HOUSE BILL NO. 42

AN ACT TO PROHIBIT TEACHERS, COUNSELORS AND OTHER SCHOOL
OFFICIALS FROM RECOMMENDING PSYCHIATRIC DRUGS FOR ANY CHILD; AND
FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Each local school board shall adopt and
implement policies prohibiting any teacher, counselor or other
school personnel from recommending the use of psychiatric drugs
for any child. However, this section does not prohibit: (a)
school medical staff from recommending that a child be evaluated
by an appropriate medical practitioner; or (b) school personnel
from consulting, with the consent of a child's parent or guardian,
with a medical practitioner concerning the child.

(2) The refusal of a parent or other person having control
of a child to administer or consent to the administration of any
psychiatric drug to that child does not, in and of itself,
constitute grounds for the Department of Human Services to take
the child into custody or for any court of competent jurisdiction
to order that the child be taken into custody by the department
unless the refusal causes the child to be neglected or abused, as
defined in Section 43-21-105.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.