

108TH CONGRESS  
1ST SESSION

# H. R. 3178

To amend the Elementary and Secondary Education Act of 1965 to prohibit interference by certain grant recipients with a student's treatment of his or her diabetes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2003

Mr. HINOJOSA (for himself, Mr. CONYERS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. PLATTS, Mr. REYES, Mr. LANTOS, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. KILDEE, Mr. GORDON, Mr. McNULTY, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. WEXLER, Mr. SERRANO, Mr. TOWNS, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. RODRIGUEZ, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. CLAY, Mr. BALLANCE, Ms. SLAUGHTER, Ms. DEGETTE, Mr. McDERMOTT, Mr. PAYNE, Mr. SANDERS, Mr. FOSSELLA, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to prohibit interference by certain grant recipients with a student's treatment of his or her diabetes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health and Education  
3 Access for Students with Diabetes Act”.

4 **SEC. 2. PROHIBITION AGAINST INTERFERENCE WITH STU-**  
5 **DENT TREATMENT OF DIABETES.**

6 Subpart 4 of part A of title IV of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 7161  
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 4156. PROHIBITION AGAINST INTERFERENCE WITH**  
10 **STUDENT TREATMENT OF DIABETES.**

11 “(a) PROHIBITION.—A State or public or private en-  
12 tity may not receive any funds under this part unless the  
13 State or entity has in effect a policy against hindering or  
14 restricting any student from engaging in treatment of the  
15 student’s diabetes, if the treatment has been prescribed  
16 or recommended by a physician.

17 “(b) DEFINITIONS.— For purposes of this section:

18 “(1) The term ‘State’ means each of the 50  
19 States, the District of Columbia, the Commonwealth  
20 of Puerto Rico, Guam, American Samoa, the United  
21 States Virgin Islands, and the Commonwealth of the  
22 Northern Mariana Islands.

23 “(2) The term ‘treatment’ includes the use of  
24 any prescription or over-the-counter drug, device, or  
25 biological product (including insulin pumps,  
26 glucagon injections, insulin syringes, insulin pens,

1 blood glucose monitors, and blood glucose moni-  
2 toring supplies), designed for use in managing diabe-  
3 tes and approved under section 505 of the Federal  
4 Food, Drug, and Cosmetic Act (21 U.S.C. 355) or  
5 section 351 of the Public Health Service Act (42  
6 U.S.C. 262), as applicable.”.

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