

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

1

SENATE BILL 49

Short Title: Parents' Bill of Rights. (Public)

Sponsors: Senators Galey, Lee, and Barnes (Primary Sponsors).

Referred to: Education/Higher Education

February 1, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ENUMERATE THE RIGHTS OF PARENTS TO DIRECT THE UPBRINGING,
3 EDUCATION, HEALTH CARE, AND MENTAL HEALTH OF THEIR MINOR
4 CHILDREN.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. PARENTS' BILL OF RIGHTS**

8 **SECTION 1.** Subchapter VI of Chapter 115C of the General Statutes is amended by
9 adding a new Article to read:

10 "Article 29F.

11 "Parents' Bill of Rights.

12 **"§ 115C-407.70. Definitions.**

13 The following definitions apply in this Article:

14 (1) Reserved for future codification purposes.

15 (2) Child. – A person less than 18 years of age who has not been emancipated
16 pursuant to Article 35 of Chapter 7B of the General Statutes.

17 (3) Reserved for future codification purposes.

18 (4) Reserved for future codification purposes.

19 (5) Parent. – A person who has legal custody of a child, including a natural parent,
20 adoptive parent, or legal guardian.

21 (6) State. – The State, any of its political subdivisions, or any public school unit.

22 **"§§ 115C-407.71 through 115C-407.72.** Reserved for future codification purposes.

23 **"§ 115C-407.73. Parents' bill of rights.**

24 A parent has the right to the following:

25 (1) To direct the education and care of his or her child.

26 (2) To direct the upbringing and moral or religious training of his or her child.

27 (3) To enroll his or her child in a public or nonpublic school and in any school
28 choice options available to the parent for which the child is otherwise eligible
29 by law in order to comply with compulsory attendance laws, as provided in
30 Part 1 of Article 26 of this Chapter.

31 (4) To access and review all education records, as authorized by the federal
32 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, relating to his
33 or her child.

34 (5) To make health care decisions for his or her child, unless otherwise provided
35 by law, including Article 1A of Chapter 90 of the General Statutes.



- 1 (6) To access and review all medical records of his or her child, as authorized by
2 the Health Insurance Portability and Accountability Act of 1996 (HIPAA),
3 P.L. 104-191, as amended, except as follows:
4 a. If the parent is the subject of an investigation of (i) a crime committed
5 against the child under Chapter 14 of the General Statutes or (ii) an
6 abuse and neglect complaint under Chapter 7B of the General Statutes
7 and an individual authorized to conduct that investigation requests that
8 the information not be released to the parent.
9 b. When otherwise prohibited by law.
10 (7) To prohibit the creation, sharing, or storage of a biometric scan of his or her
11 child without the parent's prior written consent, except as authorized pursuant
12 to a court order or otherwise required by law, including G.S. 7B-2102 and
13 G.S. 7B-2201.
14 (8) To prohibit the creation, sharing, or storage of his or her child's blood or
15 deoxyribonucleic acid (DNA) without the parent's prior written consent,
16 except as authorized pursuant to a court order or otherwise required by law,
17 including G.S. 7B-2201.
18 (9) To prohibit the creation by the State of a video or voice recording of his or her
19 child without the parent's prior written consent, except a recording made in
20 the following circumstances:
21 a. During or as part of a court proceeding.
22 b. As part of an investigation under Chapter 7B or Chapter 14 of the
23 General Statutes.
24 c. When the recording will be used solely for any of the following
25 purposes:
26 1. A safety demonstration, including one related to security and
27 discipline on educational property.
28 2. An academic or extracurricular activity.
29 3. Classroom instruction.
30 4. Photo identification cards.
31 5. Security or surveillance of buildings or grounds.
32 (10) To be promptly notified if an employee of the State suspects that a criminal
33 offense has been committed against his or her child, unless the incident has
34 first been reported to law enforcement or the county child welfare agency, and
35 notification of the parent would impede the investigation.

36 **"§§ 115C-407.74 through 115C-407.75.** Reserved for future codification purposes.

37 **"§ 115C-407.76. Limitations on the right to parent.**

- 38 (a) The requirements of this Article do not authorize a parent to do any of the following:
39 (1) Engage in unlawful conduct.
40 (2) Abuse or neglect the child, as defined in Chapter 7B of the General Statutes.
41 (b) The requirements of this Article do not prohibit the following:
42 (1) A State official or employee from acting in his or her official capacity within
43 the reasonable and prudent scope of his or her authority.
44 (2) A court of competent jurisdiction from acting in its official capacity within
45 the reasonable and prudent scope of its authority or issuing an order otherwise
46 permitted by law.

