

House Bill 1323

By: Representatives Mueller of the 152nd, Sinkfield of the 57th, Manning of the 32nd, Pelote of the 149th and Benfield of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To revise laws relating to persons who may give consent for or receive information about a
2 minor; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so
3 as to define parent to include any person temporarily standing in loco parentis for a minor
4 under his or her care; to amend Title 20 of the Official Code of Georgia Annotated, relating
5 to education, so as to change the definition of the term "parent"; to amend Title 24 of the
6 Official Code of Georgia Annotated, relating to evidence, so as to provide for the disclosure
7 of AIDS confidential information to a person temporarily standing in loco parentis for a
8 minor under his or her care; to amend Title 31 of the Official Code of Georgia Annotated,
9 relating to health, so as to change the definition of the term "parent"; to authorize a person
10 temporarily standing in loco parentis for a minor under his or her care to give consent for
11 release of vaccination registry information about a child; to provide for disclosure of
12 information about a deceased's infectious or communicable disease to a person temporarily
13 standing in loco parentis for a minor under his or her care; to provide for a person
14 temporarily standing in loco parentis for a minor under his or her care to give consent for an
15 HIV test; to amend Title 37 of the Official Code of Georgia Annotated, relating to mental
16 health, so as to provide for the definition of the term "parent"; to amend Title 40 of the
17 Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide
18 for the definition of the term "parent"; to prohibit any person temporarily standing in loco
19 parentis for a minor under his or her care to authorize a child to violate provisions related to
20 bicycles; to provide for a person temporarily standing in loco parentis to obtain a physician's
21 statement explaining the medical condition of a child that prevents the use of a child
22 passenger restraining system in a vehicle; to provide for related matters; to repeal conflicting
23 laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (3) Diminish a parent's or guardian's responsibility, or the responsibility of a person
 2 temporarily standing in loco parentis, whether formally serving or not, for the minor
 3 under his or her care, for having a child vaccinated properly."

4 SECTION 6.

5 Said title is further amended by striking paragraph (6) of subsection (c) of Code Section
 6 31-21-3, relating to death of person with infectious or communicable disease, required
 7 reporting procedures, confidentiality, disclosure, and penalties, and inserting in its place the
 8 following:

9 "(6) That disclosure involves information regarding a deceased minor and the disclosure
 10 is made to the parent or guardian of that minor or to a person temporarily standing in loco
 11 parentis, whether formally serving or not, for the minor under his or her care; or".

12 SECTION 7.

13 Said title is further amended by striking subsection (c) of Code Section 31-22-9.2, relating
 14 to HIV tests, report of positive results, counseling, violations, exception for insurance
 15 coverage, and exposure of health care provider, and inserting in its place the following:

16 "(c) Unless exempted under this Code section, each health care provider who orders an
 17 HIV test for any person shall do so only after counseling the person to be tested. Unless
 18 exempted under this subsection, the person to be tested shall have the opportunity to refuse
 19 the test. The provisions of this subsection shall not be required if the person is required to
 20 submit to an HIV test pursuant to Code Section 15-11-66.1, 17-10-15, 31-17A-3,
 21 42-5-52.1, or 42-9-42.1. The provisions of this subsection shall not be required if the
 22 person is a minor or incompetent and the parent or guardian thereof or person temporarily
 23 standing in loco parentis, whether formally serving or not, for the minor under his or her
 24 care permits the test after compliance with this subsection. The provisions of this
 25 subsection shall not be required if the person is unconscious, temporarily incompetent, or
 26 comatose and the next of kin permits the test after compliance with this subsection. The
 27 provisions of this subsection shall not apply to emergency or life-threatening situations.
 28 The provisions of this subsection shall not apply if the physician ordering the test is of the
 29 opinion that the person to be tested is in such a medical or emotional state that disclosure
 30 of the test would be injurious to the person's health. The provisions of this subsection shall
 31 only be required prior to drawing the body fluids required for the HIV test and shall not be
 32 required for each test performed upon that fluid sample."

SECTION 8.

Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to general provisions, is amended by adding a new paragraph (3.1) to Code Section 37-1-1, relating to definitions, to read as follows:

"(3.1) 'Parent' means the legal father or the legal mother of a child or any person temporarily standing in loco parentis, whether formally serving or not, for the minor under his or her care."

SECTION 9.

Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new paragraph (13.1) to Code Section 40-5-1, relating to definitions, to read as follows:

"(13.1) 'Parent' means the legal father or the legal mother of a child or any person temporarily standing in loco parentis, whether formally serving or not, for the minor under his or her care."

SECTION 10.

Said title is further amended by striking subsection (b) of Code Section 40-6-298, relating to violation of part a misdemeanor and duty of parents and guardians, and inserting in its place the following:

"(b) The parent of any child, the person temporarily standing in loco parentis, whether formally serving or not, for the minor under his or her care, and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this part."

SECTION 11.

Said title is further amended by striking paragraph (1) of subsection (b) of Code Section 40-8-76, relating to safety belts required as equipment and safety restraints for children four years of age or younger, and inserting in its place the following:

"(b)(1) On and after July 1, 1984, every driver who transports a child four years of age or younger in a passenger automobile, van, or pickup truck, other than a taxicab as defined by Code Section 33-34-5.1 or a public transit vehicle as defined by Code Section 16-5-20, shall, while such motor vehicle is in motion and operated on a public road, street, or highway of this state, provide for the protection of such child in a child passenger restraining system approved by the United States Department of Transportation under Federal Motor Vehicle Safety Standard 213 in effect on January 1, 1983. A driver shall not be deemed to be complying with the provisions of this subsection unless the

1 child passenger restraining system is installed and being used in accordance with the
2 manufacturer's directions for such system. The provisions of this subsection shall not
3 apply when the child's parent or guardian or person temporarily standing in loco parentis,
4 whether formally serving or not, for the minor under his or her care obtains a physician's
5 written statement that a physical or medical condition of the child prevents placing or
6 restraining him or her in any such child passenger restraining system."

7 **SECTION 12.**

8 All laws and parts of laws in conflict with this Act are repealed.