

1 AN ACT relating to parental consent for transgender healthcare services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 214.185 is amended to read as follows:

- 4 (1) Any physician, upon consultation by a minor as a patient, with the consent of such
5 minor may make a diagnostic examination for venereal disease, pregnancy, or
6 substance use disorder and may advise, prescribe for, and treat such minor regarding
7 venereal disease, substance use disorder, contraception, pregnancy, or childbirth, all
8 without the consent of or notification to the parent, parents, or guardian of such
9 minor patient, or to any other person having custody of such minor patient.
10 Treatment under this section does not include inducing of an abortion or
11 performance of a sterilization operation. In any such case, the physician shall incur
12 no civil or criminal liability by reason of having made such diagnostic examination
13 or rendered such treatment, but such immunity shall not apply to any negligent acts
14 or omissions.
- 15 (2) Any physician may provide outpatient mental health counseling to any child age
16 sixteen (16) or older upon request of such child without the consent of a parent,
17 parents, or guardian of such child.
- 18 (3) Notwithstanding any other provision of the law, and without limiting cases in which
19 consent may be otherwise obtained or is not required, any emancipated minor or any
20 minor who has contracted a lawful marriage or borne a child may give consent to
21 the furnishing of hospital, medical, dental, or surgical care to his or her child or
22 himself or herself and such consent shall not be subject to disaffirmance because of
23 minority. The consent of the parent or parents of such married or emancipated
24 minor shall not be necessary in order to authorize such care. For the purpose of this
25 section only, a subsequent judgment of annulment of marriage or judgment of
26 divorce shall not deprive the minor of his adult status once obtained. The provider
27 of care may look only to the minor or spouse for payment for services under this

1 section unless other persons specifically agree to assume the cost.

2 (4) (a) Medical, dental, and other health services may be rendered to minors of any
3 age without the consent of a parent or legal guardian when, in the
4 professional's judgment, the risk to the minor's life or health is of such a
5 nature that treatment should be given without delay and the requirement of
6 consent would result in delay or denial of treatment.

7 (b) Notwithstanding paragraph (a) of this subsection, medical and other
8 healthcare services shall not be rendered upon a minor in order to facilitate
9 the minor's desire to identify with, present, appear, or live as a gender that
10 does not correspond to his or her sex at birth without the written consent of
11 the parent or guardian of the minor patient or to any other person having
12 custody of the minor.

13 (5) The consent of a minor who represents that he may give effective consent for the
14 purpose of receiving medical, dental, or other health services but who may not in
15 fact do so, shall be deemed effective without the consent of the minor's parent or
16 legal guardian, if the person rendering the service relied in good faith upon the
17 representations of the minor.

18 (6) The professional may inform the parent or legal guardian of the minor patient of any
19 treatment given or needed where, in the judgment of the professional, informing the
20 parent or guardian would benefit the health of the minor patient.

21 (7) Except as otherwise provided in this section, parents, the Cabinet for Health and
22 Family Services, or any other custodian or guardian of a minor shall not be
23 financially responsible for services rendered under this section unless they are
24 essential for the preservation of the health of the minor.