S T A T E O F N E W Y O R K

1321

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING PSYCHOTROPIC DRUGS FOR ANY CHILD. SUCH RULES AND REGULATIONS SHALL NOT IN ANY WAY PROHIBIT SCHOOL MEDICAL STAFF FROM RECOMMENDING THAT A CHILD SEE A MEDICAL DOCTOR, NOR PROHIBIT SCHOOL PERSONNEL FROM CONSULTING WITH A DOCTOR, IF PARENTAL CONSENT TO DO SO HAS BEEN GRANTED.

S 2. Notwithstanding any other provision of law, rule or regulation to the contrary, the refusal of a parent, guardian or person in parental relation to a child to administer a psychotropic drug to such child shall not be considered as grounds for that child's removal from their custody, unless such a refusal results in the neglect or abuse of such child.

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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