



**SENATE BILL 259**

By Pody

AN ACT to amend Tennessee Code Annotated, Title 33; Title 36; Title 37; Title 49; Title 63 and Title 68, relative to healthcare treatment of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-8-202, is amended by deleting subdivision (c)(1) and substituting:

(1) A child's parent, legal guardian, or legal custodian may access all mental health treatment, medical, rehabilitation, and prescription records resulting from treatment provided to an unemancipated minor pursuant to this section;

SECTION 2. Tennessee Code Annotated, Section 33-8-202(c)(2), is amended by deleting "prescription records" wherever it appears and substituting "mental health treatment, medical, rehabilitation, or prescription records".

SECTION 3. Tennessee Code Annotated, Section 68-11-304, is amended by deleting subsection (i) and substituting:

(i) If an unemancipated minor receives medical treatment, then the minor's parent, legal guardian, legal custodian, or other person with medical decision-making authority for the unemancipated minor may access, and a healthcare provider or healthcare facility shall provide access to, all medical treatment and prescription records resulting from medical treatment of the minor, even if the treatment was provided to the unemancipated minor without parental consent, including, but not limited to, treatment provided pursuant to § 68-10-104(c), § 68-34-107, § 63-6-220, § 63-6-222, or § 63-6-223.

SECTION 4. Tennessee Code Annotated, Section 68-11-304(j), is amended by deleting "prescription records" wherever it appears and substituting "medical treatment or prescription records".

SECTION 5. Tennessee Code Annotated, Section 36-8-103, is amended by deleting subdivision (c)(4) and substituting:

(4) To access and review all health and medical records of the child, including health and medical records related to treatments available to unemancipated minors without parental consent;

SECTION 6. Tennessee Code Annotated, Section 63-1-165(b), is amended by adding the following as new subdivisions:

( ) "Medical procedure" means a course of action intended to achieve a result in the delivery of health care;

( ) "Medical treatment":

(A) Means any step taken to effect a cure of an injury or disease; and

(B) Includes examination; diagnosis; the application of remedies; and the use of a medical procedure, regardless of whether the medical procedure is invasive or non-invasive;

SECTION 7. Tennessee Code Annotated, Section 63-1-165(c)(1), is amended by deleting the first sentence and substituting:

A healthcare provider shall not provide a vaccination to or perform medical treatment on a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor.

SECTION 8. Tennessee Code Annotated, Section 63-1-165(c), is amended by adding the following as a new subdivision:

(5) Notwithstanding subdivision (c)(1), a physician licensed pursuant to chapter 6 or 9 of this title may perform emergency medical treatment on a minor in compliance with § 63-6-222, despite the absence of informed consent from a parent or guardian or a court order.

SECTION 9. Tennessee Code Annotated, Section 63-1-176, is amended by deleting subdivision (c)(6) and substituting:

(6) An employee of a local education agency:

(A) Acts to control bleeding using a bleeding control kit pursuant to § 49-2-137; or

(B) Provides bandages, gauze, or ice packs for the treatment of minor cuts, scrapes, bumps, and bruises.

SECTION 10. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to SB0259

Crowe  
Signature of Sponsor

**AMEND Senate Bill No. 259\***

**House Bill No. 853**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-8-202(c), is amended by deleting the subsection and substituting:

(c) Notwithstanding subsections (a) and (b), and to the extent allowable by federal privacy laws and regulations:

(1) As used in this subsection (c):

(A) "Prescription records" mean documents, data, or other recorded information created, maintained, or transmitted by a licensed healthcare provider, pharmacy, or other authorized entity that relate to prescribing, dispensing, or administering of medication to a patient, including written, electronic, or verbal prescriptions, medication orders, dosage instructions, refill authorizations, dispensing logs, pharmacy records, and modifications, renewals, or cancellations of a prescription; and

(B) "Rehabilitation records":

(i) Mean records concerning a diagnosis, treatment recommendation, discharge summary, or prescribed course of action provided by a healthcare provider to a patient in connection with rehabilitation services; and

(ii) Does not include personal notes, statements, or communications originating from the patient that are documented,

interpreted, or formalized by the provider as part of the medical record.

(2) A child's parent, legal guardian, or legal custodian may access prescription records and rehabilitation records resulting from treatment provided to an unemancipated minor pursuant to this section.

(3) Notwithstanding subdivision (c)(2), a child's parent, legal guardian, or legal custodian shall not access prescription records or rehabilitation records resulting from treatment provided to an unemancipated minor pursuant to this section if the treating professional is required to report abuse of the unemancipated minor pursuant to § 37-1-403 or § 37-1-605, and the treating professional believes that access to prescription records or rehabilitation records is reasonably likely to endanger the life or physical safety of the minor.

(4) If an unemancipated minor communicates suicidal ideations to the treating professional, and the professional, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's specialty under similar circumstances, has determined or reasonably should have determined that the unemancipated minor has the apparent ability to attempt suicide and is likely to attempt suicide unless prevented from doing so, then the treating professional shall, in addition to any other duties required by law, report such suicidal ideations to the unemancipated minor's parent, legal guardian, or legal custodian.

SECTION 2. Tennessee Code Annotated, Section 36-8-103(c)(4), is amended by deleting the subdivision and substituting:

(4) To access and review a child's medical records, as defined in § 63-2-101, including prescription records and rehabilitation records as defined in § 33-8-202;

SECTION 3. Tennessee Code Annotated, Section 68-11-304(i), is amended by deleting the subsection and substituting:

(i) A parent, legal guardian, legal custodian, or other person with medical decision-making authority for an unemancipated minor may access, and a healthcare provider or healthcare facility shall provide access, in accordance with § 36-8-103, to the unemancipated minor's medical records resulting from medical treatment provided without parental consent, including treatment provided pursuant to § 68-10-104(c), § 68-34-107, § 63-6-220, § 63-6-222, or § 63-6-223.

SECTION 4. Tennessee Code Annotated, Section 68-11-304(j), is amended by deleting the subsection and substituting:

(j) Notwithstanding subsection (i), a child's parent, legal guardian, or legal custodian shall not access, in accordance with § 36-8-103, the unemancipated minor's medical records resulting from treatment provided without parental consent, including treatment provided pursuant to § 68-10-104(c), § 68-34-107, § 63-6-220, § 63-6-222, or § 63-6-223, if the treating professional is required to report abuse of the unemancipated minor pursuant to § 37-1-403 or § 37-1-605, and the treating professional believes that access to medical records is reasonably likely to endanger the life or physical safety of the minor.

SECTION 5. Tennessee Code Annotated, Section 63-1-176(c)(6), is amended by deleting subdivision and substituting:

(6) An employee of a local education agency or public institution of higher education acts to control bleeding using a bleeding control kit pursuant to § 49-2-137;

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.