

WYOMING

# 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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# WYOMING

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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 Abortion<sup>3</sup>
- S Emergency Care
- S F Family Planning/Contraceptives
- Outpatient Mental Health Care
- F Pregnancy-Related Care
- S Reportable, Communicable, Infectious Disease Care
- S Sexual Assault Care
- S F Sexually Transmitted Infection/Disease/HIV Care
- S Substance Use Care

**Confidentiality and Disclosure**

- S F Confidentiality/Access to Records
- S F Disclosure to Parents/Guardians
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**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
- S Minor Living Apart from Parent/Guardian
- Minor Parent
- Minor in State Custody
- Pregnant Minor

**Other**

- S Domestic Violence, Minor Consent
- S Gender Affirming Care, Restriction
- S Homeless Services, Minor Consent
- S Urgent Services, Minor Consent

**Key**

- S State law found<sup>4</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> 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**

*Wyo. Stat. Ann. § 14-1-101(a)* provides that the age of majority is 18 years.

**Emancipation**

*Wyo. Stat. Ann. § 14-1-201* provides that a minor is emancipated who: is or was married, is in the military service of the United States, or has received a declaration of emancipation from a court. *Wyo. Stat. Ann. §§ 14-1-201 – 206* specify the criteria and procedures for a minor age 17 years to be emancipated by a court and the effects of a decree of emancipation.

**Minor Marriage**

*Wyo. Stat. Ann. § 20-1-102* provides that a minor age 16 or 17 years may marry with the consent of a parent or guardian and a court order. A minor age 16 or 17 years may marry without parent or guardian consent or a court order if emancipated pursuant to *Wyo. Stat. Ann. § 14-1-203* or the minor meets the requirements to enter into a contract specified in *Wyo. Stat. Ann. § 14-1-102*: that the minor is at least age 16 years; is willingly living separate and apart from the minor's parents who consent to or acquiesce in the separate living arrangement; is homeless; and is managing the minor's own financial affairs.

## 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 Status****Emancipated Minor**

*Wyo. Stat. Ann. § 14-1-101* provides that an emancipated minor may consent for health care treatment to the same extent as if they were an adult.

**Married Minor**

*Wyo. Stat. Ann. § 14-1-101* provides that a minor may consent for health care treatment to the same extent as if they were an adult when the minor is or was legally married. Minor in Armed Forces

*Wyo. Stat. Ann. § 14-1-101* provides that a minor in active military service of the United States may consent for health care treatment as if they were an adult.

**Minor Living Apart from Parent/Guardian**

*Wyo. Stat. Ann. § 14-1-101* provides that a minor may consent for health care treatment to the same extent as if they were an adult when the minor is living apart from

their parents or guardian and is managing their own affairs regardless of the source of income.

**Minor Consent—Services****Abortion**

Abortion is significantly restricted in Wyoming. Abortion was banned in Wyoming, but the pre-existing trigger ban as well as a total ban enacted in 2023 are currently enjoined by the court in *Johnson v. State, No. 18732 (Wy. Dist. Ct. of Teton Cnty. Aug. 10, 2022)*; *Johnson v. State, No. 18853 (Wy. Dist. Ct. of Teton Cnty. Mar. 22, 2023)* (order granting motion for temporary restraining order). For up to date information on the status of abortion restrictions and protections in Wyoming, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#).

To the extent abortion is legally permitted, minors may obtain an abortion. A law that previously required parental involvement was repealed in 2023. When minors may obtain an abortion within current restrictions, neither parental notice or consent is required. 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.

## Emergency Care

*Wyo. Stat. Ann. § 14-1-101* provides that a minor may consent for health care treatment to the same extent as if they were an adult if need for treatment is urgent enough to require immediate attention and the parents or guardian cannot be located with reasonable diligence.

## Family Planning/ Contraceptives

*Wyo. Stat. Ann. § 42-5-101* provides that the “department of health may provide and pay for family planning and birth control services, including referral to a physician for consultation, examination, tests, medical treatment, and prescription and the distribution of rhythm charts, drugs, medical preparation, and contraceptive devices, to any person who may benefit from this information and these services.”

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 a minor 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.

## Reportable, Communicable, Infectious Disease Care

*Code of Wyo. Rules 048-0046-11 § 11* provides that “[i]ndividuals under eighteen years of age may give legal consent for examination and treatment for any listed reportable disease or condition, without the consent of parents or guardians.” For this purpose, *Code of Wyo. Rules 048-0046-11 § 3* provides that a “reportable disease” is a “disease and/or condition designated as nationally notifiable by the Centers for Disease Control and Prevention, as well as additional diseases and conditions considered notifiable by the Wyoming Medical and Public Health Community.”

## Sexual Assault Care

*Wyo. Stat. Ann. § 6-2-309(e)* provides that if a minor reports an alleged sexual assault, and the minor’s parents cannot be located promptly with diligent effort, the minor may

consent for a medical examination. If a parent is alleged to be the perpetrator, he or she shall not be notified.

