

# ASSEMBLY, No. 2328

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman SADAF F. JAFFER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Permits minors 13 years of age and older to consent to behavioral health care services.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/10/2022)

1 AN ACT concerning the age of consent for certain health care  
2 services and amending P.L.1968, c.230.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read  
8 as follows:

9 1. a. (1) The consent to the provision of medical or surgical  
10 care or services or a forensic sexual assault examination by a  
11 hospital or public clinic, or consent to the performance of medical  
12 or surgical care or services or a forensic sexual assault examination  
13 by a health care professional, when executed by a minor who is or  
14 believes that he or she may have a sexually transmitted infection, or  
15 who is at least 13 years of age and is or believes that he or she may  
16 be infected with the human immunodeficiency virus or have  
17 acquired immune deficiency syndrome, or by a minor who, in the  
18 judgment of the treating health care professional, appears to have  
19 been sexually assaulted, shall be valid and binding as if the minor  
20 had achieved the age of majority. Any such consent shall not be  
21 subject to later disaffirmance by reason of minority. In the case of  
22 a minor who appears to have been sexually assaulted, the minor's  
23 parents or guardian shall be notified immediately, unless the  
24 treating healthcare professional believes that it is in the best  
25 interests of the patient not to do so. Inability of the treating health  
26 care professional, hospital, or clinic to locate or notify the parents  
27 or guardian shall not preclude the provision of any emergency or  
28 medical or surgical care to the minor or the performance of a  
29 forensic sexual assault examination on the minor.

30 (2) As used in this subsection, "health care professional" means  
31 a physician, physician assistant, nurse, or other health care  
32 professional whose professional practice is regulated pursuant to  
33 Title 45 of the Revised Statutes.

34 b. When a minor believes that he or she is adversely affected  
35 by a substance use disorder involving drugs or is a person with a  
36 substance use disorder involving drugs as defined in section 2 of  
37 P.L.1970, c.226 (C.24:21-2) or is adversely affected by an alcohol  
38 use disorder or is a person with an alcohol use disorder as defined  
39 in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to  
40 treatment under the supervision of a physician licensed to practice  
41 medicine, or an individual licensed or certified to provide treatment  
42 for an alcohol use disorder, or in a facility licensed by the State to  
43 provide for the treatment of an alcohol use disorder, shall be valid  
44 and binding as if the minor had achieved the age of majority. Any  
45 such consent shall not be subject to later disaffirmance by reason of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 minority. Treatment for an alcohol use disorder or a substance use  
2 disorder involving drugs that is consented to by a minor shall be  
3 considered confidential information between the physician, the  
4 treatment provider, or the treatment facility, as appropriate, and the  
5 patient, and neither the minor nor the minor's physician, treatment  
6 provider, or treatment facility, as appropriate, shall be required to  
7 report such treatment when it is the result of voluntary consent,  
8 except as may otherwise be required by law.

9 When a minor who is **[sixteen]** 13 years of age or older believes  
10 that he or she is in need of behavioral health care services for the  
11 treatment of mental illness or emotional disorders, the minor's  
12 consent to temporary outpatient treatment, excluding the use or  
13 administration of medication, under the supervision of a physician  
14 licensed to practice medicine, an advanced practice nurse, or an  
15 individual licensed to provide professional counseling under Title  
16 45 of the Revised Statutes, including, but not limited to, a  
17 psychiatrist, licensed practicing psychologist, certified social  
18 worker, licensed clinical social worker, licensed social worker,  
19 licensed marriage and family therapist, certified psychoanalyst, or  
20 licensed psychologist, or in an outpatient health care facility  
21 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall be  
22 valid and binding as if the minor had achieved the age of majority.  
23 Any such consent shall not be subject to later disaffirmance by  
24 reason of minority. Treatment for behavioral health care services  
25 for mental illness or emotional disorders that is consented to by a  
26 minor shall be considered confidential information between the  
27 physician, the individual licensed to provide professional  
28 counseling, the advanced practice nurse, or the health care facility,  
29 as appropriate, and the patient, and neither the minor nor the  
30 minor's physician, professional counselor, nurse, or outpatient  
31 health care facility, as appropriate, shall be required to report such  
32 treatment when it is the result of voluntary consent.

33 The consent of no other person or persons, including but not  
34 limited to, a spouse, parent, custodian, or guardian, shall be  
35 necessary in order to authorize a minor to receive such hospital  
36 services, facility, or clinical care or services, medical or surgical  
37 care or services, or counseling services from a physician licensed to  
38 practice medicine, an individual licensed or certified to provide  
39 treatment for an alcohol use disorder, an advanced practice nurse, or  
40 an individual licensed to provide professional counseling under  
41 Title 45 of the Revised Statutes, as appropriate, except that  
42 behavioral health care services for the treatment of mental illness or  
43 emotional disorders shall be limited to temporary outpatient  
44 services only.

45 (cf: P.L.2017, c.131, s.7)

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47 2. This act shall take effect immediately.

STATEMENT

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This bill amends current law to lower the age requirement for a minor to consent to behavioral health care services for treatment of mental illness or emotional disorders. Under current law, the minimum age to consent to behavioral health care services for treatment of mental illness or emotional disorders is 16 years of age. A minor under 16 years of age is required to obtain the consent of the minor's parent or guardian to receive these services.

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This bill lowers the age requirement for minors to consent to behavioral health care services to 13 years of age, and provides that the minor's consent to treatment under the supervision of a physician, an advanced practice nurse, and certain other licensed providers will be valid and binding in the same manner as if the patient had attained the age of majority.