



Idaho

Mandatory Parental Consent for Medical Decisions: Senate Bill 1329 Fact Sheet

Overview

In 2024, Idaho passed a new law requiring parental consent for *all* medical services given to youth under 18. The passage of this law repeals current Idaho code that protects the privacy of young people through medical disclosure regulations for youth ages 14 to 18.

The law, created by SB 1329 will jeopardize the health, rights, and autonomy of young people in Idaho. It contradicts long-standing medical and research-backed best practices, which demonstrate the critical importance of privacy in medical treatment for young people.

The new parental consent for medical decisions law takes effect July 1, 2024.

Implications

This new parental consent for medical procedures law offers an extremely narrow list of exceptions to compulsory medical information disclosures. Under the law, healthcare providers can only preserve patient confidentiality when:

- A patient is at risk of death or “imminent, irreparable physical injury”
- A court has prohibited parental access to medical records, or
- A parent is being investigated for a crime against their child

The new law doesn't 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 a parent.

Given its narrow exceptions, this new statute poses serious threats to the safety and health of Idaho youth. While most young folks are comfortable confiding in a parent or guardian about health concerns and treatment, there are many situations in which 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.

Under the new law, access to contraceptives, mental health care, treatment for drug abuse, and treatment for infectious diseases, including STIs is seriously threatened for Idaho's youth.

The new law also puts Idaho healthcare providers at risk. In some instances, a physician or mental health professional may suspect abuse – but without any formal court order or police involvement, the healthcare provider will be forced to involve parents/guardians.

Navigating Idaho's Mandatory Parental Consent for Medical Decisions Law

Young people should speak with their healthcare providers about their treatment plans, and how the new law may impact the kind of care they need. Healthcare professionals are allowed to treat youth aged 14-18 without parental involvement until July 1, 2024. If you are a healthcare provider that experiences difficulty treating young people without parental involvement up until July 1, 2024, please let us know by filing a report.



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Importantly, the new law should only impact healthcare providers. Teachers and other school personnel should not be impacted by the law. 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.

Parents and guardians can help protect the privacy of their teens, even after the new law goes into effect in July of 2024. Parents and guardians can waive access to their teen’s medical records. Speak to your child’s medical team – and their child – as soon as possible to protect the privacy and health of your child.

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. We know LGBTQ+ folks in Idaho may already fear discrimination from providers, or fear disclosing information about their gender or sexuality could lead to mistreatment and hostility in medical treatment settings.

We also know young pregnant people (and those that may become pregnant) should have access to trusted adults and accurate information about reproductive healthcare. SB 1329 will certainly exacerbate these issues: requiring doctors to disclose sensitive medical information without patients’ consent, to parents or anyone, will make many young people feel unsafe. In turn, we know the quality of care will suffer, as will the health and safety of Idaho youth.

Resources

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.officepracticum.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>

