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An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1502, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is amended to read:

§ 1502.Consent

In addition to the ability to consent to treatment for health services as provided in sections 1823 and 1908 and Title 32, sections 2595, 3292, 3817, 6221 and 7004, a minor may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems:only if the minor meets at least one of the following conditions:

1. Lives separately and is independent of parental support. The minor lives separately from the minor's parents or legal guardians and is independent of support for at least 60 days;

2. Is married. The minor is or was legally married;

3. Is a member of the Armed Forces. The minor is or was a member of the Armed Forces of the United States;

4. Is emancipated. The minor has been emancipated by the court pursuant to Title 15, section 3506A; and

5. Determined at risk of harm. The minor is determined by a licensed professional trained in the treatment of mental health or substance abuse problems to be at risk of harm or maltreatment, including loss of access to treatment, if a legal guardian were to be notified and the mental health or substance abuse professional refers the legal guardian to the department for investigation of possible abuse or neglect as is required in section 4011A.

SUMMARY

This bill provides conditions under which a minor may legally consent to treatment of abuse of alcohol or drugs or for emotional or psychological problems without the consent of the minor's parents or legal guardians.