

GEORGIA

# 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

For the entire compendium of state laws,

*English A, Gudeman R. Minor Consent and Confidentiality: A Compendium of State and Federal Laws. National Center for Youth Law (August 2024).*

For a particular state,

*English A, Gudeman R. Minor Consent and Confidentiality: A Compendium of State and Federal Laws (State name). National Center for Youth Law (August 2024).*

### Disclaimer

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### Acknowledgements

This work was made possible through the generous support of the Collaborative for Gender and Reproductive Equity, a sponsored project of Rockefeller Philanthropy Advisors. The authors sincerely thank National Center for Youth Law attorneys Pallavi Bugga, Nina Monfredo, and Rachel Smith for their contributions to this work. The authors also gratefully acknowledge the extensive resources of the many organizations and individuals whose work provided essential information for this publication.

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# GEORGIA

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Quick Guide

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**General**

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

**Minor Consent to Health Care—Services**

- S** Abortion<sup>3</sup>
- Emergency Care
- S** **F** Family Planning/Contraceptives
- Outpatient Mental Health Care
- S** **F** Pregnancy-Related Care
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**Confidentiality and Disclosure**

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- 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
- S** Minor in Armed Forces
- Minor Living Apart from Parent/Guardian
- Minor Parent
- Minor in State Custody
- Pregnant Minor

**Other**

- S** Care in Certain Settings, Limits
- S** “Conversion Therapy,” Prohibition on Ban<sup>4</sup>
- S** Emergency Care
- S** Gender Affirming Care, Restriction
- S** Good Faith Reliance/Immunity from Liability
- S** Minor Parent, Consent for Child’s Care

**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

*Ga. Code Ann. § 39-1-1* provides that the age of majority is 18 years.

### Emancipation

*Ga. Code Ann. § 15-11-720* provides that a minor is emancipated if they are on active duty with the U.S. armed forces or are married. Minors also may petition the court for emancipation. The criteria for court ordered emancipation and the process are described in *Ga. Code Ann. §§ 15-11-721 – 15-11-728*. A minor emancipated by operation of law or by court order shall be considered to have the rights and responsibilities of an adult, except for those specific constitutional and statutory age requirements regarding

voting, use of alcoholic beverages, and other health and safety regulations relevant to a child because of their age.

### Minor Marriage

*Ga. Code Ann. § 19-3-2* provides that a person must be age 18 years or older to marry, except that emancipated minors who are 17 or older may marry if certain criteria are met, including that the older party may be no more than four years older than the younger party.

## 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

*Ga. Code Ann. § 15-11-727* provides that an emancipated minor has the right to authorize their own preventive health care, medical care, dental care, and mental health care, without parental knowledge or liability. The section also gives emancipated minors the right to apply for medical assistance programs and for other welfare assistance if needed.

#### Married Minor

*Ga. Code Ann. § 15-11-720* provides that a minor is emancipated if they are married. *Ga. Code Ann. § 15-11-727* provides that an emancipated minor has the right to authorize their own preventive health care, medical care,

dental care, and mental health care, without parental knowledge or liability. *Ga. Code Ann. § 31-20-2* provides that a sterilization procedure may be performed upon a person under age 18 years who is legally married, if the person makes a request in writing and if, before or at the time of the request, a full and reasonable medical explanation is given by such physician to the person as to the meaning and consequence of the operation.

#### Minor in Armed Forces

*Ga. Code Ann. § 15-11-720* provides that a minor is emancipated if they are on active duty with the U.S. armed forces. *Ga. Code Ann. § 15-11-727* provides that an emancipated minor has the right to authorize their own preventive health care, medical care, dental care, and mental health care, without parental knowledge or liability.

## Minor Consent—Services

### Abortion

Abortion is banned in Georgia after 6 weeks with limited exceptions. The 6-week ban is currently being enforced while litigation is ongoing. Numerous other restrictions on abortion remain in place. *For up to date information on the status of abortion restrictions Georgia, 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 *Ga. Code Ann. §§ 15-11-680 -- 15-11-688* provide that an abortion may not be performed on an unemancipated minor under age 18 without obtaining the minor's written consent and without notifying the minor's parent or guardian, with the statutes specifying criteria for how such notification must be given. The law includes a judicial bypass and a medical emergency exception. *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

*Ga. Code Ann. § 31-9-2* provides that any female, regardless of age or marital status, may consent for any surgical or medical treatment or procedures in connection with the prevention of pregnancy; however, *Ga. Code Ann. § 31-9-5* provides that this section does not apply to abortion and sterilization procedures which are governed by separate statutes.

