

## Minors' Access to Contraceptive Services

**BACKGROUND:** Over the past 30 years, states have expanded minors' authority to consent to health care, including care related to sexual activity. This trend reflects U.S. Supreme Court rulings extending the constitutional right to privacy to a minor's decision to obtain contraceptives and concluding that rights do not "come into being magically only when one attains the state-defined age of majority." It also reflects the recognition that while parental involvement is desirable, many minors will remain sexually active but not seek services if they have to tell their parents. As a result, confidentiality is vital to ensuring minors' access to contraceptive services. Even when a state has no relevant policy or case law or an explicit limitation, physicians may commonly provide medical care to a mature minor without parental consent, particularly if the state allows a minor to consent to related health services.

### HIGHLIGHTS:

- 21 states and the District of Columbia explicitly allow all minors to consent to contraceptive services.
- 25 states explicitly permit minors to consent to contraceptive services in one or more circumstances.
  - 3 states allow minors to consent to contraceptive services if a physician determines that the minor would face a health hazard if she is not provided with contraceptive services.
  - 21 states allow a married minor to consent to contraceptive services.
  - 6 states allow a minor who is a parent to consent.
  - 6 states allow a minor who is or has ever been pregnant to consent to services.
  - 11 states allow a minor to consent if the minor meets other requirements, including being a high school graduate, reaching a minimum age, demonstrating maturity or receiving a referral from a specified professional, such as a physician or member of the clergy.
- 4 states have no explicit policy on minors' authority to consent to contraceptive services.



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STATE	EXPLICITLY ALLOWS ALL MINORS TO CONSENT TO SERVICES <sup>ξ</sup>	EXPLICITLY AFFIRMS CERTAIN MINORS MAY CONSENT TO SERVICES <sup>ξ</sup>					NO EXPLICIT POLICY <sup>ξ</sup>
		Health	Married	Parent	Pregnant or Ever Pregnant	Other	
Alabama			X*	X*	X*	HS graduate* or 14 years*	
Alaska	X						
Arizona	X						
Arkansas	X						
California	X						
Colorado	X						
Connecticut			X†				
Delaware						12 years‡	
Dist. of Columbia	X						
Florida		X	X	X	X		
Georgia	X						
Hawaii						14 years‡	
Idaho	X						
Illinois		X	X	X	X	Referral	
Indiana			X†				
Iowa	X						
Kansas						Mature minor	
Kentucky	X‡						
Louisiana			X†				
Maine		X	X	X			
Maryland	X‡						
Massachusetts	X <sup>Ω</sup>						
Michigan			X†				
Minnesota	X‡						
Mississippi			X	X		Referral	
Missouri			X†				
Montana	X‡						
Nebraska			X†				
Nevada			X†	X*		Mature minor* Mature minor*	
New Hampshire							
New Jersey			X*		X*		
New Mexico	X						
New York	X <sup>Ω</sup>						
North Carolina	X						
North Dakota							X
Ohio							X
Oklahoma			X‡		X‡		
Oregon	X‡						
Pennsylvania			X*		X*	HS graduate* or 14 years*	
Rhode Island							X
South Carolina			X†			16 years or Mature minor	
South Dakota			X†				
Tennessee	X						
Texas			X†			Φ	
Utah			X†			Φ	
Vermont			X†				
Virginia	X						
Washington	X						
West Virginia			X†			Mature Minor	
Wisconsin							X
Wyoming	X <sup>Ω</sup>						
<b>TOTAL</b>	<b>21 + DC</b>	<b>3</b>	<b>21</b>	<b>6</b>	<b>6</b>	<b>11</b>	<b>4</b>

ξ US Supreme Court rulings have extended privacy rights to include a minor's decision to obtain contraceptives.

\* State policy does not specifically address contraceptive services but applies to medical care in general.

† State law confers the rights and responsibilities of adulthood to minors who are married.

‡ Physician may, but is not required to, inform the minor's parents.

Ω The state funds a statewide program that gives minors access to confidential contraceptive care.

Φ State funds may not be used to provide minors with confidential contraceptive services.

## FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information go to Guttmacher's [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).

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