

SENATE, No. 454

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Requires school districts to inform parent or guardian of student recommended to use certain medications of possible side effects and potential negative consequences of those medications.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the use of certain medications by public school
2 students and supplementing chapter 40 of Title 18A of the New
3 Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. In the event that a school district makes a recommendation
9 to the parent or guardian of a student under 18 years of age that the
10 student use psychotropic medication including, but not limited to,
11 medication for the treatment of Attention Deficit Disorder or
12 Attention Deficit and Hyperactivity Disorder, the school district
13 shall inform the student's parent or guardian about the possible
14 physical and psychological side effects and potential negative
15 consequences of the medication, and any other factors that may be
16 related to the administration of the psychotropic medication to the
17 student, and shall obtain written verification from the student's
18 parent or guardian that the notice was provided.

19 b. The Commissioner of Education shall develop and distribute
20 to each school district a notification form for use by the district in
21 obtaining the written verification of notice required pursuant to
22 subsection a. of this section. The form shall include, but not be
23 limited to, the following information:

24 (1) an acknowledgement that the person completing the form is
25 the parent or legal guardian of the student;

26 (2) an acknowledgement that the parent or guardian has been
27 provided with information concerning possible physical and
28 psychological side effects of the medication, that he has reviewed
29 those side effects, and is willing to accept any risks associated with
30 those side effects;

31 (3) an acknowledgement that the use of the psychotropic
32 medication may result in the student's ineligibility to serve in the
33 armed forces;

34 (4) an acknowledgement that the parent or guardian has been
35 presented with options other than the administration of medication,
36 including, but not limited to, medical testing, remedial options, or
37 other educational alternatives, and that the parent or guardian has a
38 right to request those options and request assistance in exercising
39 those options;

40 (5) an acknowledgement that if the parent or guardian consents
41 to the recommended treatment, the student may be classified and
42 that classification may result in potential negative consequences for
43 the student including, but not limited to, impact upon future
44 employment opportunities and ability to qualify for insurance; and

45 (6) an acknowledgment that the parent or guardian understands
46 that there is no State or federal law that mandates that the parent or
47 guardian agree to authorize a student to participate in a program
48 that administers psychotropic medication.

1 2. This act shall take effect immediately.

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STATEMENT

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This bill requires school districts that recommend to the parent or guardian of a student under 18 years of age that the student use psychotropic medications, such as medications for the treatment of Attention Deficit Disorder or Attention Deficit and Hyperactivity Disorder, to inform the parent or guardian of the possible physical and psychological side effects and potential negative consequences that may result from using those medications. Under the bill, a school district which makes such a recommendation must obtain written verification from the student's parent or guardian that the notice was provided.

The Commissioner of Education is required to develop and distribute to each school district a notification form for use by the district in obtaining the written verification of notice. The bill details six specific items that are required to be included on the form such as: an acknowledgement that the parent or guardian has been provided with information concerning possible physical and psychological side effects of the medication; an acknowledgement that the use of the psychotropic medication may result in the student's ineligibility to serve in the armed forces; and an acknowledgement that if the parent or guardian consents to the recommended treatment, the student may be classified and that classification may result in potential negative consequences for the student such as impact upon future employment opportunities and ability to qualify for insurance.