*Ga. Code Ann. § 49-7-3* provides that the Department of Human Services, county boards of health, health districts, county departments of family and children services, and district departments of family and children services are authorized to offer free family planning services to any person who is married, is a parent, is pregnant; or is requesting such services.

*Ga. Code Ann. § 49-7-5* provides that the employees of the agencies engaged in the administration of family planning services shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual; and nothing in this chapter shall in any way abridge such individual right, nor shall any individual be required to state his reason for refusing the offer of family-planning services.

*Ga. Code Ann. § 49-7-2* defines relevant terms. "Family planning" for this purpose means counseling and interviews

with trained personnel regarding birth control, infertility, and family-planning methods and procedures; distribution of literature relating to birth control, infertility, and family planning; referral to licensed physicians or local health departments for consultation, examination, tests, medical treatment, and prescriptions for the purposes of birth control, infertility, and family planning; and, to the extent prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products used for birth control and family planning.

*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

*Ga. Code Ann. § 31-9-2* provides that any female, regardless of age or marital status, may consent for any surgical or medical treatment or procedures in connection with pregnancy, or the prevention thereof, or childbirth; however *Ga. Code Ann. § 31-9-5* provides that this section does not apply to abortion and sterilization procedures which are governed by separate statutes. If the pregnant minor is married, then the minor is emancipated, and *Ga. Code Ann. § 15-11-727* provides that an emancipated minor has the right to authorize their own preventive health care, medical care, dental care, and mental health care, without parental knowledge or liability.

*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

*Ga. Code Ann. § 31-17-7* provides that a minor who is or professes to be afflicted with a sexually transmitted disease or at risk for HIV may consent for the provision of medical or surgical care or services, by a licensed physician, hospital, or public clinic, that involve procedures and therapy related to conditions or illnesses arising out of the sexually transmitted disease or HIV diagnosis which gave rise to the consent.

*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

*Ga. Code Ann. § 37-7-8* provides that a minor who is or professes to be suffering from "drug abuse" may consent for the provision of medical or surgical care or services by a licensed physician, hospital, or public clinic, that involve procedures and therapy related to conditions or illnesses arising out of the drug abuse which gave rise to the consent. The statute defines "drug" for this purpose.

## 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

#### Access to/Release of Patient Information and Records

*Ga. Code Ann. § 24-12-1* provides that no licensed physician, hospital, or health care facility shall be required to release any medical information concerning a patient except to the Department of Public Health for certain purposes where authorized or required by law, statute, or lawful regulation; or on written authorization or other waiver by the patient, or by the parents or duly appointed guardian ad litem of a minor, or on appropriate court order or subpoena.

*Ga. Code Ann. § 31-33-2* specifies the requirements for a health care provider, as broadly defined in *§ 31-33-1*, to provide access to a patient’s health records upon request and pursuant to a written request and authorization that complies with HIPAA and is signed by a person authorized to have access to the patient’s records. *Ga. Code Ann. § 31-33-3* provides that these rights are in addition to any other rights related to a patient’s records and that this section does apply to psychiatric, psychological, and other mental health records; however, *Ga. Code Ann. § 31-33-4* contains specific limitations with respect to access to mental health records.

#### HIV/AIDS Information

*Ga. Code Ann. §§ 24-12-21 and 24-12-21* provide for the confidentiality of HIV and AIDS information and specify the circumstances and to whom this confidential information may be released.

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

*Ga. Code Ann. § 37-3-166* provides that a “clinical record” related to mental health services may be released to any person or entity designated in writing by the patient or, if

appropriate, the parent or legal guardian of a minor. *Ga. Code Ann. § 37-3-1* defines “clinical record” for this purpose means a written record pertaining to an individual patient and includes all medical records, progress notes, charts, admission and discharge data, and all other information which is recorded by a facility or other entities responsible for a patient’s care and treatment under §§ 37-3-166 – 37-12-14, and which pertains to the patient’s hospitalization and treatment, including outpatient treatment, for mental health or developmental disabilities.