47 **"§§ 115C-407.77 through 115C-407.78.** Reserved for future codification purposes.

48 **"§ 115C-407.79. Employee penalties.**

49 An employee of the State who encourages, coerces, or attempts to encourage or coerce a child
50 to withhold information from his or her parent may be subject to disciplinary action."
51

PART II. PARENTAL GUIDES AND NOTIFICATIONS

SECTION 2.(a) Subchapter III of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 7B.

"Public School Unit Requirements.

"Part 1. Definitions.

"§ 115C-76.1. Definitions.

As used in this Article, the following definitions apply:

- (1) Reserved for future codification purposes.
- (2) Child. – A person less than 18 years of age who has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes.
- (3) Reserved for future codification purposes.
- (4) Reserved for future codification purposes.
- (5) Parent. – A person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.
- (6) Principal. – A school administrator employed as a principal of a school, as provided in Article 19 of this Chapter, or the staff member with the highest decision-making authority at a school, if there is no principal.
- (7) School personnel. – Any of the following:
 - a. An employee of a public school unit, whether full-time or part-time, including substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.
 - b. An independent contractor or employee of an independent contractor of a public school unit, if the independent contractor carries out duties customarily performed by school personnel and has significant access to students, whether paid with federal, State, local, or other funds.
- (8) Superintendent. – Any of the following:
 - a. A superintendent of a local school administrative unit, as provided in Article 18 of this Chapter, or designee.
 - b. The staff member with the highest decision-making authority for a public school unit, if there is no superintendent or designee.

"§§ 115C-76.2 through 115C-76.4. Reserved for future codification purposes.

"Part 3. Parental Involvement in Public School Units.

"§ 115C-76.5. Priority of parental involvement in public school.

(a) The General Assembly finds that parental involvement and empowerment is fundamental to the successful education of all students. To strengthen partnerships among parents and school personnel, public school units and all public school unit personnel shall fully support and cooperate in implementing a well-planned, inclusive, and comprehensive program to assist parents and families in effectively participating in their child's education.

(b) To ensure active engagement and timely provision of information that parents can use to improve success for their child, public school units shall comply with the requirements of this Part to do all of the following:

- (1) Inform parents of their legal rights and responsibilities with regards to their child's education.
- (2) Provide a parent's guide for student achievement annually to parents to provide information parents need to know about their child's educational progress and how they can help their child to succeed in school.
- (3) Develop policies to effectively involve parents in schools and their child's education.

"§ 115C-76.6. Parent legal rights for their child's education.

1 (a) Parents have legal rights with regards to their child's education, including the
2 following:

- 3 (1) The right to consent or withhold consent for participation in reproductive
4 health and safety education programs, consistent with the requirements of
5 G.S. 115C-81.30.
- 6 (2) The right to seek a medical or religious exemption from immunization
7 requirements, consistent with the requirements of G.S. 130A-156 and
8 G.S. 130A-157.
- 9 (3) The right to review statewide standardized assessment results as part of the
10 State report card.
- 11 (4) The right to request an evaluation of their child for an academically or
12 intellectually gifted program, or for identification as a child with a disability,
13 as provided in Article 9 of this Chapter.
- 14 (5) The right to inspect and purchase public school unit textbooks and other
15 supplementary instructional materials, as provided in Part 3 of Article 8 of this
16 Chapter.
- 17 (6) The right to access information relating to the unit's policies for promotion or
18 retention, including high school graduation requirements.
- 19 (7) The right to receive student report cards on a regular basis that clearly depict
20 and grade the student's academic performance in each class or course, the
21 student's conduct, and the student's attendance.
- 22 (8) The right to access information relating to the State public education system,
23 State standards, report card requirements, attendance requirements, and
24 textbook requirements.
- 25 (9) The right to participate in parent-teacher organizations.
- 26 (10) The right to opt out of certain data collection for their child, as provided in
27 Article 29 of this Chapter.
- 28 (11) The right for students to participate in protected student information surveys
29 only with parental consent, as provided in Part 5 of this Article.
- 30 (12) The right to review all available records of materials their child has borrowed
31 from a school library.

32 (b) Public school units shall (i) allow parents to exercise these rights and (ii) make the
33 rights contained in this section available to parents electronically or by displaying the information
34 on the website of the public school unit.

