

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45358-NB-104A

Short Title: Minors Health Protection Act. (Public)

Sponsors: Senators Moffitt and Jones (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT REVISING THE LAWS REGARDING WHEN MINORS CAN GIVE EFFECTIVE
CONSENT TO MEDICAL TREATMENT ON THEIR OWN AUTHORITY AND WHEN
PARENTS ARE ALLOWED ACCESS TO MINORS' MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-21.4 reads as rewritten:

"§ 90-21.4. Responsibility, liability and immunity of physicians.

(a) Any physician licensed to practice medicine in North Carolina providing health services to a minor under the terms, conditions and circumstances of this Article shall not be held liable in any civil or criminal action for providing such services without having obtained permission from the minor's parent, legal guardian, person standing in loco parentis, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment. The physician shall not be relieved on the basis of this Article from liability for negligence in the diagnosis and treatment of a minor.

(b) The physician shall not notify a parent, legal guardian, person standing in loco parentis, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment, without the permission of the minor, concerning the medical health services set out in G.S. 90-21.5(a), unless the situation in the opinion of the attending physician indicates that notification is essential to the life or health of the minor. ~~If a parent, legal guardian[,] person standing in loco parentis, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment contacts the physician concerning the treatment or medical services being provided to the minor, the physician may give information."~~

SECTION 2. G.S. 90-21.5 reads as rewritten:

"§ 90-21.5. Minor's consent sufficient for certain medical health services.

(a) ~~Subject to subsection (a1) of this section, any~~ Any minor may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the ~~prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance. pregnancy.~~ This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.

(a1) Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine



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that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age.

(b) Any minor who is emancipated may consent to any medical treatment, dental services, and health services for ~~himself that minor~~ or ~~for his that minor's~~ child."

SECTION 3. Article 1A of Chapter 90 of the General Statutes is amended by adding two new sections to read:

"§ 90-21.5A. Limited exception for examination without parental consent in cases of suspected abuse or neglect.

(a) A health care practitioner may conduct or continue an examination of a minor without first obtaining written or documented consent from a parent if the health care practitioner has a reasonable belief that the examination will reveal information triggering an obligation to report under G.S. 7B-301.

(b) A physician may conduct or continue an examination of a minor without first obtaining written or documented consent from a parent if the physician has a reasonable belief that the examination will reveal information triggering an obligation to report under G.S. 90-21.20(c1).

"§ 90-21.5B. Parental access to minors' medical records.

(a) Parents have the right to access and review all medical records of their minor child, including medical records of care for which the minor may give effective consent under G.S. 90-21.5(a).

(b) Notwithstanding subsection (a) of this section, parents do not have the right to access and review the medical records of their minor child if any of the following apply:

(1) The medical records are of health care described in G.S. 90-21.5A.

(2) The release of the medical records is prohibited by a valid court order.

(3) The parent is the subject of an investigation for a crime committed against the minor child and a law enforcement agency or official has requested that the medical records not be released."

SECTION 4. This act becomes effective October 1, 2025, and applies to acts occurring on or after that date.