

3-25-1976

## Minors, Medical Care-Parental Consent

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Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
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March 24, 1976

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**MINORS, MEDICAL CARE-PARENTAL CONSENT**

**INITIATIVE STATUTE**

Circulating and Filing Schedule

1. Minimum number of signatures required.....312,404  
Constitution IV, 22(b).
2. Official Summary Date.....03/24/76  
Elections Code Section 3507.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures..... 03/24/76
  - b. Last day Proponent can circulate and file with the  
county. All Sections are to be filed at the same  
time.....08/20/76\*+  
Elections Code Sections 3507, 3520(a).
  - c. Last day for county to determine total number of  
signatures affixed to petition and to transmit  
total to Secretary of State.....08/25/76

(If the Proponent files the petition with the county on a date other than 08/20/76 the last day is not later than the fifth day after the filing of the petition.)  
Elections Code Section 3520(b).

  - d. Last day for county to determine number of qualified  
electors who have signed the petition, and to trans-  
mit certificate, with a blank copy of the petition  
to the Secretary of State.....09/08/76+

\*Please Note: To assist the planning of those Proponents who wish to qualify for the November 02, 1976 General Election, April 20, 1976 is a suggested deadline for petition filing with the county.

+Please Note: Date adjusted for official deadline which falls on Saturday or Holiday.

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 08/25/76 the last day is not later than the fifteenth day after the notification.)  
Elections Code Section 3520(d,e).

- e. If the signature count is between 281,164 and 343,644, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....10/08/76

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date other than 09/08/76 the last day is not later than the thirtieth day after the notification.)  
Elections Code Section 3520.5.

4. Campaign Statements:

- a. If the measure qualifies for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 11/05/76.....11/12/76

(If the Secretary of State qualified the measure for the ballot on a date other than 09/08/76 the last day to file is the 65th calendar day after the date the measure qualified) Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period 10/17/76.....10/24/76  
Government Code Section 84202(b).

5. The Proponent of the above measure is:

Robert J. Martin  
1245 Zack Circle  
Oroville. CA 95965

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform



Cashmere Apperson  
Elections Technician

CA:p1

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq regarding the circulation of statewide petitions.



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 550  
SACRAMENTO 95814  
(916) 445-9555

March 24, 1976

**FILED**  
In the office of the Secretary of State  
of the State of California

MAR 25 1976

MARCH FONG EU, Secretary of State  
By *Cashmere M. Apperson*  
Deputy

Honorable March Fong Eu  
Secretary of State  
925 L Street, Suite 605  
Sacramento, CA 95814

Re: Initiative Statutory Amendment  
Minors, Parental Consent

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Robert J. Martin, as proponent, the following title and summary:


MINORS, MEDICAL CARE - PARENTAL CONSENT. INITIATIVE STATUTE. Repeals statutes authorizing the furnishing of medical care without parental consent to emancipated minors, to unmarried minors for the prevention or treatment of pregnancy, and to minors age 12 or older for the diagnosis and treatment of certain communicable diseases. Amends statutes to require parental consent before Family Planning Services may be furnished to unmarried minors not on active duty with the military. Makes it unlawful for any person to perform an abortion or sterilization or to furnish contraceptives, birth control pills or sex related drugs to such minors without parental consent. Financial impact: Will result in an indeterminate increase in State and local costs. Will not affect State and local revenues.

Honorable March Fong Eu  
Page 2  
March 24, 1976

Enclosed herewith is a declaration of mailing  
thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General

  
VANCE W. RAYE  
Deputy Attorney General

VWR:mf  
Enclosures

12 -point  
Blackface  
Type

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

Type: Roman  
Blackface not  
smaller than  
12-point

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified electors of California, residents of \_\_\_\_\_ County, hereby propose amendments to the Civil Code, Penal Code, and the Welfare and Institutions Code, relating to parents' rights and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (An act to repeal Sections 34.5, 34.6 and 34.7 of the Civil Code, to add Section 645.5 to the Penal Code, and to amend Section 10053.2 of, the Welfare and Institutions Code, relating to parents' rights) read as follows:

SECTION 1. Section 34.5 of the Civil Code is repealed.