35 **"§ 115C-76.7. Parent's guide for student achievement.**

36 (a) The State Board of Education shall develop minimum requirements for public school
37 units for a parent's guide to student achievement to provide what parents need to know about
38 their child's educational progress and how they can help their child to succeed in school. These
39 minimum requirements shall include at least the following:

- 40 (1) Parental information regarding the following:
 - 41 a. Requirements for his or her child to be promoted to the next grade,
42 including the requirements of Part 1A of Article 8 of this Chapter.
 - 43 b. The course of study, textbooks, and other supplementary instructional
44 materials for his or her child and the policies for inspection and review
45 of those materials.
 - 46 c. Progress of his or her child toward achieving State and unit
47 expectations for academic proficiency, including policies for student
48 assessment, and his or her child's assessment results, report cards, and
49 progress reports.
 - 50 d. Qualifications of his or her child's teachers, including licensure status.

- 1 e. School entry requirements, including required immunizations and the
2 recommended immunization schedule.
- 3 (2) Parental actions that can do the following:
- 4 a. Strengthen the child's academic progress, especially in the area of
5 reading as provided in Part 1A of Article 8 of this Chapter.
- 6 b. Strengthen the child's citizenship, especially social skills and respect
7 for others.
- 8 c. Strengthen the child's realization of high expectations and setting
9 lifelong learning goals.
- 10 d. Place a strong emphasis on the communication between the school and
11 the home.
- 12 (3) Services available for parents and their children, such as family literacy
13 services; mentoring, tutoring, and other academic reinforcement programs;
14 college planning, academic advisement, and student counseling services; and
15 after-school programs.
- 16 (4) Opportunities for parental participation, such as parenting classes, adult
17 education, school advisory councils, and school volunteer programs.
- 18 (5) Opportunities for parents to learn about rigorous academic programs that may
19 be available for their child, such as honors programs, Career and College
20 Promise and other dual enrollment opportunities, advanced placement,
21 Advanced International Certificate of Education (AICE) courses,
22 International Baccalaureate, North Carolina Virtual High School courses, and
23 accelerated access to postsecondary education.
- 24 (6) Educational choices available to parents, including each type of public school
25 unit available to residents of the county in which the child lives and nonpublic
26 school options, educational choice options offered within the public school
27 unit, and scholarship grant programs under Part 2A of Article 39 and Article
28 41 of this Chapter.
- 29 (7) Rights of students who have been identified as students with disabilities, as
30 provided in Article 9 of this Chapter.
- 31 (8) Contact information for school and unit offices.
- 32 (9) Resources for information on the importance of student health and other
33 available resources for parents, including the following information on
34 available immunizations and vaccinations:
- 35 a. A recommended immunization schedule in accordance with the
36 United States Centers for Disease Control and Prevention
37 recommendations.
- 38 b. Information about meningococcal meningitis and influenza, as
39 required by G.S. 115C-375.4.
- 40 (b) The State Board shall update the minimum requirements on an annual basis and shall
41 provide the requirements to public school units no later than May 1 annually.
- 42 (c) Each public school unit shall provide to parents, students, and school personnel at the
43 beginning of each school year a parent guide for student achievement that meets the following
44 requirements:
- 45 (1) Includes, at a minimum, the State Board requirements developed as provided
46 in subsection (a) of this section and policies developed by the governing body
47 as provided in G.S. 115C-76.8.
- 48 (2) Is understandable to students and parents.
- 49 (3) Is provided in writing to the parent.
- 50 (4) Is discussed at the beginning of each school year in meetings of students,
51 parents, and teachers.

"§ 115C-76.8. Public school unit policies to increase parental involvement.

(a) Governing bodies of public school units shall, in consultation with parents, teachers, administrators, and community partners, develop and adopt policies to promote parental involvement and empowerment in the public school unit. The policies shall provide for parental choices and establish parental responsibilities. Policies that provide for parental involvement shall include the following:

- (1) Providing links to parents for community services.
- (2) Establishing opportunities for parental involvement in the development, implementation, and evaluation of family involvement programs.
- (3) Establishing opportunities for parents to participate on school advisory councils and in school volunteer programs and other activities.

