

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 638

Short Title: Parental Notice of Health Care. (Public)

Sponsors: Senators Brock; Forrester, Horton, Pittenger, Shubert, and Sloan.

Referred to: Health & Human Resources.

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE PROVISION OF CERTAIN HEALTH SERVICES BY
LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE UNITS TO
OBTAIN PERMISSION FROM PARENTS FOR CERTAIN SERVICES.

The General Assembly of North Carolina enacts:

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

"Part 9. School-Based Health Services.

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

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

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

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

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

- 1 (1) 'Health care provider' means an individual authorized under State law
2 to provide health services and who provides services as a private
3 provider, or under contract with or as an employee or associate of a
4 public or private entity.
- 5 (2) 'Parent' means:
- 6 a. The natural parent.
- 7 b. A legal guardian.
- 8 c. A legal custodian.
- 9 d. Another person authorized in writing by the parent to make
10 health care decisions on behalf of the child, but does not mean a
11 teacher or other school official."
- 12 **SECTION 2.** This act is effective when it becomes law.