### **Sexually Transmitted Disease/HIV**

*Ga. Code Ann. § 31-17-7* provides that upon the advice of a treating physician, a member of the medical staff or a physician may, but is not obligated to, inform the spouse, parent, custodian, or guardian of the minor as to the treatment given or needed under minor consent for a sexually transmitted disease. This information may be given or withheld without the consent of and over the express refusal of the minor.

*Ga. Code Ann. § 24-12-21(k)* provides that AIDS confidential information about a minor may be disclosed to the minor’s parent or legal guardian. *Ga. Code Ann. § 31-22-9.1* defines “AIDS confidential information” for this purpose.

### **Substance Use**

*Ga. Code Ann. § 37-7-8* provides that upon the advice and direction of a treating physician, a member of the medical staff of a hospital or clinic, or a physician, may, but is not obligated to, inform the spouse, parent, custodian, or guardian of the minor as to the treatment given or needed under minor consent for substance use. This information may be given or withheld without the consent of and over the express refusal of the minor.

*Ga. Code Ann. § 37-7-166* provides that a clinical record related to substance use services may be released to any person or entity designated in writing by the patient or, if appropriate, the parent or legal guardian of a minor. *Ga. Code Ann. § 37-7-1* defines “clinical record” for this purpose means written record pertaining to an individual patient and shall include all medical records, progress notes, charts, admission and discharge data, and all other information which is recorded by a facility which pertains to the patient’s hospitalization and treatment for substance abuse to which the minor consented under *Ga. Code Ann. § 37-7-8*.

### **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**

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See **Appendix L** for information about confidentiality protection in the billing and insurance claims process under the HIPAA Privacy Rule.



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.

### Care in Certain Settings, Limits

*Ga. Code Ann. § 20-2-773* provides that no facility operated on public school property or operated by a public school district and no employee of any such facility acting within the scope of such employee's employment shall provide to public school students: distribution of contraceptives, performance of abortions, referrals for abortion, or dispensing of abortifacients.

### "Conversion Therapy" Laws, Prohibition on 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, see [Movement Advancement Project's "Equality Maps: Conversion "Therapy" Laws."](#) These laws are changing rapidly so consultation with counsel is essential.*

### Emergency Care

*Ga. Code Ann. § 31-9-3* provides that consent for surgical or medical treatment or procedures by a licensed physician will be implied in an emergency when the treatment or procedures are reasonably necessary, a person authorized to consent is not readily available, and any delay in treatment could reasonably be expected to jeopardize life or health or result in disfigurement or impaired faculties; however *Ga. Code Ann. § 31-9-5* provides that this section does not apply to abortion and sterilization procedures which are governed by separate statutes.

### Gender Affirming Care, Restriction

*Ga. Code Ann. § 43-34-15* and *Ga. Code Ann. § 31-7-3.5* prohibit, with a few exceptions, the provision of certain "irreversible procedures and therapies" for minors for the treatment of gender dysphoria, including sex reassignment surgeries and hormone replacement therapy, with limited exceptions for treatment of certain medical conditions, other than gender dysphoria, and medically verifiable disorders of sex development. Violations may subject physicians and institutions to disciplinary actions and sanctions. In *Koe v. Noggle, 2023 U.S. Dist. LEXIS 147770 (Aug. 20, 2023)*, a court preliminarily enjoined enforcement of the prohibition on hormone replacement therapy. The litigation is continuing.

*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

*Ga. Code Ann. § 31-9-2* provides that no hospital or other health care facility, health care provider, or other person or entity shall be subject to civil or criminal liability or discipline for unprofessional conduct solely for relying in good faith on any direction or decision by any person reasonably believed to be authorized and empowered to consent under *Ga. Code Ann. § 31-9-2* even if death or injury to the patient ensues. Each hospital or other health care facility, health care provider, and any other person or entity who acts in good faith reliance on any such direction or decision shall be protected and released to the same extent as though such person had interacted directly with the patient as a fully competent person.

### Minor Parent, Consent for Child's Care

*Ga. Code Ann. § 31-9-2* provides that a minor parent may consent for any surgical or medical treatment or procedures not prohibited by law for their child.

Georgia Statutes <https://www.legis.ga.gov/general-statutes>

Georgia Administrative Code <https://rules.sos.ga.gov/>

## Appendices

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