



Fact Sheet on Senate Bill 1329, Idaho's New Parental Involvement Law Affecting Young People's Access to Medical Care

Overview

In 2024, Idaho passed Senate Bill 1329 ("S.B. 1329"), which created a new law generally requiring a young person under the age of 18 to obtain parental consent before being able to access most medical care. The new law also generally requires health care providers to give a parent access to their minor children's medical records in almost all circumstances. The forced parental involvement scheme created by S.B. 1329 will jeopardize the health, rights, and autonomy of young people in Idaho. It interferes with young people's ability to confidentially access health care, contradicting long-standing medical and research-backed best practices, which demonstrate the critical importance of privacy in medical treatment for young people. The new law took effect July 1, 2024.

Implications

S.B. 1329 restricts Idaho minors' ability to consent to most medical care, instead requiring parental consent regardless of any individual's life circumstances, personal safety, family composition, or maturity level. While most young folks are comfortable confiding in a parent or legal guardian about health concerns and treatment, there are many situations in which forced parental involvement in healthcare decisions can be harmful. For instance, for youth experiencing abuse at home, access to a trusted healthcare professional and the guarantee of privacy can be life-saving. For youth experiencing mental health issues, private conversations with a health care provider can facilitate honest conversations about depression or suicidal thoughts, allowing them to more easily access critical support. Additionally, for young people being raised by a relative who does not have legal guardianship, such as a grandparent or aunt, this law would pose barriers to accessing medical care even with the support of the non-parent raising them.

The law provides a limited exception that allows the provision of medical care to minors without parental consent only in the event of certain medical emergencies or where there is a court order.

The new law's general requirement that providers must give parents access to their minor child's medical records, regardless of the child's wishes, also has exceedingly narrow exceptions that pose serious threats to the safety and health of Idaho youth. Health care providers may only deny a parent access where there is a court order or request by law enforcement to not release a child's medical records to a parent. This does not protect against disclosure even when there is identified, documented sexual abuse in the home—only when there is an active case or court order against the parent. It also means that a child who chooses to involve one trusted parent in their health care decisions may nonetheless have their medical records disclosed to the uninvolved other parent.



Navigating Idaho's New Parental Involvement for Medical Decisions Law

Parents and guardians can help protect the privacy of their teens, even with the new law in effect. Under S.B. 1329, a parent can provide blanket consent authorizing a health care provider to furnish health care services to their minor child. Parents and guardians: Consider providing blanket consent to your child's health care providers. You can also facilitate open and honest communication between your child and their health care provider by stepping out during all or part of your child's medical appointments. You can also waive access to your teen's medical records. Speak to your child's medical team—and your child—as soon as possible to protect the privacy and health of your child.

Health care providers with questions about compliance with S.B. 1329 should consult an attorney, including on the question of the interplay between S.B. 1329 and pre-existing minor consent statutes in the Idaho code that allow certain young people to consent to particular forms of medical care. Health care providers should also talk to their practice and their attorney about adopting a blanket consent form for parents to sign. If you are a health care provider and you experience difficulty treating young people as a result of this new law, please let us know by filing a report.

Young people deserve access to accurate information and quality health care. If you are a young person under the age of 18, it is important to find trusted adults in your life who may be able to help navigate finding the kind of care you need. Young people should speak with their healthcare providers about their treatment plans, and how the new law may impact their care. If you are under 18 and in need of confidential access to contraceptive services and/or testing and treatment for sexually transmitted infections, you may be able to access those services without parental involvement through the federal Title X family planning program, including at some Planned Parenthood health centers. If you experience difficulty accessing medical care as a result of this new law, please let us know by filing a report.

Most teens talk to their parents about their health and healthcare decisions. However, when young people feel uncomfortable disclosing information to medical providers, the quality of healthcare suffers. Parents, health care providers, and young people can all do their part to help ensure the health and safety of Idaho youth.

Resources

Planned Parenthood Meridian Health Center: <https://www.plannedparenthood.org/health-center/idaho/meridian/83642/meridian-health-center-4105-91810>

Planned Parenthood Twin Falls Health Center: <https://www.plannedparenthood.org/health-center/idaho/twin-falls/83301/twin-falls-health-center-2938-91810>

Advocates for Youth (for teens): <https://www.advocatesforyouth.org/>

Advocates for Youth, Youth abortion support collective:

<https://www.advocatesforyouth.org/abortion-out-loud/i-want-to-get-involved-in-the-fight-for-abortion-access/23369-2/>

Youth Engaged for Change, Reproductive rights and healthcare: Knowing your resources:

<https://engage.youth.gov/blog/reproductive-rights-and-healthcare-knowing-your-resources>

KFF, Youth access to gender affirming care: The federal and state policy landscape:

<https://www.kff.org/other/issue-brief/youth-access-to-gender-affirming-care-the-federal-and-state-policy-landscape/>

US Health and Human Services, Office of Civil Rights, HHS Notice and guidance on gender affirming care, civil rights, and privacy: <https://www.hhs.gov/sites/default/files/hhs-ocr-notice-and-guidance-gender-affirming-care.pdf>

Office Practicum (for healthcare providers): <https://www.officepracitum.com/ehr/clinical-efficiency/teen-privacy-and-adolescent-family-support>

American Academy of Pediatrics, Considerations for providing adolescent care:

<https://www.aap.org/en/patient-care/adolescent-sexual-health/adolescent-supportive-care/considerations-for-providing-adolescent-care/>

Centers for Disease Control and Prevention, Essentials for parenting teens:

<https://www.cdc.gov/parents/index.html> 3