

**38-137. Same; consent for immunization by person other than parent, when.** (a) Subject to the provisions of this section, the following individuals, not in order of priority, may consent to the immunization of a minor if a parent is not reasonably available and the authority to consent is not denied under subsection (b):

- (1) A grandparent by birth or adoption;
- (2) an adult brother or sister or half brother or half sister, by birth or adoption;
- (3) an adult aunt or uncle by birth or adoption;
- (4) a stepparent; or
- (5) another adult who has care and control of the minor.

(b) A person may not consent to the immunization of a minor under subsection (a) if:

- (1) The person has actual knowledge that the parent has expressly refused to give consent to the immunization;
- or
- (2) the parent has told the person that the person may not consent to the immunization of the minor or, in the case of a written authorization, has withdrawn the authorization in writing.

(c) For purposes of this section, a parent is not reasonably available if:

- (1) The location of the parent is unknown;
- (2) (A) a reasonable effort made by a person listed in subsection (a) to locate and communicate with the parent for the purpose of obtaining consent has failed; and (B) not more than 90 days have passed since the date that the effort was made; or
- (3) the parent has been contacted by a person listed in subsection (a) and requested to consent to the immunization of the minor, and the parent: (A) Has not acted on the request; and (B) has not expressly denied authority to the person listed in subsection (a) to consent to immunization of the minor.

(d) A person authorized to consent to the immunization of a minor under this section shall confirm in writing that the parent is not reasonably available and the written confirmation shall be included in the minor's medical record.

**History:** L. 1995, ch. 183, § 4; July 1.