

House File 2044 - Introduced

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BY SHIPLEY

A BILL FOR

1 An Act providing an exception relating to vaccines to a minor's
2 legal capacity to consent to the provision of medical care
3 or services for a sexually transmitted disease or infection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 139A.35, Code 2024, is amended to read
2 as follows:

3 **139A.35 Minors.**

4 A With the exception of the provision of a vaccine included
5 on the vaccine injury table under 42 U.S.C. §300aa-14, a
6 minor shall have the legal capacity to act and give consent
7 to provision of medical care or services to the minor for the
8 prevention, diagnosis, or treatment of a sexually transmitted
9 disease or infection by a hospital, clinic, or health care
10 provider. Such medical care or services shall be provided
11 by or under the supervision of a physician licensed to
12 practice medicine and surgery or osteopathic medicine and
13 surgery, a physician assistant, or an advanced registered
14 nurse practitioner. Consent shall not be subject to later
15 disaffirmance by reason of such minority. The consent of
16 another person, including but not limited to the consent of a
17 spouse, parent, custodian, or guardian, shall not be necessary.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 Under Code section 135A.35, a minor has the legal capacity to
22 act and give consent to provision of medical care or services
23 to the minor for the prevention, diagnosis, or treatment of
24 a sexually transmitted disease or infection by a hospital,
25 clinic, or health care provider. Under the bill, the minor's
26 legal capacity to consent under this Code section is limited
27 such that a minor does not have legal capacity to consent to
28 the provision of a vaccine included on the vaccine injury table
29 under federal law.