

CHAPTER 604

S.B. No. 119

An Act relating to consent to medical treatment for certain minors; amending the Family Code by amending Section 35.01.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 35.01 of the Family Code is amended to read as follows:

"Section 35.01. (a) **Who May Consent.** Any of the following persons may consent to medical treatment of a minor when the person having the power to consent as otherwise provided by law cannot be contacted and actual notice to the contrary has not been given by that person:

"(1) a grandparent;

"(2) an adult brother or sister;

"(3) an adult aunt or uncle;

"(4) an educational institution in which the minor is enrolled that has received written authorization to consent from the person having the power to consent as otherwise provided by law;

"(5) any adult who has care and control of the minor and has written authorization to consent from the person having the power to consent as otherwise provided by law; [or]

"(6) any court having jurisdiction of the child; or

"(7) any adult responsible for the care and control of a minor under the jurisdiction of a juvenile court or committed by a juvenile court to the care of an agency of the state or county, if the adult has reasonable grounds to believe the minor is in need of immediate medical treatment. The person giving consent, a physician or dentist licensed to practice medicine or dentistry in this state, or a hospital or medical facility shall not be liable for the examination and treatment of a minor under this subsection except for his or her own acts of negligence.

"(b) The Texas Youth Commission may consent to the medical treatment of any minor committed to it under this code when the person having the power to consent has been contacted and actual notice to the contrary has not been given."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 13, 1985, by the following vote: Yeas 30, Nays 0;
passed the House on May 22, 1985, by the following vote: Yeas 137, Nays 0, seven present not voting.

Approved: June 14, 1985

Effective: Immediately