

ALASKA

Minor Consent and Confidentiality

A Compendium of State and Federal Laws

National Center
for Youth Law

teenhealthlaw.org/compendium

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National Center for Youth Law

The National Center for Youth Law (NCYL) is a national, non-profit advocacy organization that has fought to protect the rights of children and youth for more than fifty years. Headquartered in Oakland, California, NCYL leads high impact campaigns that weave together litigation, research, policy development, and technical assistance.

What this compendium is:

This is a compendium of laws that may be relevant when minors wish to access certain types of sensitive health care and/or wish to access care on their own consent. Each state compendium begins with a chart entitled “quick guide.” The topics listed in the quick guide represent the categories of laws most frequently identified across all states. A circle next to a particular category signifies that a relevant state or federal law was found. Where a law was found, those laws are described in the “summary” section. Each state’s compendium ends with a list of resources, including links to a series of Appendices that delve deeper into key topics.

What this compendium is not:

This is not a comprehensive guide to all consent, confidentiality, and disclosure laws in any state. For example, the compendium does not include all laws that allow or require parents or persons acting *in loco parentis* to consent to care. Nor does it summarize disclosure laws that may allow or require disclosure of health information for mandated child abuse or public health reporting.

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ALASKA

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Quick Guide

See glossary for explanation of categories and definitions of terms.

General

- S** Age of Majority
- S** Emancipation
- S** Minor Marriage

Minor Consent to Health Care—Services

- S** Abortion³
- S** Emergency Care
- S** **F** Family Planning/Contraceptives
- Outpatient Mental Health Care
- S** **F** Pregnancy Related Care
- Reportable, Communicable, Infectious Disease Care
- Sexual Assault Care
- S** **F** Sexually Transmitted Infection/Disease/HIV Care
- Substance Use Care

Confidentiality and Disclosure

- S** **F** Confidentiality/Access to Records
- S** **F** Disclosure to Parents/Guardians
- F** Insurance Claims/Billing

Minor Consent to Health Care—Minor's Status

- S** Emancipated Minor
- High School Graduate
- S** Married Minor
- Minor, Age or Maturity
- Minor in Armed Forces
- S** Minor Living Apart from Parent/Guardian
- S** Minor Parent
- Minor in State Custody
- Pregnant Minor

Other

- S** Constitution
- S** Financial Responsibility
- Gender Affirming Care
- S** Good Faith Reliance/Immunity from Liability
- S** Minor Consent, Parent Unwilling, Unavailable
- S** Minor Parent, Consent for Child's Care
- S** Reproductive Freedom

Key

- S** State law found⁴
- F** Federal/other law may apply

¹ The information in this chapter represents the state of the law as of May 2024 after a diligent search of statutes, regulations, case law, and guidance.

² This chapter does not address all the consent and confidentiality rules that may apply when minors are in special care situations such as living with a relative, in federal or state custody, or under court jurisdiction (including dependency, delinquency, or immigration custody).

³ This category includes parental involvement laws.

⁴ Symbol indicates law found that either allows providers to offer services without parental consent or explicitly gives minors authority to consent.

General

Age of Majority

Alaska Stat. § 25.20.010 provides that the age of majority is 18 years.

Emancipation

Alaska Stat. § 09.55.590 provides that a minor who is at least 16 years old and meets certain criteria may petition the court for emancipation. This section sets forth the criteria and procedures for a court to grant emancipated status to a minor and the effects of an order of emancipation.

Minor Marriage

Alaska Stat. § 25.20.020 specifies that a person arrives at the age of majority upon being married. *Alaska Stat. § 25.05.171* provides that a minor who is 16 or older may petition the court to marry someone who is not more than three years older. The statute specifies the criteria and procedures for a minor to marry.

