

Accompanying the twelfth recommendation of the Department of Public Health (House, No. 186). Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATING TO ADMINISTRATION OF PSYCHOTROPIC DRUGS IN PUBLIC SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws is hereby
2 amended by striking out section 54B, as appearing in the 1984
3 Official Edition, and inserting in place thereof the following: —

4 Section 54B. No person shall administer or cause or be admin-
5 istered to a pupil in any public school in the commonwealth any
6 psychotropic drug included on a list established by the department
7 of public health unless the school has obtained authorization and
8 direction from the pupil's attending physician who has determined
9 that the administration of such drugs in school is a legitimate
10 medical need of the pupil. Administration of duly authorized
11 medication shall be carried out only by a nurse or a licensed
12 physician. No person shall administer psychotropic drugs to any
13 pupil in public schools in the commonwealth for the purpose of
14 research.

15 The department of public health shall, after consultation with
16 the department of education, adopt rules and regulations under
17 the provisions of chapter thirty A to govern the administration
18 of psychotropic drugs to pupils in public schools consistent with
19 this section. Said rules and regulations shall include, but not be
20 limited to:

21 (a) a list of psychotropic drugs which shall be reviewed
22 annually and revised as deemed necessary;

23 (b) a requirement that the parent(s) or legal guardian has

24 consented to the administration of such psychotropic drugs;

25 (c) a requirement that the attending physician provide a written
26 order to the school with respect to the authorization and
27 administration of such psychotropic drugs, and directions for
28 administering the drug;

29 (d) a system for record keeping by the public school for each
30 pupil receiving such drugs, which shall provide means to ensure
31 the confidentiality of the information maintained by the public
32 schools;

33 (e) a requirement that the public schools report annually to the
34 department of public health all pupils receiving psychotropic
35 drugs, on forms supplied by the department of public health. Data
36 compiled by the department shall be a matter of public record
37 and shall be utilized by the department of public health in a
38 manner to discover any abuse in the use of said drugs. Such data
39 shall not include any information which may identify the name
40 of any pupil receiving any psychotropic drug; and

41 (f) a requirement that the department of public health prepare
42 an annual report, to be made available to the public, highlighting
43 any areas of abuse or of potential concern with respect to said
44 drugs.

1 SECTION 2. Rules and regulations adopted pursuant to
2 section one of this act shall be promulgated to take effect
3 September first, nineteen hundred and eighty-seven.