



# House of Representatives

## File No. 812

General Assembly

January Session, 2001

**(Reprint of File No. 492)**

Substitute House Bill No. 5701  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 24, 2001

### **AN ACT CONCERNING RECOMMENDATIONS FOR AND REFUSALS OF THE USE OF PSYCHOTROPIC DRUGS BY CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) Each local and regional board of education shall  
2 adopt and implement policies prohibiting any school personnel from  
3 recommending the use of psychotropic drugs for any child. The  
4 provisions of this section shall not prohibit school medical staff from  
5 recommending that a child be evaluated by an appropriate medical  
6 practitioner, or prohibit school personnel from consulting with such  
7 practitioner with the consent of the parents or guardian of such child.

8 Sec. 2. (NEW) The refusal of a parent or other person having control  
9 of a child to administer or consent to the administration of any  
10 psychotropic drug to such child shall not, in and of itself, constitute  
11 grounds for the Department of Children and Families to take such  
12 child into custody or for any court of competent jurisdiction to order  
13 that such child be taken into custody by the department, unless such  
14 refusal causes such child to be neglected or abused, as defined in  
15 section 46b-120 of the general statutes.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Children and Families

**Municipal Impact:** None

**Explanation**

**State and Municipal Impact:**

Provisions in the bill will not materially alter the fiscal or programmatic operations of the Department of Children and Families or local and regional school districts. Therefore there is no fiscal impact associated with the bill.

House "A" and "B" are technical and/or have no fiscal impact.

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**OLR Amended Bill Analysis**

sHB 5701 (as amended by House "A" and "B")\*

**AN ACT CONCERNING RECOMMENDATIONS FOR AND REFUSALS OF THE USE OF PSYCHOTROPIC DRUGS BY CHILDREN.**

**SUMMARY:**

This bill requires local and regional school boards to adopt and implement policies prohibiting school personnel from recommending that a child use psychotropic drugs. It allows (1) school medical staff to recommend appropriate evaluation of a student by a medical practitioner and (2) school personnel to consult with the medical practitioner with the consent of the child's parents or guardian.

The bill also specifies that a parent's refusal to administer or consent to administration of psychotropic drugs to a child does not, by itself, constitute grounds for (1) the Department of Children and Families (DCF) to take the child into custody or (2) a court to order that the child be taken into DCF custody, unless that refusal results in the child's abuse or neglect.

\*House Amendment "A" eliminates a provision in the original bill (File 492) requiring school boards to implement policies on sending letters to parents recommending appropriate medical or behavioral health evaluations for children perceived to have behavioral or psychological problems and instead allows (1) school medical staff to recommend appropriate medical evaluation and (2) school personnel to consult with the medical practitioner with the consent of the parents or guardian.

\*House Amendment "B" specifies that DCF can take custody or a court can order it if the parents' refusal to administer or consent to psychotropic drugs results in the child's neglect or abuse.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND**

**Legislative History**

On May 1, the House referred the bill to the Judiciary Committee, which reported it favorably without changes on May 2. On May 4, the House referred the bill to the Human Services Committee, which reported it favorably without changes on May 9. On May 14, the House referred the bill to the Education Committee, which reported it favorably without changes on May 16.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute  
Yea 25    Nay 0

Judiciary Committee

Joint Favorable Report  
Yea 38    Nay 0

Human Services Committee

Joint Favorable Report  
Yea 13    Nay 3

Education Committee

Joint Favorable Report  
Yea 29    Nay 0