(b) Governing bodies of public school units shall establish policies to do all of the following:

- (1) Provide for parental participation in their child's education to improve parent and teacher cooperation in areas such as homework, school attendance, and discipline that aligns with the parent guide for student achievement required by G.S. 115C-76.7.
- (2) Require principals to effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives.
- (3) Establish a procedure for parents to learn about their child's course of study and the source of any supplementary instructional materials. This procedure shall include the process for parents to inspect and review all textbooks and supplementary instructional materials that will be used in their child's classroom. The policy shall be available for in-person review by parents at the school site and publicly available on the school's website. For the purposes of this section, a textbook is as defined in G.S. 115C-85 and supplementary instructional materials include supplementary textbooks, periodicals, audiovisual materials, and other supplementary materials used for instructional purposes.
- (4) Establish a means for parents to object to textbooks and supplementary instructional materials consistent with the requirements of G.S. 115C-98.
- (5) Establish a process for parents to review materials for and to consent or withhold consent for participation in reproductive health and safety education programs consistent with the requirements of G.S. 115C-81.30.
- (6) Establish a process for parents to learn about the nature and purpose of clubs and activities offered at their child's school, including both curricular and extracurricular activities.

"§ 115C-76.9. Time lines for parental requests for information.

(a) A parent may request in writing from the principal of the school in which his or her child is enrolled any of the information the parent has the right to access, as provided in this Part. A principal, within 10 business days, shall either (i) provide the requested information to the parent or (ii) provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

(b) If the principal (i) denies or fails to respond to the request for information within 10 business days or (ii) fails to provide information within 20 business days following an extension notice as provided in subsection (a) of this section, the parent may request in writing any of the information the parent has the right to access, as provided in this Part, from the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

1 (c) If the superintendent denies or does not respond to the request for information within
2 10 business days, the parent may appeal the denial or lack of response to the governing body of
3 the public school unit no later than 20 business days from the date of the request to the
4 superintendent as provided in subsection (b) of this section. The governing body shall place the
5 parent's appeal on the agenda for the next meeting of the body occurring more than three business
6 days after submission of the appeal.

7 (d) The governing body shall establish, by policy, procedures governing requests for
8 information and appeals that reflect the requirements of this section. The governing body may
9 designate the process to be used by parents when submitting requests for information and shall
10 display information on the procedures for requests for information and appeals along with other
11 parental rights, as required by G.S. 115C-76.6.

12 (e) A decision of a governing body under this section is final and is not subject to judicial
13 review.

14 **"§§ 115C-76.10 through 115C-76.15.** Reserved for future codification purposes.

15 "Part 4. Notifications of Student Physical and Mental Health.

16 **"§ 115C-76.16. Notifications of student physical and mental health.**

17 (a) The governing body of a public school unit shall adopt procedures to notify a parent
18 of the following:

19 (1) At the beginning of each school year, notice of each health care service offered
20 at his or her child's school and the means for the parent to provide consent for
21 any specific service. A parent's consent to a health care service does not waive
22 the parent's right to access his or her child's educational records or health
23 records or to be notified of changes in his or her child's services or monitoring.

24 (2) At the beginning of each school year, procedures to exercise the parental
25 remedies provided by G.S. 115C-76.19.

26 (3) Prior to administration to students in kindergarten through third grade, a copy
27 of any student well-being questionnaire or health screening form and the
28 means for the parent to consent to the use of the questionnaire or form for his
29 or her child.

30 (4) Prior to or contemporaneous with changes, notice of changes in services or
31 monitoring related to his or her child's mental, emotional, or physical health
32 or well-being and the school's ability to provide a safe and supportive learning
33 environment for that child.

34 (5) Prior to any changes in the name or pronoun used for a student in school
35 records or by school personnel, notice to the parent of the change.

36 (b) In accordance with the right of parents provided in Article 29F of this Chapter, the
37 procedures shall include a requirement that school personnel do one or both of the following:

38 (1) Encourage a child to discuss issues related to the child's well-being with his
39 or her parent.

40 (2) Facilitate discussion of the issue with the child's parents.

41 (c) The procedures shall not prohibit parents from accessing any of their child's education
42 and health records created, maintained, or used by the public school unit, except as follows:

43 (1) As limited by G.S. 115C-407.73(6).

44 (2) When a reasonably prudent person would believe that disclosure would result
45 in the child becoming an abused juvenile or neglected juvenile, as those terms
46 are defined in G.S. 7B-101.

47 (d) The governing body and public school unit shall not adopt procedures or forms that
48 do any of the following:

49 (1) Prohibit school employees from notifying a parent about his or her child's
50 mental, emotional, or physical health or well-being or a change in related
51 services or monitoring.

