

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™

NYSAAP, District II, Chapters 1, 2 & 3



June 2023

Memo of Support

Minor Consent S.762A/A.276B

The NYS American Academy of Pediatrics, representing more than 5,000 pediatricians across the state strongly supports S.762A/A.276B. This legislation codifies in legislation what is already in practice under the authority of regulations of the State Health Department promulgated in 2017. The existing regulations allow a mature minor, one with the capacity to consent to care, to get preventive care and treatment for sexually transmitted diseases. The proposed legislation takes the regulations and makes them permanent in legislation.

Young people are often reluctant to seek care for prevention or treatment of STD's if they have to get permission from a parent or guardian. Affording decisionally capable young people with the option to access prevention and care for STDs in consultation with their health care provider, in a safe and supportive environment, will lead to healthier and more knowledgeable young people across the state.

The legislation provides an important clarification to existing regulation in that it codifies that such providers are authorized to deliver medical care that includes both the prevention of and treatment for STD's. This provision includes the administration of the HPV vaccine as a preventive measure to combat HPV infection and HPV related cancers.

HPV is the most common sexually transmitted infection in the United States and its consequences can be dire. HPV can cause cancer, including vaginal cancer, cervical cancer, penile cancer, and anal cancer.

Close to 12,000 women in the United States are diagnosed with cervical cancer each year and approximately 4,000 women die each year as a result of the disease. HPV's impact is widespread. Most sexually active men and women have the virus at some point in their lives, and as many as half of these infections are among adolescents and young adults ages 15 through 24.

Although most parents are involved in their adolescents' health care decisions, not all teens have healthy, safe family relationships. Some teens are unable or unwilling to involve their parents, especially when it comes to reproductive and sexual health care. Studies have shown that many adolescents will simply not seek sexual health care services if their confidentiality is compromised. Minors who do not wish to disclose to their parents that they are, or will soon become, sexually active often have good reasons, such as fear of abuse at home. For these reasons, public health experts and professional medical associations, including the *American Academy of Pediatrics*, *Society for Adolescent Health and Medicine*, the *American College of Obstetricians and*

Gynecologists, the American Medical Association, the American Academy of Family Physicians, and the American Public Health Association, strongly support the provision of confidential reproductive and sexual health care to teens. The laws and policies of the state of New York rightly recognize these realities and allow minors to consent on their own for reproductive and sexual health care, including testing and treatment for sexually transmitted infections.

However, in the past NYS has taken the position that the existing statute may not encompass preventive treatment such as the HPV vaccine. **Drawing a distinction between prevention and treatment creates an unnecessary barrier, and conflicts with the important public health principles that guide our laws.**

This legislation would help clarify and therefore expand access to vital services for this vulnerable population by explicitly covering preventive care, including vaccines. Allowing access to such preventive care without obstacles is consistent with both good medical practice in the field of adolescent medicine and with New York policies.

We urge you to pass this critical legislation making clear that qualified health care practitioners may legally administer all preventive care options to minors who have the capacity to provide informed consent without parental involvement. The young people who will benefit the most from this clarification are those who are most at risk, due to factors such as lack of adequate family support, instability in the home, or child abuse and neglect. We hope that you will act swiftly to pass S.762A/A.276B and support vulnerable young people in their ability to protect themselves against disease and infection.

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