Consent to Health Care

Consent for healthcare refers to granting permission for a healthcare service. A healthcare provider generally must obtain consent before providing care. Adults typically consent to their own healthcare, except in cases of legal incapacity. State and federal laws and court decisions help establish who has the legal authority to provide consent on behalf of minors. Typically, federal and state law require parent or guardian consent for a minor's care. However, the laws in every state include exceptions that allow or require others to consent, in addition to or instead of a parent or guardian. These exceptions include exceptions that allow minors to consent to some or all health care based on the minor's "status" (situation in life) and exceptions that allow minors to consent to certain types of care based on the services sought. Sometimes, these laws are written in a way that allows providers to offer services without parental consent; sometimes, they are written in a way that explicitly gives minors the authority to consent. Federal law also allows minors to consent to specific care in some cases. See **Appendix B** for more on consent including the important role of parents and other adults in minors' healthcare.

The following sections summarize the minor consent laws in the state:

Minor Consent—Minor's Status**Emancipated Minor**

Alaska Stat. § 09.55.590 provides that except for specific constitutional and statutory age requirements for voting and drinking, an emancipated minor generally has the power and capacity of an adult.

Married Minor

Alaska Stat. § 25.20.020 specifies that a person arrives at the age of majority upon being married.

Minor Living Apart

Alaska Stat. § 25.20.025 provides that minors who are living apart from their parents or legal guardian and who are managing their own financial affairs, regardless of the source or extent of income, may give consent for their own medical or dental services, except abortion.

Minor Parent

Alaska Stat. § 25.20.025 provides that a minor parent may consent for medical and dental services for themselves.

Minor Consent—Services**Abortion**

Abortion is legal and protected in Alaska, with some restrictions. The Alaska Supreme Court recognized a right to abortion under the Alaska Constitution in *Valley Hosp. Ass'n, Inc. v. Mat-Su Coal. for Choice*, 948 P.2d 963 (1997). For up to date information on the status of abortion protections and restrictions in Alaska, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State.](#)

Minors may consent to abortion and parent notice or consent is not required. The Alaska Supreme Court has held that Alaska's parent notification law, *Alaska Stat. §§ 18.16.010 – 18.16.090*, violates both equal protection and privacy protections under the Alaska Constitution. Minors have the same fundamental right to privacy and reproductive choice under the Alaska Constitution article I, section 22, as do adults and that this allows minors to obtain all pregnancy-related care, including abortion, on their own consent and this cannot be conditioned by requiring parent consent or notice. See *Planned Parenthood of the Great Northwest v. State*, 375 P.3d 1122 (Alaska

2016); *State v. Planned Parenthood of Alaska (Planned Parenthood II)*, 171 P.3d 577, 582 & n. 26 (Alaska 2007).

For up to date information on the status of abortion protections and restrictions in all 50 states and DC, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#). See also [Appendix C](#). These laws are changing rapidly, so consultation with counsel is also essential.

Emergency Care

Alaska Stat. § 25.20.025 provides that a minor may give consent for medical and dental services if the parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling either to grant or withhold consent. The health care provider must counsel the minor keeping in mind the valid interests of the minor and of the parent or legal guardian and of the family unit as the provider presumes them.

Alaska Stat. § 09.65.090 provides that a person who renders emergency care or counseling to an injured, ill, or emotionally distraught person who reasonably appears to be in immediate need of the aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid.

Family Planning/ Contraceptives

Alaska Stat. § 25.20.025 provides that a minor may give consent for prevention of pregnancy.

See [Appendix I](#) for information about the Title X Family Planning Program and minor consent for family planning, including contraception services. See [Appendix C](#) for discussion of contraception and the U.S. Constitution.

Pregnancy-Related Care

Alaska Stat. § 25.20.025 provides that a minor may give consent for diagnosis, prevention, or treatment of pregnancy.

See [Appendix I](#) for information about the Title X Family Planning Program and minor consent for family planning services, including certain pregnancy-related care.

Sexually Transmitted Infection/Disease/HIV Care

Alaska Stat. § 25.20.025 provides that a minor may give consent for the diagnosis and treatment of “venereal disease.”

See [Appendix I](#) for information about the Title X Family Planning Program and minor consent for family planning, including STI/STD/HIV services.

Confidentiality & Disclosure

Federal and state laws determine the privacy and confidentiality of medical and health information. Different laws may apply depending on the health services provided, the source of funding, the location of care, the type of provider, and the characteristics of the patient.

