

House Substitute for SENATE BILL No. 287

By Committee on Health and Human Services

3-19

1 AN ACT concerning health and healthcare; relating to children and
2 minors; prohibiting a healthcare provider from administering any drug
3 or diagnostic test or conducting behavioral health treatment to a minor
4 in a school facility without parental consent.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) As used in this section:

8 (1) "Appropriate licensing agency" means the agency that issues the
9 license, certification or registration to the healthcare provider under this
10 section.

11 (2) "Behavioral health crisis" means the same as defined in K.S.A.
12 65-536, and amendments thereto.

13 (3) "Consent" means assent in fact, whether expressed or apparent.

14 (4) "Drug" means the same as defined in K.S.A. 65-1626, and
15 amendments thereto.

16 (5) "Healthcare provider" means a person who is licensed by or holds
17 a temporary permit to practice issued by the state board of healing arts, the
18 board of nursing or the behavioral sciences regulatory board.

19 (6) "Minor" means an individual under 18 years of age.

20 (7) "Parent" means the same as defined in K.S.A. 38-141, and
21 amendments thereto.

22 (8) "School facility" means any building or structure owned, operated
23 or maintained by the board of education of a public school or the
24 governing body of an accredited nonpublic school if such facility is
25 accessible to students.

26 (b) (1) Except as provided in subsection (c), notwithstanding any
27 other provision of law to the contrary, unless a healthcare provider has
28 consent of a minor's parent, a healthcare provider shall not, while a minor
29 or healthcare professional is at a school facility:

30 (A) Prescribe, dispense or administer any prescription or
31 nonprescription drug;

32 (B) administer a diagnostic test with the minor's bodily fluids; or

33 (C) conduct ongoing behavioral health treatment.

34 (2) The provisions of paragraph (1) shall not prevent a healthcare
35 provider at a school from conducting a behavioral health assessment or
36 intervention for a minor experiencing a behavioral health crisis,

1 conducting a school-based screening required by law or providing
2 education to a minor.

3 (3) A healthcare provider who violates the provisions of paragraph
4 (1) shall be subject to professional discipline from such healthcare
5 provider's appropriate licensing agency.

6 (c) The provisions of this section shall not apply to:

7 (1) Consent by parent for surgery and other procedures on a child,
8 K.S.A. 38-122, and amendments thereto;

9 (2) consent for medical care of unmarried pregnant minor, K.S.A. 38-
10 123, and amendments thereto;

11 (3) donation of blood by persons over 16, K.S.A. 38-123a, and
12 amendments thereto;

13 (4) consent for immunization by person other than a parent, K.S.A.
14 38-137, and amendments thereto;

15 (5) health services under the revised Kansas code for care of children,
16 K.S.A. 38-2217, and amendments thereto;

17 (6) emergency care by healthcare providers, K.S.A. 65-2891, and
18 amendments thereto;

19 (7) examination and treatment of persons under 18 for venereal
20 disease, K.S.A. 65-2892, and amendments thereto; and

21 (8) examination and treatment of minors for drug abuse, misuse or
22 addiction, K.S.A. 65-2892a, and amendments thereto.

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the statute book.