

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1068

Short Title: Student Health Care/Parental Notice. (Public)

Sponsors: Representatives Stevens, Randleman (Primary Sponsors); Burriss-Floyd, Cleveland, Hilton, Johnson, Sager, Samuelson, and Starnes.

Referred to: Education, if favorable, Health.

April 6, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE PROVISION OF CERTAIN HEALTH SERVICES TO
3 STUDENTS AGE SIXTEEN AND UNDER BY LOCAL SCHOOL ADMINISTRATIVE
4 UNITS AND TO REQUIRE UNITS TO OBTAIN PERMISSION FROM PARENTS FOR
5 CERTAIN SERVICES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 22 of Chapter 115C of the General Statutes is amended by
8 adding the following new Part to read:

9 "Part 9. School-Based Health Services.

10 "**§ 115C-335.8. Certain school-based health services prohibited; parental consent required**
11 **for referral of students age 16 and under to certain community health services.**

12 (a) Local school administrative units shall not provide, directly or under contract with
13 another public or private entity, psychological or reproductive health services to students age
14 16 and under, nor shall they permit access to students entrusted to their care on the school
15 grounds by health care professionals who might provide these services.

16 (b) Local school administrative units shall not refer a student age 16 or under to a health
17 care provider for psychological or reproductive health services without obtaining the prior
18 written consent of the student's parent. The local school administrative unit shall obtain prior
19 written consent for each proposed referral for psychological or reproductive health services.
20 Notwithstanding the provisions of this subsection, a local school administrative unit may refer a
21 student age 16 or under for psychological health services where the necessity for immediate
22 treatment is so apparent that securing approval would delay the treatment so long as to
23 endanger the life of the child, although the local school administrative unit shall immediately
24 attempt to notify the parent and must notify the parent within 24 hours. The local school
25 administrative unit may use a general consent form to obtain parental consent for health
26 services other than psychological and reproductive health services. Such general consent form
27 does not cover psychological or reproductive health services.

28 (c) This section does not apply to nonpublic schools.

29 (d) As used in this section, the term:

30 (1) 'Health care provider' means an individual authorized under State law to
31 provide health services and who provides services as a private provider or
32 under contract with or as an employee or associate of a public or private
33 entity.

34 (2) 'Parent' means:

35 a. The natural parent.

36 b. A legal guardian.



- 1 c. A legal custodian.
- 2 d. Another person authorized in writing by the parent to make health
- 3 care decisions on behalf of the child, but does not mean a teacher or
- 4 other school official."

5 **SECTION 2.** This act is effective when it becomes law.