1 (2) Encourage or have the effect of encouraging a child to withhold from that
2 child's parent information about his or her mental, emotional, or physical
3 health or well-being or a change in related services or monitoring.

4 (e) School personnel shall not discourage or prohibit parental notification of and
5 involvement in critical decisions affecting a student's mental, emotional, or physical health or
6 well-being.

7 **"§ 115C-76.17. Student support services training.**

8 Student support services training developed or provided by a public school unit to school
9 personnel shall adhere to student services guidelines, standards, and frameworks established by
10 the Department of Public Instruction.

11 **"§ 115C-76.18. Age-appropriate instruction for grades kindergarten through fourth grade.**

12 Instruction on gender identity, sexual activity, or sexuality shall not be included in the
13 curriculum provided in grades kindergarten through fourth grade, regardless of whether the
14 information is provided by school personnel or third parties. For the purposes of this section,
15 curriculum includes the standard course of study and support materials, locally developed
16 curriculum, supplemental instruction, and textbooks and other supplementary materials, but does
17 not include responses to student-initiated questions.

18 **"§ 115C-76.19. Remedies for parental concerns.**

19 (a) The governing body of a public school unit shall adopt procedures for a parent to
20 notify the principal at his or her child's school regarding concerns about a public school unit's
21 procedure or practice under this Part and a process for resolving those concerns within seven
22 days of the date of notification by the parent. If the parental concern has not been resolved within
23 30 days following the date of notification by the parent, the public school unit shall provide a
24 statement of the reasons for not resolving the concern.

25 (b) If a concern is not resolved by the public school unit within 30 days, a parent may do
26 either of the following:

27 (1) Notify the State Board of Education of the concern and request a parental
28 concern hearing. The State Board shall establish rules for parental concern
29 hearings. At a minimum, the rules shall require the following:

30 a. The State Board of Education shall appoint a qualified hearing officer.
31 To qualify as a hearing officer, an individual must be a member in
32 good standing of the North Carolina State Bar with demonstrated
33 experience in education or administrative law within the last five
34 years.

35 b. The hearing shall be conducted in accordance with rules established
36 by the State Board.

37 c. The hearing officer shall determine facts related to the dispute over the
38 public school unit's procedure or practice, consider information
39 provided by the public school unit, and render a recommended
40 decision for resolution to the State Board of Education within 30 days
41 after assignment to the parental concern hearing.

42 d. The State Board shall approve or reject the recommended decision at
43 its next regularly scheduled board meeting held more than seven days
44 after receipt of the recommended decision.

45 e. The public school unit shall pay for the costs of the hearing officer.

46 (2) Bring an action against the public school unit as provided in Article 26 of
47 Chapter 1 of the General Statutes for a declaratory judgment that the unit's
48 procedure or practice violates this Part. The court may award injunctive relief
49 to a parent and shall award reasonable attorneys' fees and costs to a parent
50 awarded injunctive relief.

1 (c) The provisions of this section are in addition to any other remedies or procedures
2 authorized or permitted by law.

3 **"§ 115C-76.20.** Reserved for future codification purposes.

4 "Part 5. Notification Requirements for Parental Options.

5 **"§ 115C-76.21. Parental rights to opt-in to protected information surveys.**

6 (a) The following definitions shall apply in this section:

7 (1) Adult student. – An enrolled student who is 18 years of age or older or is an
8 emancipated minor.

9 (2) Protected information survey. – A survey, analysis, or evaluation that reveals
10 information concerning any of the following:

11 a. Political affiliations or beliefs of the student or the student's parent.

12 b. Mental or psychological problems of the student or the student's
13 family.

14 c. Sex behavior or attitudes.

15 d. Illegal, antisocial, self-incriminating, or demeaning behavior.

16 e. Critical appraisals of other individuals with whom respondents have
17 close family relationships.

18 f. Legally recognized privileged or analogous relationships, such as
19 those of lawyers, physicians, and ministers.

20 g. Religious practices, affiliations, or beliefs of the student or student's
21 parent.

22 h. Income, other than that required by law to determine eligibility for
23 participation in a program or for receiving financial assistance under
24 such program.

25 (b) The public school unit shall make the following available to parents and adult students
26 at least 10 days prior to administration of a protected information survey. The public school unit
27 shall provide opportunities for review of the following both electronically and in person:

28 (1) The process for providing consent to participation in the protected information
29 survey.

30 (2) The full text of the protected information survey.

31 (c) No student shall be permitted to participate in a protected information survey without
32 the prior written or electronic consent of the parent or the adult student.

