

109TH CONGRESS  
1ST SESSION

# H. R. 1790

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Medication Safe-  
3 ty Act of 2005”.

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

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

## 7 SEC. 4. GAO STUDY AND REVIEW.

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

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

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

Passed the House of Representatives November 16, 2005.

Attest: **JEFF TRANDAHL,**  
*Clerk.*