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## **OLR Bill Analysis**

### **sHB 6540**

#### ***AN ACT CONCERNING THE PREVENTION OF THE HUMAN IMMUNODEFICIENCY VIRUS.***

#### **SUMMARY**

Under certain conditions, existing law allows physicians and advanced practice registered nurses (APRNs) to examine and treat a minor for HIV or AIDS without the consent of the minor's parents or guardian. This bill additionally allows physicians and APRNs to provide prophylaxis to minors for HIV without parental or guardian consent, under the same conditions. It defines prophylaxis as the use of medication, other than a vaccine, to prevent disease (see BACKGROUND).

As under existing law for HIV treatment, the bill allows a physician or APRN to provide such prophylaxis without parental or guardian consent only after determining that (1) notifying them would result in denial of such prophylaxis or (2) the minor will not pursue or continue the prophylaxis if the parents or guardian are notified.

The bill similarly extends to HIV prophylaxis existing law's provisions that require documentation in the minor's medical record, confidentiality, and that the minor be liable for costs.

EFFECTIVE DATE: July 1, 2019

#### **MEDICAL RECORDS, CONFIDENTIALITY, AND COSTS**

Under the bill, if a physician or APRN provides HIV prophylaxis to a minor without parental or guardian consent:

1. the physician or APRN must fully document the reasons for doing so and include the documentation, signed by the minor, in the minor's clinical record;

2. the provision of prophylaxis must be kept confidential and not divulged unless the minor consents;
3. the physician or APRN must consult with and get the minor's consent before sending a bill to anyone other than the minor; and
4. the minor is personally liable for all costs for services he or she receives without parental or guardian consent.

These provisions already apply under existing law to HIV treatment for a minor without parental or guardian consent.

## **BACKGROUND**

### ***Pre-Exposure Prophylaxis (PrEP) for HIV***

According to the Centers for Disease Control and Prevention, PrEP is a method for people with substantial risk of contracting HIV to possibly prevent it, by taking a daily pill that includes two specified medications. When someone is exposed to HIV, these medications can prevent the virus from establishing a permanent infection.

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 21    Nay 0    (03/22/2019)