

**ASSEMBLY, No. 4231**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED JUNE 13, 2022

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman SADAF F. JAFFER**

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

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblyman Conaway**

**SYNOPSIS**

Lowers age at which minors can consent to behavioral health care treatment from age 16 to age 14.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/16/2022)**

1 AN ACT concerning the behavioral health care treatment of certain  
2 minors and amending P.L.1968, c.230.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
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 care  
10 or services or a forensic sexual assault examination by a hospital or  
11 public clinic, or consent to the performance of medical or surgical  
12 care or services or a forensic sexual assault examination by a health  
13 care professional, when executed by a minor who is or believes that  
14 he or she may have a sexually transmitted infection, or who is at least  
15 13 years of age and is or believes that he or she may be infected with  
16 the human immunodeficiency virus or have acquired immune  
17 deficiency syndrome, or by a minor who, in the judgment of the  
18 treating health care professional, appears to have been sexually  
19 assaulted, shall be valid and binding as if the minor had achieved the  
20 age of majority. Any such consent shall not be subject to later  
21 disaffirmance by reason of minority. In the case of a minor who  
22 appears to have been sexually assaulted, the minor's parents or  
23 guardian shall be notified immediately, unless the treating healthcare  
24 professional believes that it is in the best interests of the patient not  
25 to do so. Inability of the treating health care professional, hospital,  
26 or clinic to locate or notify the parents or guardian shall not preclude  
27 the provision of any emergency or medical or surgical care to the  
28 minor or the performance of a forensic sexual assault examination on  
29 the minor.

30 (2) As used in this subsection, "health care professional" means a  
31 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 by  
35 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 in  
39 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]** 14 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 45  
16 of the Revised Statutes, including, but not limited to, a psychiatrist,  
17 licensed practicing psychologist, certified social worker, licensed  
18 clinical social worker, licensed social worker, licensed marriage and  
19 family therapist, certified psychoanalyst, or licensed psychologist, or  
20 in an outpatient health care facility licensed pursuant to P.L.1971,  
21 c.136 (C.26:2H-1 et seq.), shall be valid and binding as if the minor  
22 had achieved the age of majority. Any such consent shall not be  
23 subject to later disaffirmance by reason of minority. Treatment for  
24 behavioral health care services for mental illness or emotional  
25 disorders that is consented to by a minor shall be considered  
26 confidential information between the physician, the individual  
27 licensed to provide professional counseling, the advanced practice  
28 nurse, or the health care facility, as appropriate, and the patient, and  
29 neither the minor nor the minor's physician, professional counselor,  
30 nurse, or outpatient health care facility, as appropriate, shall be  
31 required to report such treatment when it is the result of voluntary  
32 consent.

33 The consent of no other person or persons, including but not  
34 limited to, a spouse, parent, custodian, or guardian, shall be necessary  
35 in order to authorize a minor to receive such hospital services,  
36 facility, or clinical care or services, medical or surgical care or  
37 services, or counseling services from a physician licensed to practice  
38 medicine, an individual licensed or certified to provide treatment for  
39 an alcohol use disorder, an advanced practice nurse, or an individual  
40 licensed to provide professional counseling under Title 45 of the  
41 Revised Statutes, as appropriate, except that behavioral health care  
42 services for the treatment of mental illness or emotional disorders  
43 shall be limited to temporary outpatient services only.  
44 (cf: P.L.2017, c.131, s.7)

45  
46 2. This act shall take effect immediately.

STATEMENT

Under current law, a minor, 16 years of age or older, who believes that he or she is in need of behavioral health care services can consent to temporary outpatient treatment under the supervision of a licensed health care professional, excluding the use or administration of medication, as if the minor had achieved the age of majority. This bill lowers the age at which a minor can consent to such treatment from 16 years of age or older to 14 years of age or older.

Suicide is the third leading cause of death among New Jersey teens. Between 2016 and 2018, the number of suicide deaths among persons ages of ten and 24 in New Jersey was 291.

During the early stages of the coronavirus disease (COVID-19) pandemic, adolescents accounted for a higher proportion of suicides in the United States than in the years prior to the pandemic and the subsequent lockdown. Five states, including New Jersey, had an increase in the absolute count of adolescent suicides during the pandemic. These states also had an increase in the proportion of overall suicides among adolescents.

Twenty-four states, the District of Columbia, and Puerto Rico have enacted laws allowing minors to consent to some type of behavioral or mental health treatment, and ten states allow minors between the ages of 12 and 15 to consent to such treatment.

It is the sponsor's intent to address the issue of, and facilitate efforts to prevent, teen suicide by lowering the age at which a minor, who believes that he or she is in need of behavioral health treatment services, can consent to such services.