

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 110 Session of 2025

INTRODUCED BY BOROWICZ, KAUFFMAN, M. BROWN, M. MACKENZIE, KRUPA, HAMM, LEADBETER, STAATS, SCIALABBA, KUZMA, WATRO, TWARDZIK, SMITH, BERNSTINE, ZIMMERMAN AND BARGER, JANUARY 14, 2025

REFERRED TO COMMITTEE ON HEALTH, JANUARY 14, 2025

AN ACT

1 Amending the act of February 13, 1970 (P.L.19, No.10), entitled
 2 "An act enabling certain minors to consent to medical, dental
 3 and health services, declaring consent unnecessary under
 4 certain circumstances," further providing for individual
 5 consent, for mental health treatment and for release of
 6 medical records; and providing for parent or legal guardian
 7 access to medical records.

8 The General Assembly of the Commonwealth of Pennsylvania
 9 hereby enacts as follows:

10 Section 1. Sections 1, 1.1(a)(2), (3), (4), (5) and (7)
 11 introductory paragraph and 1.2(d) of the act of February 13,
 12 1970 (P.L.19, No.10), entitled "An act enabling certain minors
 13 to consent to medical, dental and health services, declaring
 14 consent unnecessary under certain circumstances," are amended to
 15 read:

16 Section 1. Individual Consent.--Any minor who is eighteen
 17 years of age or older[, or has graduated from high school, or
 18 has married, or has been pregnant,] may give effective consent
 19 to medical, dental and health services for himself or herself,
 20 and the consent of no other person shall be necessary.

1 Section 1.1. Mental Health Treatment.--(a) The following
2 shall apply to consent for voluntary inpatient and outpatient
3 mental health treatment:

4 * * *

5 (2) A minor who is [~~fourteen~~] eighteen years of age or older
6 may consent on the minor's own behalf to voluntary inpatient
7 mental health treatment as provided under Article II of the
8 "Mental Health Procedures Act" or outpatient mental health
9 treatment, and the minor's parent's or legal guardian's consent
10 shall not be necessary.

11 (3) A minor or another parent or legal guardian may not
12 abrogate consent provided by a parent or legal guardian on the
13 minor's behalf to voluntary inpatient or outpatient mental
14 health treatment under paragraph (1), nor may a parent or legal
15 guardian abrogate consent given by the minor on the minor's own
16 behalf to voluntary inpatient or outpatient mental health
17 treatment under paragraph (2).

18 (4) A parent or legal guardian who has provided consent to
19 voluntary inpatient or outpatient mental health treatment under
20 paragraph (1) may revoke that consent, which revocation shall be
21 effective unless the minor who is [~~fourteen to~~] eighteen years
22 of age or older has provided consent for continued voluntary
23 inpatient or outpatient mental health treatment.

24 (5) A minor who is [~~fourteen to~~] eighteen years of age or
25 older who has provided consent to voluntary inpatient or
26 outpatient mental health treatment, may revoke that consent[,
27 which revocation shall be effective unless the parent or legal
28 guardian to the minor has provided for continued treatment under
29 paragraph (1)].

30 * * *

1 (7) When a petition is filed on behalf of a minor [fourteen
2 years of age or older and] under eighteen years of age who has
3 been confined for inpatient treatment on the consent of a parent
4 or legal guardian and who objects to continued inpatient
5 treatment by requesting a withdrawal from or modification of
6 treatment, the court shall promptly appoint an attorney for the
7 minor and schedule a hearing to be held within seventy-two hours
8 following the filing of the petition, unless continued upon the
9 request of the attorney for the minor, by a judge or mental
10 health review officer who shall determine whether or not the
11 voluntary mental health treatment is in the best interest of the
12 minor. For inpatient treatment to continue against the minor's
13 wishes, the court must find all of the following by clear and
14 convincing evidence:

15 * * *

16 Section 1.2. Release of Medical Records.--* * *

17 (d) Except to the extent provided under subsection (a), (b)
18 or (c) or section 1.3, the minor shall control the release of
19 the minor's mental health treatment records and information to
20 the extent allowed by law. When a minor has provided consent to
21 outpatient mental health treatment under section 1.1, subject to
22 subsection (a) (2), the minor shall control the records of
23 treatment to the same extent as the minor would control the
24 records of inpatient care or involuntary outpatient care under
25 the act of July 9, 1976 (P.L.817, No.143), known as the "Mental
26 Health Procedures Act," and its regulations.

27 * * *

28 Section 2. The act is amended by adding a section to read:

29 Section 1.3. Parent or Legal Guardian Access to Medical
30 Records.--A parent or legal guardian of a minor under eighteen

1 years of age shall have full access to the minor's medical,
2 dental or health services or mental health treatment records.

3 Section 3. This act shall take effect in 60 days.