

# HB246 INTRODUCED



1 HB246  
2 LDPCYAY-1  
3 By Representative Harrison  
4 RFD: Health  
5 First Read: 27-Feb-24



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

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

Under existing law, a minor may receive medical, dental, or mental health treatment that would otherwise require the consent of a parent or legal guardian if a delay in treatment would increase the risk to the minor's life, health, or mental health.

Under existing law, any minor may give legal consent to participate in school counseling services, to donate bone marrow, or for services to determine the presence of, or to treat, pregnancy, venereal disease, drug dependency, and alcohol toxicity.

Also under existing law, the parent or legal guardian of a minor who is at least 14 years of age but less than 19 years of age may authorize treatment for mental health services, even upon the minor's refusal, in certain circumstances.

This bill would create the age of medical majority and provide that a minor has reached the age of medical majority if he or she is 18 years of age or older, has graduated from high school, has earned a



## HB246 INTRODUCED

29 GED, is married, or is divorced.

30 This bill would provide that a minor may only  
31 consent to medical, dental, or mental health services,  
32 including school counseling services, the donation of  
33 bone marrow, and the detection or treatment of  
34 pregnancy, venereal disease, drug dependency, and  
35 alcohol toxicity, if he or she has reached the age of  
36 medical majority.

37 This bill would provide that a minor may only  
38 receive medical, dental, or mental health treatment  
39 that would otherwise require the consent of a parent or  
40 legal guardian if a delay in treatment would result in  
41 death or permanent injury of the minor.

42 This bill would also authorize the parent or  
43 legal guardian of a minor who has not reached the age  
44 of medical majority to authorize certain treatment for  
45 mental health services, even upon the minor's refusal.

46

47

48

A BILL

49

TO BE ENTITLED

50

AN ACT

51

52 Relating to consent to medical services; to amend  
53 Sections 16-22-16.2, 22-8-3, 22-8-4, 22-8-6, 22-8-9, and  
54 22-8-10, Code of Alabama 1975; to provide for the medical age  
55 of majority; to raise the age and amend the circumstances for  
56 which a minor may give legal consent to medical, dental, and



## HB246 INTRODUCED

57 mental health services for himself or herself; to provide that  
58 a minor may receive medical, dental, and mental health  
59 treatment without the consent of a parent or legal guardian if  
60 delayed treatment would result in the minor's death or  
61 permanent injury; to authorize the parent or legal guardian of  
62 a minor to authorize mental health services upon the minor's  
63 refusal in certain circumstances; and to repeal Section  
64 22-11A-19, Code of Alabama 1975, relating to the consent of  
65 minors for treatment of sexually transmitted disease.

66 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

67 Section 1. Sections 16-22-16.2, 22-8-3, 22-8-4, 22-8-6,  
68 22-8-9, and 22-8-10, Code of Alabama 1975, are amended to read  
69 as follows:

70 "§16-22-16.2

71 (a) Subject to appropriations by the Legislature,  
72 commencing with the 2023-2024 school year, each local board of  
73 education in the state shall employ a mental health service  
74 coordinator. The coordinator shall be responsible for  
75 coordinating student mental health services throughout the  
76 local school system.

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

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

80 (2) Satisfy State Department of Education  
81 qualifications for a school counselor.

82 (3) Satisfy State Department of Education  
83 qualifications for a school nurse.

84 (4) Have professional mental health experience, or have



## HB246 INTRODUCED

85 been licensed in a mental health occupation including, but not  
86 limited to, licensure as a licensed professional counselor or  
87 marriage and family therapist.

88 (5) Other qualifications as determined by the Alabama  
89 Department of Mental Health and the State Department of  
90 Education.

91 (c) Within one year after being hired as a mental  
92 health service coordinator, an individual shall earn a  
93 school-based mental health certificate by successfully  
94 completing a certification program developed by the Alabama  
95 Department of Mental Health.

96 (d) On or before the last day of the 2021 fiscal year,  
97 and as requested thereafter, each local board of education  
98 shall complete and submit to the Alabama Department of Mental  
99 Health a needs assessment and resource map for the schools  
100 under the jurisdiction of the board. The assessment shall  
101 document the status of mental health for the entire school  
102 system and allow the local board of education to engage in a  
103 quality improvement process to improve the provision of mental  
104 health resources to students within the school system.

