

HOUSE BILL NO. 4087

February 14, 2023, Introduced by Reps. O'Neal, Stone, Roth, Price, Tsernoglou, Byrnes, McFall, Haadsma, Hood, Rheingans, Young, Scott, Wilson, Morse, Breen, MacDonell, Brixie, Brenda Carter, Miller and Glanville and referred to the Committee on Families, Children and Seniors.

A bill to allow homeless or runaway youth access to health care without parental consent; and to allow health care providers to treat homeless or runaway youth without parental consent.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Child neglect" means that term as defined in section 2 of
3 the child protection law, 1975 PA 238, MCL 722.622.

4 (b) "Homeless youth" means an individual for whom it is not
5 possible to live in a safe environment with a relative, who has no
6 other safe alternative living arrangement, and who is either of the

1 following:

2 (i) Seeking shelter in a basic center as described in 34 USC
3 11212(a).

4 (ii) Seeking enrollment in a transitional living program as
5 described in 34 USC 11222(a), is not less than 16 years of age, and
6 is either of the following:

7 (A) Less than 22 years of age.

8 (B) Not less than 22 years of age as of the expiration of the
9 maximum period of stay permitted under 34 USC 11222(a)(2) if the
10 individual commences the stay before reaching 22 years of age.

11 (c) "Runaway youth" means an individual who is seeking shelter
12 in a basic center as described in 34 USC 11212(a), is less than 18
13 years of age, and who absents himself or herself from home or a
14 place of legal residence without the permission of a parent or
15 legal guardian.

16 Sec. 2. (1) A homeless or runaway youth may consent to,
17 contract for, and receive medical, dental, or behavioral health
18 examinations, care, or treatment without a parent's or guardian's
19 permission, authority, or consent. Acceptable documentation
20 demonstrating an individual's status as a homeless or runaway youth
21 includes the following:

22 (a) A statement documenting that status, signed by a director
23 or designee of a governmental or nonprofit entity that receives
24 public or private funding to provide services to individuals who
25 are homeless or runaway youth.

26 (b) A statement documenting that status, signed by a local
27 educational agency liaison for homeless or runaway youth designated
28 under 42 USC 11432(g)(1)(J)(ii), a local educational agency foster
29 care point of contact designated under 20 USC 6312(c)(5)(A), or a

1 school social worker or counselor.

2 (c) A statement documenting that status, signed by an attorney
3 representing the individual in any legal matter.

4 (d) A statement documenting that status, signed by the
5 individual and 2 adults with knowledge of the individual's actual
6 circumstances.

7 (2) This act does not authorize a homeless or runaway youth to
8 consent to an abortion.

9 Sec. 3. A homeless or runaway youth who is a parent may
10 consent to, contract for, and receive medical, dental, and
11 behavioral health examinations, care, or treatment for the youth's
12 child.

13 Sec. 4. (1) A physician or other qualified professional
14 licensed to practice in this state who provides medical, dental, or
15 behavioral health examinations, care, or treatment to a homeless or
16 runaway youth under this act may not be held liable in a civil or
17 criminal action for providing those services without having
18 obtained permission from the youth's parent or guardian.

19 (2) This section does not relieve the physician or other
20 qualified professional licensed in this state from liability for
21 negligence in the diagnosis or treatment of a homeless or runaway
22 youth.

23 Sec. 5. (1) Identification of an individual as a homeless or
24 runaway youth does not automatically mean the individual has
25 experienced child abuse or child neglect.

26 (2) This act does not supersede the mandatory reporting
27 requirements of section 3 of the child protection law, 1975 PA 238,
28 MCL 722.623.