

2006 Bill 204

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Second Session, 26th Legislature, 55 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 204**

## **PARENTAL CONSENT TO MEDICAL TREATMENT FOR MINORS ACT**

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REV. ABBOTT

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 204

2006

### PARENTAL CONSENT TO MEDICAL TREATMENT FOR MINORS ACT

(Assented to \_\_\_\_\_, 2006)

WHEREAS the health, safety and well-being of children and families is of paramount importance to the people of Alberta;

WHEREAS parents have a legitimate interest in and responsibility for medical treatment provided to their minor children; and

WHEREAS decisions about a child's capacity to consent to non-emergent medical treatment are more appropriately made by the child's parents;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### Definitions

1 In this Act,

- (a) "Court" means the Court of Queen's Bench;
- (b) "guardian" means the parent of a minor or, where the minor's parent is not a guardian for the purposes of the *Family Law Act*, then the individual who is the minor's guardian;
- (c) "minor" means a person who is 15 years old or younger;
- (d) "nurse" means a person who is a registered nurse within the meaning of the *Health Professions Act*;
- (e) "physician" means a person who is registered as a medical practitioner under the *Medical Profession Act*.

### **Application**

2 This Act does not apply to a minor who is in the custody of a director under the *Child, Youth and Family Enhancement Act*.

### **Parental consent to medical treatment**

3 Subject to sections 4 and 5, a physician, nurse or other health care provider shall not provide medical treatment to a minor unless consent has been obtained from the minor's guardian.

### **Exceptions**

4 Consent is not required under section 3 if

- (a) the minor is involved in a medical emergency that requires immediate medical attention, or
- (b) the minor is not subject to guardianship as determined under section 19 of the *Family Law Act*.

### **Court application**

5(1) On application by a minor or a person on the minor's behalf, the Court may

- (a) dispense with the requirement for consent under this Act, or
- (b) where the minor's guardian has granted consent or refused to grant consent under section 3, review the matter and confirm, reverse or vary the guardian's decision.

(2) Section 4 of the *Family Law Act* applies, with all necessary modifications, to an application under this Act.

### **Offence**

6 Any person who contravenes this Act is guilty of an offence and liable to a fine of up to \$10 000.

### **Inconsistency or conflict with the *Family Law Act***

7 If there is an inconsistency or conflict between this Act and the *Family Law Act*, this Act prevails.

### **Regulations**

8 The Lieutenant Governor in Council may make regulations respecting

- (a) the requirements for consent under section 3;
- (b) forms for the purposes of expressing consent under this Act;
- (c) the procedures for an application under section 5;
- (d) defining any word or phrase that is not defined in this Act for the purposes of this Act or the regulations;
- (e) any other matter or thing that the Lieutenant Governor in Council considers appropriate for the purposes of this Act.

**Coming into force**

- 9** This Act comes into force on Proclamation.