

AACAP State Psychotropic Medication Update

February 2004

Legislation restricting the prescription of psychotropic medications for children and adolescents, particularly in schools, is currently being considered by many state legislatures. The following chart includes current state legislation for the 2003-2004 or 2004-2005 legislative sessions. It does not include bills that have been previously enacted into law. Please contact the AACAP Department of Government Affairs at 800.333.7636, ext. 126, if you want to know if your state has enacted legislation restricting psychotropic medications for children and adolescents.

The AACAP is concerned that many of these bills could serve to increase stigma against children's disorders and treatments and lead to fewer children with mental illnesses being identified and referred for treatment. The harsh enforcement provisions of many of these bills, including the threat of a loss of school funds, could cause a chilling effect on communication between school personnel and parents concerning a child's health. AACAP members are encouraged to contact their state representatives to educate them on this issue, particularly if your state legislature is considering one of these bills.

State	Legislation	Status
CALIFORNIA	A.B. 1424, legislation to provide that the refusal of a parent or guardian of a child to administer, or consent to the administration of, any medication or medical treatment for the child not constitute, in and of itself, a basis for finding that the child comes within the definition of a dependent child of the juvenile court	Died in Committee
FLORIDA	S.1140, legislation that relates to administering medication to children; provides that refusal of a parent, legal guardian, or other person having control of a child to administer or consent to administration of any psychotropic medication to a child does not, in and of itself, constitute grounds for the department to take the child into custody; prohibits specified persons working in child care facilities from administering medications to a child without written authorization	Passed Senate Committee on Children and Families with substitute
HAWAII	H.273, legislation to deny as grounds to place a child into protective custody the refusal of a parent or guardian to administer or consent to administer psychiatric drugs to a child in school unless the refusal causes the child to be harmed or be subject to imminent harm	Held in Committee on Health

KENTUCKY	KY HJR 58, legislation to request the Kentucky Department of Education to provide education and training to school personnel regarding the use of psychotropic drugs as a part of children's treatment; urges the Cabinet for Families and Children to ensure that a parent's refusal to allow a child to receive psychotropic drugs as a part of treatment not be used as the sole ground for taking a child into custody	Referred to Committee on Health and Welfare
MASSACHUSETTS	H. 2227, legislation prohibiting any school committee, teacher, counselor or any other agent of the school committee from requiring a student be placed on a psychotropic drug in order to attend or remain in school, or the right to recommend or suggest the use of a psychotropic drug for any child H. 2800, legislation to establish a task force with the Department of Public Health to study the effects of psychiatric drugs on students in the public schools H.4344, legislation relating to studying prescription drugs in the Commonwealth	Passed Joint Committee on Health Care, as amended Passed Joint Committee on Health Care Referred to Committee on House Rules
MICHIGAN	H.B. 4025, legislation to require state model policy and local policies for educators concerning chronic behavioral issues and psychotropic medication	Passed House; referred to Senate Committee on Education
MISSISSIPPI	H.244, legislation that would prohibit teachers, counselors and school officials from recommending psychiatric drugs for children	Referred to Committee on Education
NEW HAMPSHIRE	H.B. 492, legislation to establish a statement of parental rights relative to school disciplinary measures, the content of educational materials and surveys and the use of psychological testing and psychiatric drugs in schools H.B. 551, legislation that relates to the effect of parental refusal to administer psychotropic drugs to their children	Referred to Committee on Education Passed House, referred to Senate, referred to Senate Committee on Public Institutions, Health and Human Services
NORTH CAROLINA	H.B. 943, legislation to prohibit school personnel from recommending or requiring the use of certain medications by any child	Enacted

OKLAHOMA	H.2272, legislation that relates to schools; directs school districts to develop a policy relating to recommending use of psychotropic medications; provides for scope of each policy; allows classroom teachers and other school personnel to consult with and share certain observations with parents or guardians and certain medical professionals; allows school districts to make available certain resources to parents and guardians; provides definition	Referred to Committee on Common Education
PENNSYLVANIA	H.B. 996, legislation to amend the Public School Code of 1949, would require school boards to adopt and implement policy regarding recommendation of the use of psychotropic drugs for school children. Provides for a limited defense to child neglect or abuse for refusing to consent to the administration of certain drugs	Referred to House Committee on Education
TENNESSEE	H.707, legislation that relates to the use of the drug Ritalin in schools H.708, legislation that relates to the use of the drug Ritalin in schools	Passed House Referred to Senate Committee on Finance, Ways and Means
VERMONT	H.706, legislation to create a process regarding use of psychotropic drugs prescribed to children; prohibits taking custody of a child because a parent or guardian refuses to consent to administration of a psychotropic drug; prohibits public schools from requiring a child to take psychotropic drugs; studies feasibility of creating a statewide pharmacy database	Referred to Committee on Health and Welfare
WASHINGTON	S.6289, legislation to require the adoption of policies regarding health evaluations for and the administration of psychotropic drugs in schools H.2571, legislation to require the adoption of policies regarding health evaluations for and the administration of psychotropic drugs in schools	Passed Committee on Education, as substituted; referred to Committee on Rules Referred to Committee on Education

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