

2972

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 22, 2013

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Education

AN ACT to amend the education law, in relation to recommendations for  
and refusals of the use of psychotropic drugs by children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 305 of the education law is amended by adding a new  
2     subdivision 43 to read as follows:  
3     43. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS PROHIBITING  
4     SCHOOL PERSONNEL FROM RECOMMENDING PSYCHOTROPIC DRUGS FOR ANY CHILD.  
5     SUCH RULES AND REGULATIONS SHALL NOT IN ANY WAY PROHIBIT SCHOOL MEDICAL  
6     STAFF FROM RECOMMENDING THAT A CHILD SEE A MEDICAL DOCTOR, NOR PROHIBIT  
7     SCHOOL PERSONNEL FROM CONSULTING WITH A DOCTOR, IF PARENTAL CONSENT TO  
8     DO SO HAS BEEN GRANTED.  
9     S 2. Notwithstanding any other provision of law, rule or regulation to  
10    the contrary, the refusal of a parent, guardian or person in parental  
11    relation to a child to administer a psychotropic drug to such child  
12    shall not be considered as grounds for that child's removal from their  
13    custody, unless such a refusal results in the neglect or abuse of such  
14    child.  
15    S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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