

IN THE SENATE

SENATE BILL NO. 1354, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HEALTH; AMENDING SECTION 16-2422, IDAHO CODE, TO CLARIFY PROVISIONS REGARDING INFORMED CONSENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16-2422, Idaho Code, be, and the same is hereby amended to read as follows:

16-2422. INFORMED CONSENT TO MEDICATION OR OTHER TREATMENT -- PERSONS UNDER VOLUNTARY TREATMENT. (1) A facility may not administer any treatments or medications to a child admitted to the facility as a voluntary patient under section 16-2407, Idaho Code, unless the parent, guardian or custodian of the child has given informed consent to the treatment, including electroconvulsive therapy to children twelve (12) years of age and older, except that emergency or medically necessary treatments may be given without informed consent, if delay in treatment may cause harm to the child, and the parent, guardian, or custodian of the child is not available.

(2) After informed consent has been given, the parent, guardian or custodian of a child may revoke such consent at any time, by clearly communicating such revocation to facility staff. When consent has been revoked, the facility shall promptly discontinue the treatment, provided that a course of treatment may be concluded or phased out where necessary to avoid the harmful effects of abrupt withdrawal. The facility may require the parent, guardian, or custodian to sign a written revocation of consent before discontinuing the treatment.

(3) Except in an emergency situation, the parents of a child being treated voluntarily shall have the right to refuse any and all medications or other treatments. If appropriate medications or treatments are refused, and the facility is unable to care for the child without such treatments, the facility may then discharge the child, with due care for his safety. Neither the facility nor providers shall be held liable. If the child appears to meet the criteria for involuntary treatment as specified in section 16-2418, Idaho Code, the facility may file a petition for involuntary treatment.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.