
HOUSE BILL 2041

State of Washington

67th Legislature

2022 Regular Session

By Representatives Walsh, Abbarno, Chase, McCaslin, Jacobsen, Sutherland, and Eslick

Read first time 01/19/22. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to greater consistency in the provision of health
2 care services for minors under the age of 16; amending RCW 70.24.110,
3 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section
4 to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.24.110 and 2020 c 76 s 7 are each amended to read
7 as follows:

8 A minor (~~fourteen~~) 16 years of age or older who may have come
9 in contact with any sexually transmitted disease or suspected
10 sexually transmitted disease may give consent to the furnishing of
11 hospital, medical, and surgical care related to the diagnosis or
12 treatment of such disease; and treatment to avoid HIV infection. Such
13 consent shall not be subject to disaffirmance because of minority.
14 The consent of the parent, parents, or legal guardian of such minor
15 shall not be necessary to authorize hospital, medical, and surgical
16 care related to such disease, and such parent, parents, or legal
17 guardian shall not be liable for payment for any care rendered
18 pursuant to this section.

19 **Sec. 2.** RCW 71.34.500 and 2020 c 302 s 74 are each amended to
20 read as follows:

1 (1) (~~An adolescent~~) A minor 16 years of age or older may admit
2 himself or herself to an evaluation and treatment facility for
3 inpatient mental health treatment or an approved substance use
4 disorder treatment program for inpatient substance use disorder
5 treatment without parental consent. The admission shall occur only if
6 the professional person in charge of the facility concurs with the
7 need for inpatient treatment. Parental authorization, or
8 authorization from a person who may consent on behalf of the minor
9 pursuant to RCW 7.70.065, is required for inpatient treatment of a
10 minor under the age of (~~thirteen~~) 16.

11 (2) When, in the judgment of the professional person in charge of
12 an evaluation and treatment facility or approved substance use
13 disorder treatment program, there is reason to believe that a minor
14 is in need of inpatient treatment because of a behavioral health
15 disorder, and the facility provides the type of evaluation and
16 treatment needed by the minor, and it is not feasible to treat the
17 minor in any less restrictive setting or the minor's home, the minor
18 may be admitted to the facility.

19 (3) Written renewal of voluntary consent must be obtained from
20 the applicant no less than once every (~~twelve~~) 12 months. The
21 minor's need for continued inpatient treatments shall be reviewed and
22 documented no less than every (~~one hundred eighty~~) 180 days.

23 **Sec. 3.** RCW 71.34.510 and 2019 c 381 s 4 are each amended to
24 read as follows:

25 (1) The professional person in charge of an evaluation and
26 treatment facility shall provide notice to the parent of (~~an~~
27 ~~adolescent~~) a minor 16 years of age or older when the (~~adolescent~~)
28 minor is voluntarily admitted to inpatient treatment under RCW
29 71.34.500 solely for mental health treatment and not for substance
30 use disorder treatment, unless the professional person has a
31 compelling reason to believe that such disclosure would be
32 detrimental to the (~~adolescent~~) minor or contact cannot be made, in
33 which case the professional person must document the reasons in the
34 (~~adolescent's~~) minor's medical record.

35 (2) The professional person in charge of an evaluation and
36 treatment facility or an approved substance use disorder treatment
37 program shall provide notice to the parent of (~~an adolescent~~) a
38 minor 16 years of age or older voluntarily admitted to inpatient
39 treatment under RCW 71.34.500 for substance use disorder treatment

1 only if: (a) The (~~adolescent~~) minor provides written consent to the
2 disclosure of the fact of admission and such other substance use
3 disorder treatment information in the notice; or (b) permitted by
4 federal law.

5 (3) If the professional person withholds notice to a parent under
6 subsection (1) of this section, or such notice cannot be provided,
7 the professional person in charge of the facility must consult the
8 information that the Washington state patrol makes publicly available
9 under RCW 43.43.510(2) at least once every eight hours for the first
10 (~~seventy-two~~) 72 hours of treatment and once every (~~twenty-four~~)
11 24 hours thereafter while the (~~adolescent~~) minor continues to
12 receive inpatient services and until the time that the professional
13 person contacts a parent of the (~~adolescent~~) minor. If the
14 (~~adolescent~~) minor is publicly listed as missing, the professional
15 person must immediately notify the department of children, youth, and
16 families of its contact with the youth listed as missing. The
17 notification must include a description of the (~~adolescent's~~)
18 minor's physical and emotional condition.

