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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;

COMMITTEE AMENDMENT

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**

19 **(See attached)**