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

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

110 (g) As used in this section, the term "local board of  
111 education" and "school system" shall include the schools or  
112 school systems provided by Chapter 1 of Title 21; Chapters



## HB246 INTRODUCED

113 26A, 26B, and 26D of this title; and Article 4 of Chapter 1 of  
114 Title 44.

115 (h) (1) For the purposes of this section, "mental health  
116 services" includes services, treatment, surveys, or  
117 assessments relating to mental health, and "parent" includes a  
118 student's parent or legal guardian, as applicable.

119 (2) No student of a public K-12 school ~~under the age of~~  
120 14 who has not reached the age of medical majority, as defined  
121 in Section 22-8-4, may be allowed to participate in ongoing  
122 school counseling services including, but not limited to,  
123 mental health services, unless specific written instruction  
124 has been granted by the student's parent, unless there is an  
125 imminent threat to the health of the student or others. For  
126 the purposes of this section, this written permission is  
127 referred to as an opt in~~opt-in~~.

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

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



## HB246 INTRODUCED

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

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

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

156           "§22-8-3

157           Any legally authorized medical, dental, ~~health~~ or  
158 mental health services may be rendered to minors of any age  
159 without the consent of a parent or legal guardian when, in the  
160 physician's judgment, an attempt to secure consent would  
161 result in delay of treatment which would ~~increase the risk to~~  
162 ~~the minor's life, health or mental health~~ result in the death  
163 or permanent injury of the minor."

164           "§22-8-4

165           (a) Any minor who has reached the medical age of  
166 majority may give effective consent to any legally authorized  
167 medical, dental, or mental health services for himself or  
168 herself, in which cases the consent of no other person shall



## HB246 INTRODUCED

169 be necessary.

170 (b) For the purposes of this chapter, a minor has  
171 reached the age of medical majority if he or she is ~~14~~ 18  
172 years of age or older, ~~or~~ has graduated from high school, has  
173 completed a general education development certificate (GED),  
174 ~~or~~ is married, or ~~having been married~~ is divorced ~~or is~~  
175 ~~pregnant may give effective consent to any legally authorized~~  
176 ~~medical, dental, health or mental health services for himself~~  
177 ~~or herself, and the consent of no other person shall be~~  
178 ~~necessary.~~"

179 "§22-8-6

180 (a) ~~No~~Any minor may give effective consent for any  
181 legally authorized medical, ~~health~~ or mental health services  
182 to determine the presence of, or to treat, pregnancy, sexually  
183 transmitted infections ~~venereal disease~~, drug dependency,  
184 alcohol toxicity, or any reportable disease, ~~and the consent~~  
185 ~~of no other person shall be deemed necessary unless the minor~~  
186 ~~has reached the medical age of majority.~~

187 (b) A minor who has not reached the age of medical  
188 majority must have the written consent of his or her parent or  
189 legal guardian in order to receive medical or mental health  
190 services to determine the presence of, or to treat, pregnancy,  
191 venereal disease, drug dependency, alcohol toxicity, or any  
192 reportable disease."

193 "§22-8-9

194 Any minor who ~~is 14 years of age or older, or has~~  
195 ~~graduated from high school, or is married, or having been~~  
196 ~~married is divorced or is pregnant,~~ has reached the age of





## HB246 INTRODUCED

197 medical majority may give effective consent to the donation of  
198 his or her bone marrow for the purpose of bone marrow  
199 transplantation. A parent or legal guardian may consent to a  
200 ~~such~~ bone marrow donation on behalf of any other minor."

201 "§22-8-10

202 The parent or legal guardian of a minor who ~~is at least~~  
203 ~~14 years of age and under 19 years of age~~ has not reached the  
204 age of medical majority may authorize medical treatment for  
205 any mental health services for the minor even if the minor has  
206 expressly refused ~~such~~ the treatment services if the parent or  
207 legal guardian and a mental health professional determine that  
208 clinical intervention is necessary and appropriate. Access to  
209 the mental health records of the minor will follow the Health  
210 Insurance Portability and Accountability Act of 1996 (HIPAA)  
211 Public Law 104-191."

212 Section 2. Section 22-11A-19, relating to a minor's  
213 consent to medical treatment for sexually transmitted disease,  
214 is repealed.

215 Section 3. This act shall become effective on October  
216 1, 2024.