

MDHHS HIV/STI

Minor Consent Guidance Document

Local health departments (LHDs) and the clinical community are often used by minors (i.e., persons under the age of 18) to obtain testing and treatment for sexually transmitted infections (STIs) and HIV. There are emerging services sought by minors for the prevention and treatment for HIV/STIs that are not directly addressed by the law, which was traditionally written for bacterial STIs. MDHHS has created this guidance document for providers to use with their legal counsel to interpret how they may apply these laws to test and treat minors for HIV/STIs.

Citation: Part 51 of the Public Health Code

Guiding Principles:

- HIV is an STI.
- Mpox is an STI.
- MCL 333.5127 applies to minors who are or claim to be infected with an STI. This includes those who test positive for an STI/HIV, minors who do not explicitly assert that they have or believe they have an STI/HIV but have telltale symptom, minors who assert that they had an unprotected sexual encounter with a partner who has an STI/HIV in a manner that might transmit an STI/HIV and minors who have a sexual encounter with someone whose STI/HIV status they don't know and are concerned they do have an STI/HIV.

Q: Can a provider test and treat a minor presenting with an STI or HIV diagnosis, exposure or symptoms without parental consent?

A: Yes. [MCL 333.5127](#) provides that, when a minor “is or professes to be infected” with an STI, the minor may consent to medical care (including testing) and treatment, and parental consent for such medical care and treatment is not required. STI is defined in Part 51 of the Public Health Code as “syphilis, gonorrhea, chancroid, lymphogranuloma venereum, granuloma inguinale, and other sexually transmitted infections that the department may designate and require to be reported under section 5111.”¹ MDHHS interprets this definition to include mpox; therefore, a minor who consents to treatment under MCL 333.5127 may receive an mpox vaccine. To protect their privacy, LHDs should offer minors seeking an mpox vaccine the ability to object in writing to the reporting of the vaccine in their MCIR record under MCL 333.9206(2).

Q: Can a provider provide HIV PEP (post-exposure prophylactic) for a minor without parental consent after a possible HIV exposure?

A: Yes, a minor who lawfully consents to care, treatment, or services under MCL 333.5127 may be provided PEP, as it is the medical standard of care for someone known to be exposed through sex or exposure to blood (i.e., via a needle stick) to someone who does or may have HIV.

Q: Can a minor consent to doxy PEP without parental consent?

A: Yes, a minor who lawfully consents to care, treatment, or services under MCL 333.5127 may be provided doxy PEP. Doxy PEP is a new recommended standard of care to prevent bacterial STIs for

¹ MCL 333.5101(1)(h).

persons who have had at least one bacterial STI in the last year and engage in activities which would likely lead them to acquire subsequent infections. Consequently doxy PEP is an appropriate treatment for those who “profess[] to be infected” with an STI.” Doxycycline and doxy PEP specifically prevent and treat many bacterial STIs referenced in the law.

Q: Can a minor consent to HIV PrEP (pre-exposure prophylactic) without parental consent?

A: No, MCL 333.5127 allows for minors to “consent to their medical or surgical care, treatment, or services if they are, or profess to be infected with a STI or HIV.” PrEP is not a treatment for HIV or an STI, but rather preventative therapy that must be taken before possible exposure occurs. The appropriate care and treatment for a minor who “is, or professes to be infected with HIV” would be anti-retroviral therapy (ART), or PEP respectively. Likewise, appropriate treatment for an STI is not, at the core, HIV PrEP, which is considered a preventative measure. However, there are certain permissions in Title X clinics that allow for preventative treatment for HIV, such as PrEP, without parental consent. Thus,

- PrEP prescriptions for a minor not prescribed in a Title X clinic require parental consent.
- PrEP prescriptions with or without a recent STI at a Title X clinic do not require parental consent.