

CHAPTER 237

HB 551 - FINAL VERSION

CPS

07Jan2004... 2524h

04/01/04 0974s

25May2004... 1574CofC

25May2004... 1689eba

2004 SESSION

03-1001

05/10

HOUSE BILL **551**

AN ACT relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

SPONSORS: Rep. Ingbretson, Graf 13; Rep. Boyce, Belk 31; Rep. Slocum, Hills 47; Rep. Gilman, Graf 9

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that a parent's refusal to administer a psychotropic drug to his or her child shall not, in and of itself, provide grounds for the state to take the child into protective custody under RSA 169-C, the child protection act. This bill also establishes a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Four

AN ACT relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Be it Enacted by the Senate and House of Representatives in General Court convened:

237:1 Statement of Purpose. The general court finds that further study is needed to determine the biological or medical reasons for administering psychotropic drugs, such as Ritalin, to students in public schools, preschools, and childcare centers and to investigate the research documenting the medications' effects on their development, progress in school, and health.

237:2 Committee Established. There is established a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

237:3 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

237:4 Duties. The committee shall:

- I. Study the extent of the use of psychotropic drugs, including Ritalin, among children in childcare centers, preschools, and public schools, grades K-12.
- II. Study where and under what circumstances, including protocols, referrals, and symptoms, psychotropic drugs are prescribed for children ages infant to 5 years and students in grades K-12.
- III. Determine if there are regional or geographic clusters of children on Ritalin and whether any connections exist between the prescription and use of such drugs and a child's gender or socioeconomic status.
- IV. Determine the extent to which psychotropic drugs, including Ritalin, are prescribed or used for behavior control purposes or performance enhancement in controlled settings such as childcare centers, preschools, and elementary classrooms.
- V. Investigate allegations that a parent or guardian's refusal to administer or consent to the administration of any psychotropic medication to his or her child may constitute grounds for taking the child into protective custody.
- VI. Examine and document, through a review of scientifically credible research studies, the long-term effects to date, both positive and negative, of the use of psychotropic drugs administered to children from infancy

through high school.

VII. Study other issues deemed relevant to the committee's purpose.

VIII. Solicit information and advice from the commissioners of the departments of education and health and human services, child psychologists and psychiatrists, pediatric neurologists, early childhood specialists or child development specialists from the university of New Hampshire, Keene state college, or Plymouth state university, the New Hampshire Pediatric Society, the Parent Information Center-New Hampshire, the New Hampshire Children's Alliance, Children and Family Services, and any other organization or individual with relevant information or expertise.

237:5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

237:6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

237:7 New Paragraph; Child Protection Act; Protective Custody; Effect of Parent's Refusal to Administer Psychotropic Drug. Amend RSA 169-C:6 by inserting after paragraph VII the following new paragraph:

VIII. Unless otherwise ordered by the court, the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for the police or a juvenile probation and parole officer to take the child into custody, or for the court to order that such child be taken into custody. However, if the administration of a decreasing dose of the drug is required during withdrawal from the medication, the refusal may constitute grounds for taking the child into protective custody.

237:8 Effective Date. This act shall take effect upon its passage.

(Approved: June 15, 2004)

(Effective Date: June 15, 2004)