Bill as Introduced

HB 378 - AS INTRODUCED

2003 SESSION

03-0221
04/10

HOUSE BILL *378*

AN ACT prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.

SPONSORS: Rep. L. Christiansen, Hills 66; Rep. Marple, Merr 37

COMMITTEE: Education

ANALYSIS

This bill requires the state board of education and each local school board to adopt and implement a policy prohibiting any employee of any government agency which enters into a contract of any kind with a school district or school administrative unit from recommending the use of any psychotropic drugs for a pupil.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 378 – AS INTRODUCED

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.

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

1 New Section; Recommendation and Use of Psychotropic Drugs. Amend RSA 200 by inserting after section 35 the following new section:

200:35-a Recommendation and Use of Psychotropic Drugs for Pupils.

I. The state board of education and each local school board shall adopt and implement a policy prohibiting any employee of any government agency which enters into a contract of any kind with a school district or school administrative unit, from recommending the use of any psychotropic drugs for a pupil. The provisions of this section shall not prohibit school health personnel from recommending that a pupil be evaluated by an appropriate health care practitioner, or prohibit school health personnel from consulting with such practitioner with the consent of the pupil's parents or legal guardian.

II. The refusal of the pupil's parents or legal guardian to consent to the administration of any psychotropic drugs to a pupil shall not, by itself, constitute grounds for the department of health and human services to take such child into custody, or for any court to order that such child be taken into custody, unless the refusal causes the child to be abused or neglected as provided under RSA 169-C, or causes the child to be in need of services as provided under RSA 169-D.

2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 378 Date 2-11-03

Committee Education

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Janet Monahan	7 N. State St. Concord	224-1909	NH Med. Soc.		X
Teresa Rosenberger	49 N State St. Concord	226-1000	Naturopaths	X	
James Rellihan	R. Bethlehem Dist 31	574-3047			X
Dean Michener	Concord	228-2061	NHSBA		✓
DICK MARPLE	11 DARTMOUTH	HOOKSETT	622-1837	X	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 378

BILL TITLE: prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.

DATE: February 11, 2003

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:12 a.m.

Time Adjourned: 12:14 p.m.

(please circle if present)

Committee Members: Reps. L'Heureux, Alger, Dearborn, Flint, Carson, Colcord, Balboni, Leone, McHugh, Naro, Laurent, Tufts, M. Carter, Hagan, Ingbretson, Snyder, Claire Clarke, Jean, Rush, Scovner and J. Dunn.

Bill Sponsors: Rep. L. Christiansen, Marple

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Scovner on behalf of Rep. Christiansen, prime sponsor.

Dean Michener (SBA). Opposes the bill. This bill is not needed. Use of prescriptions and medical drugs/medication is a medical practice and is not determined by school district personnel.

Pink Card:
✓ Dean Michener, NHSBA. 228-2061. Opposes the bill.

Respectfully submitted,

Sharon M. Carson

Rep. Sharon M. Carson
Committee Clerk

SMC:co

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 378

BILL TITLE: **prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.**

DATE: February 13, 2003

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Carter

Seconded by Rep. Laurent

Vote: 13-5 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sharon M. Carson, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

EDUCATION

Bill #: 378 Title: Prohibiting Employees of any government agency from recommending administration of psychotropic drugs

PH Date: 2 / 11 / 03 Exec Session Date: 2 / 13 / 03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
L'Heureux. Stephen R. Chairman		
Alger. John R M. V Chairman		✓
Dearborn. Bruce L	✓	
Flint. Gordon B		
Carson. Sharon M	✓	
Colcord. J D		
Balboni. Michael A		✓
Leone. Richard C	✓	
McHugh. Claire B		✓
Naro. Debra A	✓	
Laurent. John J	✓	
Tufts. J Arthur	✓	
Carter. Mark S	✓	
Hagan. Barbara J		✓
Ingbretson. Paul		✓
Snyder. Clair A	✓	
Jean. Claudette R	✓	
Clarke. Claire D	✓	
Rush. Deanna P	✓	
Scovner. Nancy M	✓	
Dunn. James T	✓	
	13	5
TOTAL VOTE:		

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 378**

TITLE: prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.

DATE: February 13, 2003 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The education committee was generally sympathetic to the concerns raised by HB 378. However, there was no testimony heard in support of it. The committee felt that the NH Medical establishment should deal with the issues raised but the proposed legislation was inexpedient. HB 378 may raise question of equal enforcement under state law by delegating "policy" to each local school board. Further the bill would place a prohibition upon any non "health personnel" from recommending the use of psychotropic drugs for a pupil. It was felt that this prohibition would be unenforceable.

Vote 13-5.

Rep. Mark S. Carter
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Education

HB 378, prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The education committee was generally sympathetic to the concerns raised by HB 378. However, there was no testimony heard in support of it. The committee felt that the NH Medical establishment should deal with the issues raised but the proposed legislation was inexpedient. HB 378 may raise question of equal enforcement under state law by delegating "policy" to each local school board. Further the bill would place a prohibition upon any non "health personnel" from recommending the use of psychotropic drugs for a pupil. It was felt that this prohibition would be unenforceable.

Vote 13-5.

COMMITTEE REPORT

COMMITTEE: **EDUCATION**

BILL NUMBER: **HB 378**

TITLE: prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children.

DATE: 2/13/03 CONSENT CALENDAR YES ☐ NO ☑

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Unclear violates First Amendment rights? Single speech?

The education Committee was generally sympathetic to the concerns raised by HB 378. ~~There~~ there was no testimony heard in support of it. The Committee felt that the NH medical establishment should ~~look carefully at~~ deal with the issues raised but ~~not~~ this proposed legislation as ~~determined by this bill~~ was inexpedient. HB 378 may ~~would~~ raise questions of equal enforcement under state law by delegating "policy" to each local school board. Further the bill would place a prohibition ~~for~~ upon any non "health personnel" from recommending the use of psychotropic drugs for a pupil. ~~and~~ This prohibition is unreasonable to enforce. ~~and the bill suggests no committees which the Committee could consider. The bill language was considered vague and too general.~~

Vote 13/5

Rep. Mark Carter
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

8
Ok