

SENATE, No. 1188

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator RAJ MUKHERJI

District 32 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S1188 MUKHERJI

2

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
15 least 13 years of age and is or believes that he or she may be
16 infected with the human immunodeficiency virus or have acquired
17 immune deficiency syndrome, or by a minor who, in the judgment
18 of the treating health care professional, appears to have been
19 sexually assaulted, shall be valid and binding as if the minor had
20 achieved the age of majority. Any such consent shall not be subject
21 to later disaffirmance by reason of minority. In the case of a minor
22 who appears to have been sexually assaulted, the minor's parents or
23 guardian shall be notified immediately, unless the treating
24 healthcare professional believes that it is in the best interests of the
25 patient not to do so. Inability of the treating health care
26 professional, hospital, or clinic to locate or notify the parents or
27 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 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
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】~~ 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
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)

46

47 2. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.