

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 740

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING SECTION 16-2422, IDAHO CODE, AS AMENDED IN  
2 SECTION 1 OF SENATE BILL NO. 1354, AS AMENDED, IF ENACTED BY THE SECOND  
3 REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO CLARIFY THAT  
4 ELECTROCONVULSIVE THERAPY CANNOT BE ADMINISTERED TO A CHILD WITHOUT  
5 CERTAIN INFORMED CONSENT; AND DECLARING AN EMERGENCY AND PROVIDING AN  
6 EFFECTIVE DATE.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 16-2422, Idaho Code, as amended in Section 1 of  
10 Senate Bill No. 1354, As Amended, if enacted by the Second Regular Session  
11 of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to  
12 read as follows:

13 16-2422. INFORMED CONSENT TO MEDICATION OR OTHER TREATMENT -- PERSONS  
14 UNDER VOLUNTARY TREATMENT. (1) A facility may not administer any treatments  
15 or medications to a child admitted to the facility as a voluntary patient un-  
16 der section 16-2407, Idaho Code, unless the parent, guardian or custodian of  
17 the child has given informed consent to the treatment, including electrocon-  
18 vulsive therapy to children twelve (12) years of age and older, except that  
19 emergency or medically necessary treatments may be given without informed  
20 consent, if delay in treatment may cause harm to the child, and the parent,  
21 guardian, or custodian of the child is not available. Nothing in this sec-  
22 tion shall permit electroconvulsive therapy to be administered to a child  
23 eighteen (18) years of age or younger without informed consent of the parent,  
24 guardian, or custodian of the child.

25 (2) After informed consent has been given, the parent, guardian or  
26 custodian of a child may revoke such consent at any time, by clearly communi-  
27 cating such revocation to facility staff. When consent has been revoked, the  
28 facility shall promptly discontinue the treatment, provided that a course  
29 of treatment may be concluded or phased out where necessary to avoid the  
30 harmful effects of abrupt withdrawal. The facility may require the parent,  
31 guardian, or custodian to sign a written revocation of consent before dis-  
32 continuing the treatment.

33 (3) Except in an emergency situation, the parents of a child being  
34 treated voluntarily shall have the right to refuse any and all medications  
35 or other treatments. If appropriate medications or treatments are refused,  
36 and the facility is unable to care for the child without such treatments, the  
37 facility may then discharge the child, with due care for his safety. Neither  
38 the facility nor providers shall be held liable. If the child appears to  
39 meet the criteria for involuntary treatment as specified in section 16-2418,  
40 Idaho Code, the facility may file a petition for involuntary treatment.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2024.