

## AACAP State Psychotropic Medication and Screening Update

October 2005

Legislation restricting the prescription of psychotropic medications and access to mental health screening for children and adolescents is currently being considered by many state legislatures. The following chart includes current state legislation for the 2004-2005 or 2005-2006 legislative sessions. Note: Connecticut, Illinois, Michigan, Utah, Virginia, Texas and Oregon have already enacted laws prohibiting school personnel from recommending psychotropic drugs for children and are not included in this update.

The AACAP is concerned that many of these bills may increase stigma against children's disorders and treatments and prevent the early identification of children with mental illness. 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. Please contact the AACAP Department of Government Affairs at 800.333.7636, ext. 128, if you want to know more about the legislation restricting psychotropic medications for children and adolescents in your state.

State	Legislation	Status
ALASKA	S. 48, Introduced 1/12/05, legislation relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children.	Sent to Senate Judiciary Committee
ARIZONA	S. 1270, legislation forbidding school district and charter school officials from requesting any behavioral and mental health screening or disclosing personal student information gained from such a screening prior to parental consent or notification.	Vetoed by Governor
CALIFORNIA	A. 1689, Introduced 2/22/05, legislation requiring any participating county contracting with a mental health provider for Early and Periodic Screening, Diagnosis and Treatment Program services to include in the contract terms and conditions in which the contracting county agrees to pay for those services provided by the contractor to residents of another county; providing for the reimbursement of counties that pay for those services for children who are not residents of the county.	Sent to Assembly Health Committee

State	Legislation	Status
DELAWARE	H.R. 42 Introduced 7/1/05, legislation creating Ritalin Tracking Task Force to study the pattern of Ritalin dispersal to school age children within the school and homes of such children.	Passed House
FLORIDA	<p>S. 1090, Introduced 1/28/05, legislation requiring child's parent or legal guardian to provide certain information to CFS Department; specifies requirements for Department re providing psychotropic medication to child in custody of CFS.; defines term "psychotropic medication"; prohibits public school from denying student access to programs or services under certain conditions; authorizes refusal of psychological screening, etc. Replaces H. 209 and H. 883.</p> <p>S. 1766, Introduced 3/11/05, legislation relating to school students and psychotropic medications; defining term psychotropic medication; prohibiting recipients of state funds used for educational purposes from requiring student to be prescribed or administered psychotropic medication as condition of receipt of educational services; providing requirements for administration; providing restriction for diagnosis of treatment of medical disorders.</p>	<p>Signed into law; Public Law 2005-65, Effective Date 7/1/2005</p> <p>Substituted by H. 209, Vetoed by Governor, see S. 1090</p>
GEORGIA	S.R. 128, Introduced 1/10/05, legislation urging the Georgia congressional delegation to oppose mandatory mental health screenings of American school children.	Sent to Senate Education and Youth Committee
HAWAII	H.C.R. 255, Introduced 3/16/05, legislation establishing an interim task force on the accessibility of mental health care to consider the feasibility of the state authorizing trained and supervised medical psychologists to safely prescribe psychotropic medications for the treatment of mental illness.	Passed Both Houses Resolution Adopted
ILLINOIS	H. 3031, Introduced 2/22/05, legislation amending the Children's Mental Health Act of 2003; providing that any screening services provided under the Children's Mental Health Plan must be voluntary and conducted with parental consent and in accordance with the Mental Health and Developmental Disabilities Code.	Sent to Senate Committee on Rules

State	Legislation	Status
INDIANA	<p>S. 529, Introduced 1/20/05, legislation instructing various state agencies to develop and coordinate a child's social, emotional and behavioral health plan, including recommendations concerning comprehensive mental health services and early intervention and treatment services for individuals 22 and younger. The plan requires social, emotional and mental health screening to be included as part of routine exams in schools and by healthcare providers.</p> <p>H. 1466, Introduced 1/18/05, legislation prohibiting teachers from attempting to influence a parent or guardian to obtain psychotropic medication for a student; prohibiting the readmission of a student suspended for behavioral problems on the treatment of the student with psychotropic medications.</p>	<p>Signed into law Public Law 234 Effective 7/1/2005</p> <p>Sent to House Education Committee</p>
MARYLAND	<p>S. 616/H. 802, Introduced 2/9/05, legislation instructing a juvenile court to stay all proceedings and order a screening of a child's mental health condition and developmental levels if there is probable cause to believe the child committed the offense he or she is charged with and if there is reason to believe that the child may be incompetent. The bill also provides for a competency evaluation hearing.</p> <p>S. 834/H. 579, Introduced 2/11/05, legislation establishing a Pilot Program to Study and Improve Screening Practices for Autism Spectrum Disorders in the Department of Education, with the Department of Health and Mental Hygiene, to select and establish relationships with specified providers to participate in the program, assess and identify autism spectrum disorder screening instruments, and develop training materials, and distribute written information on early detection of autism spectrum disorders, etc.</p> <p>H. 1339, Introduced 2/11/05, legislation establishing pilot programs in Baltimore City and Baltimore County to give courts the authority to order screening for troubled youth.</p>	<p>Passed House bill. Signed into law. Public Law 580</p> <p>Passed Senate bill. Signed into law. Public Law 340</p> <p>Signed into law. Public Law 601</p>