33 (d) The requirements of this section are in addition to the rights provided to parents and
34 students under the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h.

35 **"§§ 115C-76.22 through 115C-76.35.** Reserved for future codification purposes.

36 "Part 10. Reporting Requirements.

37 **"§ 115C-76.36. Reporting requirements.**

38 (a) Each public school unit shall report annually by September 15 the following
39 information to the State Board of Education in a format designated by the State Board:

40 (1) The most current version of the policies and procedures adopted as required
41 by this Article with any modifications of the policy or procedure from the
42 prior year's submission clearly delineated.

43 (2) The following information from the prior school year:

44 a. The number of appeals to the governing body under G.S. 115C-76.9
45 and the percentage of appeals decided in favor of the parent and in
46 favor of the administration in the prior school year.

47 b. The number of statements provided to parents as required by
48 G.S. 115C-76.19(a).

49 c. The number of parental concern hearings involving the public school
50 unit as provided in G.S. 115C-76.19(b)(1).

d. The number of actions brought against the public school unit as provided in G.S. 115C-76.19(b)(2) and the number of declaratory judgments entered against the public school unit.

(b) The State Board of Education shall report annually by November 15 to the Joint Legislative Education Oversight Committee and the Joint Legislative Commission on Governmental Operations on the following:

(1) A summary of each data point received from public school units pursuant to subsection (a) of this section.

(2) Identification of any trends in noncompliance.

(3) An appendix of each public school unit's report."

SECTION 2.(b) By June 30, 2024, the Department of Public Instruction shall review and update, as necessary, all of the following in accordance with this act:

(1) School counseling frameworks and standards.

(2) Educator practices and professional conduct principles.

(3) Other student services and school personnel guidelines, standards, or frameworks.

SECTION 2.(c) This section is effective when it becomes law and applies beginning with the 2023-2024 school year.

PART III. PARENTAL AUTHORIZATION FOR HEALTH CARE OF MINORS

SECTION 3.(a) Article 1A of Chapter 90 of the General Statutes is amended by adding a new Part to read:

"Part 3. Parental Consent for Treatment.

"§ 90-21.10A. Definitions.

The following definitions apply in this Article:

(1), (2) Reserved for future codification purposes.

(3) Health care facility. – A health care facility, licensed under Chapter 131E or 122C of the General Statutes, where health care services are provided to patients, including:

a. An agent or employee of the health care facility that is licensed, certified, or otherwise authorized to provide health care services.

b. The officers and directors of a health care facility.

(4) Health care practitioner. – An individual who is licensed, certified, or otherwise authorized under this Chapter, Chapter 90B, Chapter 90C, or Chapter 115C of the General Statutes to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program, or an agent or employee of that individual.

(5) Minor child. – Any person under the age of 18 who has not been married or has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes.

(6) Parent. – A person who has legal custody of a minor child, including a natural parent, adoptive parent, or legal guardian.

(7) Treatment. – Any medical procedure or treatment, including X rays, the administration of drugs, blood transfusions, use of anesthetics, and laboratory or other diagnostic procedures employed by or ordered by a health care practitioner, that is used, employed, or ordered to be used or employed commensurate with the exercise of reasonable care and equal to the standards of medical practice normally employed in the community where the health care practitioner administers treatment to the minor child.

"§ 90-21.10B. Parental consent for treatment.

1 (a) Except as otherwise provided in this Article or by court order, a health care
2 practitioner shall not provide, solicit, or arrange treatment for a minor child without first
3 obtaining written consent from that minor child's parent.

4 (b) Except as otherwise provided in this Article or by court order, a health care facility
5 shall not allow treatment to be performed on a minor child in its facility without first obtaining
6 written consent from that minor child's parent.

7 (c) This section does not apply to services provided by a clinical laboratory unless the
8 services are delivered through a direct encounter with the minor child at the clinical laboratory
9 facility.

10 **"§ 90-21.10C. Penalty.**

11 A health care practitioner or other person that violates this section is subject to disciplinary
12 action by the board that licensed, certified, or otherwise authorized the health care practitioner to
13 provide treatment, including a fine of up to five thousand dollars (\$5,000)."

14 **SECTION 3.(b)** This section becomes effective December 1, 2023, and applies to
15 violations committed on or after that date.

16
17 **PART IV. EFFECTIVE DATE**

18 **SECTION 4.** Except as otherwise provided, this act becomes effective July 1, 2023.