

By: Representative Fleming

To: Education

HOUSE BILL NO. 104

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

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

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

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

21 **SECTION 2.** This act shall take effect and be in force from  
22 and after July 1, 2006.