

HOUSE No. 3669

By Mr. Cohen of Andover, petition of Gerald M. Cohen for legislation to clarify the procedures for minors to consent to medical care for drug dependency and providing for the confidentiality of records in connection therewith. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT CLARIFYING PROCEDURES FOR MINORS TO CONSENT TO MEDICAL CARE FOR DRUG DEPENDENCY AND PROVIDING FOR CONFIDENTIALITY OF RECORDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended by striking
2 out section 12E, as appearing in chapter 816 of the acts of 1970,
3 and inserting in place thereof, the following section:—
4 *Section 12E.* A minor twelve years of age or older may give his
5 consent to examination by physicians to determine if he is drug
6 dependent. If such minor is found to be drug dependent by two or
7 more physicians, he may give his consent to the furnishing of care
8 related to the diagnosis or treatment of such drug dependency.
9 Such consent shall not be subject to disaffirmance because of
10 minority. The consent of the parent or legal guardian of such
11 minor shall not be necessary to authorize care related to such
12 drug dependency and, notwithstanding any provision of section
13 one hundred and forty-one to the contrary, such parent or legal
14 guardian shall not be liable for the payment of any care rendered
15 pursuant to this section. Records shall be kept of such care. The
16 provisions of this section shall not apply to methadone
17 maintenance therapy.

18 Hospital, dispensary, laboratory and morbidity reports and
19 records pertaining to the diagnosis and treatment of drug
20 dependence maintained pursuant to this section shall not be
21 public records, and the contents thereof shall not be divulged,
22 except upon proper judicial order or upon written consent of the
23 minor. Violations of this section shall for the first offense be
24 punished by a fine of not more than fifty dollars, and for a
25 subsequent offense by a fine of not more than one hundred
26 dollars.