

109TH CONGRESS
1ST SESSION

H. R. 1790

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Mr. KLINE (for himself, Mr. PAUL, Mr. KENNEDY of Minnesota, Mr. SAM JOHNSON of Texas, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. LATOURETTE, Mr. SOUDER, Mr. GUTKNECHT, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. BOEHNER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug 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 2005”.

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

2 (a) IN GENERAL.—As a condition of receiving funds
3 under any program or activity administered by the Sec-
4 retary of Education, not later than 1 year after the date
5 of the enactment of this Act, each State shall develop and
6 implement policies and procedures prohibiting school per-
7 sonnel from requiring a child to obtain a prescription for
8 a controlled substance or a psychotropic drug as a condi-
9 tion of attending school or receiving services.

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) The term “child” means any person within
22 the age limits for which the State provides free pub-
23 lic education.

24 (2) The term “controlled substance” means a
25 controlled substance covered by schedule I, II, III,

1 IV, or V of section 202 of the Controlled Substances
2 Act (21 U.S.C. 812).

3 (3) The term “psychotropic drug” means a
4 drug subject to section 505 of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 355) that is—

6 (A) used in the diagnosis, treatment, or
7 prevention of a disease; and

8 (B) intended to have an altering effect on
9 perception, emotion, or behavior.

10 (4) The term “State” means each of the 50
11 States, the District of Columbia, and the Common-
12 wealth of Puerto Rico.

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