

1 HB574  
2 171808-1  
3 By Representative McCutcheon  
4 RFD: Judiciary  
5 First Read: 04-MAY-16

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8 SYNOPSIS: Under existing law, a minor who is 14 years  
9 of age or older, or has graduated from high school,  
10 or is married, or having been married is divorced  
11 or is pregnant may give effective consent to any  
12 legally authorized medical, dental, health, or  
13 mental health services for himself or herself, and  
14 the consent of no other person is necessary.

15 This bill would authorize a minor who is 14  
16 years of age or older, or has graduated from high  
17 school, or is married, or having been married is  
18 divorced or is pregnant to: (1) execute a durable  
19 power of attorney designating another person to  
20 make health care decisions for himself or herself  
21 if the minor is no longer capable of making those  
22 decisions; and (2) execute a living will, a living  
23 will designating a health care proxy, or an  
24 advanced health care directive.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Section 22-8-4, Code of Alabama 1975,  
4 relating to consent for health services by a minor, to  
5 authorize certain minors to execute a durable power of  
6 attorney for the purpose of making health care decisions upon  
7 the minor's incapacitation; and to authorize certain minors to  
8 execute a living will designating a health care proxy or an  
9 advanced health care directive.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 22-8-4, Code of Alabama 1975, is  
12 amended to read as follows:

13 "§22-8-4.

14 " Any Notwithstanding any other provision of law, a  
15 minor who is 14 years of age or older, or has graduated from  
16 high school, or is married, or having been married is divorced  
17 or is pregnant may ~~give~~ do any of the following without the  
18 consent of another person:

19 "(1) Give effective consent to any legally  
20 authorized medical, dental, health, or mental health services  
21 for himself or herself, ~~and the consent of no other person~~  
22 ~~shall be necessary.~~

23 "(2) Execute for himself or herself a durable power  
24 of attorney, as provided in Section 26-1A-404, designating an  
25 individual who shall be empowered to make health care  
26 decisions on behalf of the minor, in the manner set forth in  
27 Chapter 8A of Title 22, if, in the opinion of the minor's

1 attending physician, the minor is no longer able to give  
2 directions to health care providers.

3 "(3) Execute for himself or herself a living will, a  
4 living will that includes a health care proxy designation, or  
5 an advanced health care directive as provided for in Chapter  
6 8A of Title 22."

7 Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.