services,
135 information regarding ways parents may review materials to be
136 used in guidance and counseling programs that are available to
137 students, and information regarding ways parents may allow,
138 limit, or prevent their student's participation in the
139 programs.

140 b. A provision requiring written permission by a parent



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141 for his or her student to participate in mental health
142 services. This written permission shall be specific as to any
143 treatment and not broad in nature. This permission shall also
144 be required annually and may be rescinded at any time by
145 providing written notice to school administration.

146 c. If a parent elects to ~~opt-in~~ opt in to mental health
147 services for his or her student, the counselor providing the
148 services shall keep the parent fully informed regarding
149 diagnosis, recommended counseling, or treatments, and the
150 parent shall have the authority to make final decisions
151 regarding counseling and treatments.

152 d. A provision requiring all records pertaining to
153 mental health services to be treated as health care records
154 and kept separately from academic records."

155 "§22-8-4

156 ~~(a) Any minor who is 14 years of age or older, or has~~
157 ~~graduated from high school, or is married, or having been~~
158 ~~married is divorced or is pregnant~~ Each of the following
159 individuals may give effective consent to any legally
160 authorized medical, dental, ~~health~~ or mental health services
161 for himself or herself, and the consent of no other person
162 shall be necessary:

163 (1) An individual who is 18 years of age or older.

164 (2) A minor who has graduated from high school.

165 (3) A minor who is married, or having been married is
166 divorced.

167 (4) A minor who is pregnant.

168 (5) A minor who is emancipated.



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169 (6) A minor who is: (i) not dependent on a parent or
170 legal guardian for support; (ii) living apart from his or her
171 parents or other individual in loco parentis; and (iii)
172 managing his or her own financial affairs.

173 (b) For the purposes of this section, the term "medical
174 services" includes the receipt of a vaccine."

175 "§22-8-6

176 (a) Any minor may give effective consent for any
177 legally authorized medical, ~~health~~ or mental health services
178 to ~~determine:~~

179 (1) Determine the presence of, ~~or to treat, pregnancy,~~
180 ~~venereal disease sexually transmitted infections,~~ drug
181 dependency, or alcohol toxicity ~~or any reportable disease, and~~
182 ~~the; and~~

183 (2) Prevent or determine the presence of pregnancy.

184 (b) The consent of no other ~~person shall be deemed~~
185 individual is necessary for a minor to receive any services
186 under this section."

187 "§22-8-9

188 ~~Any minor who is 14 years of age or older, or has~~
189 ~~graduated from high school, or is married, or having been~~
190 ~~married is divorced or is pregnant,~~ (a) Each of the following
191 individuals may give effective consent to the donation of his
192 or her bone marrow for the purpose of bone marrow
193 transplantation:

194 (1) An individual who is 18 years of age or older.

195 (2) A minor who has graduated from high school.

196 (3) A minor who is married, or having been married is



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197 divorced.

198 (4) A minor who is pregnant.

199 (5) A minor who is emancipated.

200 (6) A minor who is: (i) not dependent on a parent or
201 legal guardian for support; (ii) living apart from his or her
202 parents or other individual in loco parentis; and (iii)
203 managing his or her own financial affairs.

204 (b) A parent or legal guardian may consent to ~~such~~ bone
205 marrow donation on behalf of any ~~other~~ minor who is not
206 authorized to give his or her own effective consent to the
207 donation of his or her bone marrow pursuant to subsection
208 (a)."

209 "§22-8-10

210 (a) Notwithstanding Section 22-8-4, no minor may
211 receive medical treatment for any mental health services
212 without the written consent of the minor's parent or legal
213 guardian.

214 (b) The parent or legal guardian of a minor who is ~~at~~
215 ~~least 14 years of age and~~ under ~~19~~ 18 years of age may
216 authorize medical treatment for any mental health services
217 even if the minor has expressly refused such treatment
218 services if the parent or legal guardian and a mental health
219 professional determine that clinical intervention is necessary
220 and appropriate. Access to the mental health records of the
221 minor will follow the Health Insurance Portability and
222 Accountability Act of 1996 (HIPAA) Public Law 104-191."

223 Section 2. Sections 22-8-12 and 22-8-13 are added to
224 the Code of Alabama 1975, to read as follows:



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225 §22-8-12

226 (a) Except as provided in subsection (b), no health
227 care provider or governmental entity may deny a parent or
228 legal guardian access to his or her minor child's health
229 information when:

230 (1) The health information is in the control of the
231 health care provider or governmental entity; and

232 (2) The parent or legal guardian requests access to the
233 health information.

234 (b) A health care provider or governmental entity may
235 deny a parent or legal guardian access to his or her minor
236 child's health information if:

237 (1) The access is prohibited by a court order; or

238 (2) The parent or legal guardian is a subject of an
239 investigation related to a crime against the minor child and a
240 law enforcement officer has requested that the information not
241 be released to the parent.

242 §22-8-13

243 Parents have the fundamental right and duty to make
244 decisions concerning the furnishing of health care services to
245 their minor child.

246 Section 3. This act shall become effective on October
247 1, 2025.