

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1422 Session of
2005

INTRODUCED BY WASHINGTON, ROEBUCK, JOSEPHS, GABIG, BARRAR,
BLACKWELL, CALTAGIRONE, DENLINGER, KIRKLAND, LEDERER,
PETRARCA, ROONEY, WHEATLEY AND MYERS, APRIL 26, 2005

REFERRED TO COMMITTEE ON EDUCATION, APRIL 26, 2005

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," requiring school boards to adopt and
6 implement policy regarding recommendation of the use of
7 psychotropic drugs for school children; and providing for a
8 limited defense to child neglect or abuse for refusing to
9 consent to the administration of certain drugs.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding a
14 section to read:

15 Section 528. Psychotropic Drugs.--(a) Each board of school
16 directors shall adopt and implement a policy prohibiting any
17 school personnel from recommending the use of psychotropic drugs
18 for any child. The provisions of this section shall not prohibit
19 school medical staff from recommending that a child be evaluated
20 by an appropriate medical practitioner or prohibit school
21 personnel from consulting with a medical practitioner with the

1 consent of the parents or guardian of the child.

2 (b) The refusal of a parent, guardian or other person
3 responsible for a child to administer or consent to the
4 administration of any psychotropic drug to the child shall not
5 constitute grounds for a county office of children and youth
6 services or similar office to take the child into custody or for
7 a court of competent jurisdiction to order that the child be
8 taken into custody by an appropriate agency, unless the refusal
9 causes the child to be neglected or abused.

10 (c) For the purpose of this section, the term "psychotropic
11 drugs" includes those drugs prescribed with the intention to
12 alter mental activity or state, including, but not limited to,
13 antipsychotic, antidepressant and anxiolytic medication and
14 behavior-altering medication.

15 Section 2. This act shall take effect in 60 days.