

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1266

By: Representative Evans
By: Senator K. Hammer

For An Act To Be Entitled

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

Subtitle

TO AUTHORIZE CERTAIN MINORS TO CONSENT TO
OUTPATIENT MENTAL HEALTH SERVICES FOR
SUICIDE PREVENTION, CHEMICAL ADDICTION OR
DEPENDENCY, OR SEXUAL, PHYSICAL, OR
EMOTIONAL ABUSE.

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

SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 6, is amended
to add an additional section to read as follows:

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

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

- (1) Suicide prevention;
- (2) Chemical addiction or dependency; or
- (3) Sexual, physical, or emotional abuse.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

provide further outpatient mental health services.

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

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

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