*Wyo. Stat. Ann. § 14-1-102* provides that an unemancipated minor may enter into a legally binding contract for admission to a domestic violence or homeless shelter and receipt of services as a homeless youth or victim of domestic violence or sexual abuse, provided that the minor is: at age 16 years; willingly living separate and apart from his parents who consent to or acquiesce in the separate living arrangement; homeless; and managing their own financial affairs; and submits a notarized affidavit that meets the requirements of *§ 14-1-102*.

## Sexually Transmitted Infection/Disease/HIV Care

*Wyo. Stat. Ann. § 35-4-131* provides that minors may consent for examination and treatment for any sexually transmitted disease. A health care provider shall, for any individual regardless of age: administer, refer for, or recommend appropriate and adequate treatment, if the person is reasonably suspected of being infected with any sexually transmitted disease; and recommend or offer treatment, if the person has been exposed to any sexually transmitted disease. *Code of Wyo. Rules 048-0051-4* provides that “persons under age 18 years may give legal consent for examination and treatment for any sexually transmitted disease.”

*Wyo. Stat. Ann. § 35-4-130* provides that AIDS is a sexually transmitted disease. *Code of Wyo. Rules 048-0051-1 § 2* provides that “HIV Infection/AIDS” is a sexually transmitted disease.

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

*Wyo. Stat. Ann. § 14-1-101* provides that a minor age 12 years or older is a smoker or user of tobacco products may consent for health care that is a tobacco cessation program approved by the department of health pursuant to *§ 9-4-1204*.

## 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

#### Health Maintenance Organizations

*Wyo. Stat. Ann. § 26-34-130* provides that “data or information pertaining to the diagnosis, treatment or health of any enrollee or applicant obtained from that person or from any provider by any health maintenance organization shall be held in confidence and shall not be disclosed to any person” except with the express consent of the enrollee or applicant or as otherwise specified in the statute.

#### Sexually Transmitted Disease

*Wyo. Stat. Ann. § 35-4-132* provides that information and records related to a sexually transmitted disease which has been reported, acquired and maintained under §§ 35-4-130 – 35-4-134 are confidential and, except as otherwise required by law, shall not be disclosed except under one of the enumerated circumstances, including when the disclosure is made with the written consent of the individual identified in the information or records.

*Code of Wyo. Rules 048-0051-1 § 3* provides that “[a]ll records pertaining to sexually transmitted diseases are confidential and except as otherwise required by law shall not be disclosed except for limited exceptions described in the regulation.”

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

#### Sexual Assault

*Wyo. Stat. Ann. § 6-2-309* provides that if a minor is examined for an alleged sexual assault, and a parent is alleged to be the perpetrator, the parent shall not be notified.

#### 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.

### Domestic Violence, Minor Consent

*Wyo. Stat. Ann. § 14-1-102* provides that an unemancipated minor may enter into a legally binding contract for admission to a domestic violence or homeless shelter and receipt of services as a homeless youth or victim of domestic violence or sexual abuse, provided that the minor is: at age 16 years; willingly living separate and apart from his parents who consent to or acquiesce in the separate living arrangement; homeless; and managing their own financial affairs; and submits a notarized affidavit that meets the requirements of § 14-1-102.

### Gender Affirming Care

*Wyo. Stat. Ann. § 35-4-1001* provides that no physician or health care provider may perform a mastectomy or surgery that sterilizes a minor or prescribe, administer or dispense puberty suppressing drugs or “supraphysiologic doses” of testosterone or estrogen for purposes of transitioning a child’s biological sex as determined by the sex organs, chromosomes and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, except in specified circumstances. The section defines “child,” “health care provider,” and “physician.” The statute also provides that it shall not be construed to prohibit a minor from receiving mental health treatment, provided that such treatment shall not include any medication treatments prohibited by the statute.

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**.

### Homeless Services, Minor Consent

*Wyo. Stat. Ann. § 14-1-102* provides that an unemancipated minor may enter into a legally binding contract for admission to a domestic violence or homeless shelter and receipt of services as a homeless youth or victim of domestic violence or sexual abuse, provided that the minor is: at age 16 years; willingly living separate and apart from his parents who consent to or acquiesce in the separate living arrangement; homeless; and managing their own financial affairs; and submits a notarized affidavit that meets the requirements of § 14-1-102.

### Urgent Care, Minor Consent

*Wyo. Stat. Ann. § 14-1-101* provides that a minor may consent for health care treatment to the same extent as if they were an adult if need for treatment is urgent enough to require immediate attention and the parents or guardian cannot be located with reasonable diligence.



Wyoming Statutes <https://www.wyoleg.gov/StateStatutes/StatutesConstitution>

Wyoming Code of Regulations <https://rules.wyo.gov/>

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