ALL IN  
STRIKEOUT

~~34.5. Notwithstanding any other provision of the law, an unmarried minor may give consent to the furnishing of hospital, medical and surgical care related to the prevention or treatment of pregnancy, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of such minor shall not be necessary in order to authorize such hospital, medical and surgical care.~~

~~The provisions of this section shall not be construed to authorize a minor to be sterilized without the consent of his or her parent or guardian.~~

SEC. 2. Section 34.6 of the Civil Code is repealed:

ALL IN  
STRIKEOUT

~~34.6. Notwithstanding any other provision of law, a minor 15 years of age or older who is living separate and apart from his parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing his own financial affairs, regardless of the source of his income, may give consent to hospital care or any X-ray examination, anesthetic, or medical or surgical diagnosis or treatment to be rendered by a physician and surgeon licensed under the provisions of the State Medical Practice Act, or to hospital care or any X-ray examination, anesthetic, dental or surgical diagnosis or treatment to be rendered by a dentist licensed under the provisions of the Dental Practice Act. Such consent shall not be subject to disaffirmance because of minority.~~

The consent of the parent, parents or legal guardian of such a minor shall not be necessary in order to authorize such hospital, medical, dental, or surgical care and such parent, parents or legal guardian shall not be liable for any care rendered pursuant to this section.

A physician and surgeon or dentist may, with or without the consent of the minor patient, advise the parents, parent or legal guardian of such minor of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given him by the minor, the ~~whereabouts of the parents, parent or legal guardian.~~

SEC. 3. Section 34.7 of the Civil Code is repealed:

ALL IN  
STRIKEOUT

~~34.7. Notwithstanding any other provision of law, a minor 12 years of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law or regulation adopted pursuant to law to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for ~~payment for any care rendered pursuant to this section.~~~~



SEC. 4. Section 645.5 is added to the Penal Code, to read:

645.5. Except as provided in Sections 25.6 and 25.7 of the Civil Code it is unlawful for any person to perform an abortion or sterilization on a minor, or to sell or give contraceptives, birth control pills or sex-related drugs to a minor for any purpose, without the written consent of the parent, parents or legal guardian.

Any person violating any of the provisions of this section is punishable by a fine of five thousand dollars (\$5,000) and imprisonment in the state prison for not less than two nor more than five years.

SEC. 7. Section 10053.2 of the Welfare and Institutions Code is amended to read:

10053.2. Family planning services shall be offered to all former, current or potential recipients of childbearing age (as provided by Public Law 92-603) and provided to all such eligible individuals who voluntarily request such services. Such services shall be offered and provided without regard to marital status, age, or parenthood;

provided, however, exception as provided in Sections 25.6 and 25.7 of the Civil Code the consent of the parent, parents or legal guardian shall be necessary in order to furnish family planning services to a minor.

~~Notwithstanding any other provisions of law, the furnishing of these family planning services shall not require the consent of anyone other than the person who is to receive them.~~ Within the meaning of this section, the term "former, current or potential recipient" shall mean all persons eligible for Medi-Cal benefits under Chapter 7 (commencing with Section 14000) of Part 3 of this division and all persons eligible for social services for which federal reimbursement is available under the Social Security Act, except that the term "potential recipients" shall in all cases include all persons in a family where current social, economic and health conditions of the family indicate that the family would likely become a recipient of financial assistance within the next five years.

Family planning services shall include, but not be limited to:

- (a) Medical treatment and procedures defined as family planning services under the published Medi-Cal scope of benefits.
- (b) Medical contraceptive services such as diagnosis, treatment, supplies, and followup.
- (c) Informational and educational services.
- (d) Facilitating services such as transportation and child care services needed to attend clinic or other appointments.

To the extent the services under this section are not available under the Medi-Cal program, they shall be provided by contracts between authorized public or private agencies offering family planning services and the State Department of Health. Such contracts shall include to the maximum extent possible, cooperative funding and other financial arrangements which permit maximum use of available federal funds. Information and referral services only shall be available to all other families and children.

DECLARATION OF SERVICE BY MAIL

I, MARGARET M. FRALISH, declare as follows: I am a citizen of the United States, over the age of 18 years, and not a party to the within action. My place of employment and business address is 555 Capitol Mall, Suite 550, Sacramento, California 95814.

On March 24, 1976, I served the attached

Letter to Honorable March Fong Eu, Secretary of State, dated March 24, 1976, re: Initiative Statutory Amendment--Minors, Parental Consent.

by placing a true copy thereof in an envelope addressed to each of the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully prepaid:

Darryl R. White  
Secretary of the Senate  
3505 State Capitol  
Sacramento, CA 95814

James R. Driscoll  
Chief Clerk of the  
Assembly  
3196 State Capitol  
Sacramento, CA 95814

Robert J. Martin  
1245 Zack Circle  
Oroville, CA 95965

There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 1976, at Sacramento, California.

  
Declarant