

2023 Kansas Statutes

38-137. Same; consent for immunization by person other than parent, when. (a) Subject to the provisions of this section, the following individuals, not in order of priority, may consent to the immunization of a minor if a parent is not reasonably available and the authority to consent is not denied under subsection (b):

- (1) A grandparent by birth or adoption;
 - (2) an adult brother or sister or half brother or half sister, by birth or adoption;
 - (3) an adult aunt or uncle by birth or adoption;
 - (4) a stepparent; or
 - (5) another adult who has care and control of the minor.
- (b) A person may not consent to the immunization of a minor under subsection (a) if:
- (1) The person has actual knowledge that the parent has expressly refused to give consent to the immunization; or
 - (2) the parent has told the person that the person may not consent to the immunization of the minor or, in the case of a written authorization, has withdrawn the authorization in writing.
- (c) For purposes of this section, a parent is not reasonably available if:
- (1) The location of the parent is unknown;
 - (2) (A) a reasonable effort made by a person listed in subsection (a) to locate and communicate with the parent for the purpose of obtaining consent has failed; and (B) not more than 90 days have passed since the date that the effort was made; or
 - (3) the parent has been contacted by a person listed in subsection (a) and requested to consent to the immunization of the minor, and the parent: (A) Has not acted on the request; and (B) has not expressly denied authority to the person listed in subsection (a) to consent to immunization of the minor.
- (d) A person authorized to consent to the immunization of a minor under this section shall confirm in writing that the parent is not reasonably available and the written confirmation shall be included in the minor's medical record.

History: L. 1995, ch. 183, § 4; July 1.