
HOUSE BILL 2073

State of Washington 61st Legislature 2009 Regular Session

By Representatives Wallace, Flannigan, Moeller, Kagi, and Dickerson

Read first time 02/09/09. Referred to Committee on Judiciary.

1 AN ACT Relating to consent to medical care by a minor; and adding
2 a new section to chapter 70.01 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.01 RCW
5 to read as follows:

6 (1) Any minor of ordinary intelligence and awareness sufficient for
7 him or her generally to comprehend the need for, the nature of, and the
8 significant risks ordinarily inherent in any contemplated hospital,
9 medical, or dental treatment or procedure is competent to consent
10 thereto on his or her own behalf, and any health care provider shall
11 rely upon such consent if given pursuant to the terms of RCW 7.70.060.
12 In determining whether a minor is competent to give consent to
13 hospital, medical, or dental treatment or procedures, a health care
14 provider may consider the minor's age, maturity, training, and
15 experience, and the control or absence of the minor's parents.

16 (2) Before a minor may consent on his or her own behalf for a
17 nonemergency surgical procedure, the health care provider must ensure
18 that one additional health care provider explains the need for, nature
19 of, and significant risks ordinarily inherent in the treatment. Once

1 the minor has received explanations from two health care providers, the
2 minor may give or withhold consent, subject to subsection (1) of this
3 section.

4 (3) A health care provider or medical facility is not liable for
5 the examination and treatment of a minor under this section except for
6 the provider's or the facility's own acts of negligence or intentional
7 misconduct.

8 (4) Consent to hospital, medical, dental, and surgical treatment
9 under this section is not subject to disaffirmance by a health care
10 provider because the person giving consent is a minor.

--- END ---