

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1266

5 By: Representative Evans  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AUTHORIZE CERTAIN MINORS TO CONSENT TO  
10 OUTPATIENT MENTAL HEALTH SERVICES FOR SUICIDE  
11 PREVENTION, CHEMICAL ADDICTION OR DEPENDENCY, OR  
12 SEXUAL, PHYSICAL, OR EMOTIONAL ABUSE; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 TO AUTHORIZE CERTAIN MINORS TO CONSENT TO  
17 OUTPATIENT MENTAL HEALTH SERVICES FOR  
18 SUICIDE PREVENTION, CHEMICAL ADDICTION OR  
19 DEPENDENCY, OR SEXUAL, PHYSICAL, OR  
20 EMOTIONAL ABUSE.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 6, is amended  
27 to add an additional section to read as follows:

28 20-9-607. Minor consent to outpatient mental health services.

29 (a) A minor who is sixteen (16) years of age or older may consent to  
30 outpatient mental health services, excluding the use of medication but  
31 including counseling, for:

32 (1) Suicide prevention;

33 (2) Chemical addiction or dependency; or

34 (3) Sexual, physical, or emotional abuse.

35 (b) A mental health professional having reasonable grounds to believe  
36 that a minor is contemplating suicide, is suffering from a chemical or drug



1 addiction or dependency, or has been sexually, physically, or emotionally  
2 abused may:

3 (1) Treat the minor without the consent of the minor's parents  
4 or legal guardian;

5 (2)(A) With the consent of the minor who is a client, advise the  
6 minor's parents or legal guardian of the treatment given to or needed by the  
7 minor.

8 (B) The minor's parent or legal guardian shall not be  
9 informed of the outpatient mental health services without the minor's consent  
10 unless:

11 (i) The mental health professional treating the  
12 minor determines that there is a compelling need for disclosure based on a  
13 substantial probability of harm to the minor or to other persons; and

14 (ii) The minor is notified of the mental health  
15 professional's intent to inform the minor's parent or legal guardian; and

16 (3) Rely on the written statement of the minor containing the  
17 grounds on which the minor has capacity to consent to the minor's own  
18 treatment under this section.

19 (c) Unless consent is obtained or is otherwise allowed by law, a  
20 mental health professional shall not treat a minor if consent is prohibited  
21 by a court order.

22 (d) A mental health professional treating a minor under this section  
23 is not liable for damages except for damages resulting from the person's  
24 negligence or willful misconduct.

25 (e) A parent or legal guardian who has not consented to the treatment  
26 of the minor is not:

27 (1) Obligated to compensate a mental health professional for  
28 outpatient mental health services rendered under this section; or

29 (2) Liable for the costs of outpatient mental health services  
30 which are received by a minor under this section.

31 (f)(1) Outpatient mental health services provided to a minor under  
32 this section are limited to six (6) sessions or thirty (30) days of services,  
33 whichever occurs sooner.

34 (2) After the sixth session or thirty (30) days of services, the  
35 mental health professional shall terminate the services or, with the consent  
36 of the minor, notify the parent or legal guardian to obtain consent to

1 provide further outpatient mental health services.

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3 SECTION 2. Arkansas Code Title 23, Chapter 99, Subchapter 4, is  
4 amended to add an additional section to read as follows:

5 23-99-422. Outpatient mental health services – Enrollee or dependent  
6 under age of majority.

7 A health benefit plan shall not exclude coverage for outpatient mental  
8 health services under § 20-9-607 on the basis that the enrollee or dependent  
9 is under the age of majority in this state.

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