

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 996 Session of
2003

INTRODUCED BY WASHINGTON, BARRAR, BISHOP, HARHAI, BEBKO-JONES,
CORRIGAN, COY, CREIGHTON, CRUZ, EGOLF, FABRIZIO, FREEMAN,
GABIG, HERSHEY, JAMES, KIRKLAND, LAUGHLIN, McNAUGHTON,
METCALFE, MYERS, PETRARCA, ROEBUCK, ROHRER, STERN, THOMAS,
TRUE, WHEATLEY AND YOUNGBLOOD, MARCH 26, 2003

REFERRED TO COMMITTEE ON EDUCATION, MARCH 26, 2003

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

1 personnel from consulting with such practitioner with the
2 consent of the parents or guardian of such child.

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

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

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