

By Mr. Flaherty of Cambridge, petition of Charles F. Flaherty, Jr., for legislation to restrict the use of psychotropic drugs on mentally retarded patients in the Department of Mental Health. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

**AN ACT TO RESTRICT PSYCHOTROPIC DRUG USAGE ON THE MENTALLY RETARDED.**

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

1 Chapter 123, Section 23 is hereby amended to include after the  
2 last paragraph, the following:—

3 The use of any drug termed “psychotropic” on mentally retarded  
4 clients of the Department of Mental Health, including its Division  
5 of Mental Retardation, is subject to the following requirements:

6 1) No person under the Department’s jurisdiction shall  
7 administer or cause to be administered any psychotropic drug on  
8 any mentally retarded person under any circumstances, unless:

9 a) a licensed doctor of internal medicine determines beyond  
10 reasonable doubt and attests under penalties of perjury that the  
11 retarded person is in need of the psychotropic drug, and

12 b) if the retarded person or, in the case of a retarded person  
13 having been adjudicated by a court of law to be incompetent, the  
14 parent or guardian of the retarded person is fully informed of the  
15 purposes for use of the psychotropic drug, and all possible adverse  
16 and side effects. Further, said retarded person or parent or  
17 guardian must give consent by witnessed affidavit for the  
18 administering of said drugs.

19 2) Any retarded client of the Department of Mental Health  
20 who is currently receiving psychotropic drugs, must immediately  
21 be thoroughly examined by a doctor of internal medicine for  
22 addiction to the psychotropic drugs. Any retarded person found to

23 be addicted, mentally or physically, must immediately be admitted  
24 to a drugless drug withdrawal program.

25 As used in this section, the following word shall have the  
26 following meaning:

27 Psychotropic Drug: any drug capable of causing mind altering  
28 or behavior altering effects, including anti-psychotics, anti-  
29 depressants, sedative-hypnotics and minor tranquilizers.