

SECOND REGULAR SESSION

HOUSE BILL NO. 2112

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), COOPER (155), PHILLIPS,
STEVENSON AND SANDER (Co-sponsors).

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5687L.01I

AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof two new sections relating to
contraceptives for minors, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 431.061, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 191.722 and 431.061, to read as follows:

**191.722. 1. No licensed health care professional with prescriptive authority shall
2 prescribe or dispense, no licensed pharmacy shall dispense, and no person shall give or
3 otherwise provide any contraceptive drug or device to any unemancipated minor without
4 the consent of the minor's parent. Any prescription for a contraceptive drug or device
5 prescribed for an unemancipated minor shall include a notation that parental consent was
6 obtained by the prescribing health care professional. Any person who gives or otherwise
7 provides any contraceptive drug or device to an unemancipated minor shall maintain a
8 record of the written consents obtained from such minor's parents.**

**9 2. Any licensed health care professional with prescriptive authority who prescribes
10 or dispenses, any licensed pharmacy or pharmacist that dispenses a prescription for, or any
11 person who gives or otherwise provides a contraceptive drug or device to an
12 unemancipated minor with a good faith belief that the parental consent required in
13 subsection 1 of this section has been properly obtained and it is subsequently determined
14 that such parental consent was not properly obtained shall not be civilly or criminally**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **liable for prescribing, dispensing, giving, or otherwise providing such contraceptive drug**
16 **or device to an unemancipated minor.**

17 **3. Any person who violates the provisions of this section is guilty of a class C**
18 **misdemeanor.**

431.061. 1. In addition to such other persons as may be so authorized and empowered,
2 any one of the following persons if otherwise competent to contract, is authorized and
3 empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or
4 procedures not prohibited by law:

5 (1) Any adult eighteen years of age or older for himself **or herself**;

6 (2) Any parent for his **or her** minor child in his **or her** legal custody;

7 (3) Any minor who has been lawfully married and any minor parent or legal custodian
8 of a child for himself **or herself**, his **or her** child and any child in his **or her** legal custody;

9 (4) Any minor for himself **or herself** in case of:

10 (a) Pregnancy, but excluding:

11 **a. Abortions; and**

12 **b. Contraceptive drugs and devices for an unemancipated minor as required under**
13 **section 191.722, RSMo;**

14 (b) Venereal disease;

15 (c) Drug or substance abuse including those referred to in chapter 195, RSMo;

16 (5) Any adult standing in loco parentis, whether serving formally or not, for his **or her**
17 minor charge in case of emergency as defined in section 431.063;

18 (6) Any guardian of the person for his **or her** ward;

19 (7) During the absence of a parent so authorized and empowered, any adult for his **or her**
20 minor brother or sister;

21 (8) During the absence of a parent so authorized and empowered, any grandparent for
22 his **or her** minor grandchild;

23 (9) "Absence" as used in (7) and (8) above shall mean absent at a time when further
24 delay occasioned by an attempt to obtain a consent may jeopardize the life, health or limb of the
25 person affected, or may result in disfigurement or impairment of faculties.

26 2. For purposes of consent to hospitalization or medical, surgical or other treatment or
27 procedures, a "minor" shall be defined as any person under eighteen years of age and an "adult"
28 shall be defined as any person eighteen years of age or older.

29 3. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all
30 relationships set forth in subsection 1 of this section shall include the adoptive and
31 step-relationship as well as the natural relationship and the relationship by the half blood as well
32 as by the whole blood.

33 4. A consent by one person so authorized and empowered shall be sufficient
34 notwithstanding that there are other persons so authorized and empowered or that such other
35 persons shall refuse or decline to consent or shall protest against the proposed surgical, medical
36 or other treatment or procedures.

37 5. Any person acting in good faith and not having been put on notice to the contrary shall
38 be justified in relying on the representations of any person purporting to give such consent,
39 including, but not limited to, his **or her** identity, his **or her** age, his **or her** marital status, and
40 his **or her** relationship to any other person for whom the consent is purportedly given.

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