19 (4) The notice required under subsections (1) and (2) of this
20 section shall be in the form most likely to reach the parent within
21 (~~twenty-four~~) 24 hours of the (~~adolescent's~~) minor's voluntary
22 admission and shall advise the parent: (a) That the (~~adolescent~~)
23 minor has been admitted to inpatient treatment; (b) of the location
24 and telephone number of the facility providing such treatment; (c) of
25 the name of a professional person on the staff of the facility
26 providing treatment who is designated to discuss the (~~adolescent's~~)
27 minor's need for inpatient treatment with the parent; and (d) of the
28 medical necessity for admission. Notification efforts under
29 subsections (1) and (2) of this section shall begin as soon as
30 reasonably practicable, considering the (~~adolescent's~~) minor's
31 immediate medical needs.

32 **Sec. 4.** RCW 71.34.520 and 2019 c 381 s 5 are each amended to
33 read as follows:

34 (1) Any (~~adolescent~~) minor 16 years of age or older voluntarily
35 admitted to an evaluation and treatment facility or approved
36 substance use disorder treatment program under RCW 71.34.500 may give
37 notice of intent to leave at any time. The notice need not follow any
38 specific form so long as it is written and the intent of the
39 (~~adolescent~~) minor can be discerned.

1 (2) The staff member receiving the notice from a minor 16 years
2 of age or older shall date it immediately and record its existence in
3 the ((~~adolescent's~~)) minor's clinical record.

4 (a) If the evaluation and treatment facility is providing the
5 ((~~adolescent~~)) minor solely with mental health treatment and not
6 substance use disorder treatment, copies of the notice must be sent
7 to the ((~~adolescent's~~)) minor's attorney, if any, the designated
8 crisis responders, and the parent.

9 (b) If the evaluation and treatment facility or substance use
10 disorder treatment program is providing the ((~~adolescent~~)) minor with
11 substance use disorder treatment, copies of the notice must be sent
12 to the ((~~adolescent's~~)) minor's attorney, if any, the designated
13 crisis responders, and the parent only if: (i) The ((~~adolescent~~))
14 minor provides written consent to the disclosure of the
15 ((~~adolescent's~~)) minor's notice of intent to leave and such other
16 substance use disorder information; or (ii) permitted by federal law.

17 (3) The professional person shall discharge the ((~~adolescent~~))
18 minor 16 years of age or older from the facility by the second
19 judicial day following receipt of the ((~~adolescent's~~)) minor's notice
20 of intent to leave.

21 **Sec. 5.** RCW 71.34.530 and 2019 c 381 s 6 are each amended to
22 read as follows:

23 Any ((~~adolescent~~)) minor 16 years of age or older may request and
24 receive outpatient treatment without the consent of the
25 ((~~adolescent's~~)) minor's parent. Parental authorization, or
26 authorization from a person who may consent on behalf of the minor
27 pursuant to RCW 7.70.065, is required for outpatient treatment of a
28 minor under the age of ((~~thirteen~~)) 16.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.02 RCW
30 to read as follows:

31 Notwithstanding any provision of law to the contrary:

32 (1) A parent or legal guardian of a minor under the age of 16 may
33 not be held financially responsible for services related to an
34 abortion received by the minor if the parent or legal guardian did
35 not consent to such services; and

36 (2) The state may not expend any funds to permit a minor under
37 the age of 16 to voluntarily terminate a pregnancy without the
38 consent of the minor's parent or legal guardian, unless, as

1 determined by the reasonable, good faith clinical judgment of the
2 patient's primary care physician, the life of the minor is in
3 imminent danger because of a serious physical disorder, illness, or
4 injury if the termination of the pregnancy is not performed.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.28
6 RCW to read as follows:

7 A minor under the age of 16 may not provide informed consent for
8 a health care procedure unless statutorily authorized to do so under
9 this code. The legislature hereby declares the principle of implied
10 emancipation, also known as the mature minor rule, as articulated in
11 *Smith v. Seibly*, 72 Wn.2d (1967), to be abolished to the extent it
12 conflicts with this section.

13 NEW SECTION. **Sec. 8.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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