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MASSACHUSETTS	<p>S. 124, Introduced 1/5/05, legislation relating to medical screening and evaluation within the foster care system.</p> <p>S. 126, Introduced 1/5/05, legislation to ensure that parents of children prescribed psychotropic drugs receives adequate information.</p> <p>H. 3447, Introduced 1/5/05, legislation relating to the prescribing of psychotropic drugs for children under the care and protection of the Department of Social Services.</p>	<p>Sent to Joint Committee on Children and Families</p> <p>Sent to Joint Committee on Mental Health and Substance Abuse</p> <p>Filed as House Docket 410, sent to Joint Committee on Public Health</p>
MINNESOTA	<p>S. 104/H. 141, Introduced 7/13/05, legislation concerning omnibus K-12 and early childhood education appropriations, including general education, facilities, and related provisions modifications; and appropriating money. Requires every school board to provide for a mandatory program of early childhood developmental screening for children at least once before school entrance, targeting children who are between three and four years old.</p> <p>S. 1365/H.1513, Introduced 3/3/05, legislation relating to children, including socioemotional development in early childhood health and development screening, and possible availability of mental health screening in notice to parents of truant children.</p> <p>H. 762, Introduced 2/3/05, legislation relating to children, including possible availability of mental health screening in notice to parents of truant children.</p>	<p>Signed into law. Session Law 5</p> <p>Senate bill sent to Senate Finance Committee; House bill sent to House Committee on Education Policy and Reform</p> <p>Passed House Committee on Jobs and Economic Opportunity and Finance, re-referred to House Committee on Education Finance</p>

State	Legislation	Status
MISSOURI	H. 568, Introduced 2/16/05, legislation instructing the children's division of the state Department of Social Services to recognize and treat the needs of at-risk and abused or neglected children under the age of 10 in state custody. Within 30 days of a child's entry into state custody and every six months thereafter as long as the child remains in custody, the division may conduct physical, developmental and mental health screenings. Children whose screenings indicate an area of concern may be administered a comprehensive health, psychodiagnostic or developmental assessment within 60 days of custody.	Signed into law.
NEVADA	A. 47, Introduced 2/9/05, legislation requiring each child taken into custody or detained while awaiting a required detention or hearing, or who is committed by the juvenile court to a regional or state facility, to undergo screening to determine if the child is in need of mental health services or substance abuse treatment. The facility is required to conduct a screening as soon as is practicable upon commitment.	Signed into law. Public Law 299 Effective October 1, 2005
NEW MEXICO	S.J.M. 52, Introduced 2/9/05, legislation studying prescription drugs for child behavior.	Signed by both Houses
NEW YORK	<p>S. 2900/A. 1132, Introduced 1/18/05, legislation directing the Commissioner of Education to establish rules and regulations prohibiting school personnel from recommending psychotropic drugs for students.</p> <p>A. 5043, Introduced 2/15/05, legislation prohibiting school personnel and school districts from recommending the use of psychotropic drugs for students.</p> <p>A. 5885, Introduced 3/2/05, legislation authorizing and directing the Department of Health to conduct a study on drugs prescribed for school-age children with ADD.</p>	<p>Senate bill sent to Senate Education Committee; Assembly bill sent to Assembly Education Committee</p> <p>Sent to Assembly Education Committee</p> <p>Sent to Assembly Health Committee</p>

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PENNSYLVANIA	<p>H. 591, Introduced 2/16/05, legislation prohibiting school officials or employees from recommending that a child use psychotropic or sympathomimetic drugs.</p> <p>H. 1422, Introduced 4/26/05, legislation requiring school boards to adopt and implement policy regarding recommendation of the use of psychotropic drugs for school children; providing for a limited defense to child neglect or abuse for refusing to consent to the administration of certain drugs.</p> <p>H.R. 119, Introduced 3/1/05, legislation recognizing youth mental illness and suicide as a state public health crisis and encouraging evidence-based initiatives to screen children and adolescents for mental disorders in order to identify illness and prevent suicide among youth.</p>	<p>Sent to House Committee on Education</p> <p>Sent to House Committee on Education</p> <p>Sent to House Committee on Health and Human Services</p>
TENNESSEE	<p>S. 545, Introduced 2/2/05, legislation prohibiting, in the absence of authorizing state legislation, any comprehensive mental health screenings pursuant to policies issued by the President's New Freedom Commission on Mental Health or other federal mental health program; restricting certain conduct by school personnel with regard to psychotropic drugs.</p> <p>H. 580, Introduced 2/2/05, legislation concerning students; prohibiting school personnel from recommending psychotropic drugs such as Ritalin to treat elementary and secondary school students for behavioral concerns.</p>	<p>Passed Senate, sent to House</p> <p>Sent to House Committee on Education</p>
TEXAS	<p>H. 339, Introduced 2/23/05, legislation relating to the administration of psychoactive medications to foster children.</p>	<p>Pending in House Committee on Human Services</p>
UTAH	<p>H. 42, legislation prohibiting school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs, and prohibits consideration of a petition for removal of a minor, and removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs.</p>	<p>Vetoed by Governor</p>

State	Legislation	Status
VERMONT	H. 74, Introduced 1/21/05, legislation prohibiting school personnel from recommending use of psychotropic drugs; prohibiting public schools from requiring a child to take a psychotropic drug as a condition of attending school; requiring that a child receive supplemental services prior to being identified as a special needs student; creating an informed consent process regarding the use of psychotropic drugs prescribed to children; and prohibiting the Department for Children and Family Services from taking custody of a child under certain circumstances.	Sent to House Education Committee
WISCONSIN	S. 226, Introduced 6/2/05, legislation relating to informed consent for minors for inpatient and outpatient treatment for mental illness and developmental disability; relating to informed consent for the administration to minors of psychotropic medications; relating to access to records.	Sent to Senate Committee on Health, Children, Families, Aging, and Long-Term Care

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