One law with overarching importance is the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule, a federal regulation that protects the privacy of patient health information held by health care providers who transmit certain information electronically and other “covered entities.” As a general rule, HIPAA prohibits healthcare providers from disclosing protected health information without a signed authorization. HIPAA specifies who must sign an authorization to release information. When minors have consented for their own care, HIPAA says the minors usually must sign the release. HIPAA includes exceptions that allow or require a provider to disclose protected information without an authorization in some circumstances, such as to meet state child abuse reporting requirements. HIPAA also addresses when parents and guardians may access a minor’s health information: It explains how this HIPAA rule intersects with state law and other federal laws regarding parent access, and includes rules for what to do about parent access when state law is silent, and for authorized limitations on access in some situations.

See [Appendix H](#) for a detailed discussion of HIPAA. Other appendices address other important federal health privacy laws that may apply in addition to, or instead of, HIPAA. See [Appendix I](#) (Title X, family planning), [Appendix J](#) (Part 2, substance use), [Appendix K](#) (FERPA, education records), [Appendix L](#) (insurance and billing), and [Appendix M](#) (21st Century Cures Act Information Blocking, EHI).

The following sections summarize selected state laws related to confidentiality, access to records, and disclosure to parents/guardians:

Confidentiality/Access to Records

Patient Access

Alaska Stat. § 18.23.005 provides that a patient is entitled to inspect and copy any records developed or maintained by a health care provider or other person pertaining to the health care rendered to the patient. *Alaska Stat. § 18.23.070* offers definitions related to this provision.

Electronic Health Records

Alaska Stat. § 18.23.310 provides that the Department of Health shall establish standards for Electronic Health Information Exchanges that protect the transmission and receipt of individually identifiable health information and that these must include controls over access to and collection, organization, and maintenance of records and data that protect the confidentiality of the individual who is the subject of a health record. The Department also must establish procedures for the patient who is the subject of the record to opt out of the system and to consent to distribution of their records.

Mental Health

Alaska Stat. §§ 47.30.590 and *47.30.845* require the Department of Health to develop regulations to protect the confidentiality of information and records about recipients of services in community mental health facilities; the regulations developed by the State Department of Health to protect the confidentiality of records and information for recipients of services in community mental health centers must provide for disclosure of confidential information to parents or guardians, to mental health professionals providing services to a recipient, and to other appropriate service agencies when it is in the defined best interests of the patient.

Alaska Stat. § 47.30.845 provides that information and records obtained in the course of a screening investigation, evaluation, examination, or treatment for certain mental health care are confidential and restrict disclosure except as authorized in the statute pursuant to regulations established by the State Department of Health.

See [Appendix H](#) for information about minors' access to and control of their medical information under HIPAA when they have consented to their own care.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See [Appendix K](#) for information about federal confidentiality protection for education records.

See [Appendix J](#) for information about federal confidentiality protections for certain substance use treatment records.

See [Appendix I](#) for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See [Appendix M](#) for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Disclosure of Health Information to Parents/Guardians

Mental Health

Alaska Stat. §§ 47.30.590 provides that the regulations developed by the State Department of Health to protect the confidentiality of records and information for recipients of services in community mental health centers must provide for disclosure of confidential information to parents or guardians when it is in the defined best interests of the patient.

HIPAA rules relevant to disclosure to parents/guardians

See [Appendix H](#) for information about minors' access to and control of their medical information under HIPAA when they have consented to their own care, the HIPAA rule when state law is silent as to parent access, and the HIPAA rule authorizing providers to limit access to records in certain circumstances.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See [Appendix K](#) for information about federal confidentiality protection for education records.

See [Appendix J](#) for information about federal confidentiality protections for certain substance use treatment records.

See [Appendix I](#) for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See [Appendix M](#) for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Insurance Claims/ Billing

See [Appendix L](#) for information about confidentiality protection in the billing and insurance claims process under the HIPAA Privacy Rule.

