

CRIMINAL LAW:
MINORS:
PHYSICIANS:

The General Assembly has not as yet enacted any law prohibiting licensed physicians from prescribing contraceptive medications and devices to persons under the age of twenty-one who have not been emancipated by marriage or other means without obtaining the consent of such person's parents.

OPINION NO. 84

March 9, 1973

Honorable Clifford B. Mayberry
Prosecuting Attorney
Adair County
213 West Washington
Kirksville, Missouri 63501



Dear Mr. Mayberry:

You have asked whether any criminal statute of Missouri prohibits physicians from prescribing contraceptive medications and devices to persons under the age of twenty-one without parental consent where such minors have not been emancipated by marriage or other means.

The General Assembly has not enacted as of this time any statute explicitly subjecting physicians to criminal liability for prescribing contraceptive medications and devices to minors. Nor is Section 559.360, RSMo 1969, relating to contributing to the delinquency of minors, applicable. In Eisenstadt v. Baird, 405 U.S. 438 (1971), the Supreme Court of the United States held that laws prohibiting the distribution of contraceptives bear no rational relationship to the enforcement of laws protecting the public morals, and cannot be applied for such purposes.

CONCLUSION

Therefore, it is the opinion of this office that the General Assembly has not as yet enacted any law prohibiting licensed physicians from prescribing contraceptive medications and devices to persons under the age of twenty-one who have not been emancipated by marriage or other means without obtaining the consent of such person's parents.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mark D. Mittleman.

Very truly yours,

JOHN C. DANFORTH
Attorney General