

108TH CONGRESS
1ST SESSION

S. 1390

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

IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

Mr. ENSIGN (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To protect children and their parents from being coerced into administering a controlled substance 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 Safe-
5 ty 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

1 of the enactment of this Act, each State shall develop and
2 implement policies and procedures prohibiting school per-
3 sonnel from requiring a child to obtain a prescription for
4 substances covered by section 202(c) of the Controlled
5 Substances Act (21 U.S.C. 812(c)) as a condition of at-
6 tending school or receiving services.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
8 section (a) shall be construed to create a Federal prohibi-
9 tion against teachers and other school personnel con-
10 sulting or sharing classroom-based observations with par-
11 ents or guardians regarding a student’s academic perform-
12 ance or behavior in the classroom or school, or regarding
13 the need for evaluation for special education or related
14 services under section 612(a)(3) of the Individuals with
15 Disabilities Education Act (20 U.S.C. 1412(a)(3)).

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **CHILD.**—The term “child” means any per-
19 son within the age limits for which the State pro-
20 vides free public education.

21 (2) **STATE.**—The term “State” means each of
22 the 50 States, the District of Columbia, and the
23 Commonwealth of Puerto Rico.

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

2 (a) REVIEW.—The Comptroller General of the United
3 States shall conduct a review of—

4 (1) the variation among States in definitions of
5 psychotropic medication as used in regard to State
6 jurisdiction over public education;

7 (2) the prescription rates of medications used in
8 public schools to treat children diagnosed with atten-
9 tion deficit disorder, attention deficit hyperactivity
10 disorder, and other disorders or illnesses;

11 (3) which medications used to treat such chil-
12 dren in public schools are listed under the Controlled
13 Substances Act; and

14 (4) which medications used to treat such chil-
15 dren in public schools are not listed under the Con-
16 trolled Substances Act, including the properties and
17 effects of any such medications and whether such
18 medications have been considered for listing under
19 the Controlled Substances Act.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General of the
22 United States shall prepare and submit a report that con-
23 tains the results of the review under subsection (a).

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