Other

This section summarizes a range of laws that may not explicitly address minor consent or disclosure of information but that health care providers often have questions about when minors seek care, especially when they seek care on their own.

Constitution

Alaska Const. Art I, § 22 provides: “The right of the people to privacy is recognized and shall not be infringed.” See *Planned Parenthood of the Great Northwest, 375 P.3d 1122, 1129 (Alaska 2016)* in which the Alaska Supreme Court stated that “In 1997 we examined this express privacy provision in the context of pregnancy-related decisions and held that a woman’s fundamental privacy right to reproductive choice is more broadly protected by the Alaska Constitution than the United States Constitution” (citing to *Valley Hosp. Ass’n, Inc. v. Mat-Su Coal. for Choice, 948 P.2d 966-69 (Alaska 1997)*).

Financial Responsibility

Alaska Stat. § 25.20.025 provides that the parent or legal guardian of a minor is not financially responsible to the provider of health care services for services to which the minor consented under this statute.

Gender Affirming Care

There are no restrictions on gender affirming care in Alaska at this time.

For up to date information on the status of protections and restrictions on gender affirming care for minors, see Movement Advancement Project’s [“Equality Maps: Bans on Best Practice Medical Care for Transgender Youth”](#) These laws are changing rapidly so consultation with counsel is essential. See also Appendix G.

Good Faith Reliance/Immunity from Liability

Alaska Stat. § 25.20.025 provides that a provider of medical

or dental care may rely in good faith on the representations of a minor that they qualify to consent under *Alaska Stat. § 25.20.025*.

Minor Consent when Parent Unavailable, Unwilling

Alaska Stat. § 25.20.025 provides that a minor may give consent for medical and dental services if the parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling either to grant or withhold consent; however, where the parent or legal guardian cannot be contacted or, if contacted, is unwilling either to grant or to withhold consent, the provider of medical or dental services shall counsel the minor keeping in mind not only the valid interests of the minor but also the valid interests of the parent or guardian and the family unit as best the provider presumes them.

Minor Parent, Consent for Child’s Care

Alaska Stat. § 25.20.025 provides that a minor parent may consent for medical and dental services for their child.

Reproductive Freedom

In *Planned Parenthood of the Great Northwest, 375 P.3d 1122, 1129 (Alaska 2016)*, the Alaska Supreme Court stated that the “express privacy provision in the context of pregnancy-related decisions and held that a woman’s fundamental privacy right to reproductive choice is more broadly protected by the Alaska Constitution than the United States Constitution.”

Resources

Alaska Statutes: <https://www.akleg.gov/basis/statutes.asp>

Alaska Administrative Code: <https://www.akleg.gov/basis/aac.asp>

Appendices

Appendix A. *Glossary of Terms*

Appendix B. *Overview of Consent and Confidentiality When Minors Seek Health Care*

Appendix C. *Contraception, Abortion, and Pregnancy-Related Care for Minors: Consent and Confidentiality Considerations*

Appendix D. *Sexually Transmitted Infections, Sexually Transmitted Diseases, and HIV Care for Minors: Consent and Confidentiality Considerations*

Appendix E. *Mental Health Care for Minors: Consent and Confidentiality Considerations*

Appendix F. *Substance Use Care for Minors: Consent and Confidentiality Considerations*

Appendix G. *Gender Affirming Care for Minors: Consent and Confidentiality Considerations*

Appendix H. *HIPAA Privacy Rule and Confidentiality Implications for Minors' Health Information*

Appendix I. *Title X Family Planning Program and Family Planning Services for Minors*

Appendix J. *42 CFR Part 2 and Confidentiality Implications for Substance Use Care for Minors*

Appendix K. *FERPA and Confidentiality Implications for School-Based and School-Linked Health Care for Minors*

Appendix L. *Confidentiality in Health Insurance Claims and Billing*

Appendix M. *Electronic Health Information, the 21st Century Cures Act, and Confidentiality for Minor Patients*

Appendix N. *State Law Table: Minor Consent/Access Based on Status*

Appendix O. *State Law Table: Minor Consent/Access for Specific Services*