

Senate Judiciary Committee

Matthew Schelzi 271-3266

HB 114, relative to the age at which a minor may receive mental health treatment without parental consent.

Hearing Date: May 2, 2023

Time Opened: 2:19 p.m.

Time Closed: 2:41 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill allows a minor 16 years of age or older to consent to mental health treatment without parental consent.

Sponsors:

Rep. Bouchard

Rep. Cannon

Rep. Almy

Rep. M. Smith

Rep. Levesque

Rep. Shurtleff

Rep. Long

Rep. Infantine

Rep. Beaulieu

Rep. Burroughs

Sen. Watters

Sen. Soucy

Who supports the bill: In total, **42** individuals signed in, in support of HB 114. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who opposes the bill: In total, **12** individuals signed in, in opposition to HB 114. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who is neutral on the bill: In total, **1** individual signed in, as neutral to HB 114. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Summary of testimony presented in support:

Representative Bouchard said House Bill 114 would allow mature minors 16 years or older the ability to independently access mental health care treatment without parental or guardian consent. He added that he purposefully left out sections regarding prescribing medication, the payment of care, and the requirement of clinicians to provide mental health services. He said suicide is the second leading cause of death amongst people ages 15-24 and according to a CDC report the national suicide rate has increased from 6.8 deaths per 100,000 to 10.6 deaths per 100,000 since

2007. Rep. Bouchard said that HB 114 will benefit specific groups of minors including homeless youths, youths that feel shame and embarrassment, youths from immigrant families, youths from neglectful homes, youths from cultures that don't condone mental health care, and lesbian, gay, bisexual, and transgender youths. Rep. Bouchard asserted that requiring parental consent can force these minors into emotionally or physically damaging situations and HB 114 can help aid minor's mental health problems. The Trevor Project showed that 39% of LGBTQ+ minors in New Hampshire had considered attempting suicide within the past year, 72% experience symptoms of anxiety, 55% experience symptoms of depression, 52% of minors who wanted mental health care in the past year were not able to access it, and 37% of youths did not want to get parental or guardian consent. He said HB 114 addresses the barriers to parental consent as well as the needs of mature minors seeking mental health treatment.

Senator Gannon asked if the 16-year age for maturity is arbitrary and questioned how this number was proposed.

Rep. Bouchard said he picked the age of 16 because that is when minors get their drivers licenses in New Hampshire.

Sen. Gannon followed up and said that the brain does not fully develop until 25 years of age and said that 16 does not strike him as a mature age, and questioned why we should give minors these rights. He also asked for a definition of a mature minor.

Rep. Bouchard said that a mature minor is a young person who is starting to mature and is still considered a minor.

Sen. Gannon noted that the bill would deny parents information that pertain to their child, and asked how parents would be able to get help for their child if they are unaware that their child is receiving mental health counseling.

Rep. Bouchard responded that this bill addresses minors who are not yet ready to sit down with their parents, and that the counselor would aid in the bridging of these discussions between the minor and their parents.

Sen. Gannon clarified that Rep. Bouchard was saying that the state, through the mental health worker, has more rights than the parents or guardians of the minor.

Rep. Bouchard responded that it was not what he was saying. Instead, he said that the minor will now be able to facilitate the discussion with their parents or guardians. This process is a tool to prevent teen suicide.

Sen. Gannon said that the minor may never want to begin a discussion with their parents if the counselor's role is to facilitate.

Rep. Bouchard stated that he cannot infer that result.

Senator Abbas asked how a minor would pay for the services of the mental health counselor.

Rep. Bouchard responded that he purposefully left payment out of HB 114 so a future bill could address those concerns.

Sen. Abbas followed up and asked what would happen if the parents or guardians found out, and whether they would have the power to overrule the minor seeing this mental health counselor.

Rep. Bouchard responded that he does not know and would not be able to answer those questions.

Senator Carson addressed line 7 on page 1, “the provider shall not prescribe medication without the consent of a parent or guardian.” She believed this section is talking about prescription medication but said that there are alternative types of treatment, so she asked if he was only talking about medication.

Rep. Bouchard stated that he was just talking about medication.

Sam Hawkins, Public Policy Assistant at NAMI-NH, testified in support of HB 114. He read from his written testimony and provided the Committee with statistics from the CDC’s Youth Risk Behavior Survey. Mr. Hawkins said that New Hampshire needs to look at new ways to address the youth mental health crisis and reducing barriers to care is one way of doing so. He concluded that access to mental health care without parental or guardian consent is crucial and could be lifesaving. He urged the Committee to vote Ought to Pass on HB 114.

Senator Abbas asked how many students that attempted suicide, provided in Mr. Hawkins’ written testimony, were under the age of 18. He asked how many of those were receiving treatment at that time.

Mr. Hawkins responded that the information provided in the written testimony is from the CDC’s YRBS survey which is data on 9th to 12th graders. To Senator Abbas’ second question, Mr. Hawkins said that he would look to see if that data was available, but that he doesn’t believe it would be.

Senator Carson asked how a minor would know they are seeing an appropriate counselor.

Mr. Hawkins responded that there are plenty of online resources where minors could find an appropriate counselor.

Emma Sevigny, Children’s Behavioral Health Policy Coordinator at New Futures, testified in support of HB 114. She highlighted the importance of early and effective treatment as the best way to mitigate future long term mental health issues in youth populations. Ms. Sevigny stated that any counselor would urge the child to facilitate discussions with their parents as familial support in treatment is exceptionally important and has been shown to increase better outcomes, which addressed Senator Gannon’s concerns on the minor never telling their parents about their mental health counseling.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Jennifer Smith, retired physician, testified in support of the intent of HB 114 but said that she wanted an amendment to lower the proposed age of 16. She highlighted her personal experience of 60 years ago and added that she is a transgender woman who would have greatly benefited from early therapy. Ms. Smith re-emphasized the importance of lowering the age further as it is crucial for minors to have a sympathetic adult figure in their life to help with mental health issues. Ms. Smith concluded that HB 114 is about the survival of teens, and that this bill would be beneficial towards helping this issue.

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Date Hearing Report completed: May 5, 2023