

Union Calendar No. 62

108TH CONGRESS
1ST SESSION

H. R. 1170

[Report No. 108–121]

To protect children and their parents from being coerced into administering psychotropic medication in order to attend school, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. BURNS (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. CASTLE, Mr. BALLENGER, Mr. SAM JOHNSON of Texas, Mr. ISAKSON, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. COLE, Mr. KLINE, Mrs. MUSGRAVE, Ms. WATSON, Mr. BURTON of Indiana, and Mr. TANCREDI) introduced the following bill; which was referred to the Committee on Education and the Workforce

MAY 21, 2003

Additional sponsors: Ms. LORETTA SANCHEZ of California, Mr. RAMSTAD, Mr. NORWOOD, Mr. FRANKS of Arizona, Mr. LEWIS of Kentucky, Mr. KENNEDY of Minnesota, Mr. BARTON of Texas, Mr. PAUL, Mrs. EMERSON, Mr. ROGERS of Michigan, Mr. LATOURETTE, Mr. CASE, Ms. MILLENDER-MCDONALD, Mr. GOODLATTE, and Mr. MURPHY

MAY 21, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 11, 2003]

A BILL

To protect children and their parents from being coerced

into administering psychotropic medication in order to attend school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Child Medication Safety*
 5 *Act of 2003”.*

6 **SEC. 2. REQUIRED POLICIES AND PROCEDURES.**

7 (a) *IN GENERAL.*—As a condition of receiving funds
 8 under any program or activity administered by the Sec-
 9 retary of Education, not later than 1 year after the date
 10 of the enactment of this Act, each State shall develop and
 11 implement policies and procedures prohibiting school per-
 12 sonnel from requiring a child to obtain a prescription for
 13 substances covered by section 202(c) of the Controlled Sub-
 14 stances Act (21 U.S.C. 812(c)) as a condition of attending
 15 school or receiving services.

16 (b) *RULE OF CONSTRUCTION.*—Nothing in subsection
 17 (a) shall be construed to create a Federal prohibition
 18 against teachers and other school personnel consulting or
 19 sharing classroom-based observations with parents or
 20 guardians regarding a student’s academic performance or
 21 behavior in the classroom or school, or regarding the need
 22 for evaluation for special education or related services
 23 under section 612(a)(3) of the Individuals with Disabilities
 24 Education Act (20 U.S.C. 1412(a)(3)).

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *CHILD*.—The term “child” means any person
4 within the age limits for which the State provides free
5 public education.

6 (2) *STATE*.—The term “State” means each of the
7 50 States, the District of Columbia, and the Common-
8 wealth of Puerto Rico.

9 **SEC. 4. GAO STUDY AND REVIEW.**

10 (a) *REVIEW*.—The Comptroller General of the United
11 States shall conduct a review of—

12 (1) *the variation among States in definitions of*
13 *psychotropic medication as used in regard to State*
14 *jurisdiction over public education;*

15 (2) *the prescription rates of medications used in*
16 *public schools to treat children diagnosed with atten-*
17 *tion deficit disorder, attention deficit hyperactivity*
18 *disorder, and other disorders or illnesses;*

19 (3) *which medications used to treat such children*
20 *in public schools are listed under the Controlled Sub-*
21 *stances Act; and*

22 (4) *which medications used to treat such children*
23 *in public schools are not listed under the Controlled*
24 *Substances Act, including the properties and effects of*
25 *any such medications and whether such medications*

1 *have been considered for listing under the Controlled*
2 *Substances Act.*

3 **(b) REPORT.**—*Not later than 1 year after the date of*
4 *enactment of this Act, the Comptroller General of the United*
5 *States shall prepare and submit a report that contains the*
6 *results of the review under subsection (a).*

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