

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

A Bill

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."

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

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

30 (1) Any adult, for himself;

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

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

2 (4) Any female, regardless of age or marital status, for herself when
3 given in connection with pregnancy or childbirth, except the unnatural
4 interruption of a pregnancy;

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

8 (6) Any emancipated minor, for himself;

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

12 (8) Any adult, for his minor sibling or his adult sibling of unsound
13 mind;

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

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

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

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

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

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

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

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