

S.18: Minor consent to treatment for nicotine addiction (2 options)

Option 1: Add to existing minor consent to treatment statute

Sec. __. 18 V.S.A. § 4226 is amended to read:

§ 4226. MINORS; TREATMENT; CONSENT

(a)(1) If a minor 12 years of age or older is suspected to be dependent upon regulated drugs as defined in section 4201 of this title, on alcohol, on nicotine, or on tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001, or to have venereal disease, a sexually transmitted infection ~~or to be an alcoholic as defined in section 8401 of this title, and the finding of such dependency, disease, or alcoholism~~ or infection is verified by a licensed physician, the minor may give:

(A) ~~his or her~~ consent to medical treatment and hospitalization; and

(B) in the case of ~~a drug dependent or alcoholic person~~ an individual who is dependent on drugs or alcohol, consent to nonmedical inpatient or outpatient treatment at a program approved by the Agency of Human Services to provide treatment for ~~drug dependency or alcoholism~~ substance use disorder if deemed necessary by the examining physician ~~for diagnosis or treatment of such dependency or disease or alcoholism.~~

(2) Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of the parent or legal guardian of a minor consenting under this section shall not be necessary to authorize care as described in this subsection.

(b) The parent, parents, or legal guardian shall be notified by the physician if the condition of a minor child requires immediate hospitalization as the result of drug ~~usage,~~

~~alcoholism, or alcohol use~~ or for the treatment of a ~~veneral disease~~ sexually transmitted infection.

Option 2: Create new minor consent statute in Title 7 (or elsewhere in the V.S.A.)

Sec. __. 7 V.S.A. § 1014 is added to read:

§ 1014. MINOR CONSENT TO CESSATION TREATMENT

(a)(1) A minor may give consent to receive treatment from a health care professional for the minor’s dependency on nicotine, tobacco products, or tobacco substitutes, or a combination of these.

(2) The minor’s consent under this section shall not be subject to disaffirmance due to the minority of the person consenting.

(3) The consent of a parent or legal guardian of a minor consenting under this section shall not be necessary to authorize treatment.

(b) As used in this section, “health care professional” means an individual licensed as a physician under 26 V.S.A. chapter 23 or 33, an individual licensed as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as a registered nurse or advanced practice registered nurse under 26 V.S.A. chapter 28.