

FIRST REGULAR SESSION

HOUSE BILL NO. 837

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DERGES.

1683H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof two new sections relating to mental health care for minors, with an emergency clause.

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Section A. Section 431.061, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.945 and 431.061, to read as follows:

191.945. 1. For purposes of this section, the following terms mean:

(1) "Medical professional", a physician, assistant physician, nurse practitioner, or physician assistant;

(2) "Mental health professional", a psychiatrist, psychologist, professional counselor, school counselor, or social worker;

(3) "Minor", a person under eighteen years of age.

2. If a minor contacts a medical professional or mental health professional seeking mental health care, the medical professional or mental health professional shall immediately evaluate the minor to determine whether the minor presents an imminent danger to himself or herself or others. The medical professional or mental health professional shall provide appropriate care or treatment or refer the minor for appropriate care or treatment.

3. If a minor consents to mental health counseling or treatment for himself or herself under the provisions of paragraph (d) of subdivision (4) of subsection 1 of section 431.061, all records of such counseling or treatment, including any referrals, shall be confidential and shall not be shared with any parent or guardian of the minor unless the minor consents to the disclosure or presents an imminent danger to himself or herself or

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.

18 **others. The minor's parent or guardian shall not prohibit or interfere with any such**
19 **referral, counseling, or treatment provided to the minor unless the minor consents to the**
20 **involvement or presents an imminent danger to himself or herself or others.**

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, including immunizations, 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 abortions;
 - 11 (b) Venereal disease;
 - 12 (c) Drug or substance abuse including those referred to in chapter 195; **or**
 - 13 **(d) Mental health counseling or treatment provided by a medical professional or**
14 **mental health professional, as those terms are defined in section 191.945;**
 - 15 (5) Any adult standing in loco parentis, whether serving formally or not, for his **or her**
16 minor charge in case of emergency as defined in section 431.063;
 - 17 (6) Any guardian of the person for his **or her** ward;
 - 18 (7) Any relative caregiver of a minor child as provided for under section 431.058.

19 2. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all
20 relationships set forth in subsection 1 of this section shall include the adoptive and
21 step-relationship as well as the natural relationship and the relationship by the half blood as well
22 as by the whole blood.

23 3. A consent by one person so authorized and empowered shall be sufficient
24 notwithstanding that there are other persons so authorized and empowered or that such other
25 persons shall refuse or decline to consent or shall protest against the proposed surgical, medical
26 or other treatment or procedures.

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

Section B. Because immediate action is necessary to address the mental health care crisis
2 among youth in this state, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an

4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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