

~~18-4A-04.~~

~~(A) IN THE ABSENCE OF WILFUL MISCONDUCT OR GROSS NEGLIGENCE, A HEALTH CARE PROVIDER WHO ACCEPTS THE HEALTH HISTORY AND OTHER INFORMATION GIVEN BY A PERSON WHO IS DELEGATED THE AUTHORITY TO CONSENT TO THE IMMUNIZATION OF THE MINOR IS NOT LIABLE FOR AN ADVERSE REACTION TO AN IMMUNIZATION OR FOR OTHER INJURIES TO THE MINOR RESULTING FROM FACTUAL ERRORS IN THE HEALTH HISTORY OR INFORMATION GIVEN BY THE PERSON TO THE HEALTH CARE PROVIDER.~~

~~(B) AN INDIVIDUAL WHO CONSENTS UNDER § 18-4A-01 OR § 18-4A-02 OF THIS SUBTITLE, A PHYSICIAN, NURSE, OTHER HEALTH CARE PROVIDER LICENSED TO PRACTICE IN THE STATE, OR A PUBLIC HEALTH CLINIC, HOSPITAL, OR OTHER MEDICAL FACILITY IS NOT LIABLE FOR DAMAGES ARISING FROM AN IMMUNIZATION ADMINISTERED TO A MINOR AS AUTHORIZED UNDER § 18-4A-01 OR § 18-4A-02 OF THIS SUBTITLE EXCEPT FOR THE PERSON'S OR FACILITY'S OWN ACTS OF NEGLIGENCE.~~

~~18-4A-05.~~

~~(A) AN ADULT WHO HAS CARE AND CONTROL OF A MINOR AS THE PRIMARY CAREGIVER OF THE MINOR MAY FILE A PETITION IN THE DISTRICT COURT IN THE COUNTY IN WHICH THE MINOR IS A RESIDENT REQUESTING THE AUTHORITY TO CONSENT FOR THE IMMUNIZATION OF THE MINOR FOR WHOM THE ADULT IS THE PRIMARY CAREGIVER.~~

~~(B) A PETITION TO GRANT AUTHORITY FOR THE ADULT TO CONSENT FOR THE IMMUNIZATION OF THE MINOR FOR WHOM THE ADULT IS THE PRIMARY CAREGIVER SHALL STATE:~~

~~(1) THE FULL NAME, ADDRESS, AND DATE OF BIRTH OF THE MINOR, IF KNOWN;~~

~~(2) THAT, IF THEIR IDENTITIES ARE KNOWN, THE PARENT, GUARDIAN, OR OTHER PERSON WHO, UNDER A COURT ORDER, MAY CONSENT FOR THE MINOR CANNOT BE CONTACTED; AND~~

~~(3). THAT THE ADULT HAS CARE AND CONTROL OF THE MINOR AS THE PRIMARY CAREGIVER OF THE MINOR.~~

~~(C) A PETITION MAY BE HEARD WITHOUT NOTICE TO A PARENT, GUARDIAN, OR OTHER PERSON IF, UPON REASONABLE EFFORT, THAT PERSON CANNOT BE CONTACTED.~~

~~(D) AFTER A HEARING, IF THE COURT FINDS THE GRANT OF AUTHORITY IS IN THE BEST INTERESTS OF THE MINOR, THE COURT MAY GRANT AUTHORITY FOR THE ADULT TO CONSENT TO THE IMMUNIZATION OF THE MINOR FOR WHOM THE ADULT IS AN INFORMAL GUARDIAN.~~