

AACAP State Psychotropic Medication Update

October 1, 2003

Legislation restricting the prescription of psychotropic medications for children, particularly in schools, is currently being considered at the federal and state level. The following chart includes current state legislation for the 2003-2004 legislative session. 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. 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
ARIZONA	H.B. 2007 , legislation that would prohibit a school district employee from requiring a parent or guardian to seek psychiatric or psychological diagnoses or evaluation for a child, or to require use of psychiatric medication as a condition of attending school. Requires parental consent for the transportation of a child to a psychiatric or psychological treatment facility.	Passed the House 3/6/03. Failed to pass the Senate.
ARKANSAS	H.B. 2442 , legislation that would require school districts to develop policies to prohibit school personnel from recommending the use of psychotropic prescription drugs and to limit who may recommend testing for certain behavioral disorders.	Died in House Education Committee upon adjournment.

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 a basis for finding that the child comes within the definition of a dependent child of the juvenile court.	Referred to Committee on Health.
CONNECTICUT	H.B. 6689 , legislation that would clarify provisions concerning the administration of psychotropic drugs in schools.	Referred to Committee on Education.
FLORIDA	S.112 , legislation to require issuance of a court order authorizing dispensing a psychotropic medication to a child in shelter status or foster care; would also require prescribing physician to review child's medical history, in the form of a medical passport prepared by the Dept. of Children and Family Services, prior to issuance of such order and requires medical records or other evidence demonstrating that the medication is appropriate for the child.	Died in Committee.
HAWAII	H.B. 273 , legislation that would 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 to be subject to imminent harm	Carried over to 2004 regular session.
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.2227 in Committee on Education, Arts and Humanities, Hearing held 9/30/03. H.2800, referred to Committee on Health Care.
MICHIGAN	H.B. 4025 , legislation that would require state model policy and local policies for educators concerning chronic behavioral issues and psychotropic medication	Passed House; referred to Senate Committee on Education.

State	Legislation	Status
NEW HAMPSHIRE	H.B. 826 , legislation that would establish a limited moratorium on the use of psychotropic drugs and require the attorney general to study the use of such drugs	Referred to Committee on Health, Human Services, and Elderly Affairs; hearing took place 2/14/03.
NORTH CAROLINA	H.B. 943 , legislation that would prohibit school personnel from recommending or requiring the use of certain medications by any child.	Passed House 4/30/03; referred to Senate Committee on Health and Human Resources.
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.
TEXAS	H.R. 1070 , legislation relating to a parent's refusal to authorize a school district employee to conduct the psychological or psychiatric testing or treatment of a child H.R. 2983 , legislation relating to the administration of certain psychoactive medications to a child	Information not available.

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