

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1033

By: Representatives Flanagan and Dugger

For An Act To Be Entitled

"AN ACT TO PROMOTE THE HEALTH OF THE YOUTH OF THE STATE OF ARKANSAS; TO ENCOURAGE THE DEVELOPMENT OF HEALTH CARE SERVICES FOR THE CHILDREN OF THIS STATE WHICH EMPHASIZES PREVENTION AND EARLY INTERVENTION; TO PROMOTE COMMUNICATION BETWEEN CHILDREN AND THEIR PARENTS REGARDING HEALTH CARE MATTERS; TO ENABLE LOCAL SCHOOL DISTRICTS TO PLAN AND IMPLEMENT HEALTH COUNSELING AND CLINIC SERVICES BASED UPON INDIVIDUAL COMMUNITY NEEDS; AND FOR OTHER PURPOSES."

WHEREAS, health problems among the state's youth, including teenage pregnancy, are associated with numerous socioeconomic problems; and

WHEREAS, preventable health problems have profound effects on the lives of both adolescents, their families and all citizens of this state;

NOW THEREFORE,

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

SECTION 1. Purpose. It is hereby declared to be the policy of the State of Arkansas that programs should be encouraged for the prevention and early intervention in health care problems of our youth. With the invitation of individual local school boards, school-based health services should be implemented to reduce the incidence of preventable health problems and the incidence of teenage pregnancy. Such services shall not be considered a substitute for the efforts of parents and shall be conducted with the knowledge of such parents. In the provision of such services it shall be made evident that the state does not condone or encourage sexual activity among adolescents.

SECTION 2. As used in this act, unless the context otherwise requires, "health clinic" means a facility located on public school premises operated by or in cooperation with the local public health department at the request of the local school district which provides clinical health care services and counseling. A health clinic does not include the health education activities normally presented in the classroom setting as part of the overall school curriculum.

SECTION 3. (a) No health clinic shall be operated except at the request of the local school district. Any school district who elects for health clinic placement in a school within its district shall do so by resolution adopted by the board. The resolution shall itemize each category of health services to be provided by the health clinic.

(b) Health services and counseling at the health clinic shall not be available without the consent of the parent or guardian of the child.

(c) Parental consent may be obtained by written authorization of the parent or guardian and shall be kept on file in the child's school record.

(d) Parents choosing not to allow their child to participate in the health clinic program at the beginning of the school year may opt at any time for participation by using a participating form to be signed by the parent in the presence of a school official.

SECTION 4. Lack of parental consent shall not prevent the treatment of an unemancipated, unmarried minor who seeks medical assistance as a victim of physical or sexual abuse when the abuse has been perpetrated by the custodial parent or someone living in the household where the minor resides.

SECTION 5. (a) Nothing herein shall be construed to prohibit the availability of family planning services to every person regardless of sex, race, age, income, number of children, marital status, citizenship, or motive in state and county health offices or by persons or institutions contracting with the state for the provision of family planning services.

(b) Nothing herein shall be construed to authorize counselling or referral for abortion services. Health clinics operated under the authority of this act are hereby prohibited from counselling for abortion services or counselling and making referrals to any other health service which conducts

counselling or referral for abortion services.

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.