

ARIZONA

# Minor Consent and Confidentiality

## A Compendium of State and Federal Laws

**National Center  
for Youth Law**

[teenhealthlaw.org/compendium](https://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.

### Recommended Citation

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### Disclaimer

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# ARIZONA

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## Quick Guide

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## General

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- S** Minor Marriage

## Minor Consent to Health Care—Services

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- Emergency Care
- S** **F** Family Planning/Contraceptives
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- Reportable, Communicable, Infectious Disease Care
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## Confidentiality and Disclosure

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## Minor Consent to Health Care—Minor's Status

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- High School Graduate
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- Minor, Age or Maturity
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## Other

- S** Conversion Therapy,<sup>4</sup> Partial Ban
- S** Emergency Care
- S** Financial Responsibility
- S** Gender Affirming Care, Restriction
- S** Good Faith Reliance/Immunity from Liability
- S** Shield Law

## Key

- S** State law found<sup>5</sup>
- F** Federal/other law may apply

<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> This category includes parental involvement laws.

<sup>4</sup> This category includes statutes or case law that ban conversion therapy or prohibit banning of conversion therapy.

<sup>5</sup> 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**

*Ariz. Rev. Stat. § 1-215(3) and (19)* provides that the age of majority is 18.

**Emancipation**

*Ariz. Rev. Stat. § 12-2451* provides that a minor may file a petition for emancipation if the minor is at least 16 years old, a resident of Arizona, and is financially self-sufficient. The court may grant the petition if certain criteria are met. *Ariz. Rev. Stat. § 12-2454* provides that emancipation recognizes the minor as an adult for multiple purposes.

**Minor Marriage**

*Ariz. Rev. Stat. § 25-102* provides that a minor who is at least 16 years old may marry with parent or guardian consent and if their prospective spouse is not more than 3 years older. Emancipated minors also may marry if the prospective spouse is not more than 3 years older.

## 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**

*Ariz. Rev. Stat. § 12-1254(A)(9)* provides that a court order of emancipation recognizes the minor as an adult for purposes of "right to consent to medical, dental and psychiatric care without parental consent, knowledge or liability."

*Ariz. Rev. Stat. § 44-132* provides that notwithstanding any other provision of law (except statutes pertaining to abortion), any emancipated minor may consent for hospital, medical, and surgical care, and parental consent is not necessary.

**Married Minor**

*Ariz. Rev. Stat. § 44-132* provides that, notwithstanding any other provision of law (except statutes pertaining to abortion), any minor who has contracted a lawful marriage, even if there was subsequently a divorce or annulment, may consent for hospital, medical, and surgical care, and parental consent is not necessary. See also *Ariz. Rev. Stat. § 44-131*.

**Minor Living Apart from Parent/Guardian**

*Ariz. Rev. Stat. § 44-132* provides that notwithstanding any other provision of law (except statutes pertaining to abortion), any homeless minor may consent for hospital, medical, and surgical care, and parental consent is not necessary. A homeless minor is an individual under age 18 living apart from his parents and who lacks a fixed and regular nighttime residence or whose primary residence is a supervised temporary shelter, a halfway house, or a place not designed for or ordinarily used for sleeping by humans.

## Minor Consent—Services

### Abortion

The legal status of abortion in Arizona is currently changing rapidly. On April 9, 2024, the Arizona Supreme Court ruled that *Ariz. Rev. Stat. § 13-3603*, a pre-Roe v. Wade ban on abortion, is enforceable. See *Planned Parenthood v. Mayes*, No. CV-23-0005-PR (*Ariz. April 9, 2024*). On May 1, 2024, the Arizona governor signed *H.B. 2677, 2024 Leg., Reg. Sess. (AZ. 20234)*, which repealed the pre-Roe ban. Arizona law contains other restrictions on abortion; some of which have been enjoined by the courts while others are in effect. For up to date information on the status of abortion protections and restrictions in Arizona, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#).

