



## 2025 SENATE BILL 70

February 26, 2025 - Introduced by Senators CABRAL-GUEVARA, L. JOHNSON, KEYESKI and WALL, cosponsored by Representatives TITTL, MURSAU, BARE, EMERSON, FITZGERALD, JOHNSON, MCCARVILLE, MIRESSÉ, PALMERI, ROE, SINICKI, SUBECK, TUSLER, UDELL and WITKE. Referred to Committee on Health.

- 1     **AN ACT to create** 48.374 of the statutes; **relating to:** a minor’s authority to  
2             consent to health care.

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### *Analysis by the Legislative Reference Bureau*

This bill allows a minor who is an unaccompanied youth to consent to, contract for, and receive medically necessary care without a parent’s or guardian’s permission, authority, or consent under certain circumstances. The bill defines “unaccompanied youth” as the term is defined under federal law, which is a homeless youth not in the physical custody of a parent or guardian. The bill defines “medically necessary care” as a medical service that is required to prevent, identify, or treat a recipient’s illness, injury, or disability and that meets a set of standards specified in the bill.

Under the bill, in order to consent to health care, such a minor must be at least 14 years of age and must not be under the supervision of a county department of human services or social services, a licensed child welfare agency, the Department of Children and Families, or the Department of Corrections. Also under the bill, one of the following must confirm in writing that the minor is an unaccompanied youth: a local educational agency liaison for homeless children and youths designated under federal law, a school social worker or counselor, an employee who conducts intake at a shelter facility or transitional living program where the minor has been admitted as an unaccompanied youth under current law, or the director, or his or her designee, of a governmental or nonprofit entity that receives public or

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private funding to provide services to individuals who are homeless or to unaccompanied youth.

Under the bill, a professional who provides medically necessary care to a minor based on the minor's consent given in conformity with the bill may not be held liable in a civil or criminal action for providing those services without having obtained permission from the minor's parent or guardian.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 48.374 of the statutes is created to read:

2           **48.374 Minor consent for medical care.** (1) In this section:

3           (a) "Medically necessary care" means a medical service that is required to  
4 prevent, identify, or treat a recipient's illness, injury, or disability and that meets  
5 all of the following standards:

6           1. The medical service is consistent with the recipient's symptoms or with  
7 prevention, diagnosis, or treatment of the recipient's illness, injury, or disability.

8           2. The medical service is provided in a manner that is consistent with  
9 standards of acceptable quality of care applicable to the type of medical service, the  
10 type of provider, and the setting in which the medical service is provided.

11           3. The medical service is appropriate with regard to generally accepted  
12 standards of medical practice.

13           4. The medical service is not medically contraindicated with regard to the  
14 recipient's diagnosis, the recipient's symptoms, or other medical services being  
15 provided to the recipient.

16           5. The medical service is of proven medical value or usefulness and is not  
17 experimental in nature.

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1           6. The medical service is not duplicative with respect to other medical services  
2 being provided to the recipient.

3           7. The medical service is not provided solely for the convenience of the  
4 recipient, the recipient's family, or a provider.

5           8. With respect to prior authorization of a medical service and to other  
6 prospective coverage determinations made by the department, the medical service  
7 is cost-effective compared to an alternative medical service that is reasonably  
8 accessible to the recipient.

9           9. The medical service is the most appropriate supply or level of service that  
10 can safely and effectively be provided to the recipient.

11           (b) "Unaccompanied youth" has the meaning given in 42 USC 11434a (6).

12           (2) Except as provided under s. 48.375, a minor may consent to, contract for,  
13 and receive medically necessary care without a parent's or guardian's permission,  
14 authority, or consent if all of the following apply:

15           (a) The minor is 14 years of age or older.

16           (b) The minor is not under the supervision of a county department, a licensed  
17 child welfare agency, the department, or the department of corrections under this  
18 chapter or ch. 938 or under the jurisdiction of the court.

19           (c) One of the following, who has obtained the minor's consent to disclose the  
20 minor's status as an unaccompanied youth, confirms in writing that the minor is an  
21 unaccompanied youth:

22           1. A local educational agency liaison for homeless children and youth  
23 designated under 42 USC 11432 (g) (1) (J) (ii).

