

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Bookout**

A Bill

ACT 632 OF 1995
SENATE BILL 556

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-9-602 TO ALLOW MINORS
9 INCARCERATED IN THE DEPARTMENT OF CORRECTION OR THE
10 DEPARTMENT OF COMMUNITY PUNISHMENT TO CONSENT TO MEDICAL
11 TREATMENT; AND FOR OTHER PURPOSES."

Subtitle

14 "AMEND ARKANSAS CODE 20-9-602 TO ALLOW
15 MINORS INCARCERATED IN THE DEPARTMENT OF
16 CORRECTION OR THE DEPARTMENT OF
17 COMMUNITY PUNISHMENT TO CONSENT TO
18 MEDICAL TREATMENT."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code 20-9-602 is amended to read as follows:

23 "§ 20-9-602. Consent generally.

24 It is recognized and established that, in addition to such other persons
25 as may be so authorized and empowered, any one (1) of the following persons is
26 authorized and empowered to consent, either orally or otherwise, to any
27 surgical or medical treatment or procedures not prohibited by law which may be
28 suggested, recommended, prescribed, or directed by a licensed physician:

29 (1) Any adult, for himself;

30 (2) Any parent, whether an adult or a minor, for his minor child or for
31 his adult child of unsound mind whether the child is of the parent's blood, is
32 an adopted child, is a stepchild, or is a foster child; provided, however, the
33 father of an illegitimate child cannot consent for the child solely on the
34 basis of parenthood;

35 (3) Any married person, whether an adult or a minor, for himself;

36 (4) Any female, regardless of age or marital status, for herself when

1 given in connection with pregnancy or childbirth, except the unnatural
2 interruption of a pregnancy;

3 (5) Any person standing in loco parentis whether formally serving or
4 not, and any guardian, conservator, or custodian, for his ward or other charge
5 under disability;

6 (6) Any emancipated minor, for himself;

7 (7) Any unemancipated minor of sufficient intelligence to understand
8 and appreciate the consequences of the proposed surgical or medical treatment
9 or procedures, for himself;

10 (8) Any adult, for his minor sibling or his adult sibling of unsound
11 mind;

12 (9) During the absence of a parent so authorized and empowered, any
13 maternal grandparent and, if the father is so authorized and empowered, any
14 paternal grandparent, for his minor grandchild or for his adult grandchild of
15 unsound mind;

16 (10) Any married person, for a spouse of unsound mind;

17 (11) Any adult child, for his mother or father of unsound mind;

18 (12) Any minor incarcerated in the Department of Correction or the
19 Department of Community Punishment."

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21 SECTION 2. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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APPROVED: 3-14-95