To the extent abortion is legally permitted, minors may obtain an abortion, but *Ariz. Rev. Stat. § 36-2152* provides that the prior written and notarized consent of one parent or a legal guardian is required for an abortion to be performed on an unemancipated minor under age 18. The law contains a judicial bypass provision, an emergency exception, and an exception for cases of incest or sexual abuse by a member of the household. In *Planned Parenthood of Southern Arizona v. Lawall*, 307 F.3d 783 (9th Cir. 2002), both the federal District Court and the U.S. Court of Appeals for the Ninth Circuit held that Arizona’s law requiring parental consent or a judicial waiver for a minor to have an abortion is constitutional. For more information on judicial bypass, find the “Under Age \_\_\_” section on your state’s link in [If When How’s Abortion Laws by State](#).

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.

### Family Planning/Contraceptives

No statute explicitly authorizes a minor to consent for contraception. In *Ariz. Op. Att’y Gen. No. 77-37 (1977)*, the Arizona Attorney General noted that no state law requires parent consent for family planning and opined both that a state or local agency which administers family planning services under Titles V, X, XIX or XX of the Social Security Act must provide contraceptive services to consenting unemancipated minors and may not require parent consent and that if a minor requests and consents to family planning services, the agency or physician who provides those services absent parental consent would neither be criminally or civilly liable.

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

No statute expressly authorizes minors to consent for pregnancy-related care.

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

### Sexual Assault Care

*Ariz. Rev. Stat. § 13-1413* provides that a minor age 12 or older may consent for hospital, medical, and surgical examination, diagnosis, and care in connection with a sexual assault when it is not possible to contact the parents or legal guardian within the short time span in which the sexual assault exam should be conducted.

### Sexually Transmitted Infection/Disease/HIV Care

*Ariz. Rev. Stat. § 44-132.01* provides that notwithstanding any other provision of law, a minor who may have contracted a “venereal disease” may consent for hospital or medical care related to the diagnosis and treatment of the disease. The consent of a parent or legal guardian is not necessary.

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

### Substance Use Care

*Ariz. Rev. Stat. § 44-133.01* provides that any minor age 12 or older who is found to be under the influence of a “dangerous drug or narcotic,” including symptoms of withdrawal, may be considered an emergency case and is to be regarded as having consented for hospital or medical care needed for treatment. Consent of a parent or legal guardian is not necessary, but the consent of a parent or legal guardian is valid.

## 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

#### Medical and Payment Records

*Ariz. Rev. Stat. § 12-2292* provides that medical and payment records are confidential but may be disclosed with written authorization of the patient or the patient’s health care decision-maker. *Ariz. Rev. Stat. § 12-2291* defines key terms including “medical record,” “health care provider” and “health care decision maker”.

*Ariz. Rev. Stat. § 12-2291* defines “health care decision maker” to include, among others, “an individual who is authorized to make health care treatment decisions for the patient, including a parent of a minor.”

*Ariz. Rev. Stat. § 12-2293* provides that, generally, a health care provider must provide access to the patient’s medical or payment records to the patient or the patient’s health care decision maker upon written request, but provides that the health care provider may deny the patient or health care decision maker access in certain circumstances, including when access may endanger the life or physical safety or is reasonably likely to cause harm to the patient or another person.

*Ariz. Admin. Code R9-1-302* provides that medical or payment records containing individually identifiable health information cannot be disclosed by employees or volunteers of the Department of Health Services Administration without a valid authorization. The authorization should be signed by a patient 18 years or older or who is an “emancipated minor” (homeless,

married, armed services, emancipated by a court). For unemancipated minors under age 18 years, the parent, legal guardian or other health care decision maker must sign unless the minor consented for care under *Ariz. Rev. Stat. § 44-132.01* (“venereal disease”), irrespective of age, or *Ariz. Rev. Stat. § 44-133.01* (“dangerous drug or narcotic”), if the minor who received care is 12 or older.

#### HIV Information

*Ariz. Rev. Stat. § 36-664* provides that information related to an HIV test or a person who has been diagnosed with HIV shall not be disclosed except as authorized by state or federal law or as provided in the statute, unless authorized by the “protected person” with “capacity to consent.” *Ariz. Rev. Stat. § 36-661* provides that “capacity to consent” means a person’s ability, determined without regard to the person’s age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure and to make an informed decision concerning that service, treatment or procedure.

