

Date:

(Filing No. S- )

**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 405, L.D. 1292, “An Act Regarding the Parental Right To Direct the Health Care of Children”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 32 MRSA §2213 is enacted to read:

**§2213. Unauthorized medical procedures; minors**

**1. Unauthorized medical treatment of a minor prohibited.** Except as provided in subsection 3, an individual licensed as an advanced practice registered nurse under this chapter may not perform a physical examination or surgical procedure on, administer a vaccine to or prescribe a prescription drug to a minor without the permission of that minor's parent or guardian. Nothing in this subsection changes the scope of practice of an advanced practice registered nurse.

**2. Unauthorized withholding of medical treatment of a minor prohibited.** An individual licensed as an advanced practice registered nurse under this chapter may not institute an order not to resuscitate, an order to withhold an artificial life-sustaining procedure or an order to withhold artificial nutrition and hydration for a minor without the permission of that minor's parent or guardian.

**3. Exceptions.** Notwithstanding subsection 1, an individual licensed as an advanced practice registered nurse under this chapter may perform a physical examination or surgical procedure on or prescribe a prescription drug to a minor without the permission of that minor's parent or guardian:

A. If the individual licensed as an advanced practice registered nurse under this chapter determines that an emergency exists and that the examination, procedure or prescription drug is necessary to save the life of the minor or when the parent or guardian cannot be located or contacted after a reasonably diligent effort;

B. As authorized by Title 22, sections 1501 to 1507;

C. As authorized by Title 22, section 1597-A;

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1 D. As authorized by Title 22, section 1823; or

2 E. As authorized by Title 22, section 1908.

3 **Sec. 2. 32 MRSA §2600-G** is enacted to read:

4 **§2600-G. Unauthorized medical procedures; minors**

5 **1. Unauthorized medical treatment of a minor prohibited.** Except as provided in  
6 subsection 3, an individual licensed under this chapter may not perform a physical  
7 examination or surgical procedure on, administer a vaccine to or prescribe a prescription  
8 drug to a minor without the permission of that minor's parent or guardian.

9 **2. Unauthorized withholding of medical treatment of a minor prohibited.** An  
10 individual licensed under this chapter may not institute an order not to resuscitate, an order  
11 to withhold an artificial life-sustaining procedure or an order to withhold artificial nutrition  
12 and hydration for a minor without the permission of that minor's parent or guardian.

13 **3. Exceptions.** Notwithstanding subsection 1, an individual licensed under this  
14 chapter may perform a physical examination or surgical procedure on or prescribe a  
15 prescription drug to a minor without the permission of that minor's parent or guardian:

16 A. If the individual licensed under this chapter determines that an emergency exists  
17 and that the examination, procedure or prescription drug is necessary to save the life of  
18 the minor or when the parent or guardian cannot be located or contacted after a  
19 reasonably diligent effort;

20 B. As authorized by section 2595;

21 C. As authorized by Title 22, sections 1501 to 1507;

22 D. As authorized by Title 22, section 1597-A;

23 E. As authorized by Title 22, section 1823; or

24 F. As authorized by Title 22, section 1908.

25 **Sec. 3. 32 MRSA §3300-J** is enacted to read:

26 **§3300-J. Unauthorized medical procedures; minors**

27 **1. Unauthorized medical treatment of a minor prohibited.** Except as provided in  
28 subsection 3, an individual licensed under this chapter may not perform a physical  
29 examination or surgical procedure on, administer a vaccine to or prescribe a prescription  
30 drug to a minor without the permission of that minor's parent or guardian.

31 **2. Unauthorized withholding of medical treatment of a minor prohibited.** An  
32 individual licensed under this chapter may not institute an order not to resuscitate, an order  
33 to withhold an artificial life-sustaining procedure or an order to withhold artificial nutrition  
34 and hydration for a minor without the permission of that minor's parent or guardian.

35 **3. Exceptions.** Notwithstanding subsection 1, an individual licensed under this  
36 chapter may perform a physical examination or surgical procedure on or prescribe a  
37 prescription drug to a minor without the permission of that minor's parent or guardian:

38 A. If the individual licensed under this chapter determines that an emergency exists  
39 and that the examination, procedure or prescription drug is necessary to save the life of

1 the minor or when the parent or guardian cannot be located or contacted after a  
2 reasonably diligent effort;

3 B. As authorized by section 3292;

4 C. As authorized by Title 22, sections 1501 to 1507;

5 D. As authorized by Title 22, section 1597-A;

6 E. As authorized by Title 22, section 1823; or

7 F. As authorized by Title 22, section 1908.'

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
9 number to read consecutively.

10

### SUMMARY

11 This amendment strikes and replaces the bill. It removes the section relating to  
12 quarantine of minors. The amendment provides that individuals licensed by the Board of  
13 Licensure in Medicine, licensed osteopathic physicians and licensed advanced practice  
14 registered nurses may not provide medical treatment without parental consent except when  
15 an emergency exists and the treatment is necessary to save the life of the minor, when the  
16 parent or guardian cannot be located or contacted after a reasonably diligent effort and  
17 when authorized by current law allowing for treatment of minors without parental consent.

18

### FISCAL NOTE REQUIRED

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(See attached)