

RESOLUTION

Subject: Rights of Minors to Consent for Pre-Exposure Prophylaxis for HIV

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Referred to: Reference Committee

WHEREAS, under Kentucky law (KRS 214.185), physicians may diagnose, prescribe for, and treat sexually transmitted diseases (STDs) for minors without obligation to obtain consent from or notify guardians at any point in the treatment continuum^{1,2}; and

WHEREAS, KRS 214.185 does not explicitly allow minors to consent for STD preventive care, rendering a physician's ability to provide that care uncertain under current Kentucky law^{1,2}; and

WHEREAS, the need to involve guardians in an adolescent's sexual or reproductive healthcare may deter adolescents from seeking care due to embarrassment, stigma, and fear of retribution^{3,4,5}; and

WHEREAS, HIV prevalence among Kentucky residents aged 13+ in 2016 was 184 cases per 100,000, with a prevalence in Jefferson and Fayette Counties of 431 and 331 cases per 100,000, respectively⁶; and

WHEREAS, 4% of new HIV cases in Kentucky are diagnosed in adolescents aged 13-19⁷; and

WHEREAS, Truvada® (emtricitabine 200 mg/tenofovir 300 mg disoproxil fumarate) is FDA-approved as pre-exposure prophylaxis (PrEP) for HIV prevention in seronegative persons at increased risk of HIV infection, including adolescents who weigh at least 35 kg (77 lb)⁸; and

WHEREAS, daily PrEP use reduces the risk of sexual transmission of HIV by about 99%; among people who inject drugs, daily PrEP use reduces the risk of acquiring HIV by at least 74%^{9,10}; and

WHEREAS, in 2019, the United States Preventive Services Task Force (USPSTF) established "A" rating recommendations that clinicians offer PrEP to persons who are at high risk of HIV infection¹¹; and

WHEREAS, current Kentucky Medical Association policy supports removing barriers to prescribing PrEP and encourages physicians to prescribe PrEP when clinically indicated (Res. 2018-3); and

WHEREAS, current American Medical Association policy (H-60.958) urges state and local medical societies to support appropriate legislation to decrease the spread of STDs,

including HIV, by allowing minors to consent to prevention, diagnosis, and treatment of STDs; now, therefore, be it

RESOLVED, that the Kentucky Medical Association support legislation to prevent minors from acquiring HIV, specifically by permitting minors to consent for Pre-Exposure Prophylaxis under the supervision of a qualified medical professional.

References

- ¹ Kentucky State Assembly. KRS § 214.185: Diagnosis and treatment of disease, addictions, or other conditions of minor. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48986>
- ² Centers for Disease Control and Prevention. Minors' Consent Laws | Law | Policy and Law | HIV/AIDS | CDC. <https://www.cdc.gov/hiv/policies/law/states/minors.html>. Published 2018. Accessed August 19, 2019.
- ³ Morris, J. L., & Rushwan, H. (2015). Adolescent sexual and reproductive health: The global challenges. *International Journal of Gynecology & Obstetrics*, 131, S40–S42. <https://doi.org/10.1016/J.IJGO.2015.02.006>
- ⁴ Cook, R. J., Erdman, J. N., & Dickens, B. M. (2007). Respecting adolescents' confidentiality and reproductive and sexual choices. *International Journal of Gynecology & Obstetrics*, 98(2), 182–187. [https://doi.org/10.1016/J.IJGO.2007.04.018@10.1002/\(ISSN\)1879-3479.ELIRH](https://doi.org/10.1016/J.IJGO.2007.04.018@10.1002/(ISSN)1879-3479.ELIRH)
- ⁵ Lindberg, C., Lewis-Spruill, C., & Crownover, R. (2006). Barriers to Sexual and Reproductive Health Care: Urban Male Adolescents Speak Out. *Issues in Comprehensive Pediatric Nursing*, 29(2), 73–88. <https://doi.org/10.1080/01460860600677577>
- ⁶ AIDSvu (aidsvu.org). Emory University, Rollins School of Public Health. <https://aidsvu.org/state/kentucky/>. Published 2019. Accessed August 19, 2019.
- ⁷ Kentucky Cabinet For Health and Family Services (2018). HIV/AIDS Surveillance Report June 2018. <https://chfs.ky.gov/agencies/dph/dehp/hab/Documents/AnnualReport2018.pdf>
- ⁸ Centers for Disease Control and Prevention. Preventing New HIV Infections | Guidelines and Recommendations | HIV/AIDS | CDC. <https://www.cdc.gov/hiv/guidelines/preventing.html>. Published 2018. Accessed August 19, 2019.
- ⁹ Centers for Disease Control and Prevention. Pre-Exposure Prophylaxis (PrEP) | HIV Risk and Prevention | HIV/AIDS | CDC. <https://www.cdc.gov/hiv/risk/prep/index.html>. Published 2019. Accessed August 19, 2019.
- ¹⁰ Fonner VA, Dalglish SL, Kennedy CE, et al. Effectiveness and safety of oral HIV preexposure prophylaxis for all populations. *AIDS*. 2016;30(12):1973–1983. doi:10.1097/QAD.0000000000001145
- ¹¹ Owens D, Davidson K, Krist A et al. Preexposure Prophylaxis for the Prevention of HIV Infection. *JAMA*. 2019;321(22):2203. doi:10.1001/jama.2019.6390

Relevant KMA and AMA Policy:

KMA Resolution 2018-3 -- Pre-exposure Prophylaxis to Prevent HIV Transmission

1. KMA supports educating physicians and the public about the effective use of Pre-exposure Prophylaxis (PrEP) for human immunodeficiency virus prevention and encourages physicians to consider prescribing PrEP when clinically indicated.
2. KMA supports removing barriers to prescribing Pre-exposure Prophylaxis (PrEP) and advocating that individuals not be denied any insurance coverage on the basis of PrEP use.

AMA Policy H-60.958 -- Rights of Minors to Consent for STD/HIV Prevention, Diagnosis and Treatment

1. The AMA urges state and local medical societies to work with their respective health departments and communities to develop and support appropriate legislation to decrease the spread of sexually transmitted diseases (STDs) in minors, specifically by allowing minors to consent for the means of prevention, diagnosis and treatment of STDs, including AIDS.