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

### Medical and Payment Records

Ariz. Rev. Stat. §12-2293 provides that a health care provider must provide access to the patient's medical or payment records to a parent who is a minor patient's health care decision maker upon written request but the health care provider may deny access in certain circumstances, including when access by the health care decision maker is reasonably likely to cause substantial harm to the patient or another person.

Ariz. Rev. Stat. §12-2291 defines "health care decision maker" for this purpose to include an individual who is authorized to make health care treatment decisions for the patient, including a parent of a minor.

Ariz. Admin. Code R9-1-302 provides that medical or payment records containing individually identifiable health information cannot be disclosed by employees or volunteers of the Department of Health Services Administration without a valid authorization. The authorization should be signed by a patient 18 years or older or who is an emancipated minor (homeless, married, armed services, emancipated by a court). For unemancipated minors under age 18, the parent, legal

guardian or other health care decision maker must sign unless the minor consented for care under Ariz. Rev. Stat. § 44-132.01 ("venereal disease"), irrespective of age, or Ariz. Rev. Stat. § 44-133.01 ("dangerous drug or narcotic"), if the minor who received care is 12 or older.

### 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.

### "Conversion Therapy," Partial Ban

For up to date information on the status of statutes or case law that ban conversion therapy for minors, or prohibit state entities from banning conversion therapy for minors in all 50 states and DC, see [Movement Advancement Project's "Equality Maps: Conversion "Therapy" Laws."](#) These laws are changing rapidly so consultation with counsel is essential.

### Emergency Care

Ariz. Rev. Stat. § 44-133 provides that, notwithstanding any

other provision of law, in cases of emergency in which a minor needs "immediate hospitalization, medical attention, or surgery", and after reasonable efforts the minor's parents cannot be located, consent for the emergency situation may be given by any person standing *in loco parentis* to the minor.

Ariz. Rev. Stat. § 36-2271 provides that, except as otherwise provided by law, prior written consent of a parent or legal guardian is required for surgery on a minor. This section does not apply in emergency situations in which surgery is necessary for the treatment of a serious disease, injury or

drug abuse, or to save the life of the patient, or when the parent or legal guardian cannot be located after reasonably diligent effort.

### Financial Responsibility

*Ariz. Rev. Stat. § 13-1413* provides that the parents or guardian of a minor are not financially liable for sexual assault services rendered to the minor without parent or guardian consent.

### Gender Affirming Care, Restriction

*Ariz. Rev. Stat. § 32-3230* provides that a physician may not provide irreversible “gender reassignment surgery” to a minor. The statute defines “irreversible gender reassignment surgery” for this purpose.

*For up to date information on the status of restrictions on gender affirming care for minors, see [Movement Advancement Project’s “Equality Maps: Bans on Best Practice Medical Care for Transgender Youth.”](#) See also [Appendix G](#) for further information about gender-affirming care.*

### Good Faith Reliance/Immunity from Liability

*Ariz. Rev. Stat. § 44-132* provides that a health care provider may rely on the consent of a minor who has authority or apparent authority to consent for their own healthcare

under the provisions of the statute; in such a case, the health care provider is not criminally or civilly liable and cannot face professional disciplinary action for failing to obtain consent of the minor’s parent or legal guardian.

### Shield Laws

The Arizona Governor issued AZ Exec. Order, No. 2023-11 (June 22, 2023) an executive order that among other things, restricts honoring of extradition requests from other states related to provision of legal reproductive healthcare to the extent permitted by law, restricts state agencies from sharing information that would be used to impose criminal or civil liability or professional sanction for providing, seeking, assisting or obtaining reproductive health care; and centralizes jurisdiction over any abortion related criminal investigations in the Attorney General, to the extent possible under the law.

*For up to date information on the status of abortion protections including shield laws in all 50 states, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State.](#)*

*For up to date information on shield laws for gender affirming care, see [Movement Advancement Project’s “Equality Maps: Bans on Best Practice Medical Care for Transgender Youth.”](#)*

## Resources

**Arizona Statutes:** <https://www.azleg.gov/arstitle/>

**Arizona Administrative Code:** <https://azsos.gov/rules/arizona-administrative-code>

## 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***

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