

Senate Bill 188

By: Senators James of the 35th, Jones of the 10th, Rhett of the 33rd, Davenport of the 44th, Anderson of the 43rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to health, so as to require each local board of education to adopt a policy
3 prohibiting school personnel from taking certain actions in regards to a parent or guardian
4 placing, or not placing, a student on psychotropic medication; to provide for a definition; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
9 relating to health, is amended by adding a new Code section to read as follows:

10 "20-2-779.2.

11 (a) As used in this Code section, the term 'psychotropic medication' means any drug that
12 shall not be dispensed or administered without a prescription whose primary indication for
13 use has been approved by the United States Food and Drug Administration for the
14 treatment of mental disorders and that, as of January 1, 2017, is listed as a
15 psychotherapeutic agent in Drug Facts and Comparisons or in the American Hospital
16 Formulary Service Drug Information.

17 (b) Each local board of education shall adopt a policy that prohibits school personnel from:
18 (1) Denying any student access to programs or services because the parent or guardian
19 of such student has refused to place the student on psychotropic medication; or
20 (2) Compelling, attempting to compel, or requiring any specific actions by the parent or
21 guardian in placing a student on psychotropic medication.

22 (c) Nothing in this Code section shall be construed to create a prohibition against any
23 school personnel from consulting or sharing classroom based observations with a parent
24 or guardian regarding a student's academic and functional performance, behavior, or need
25 for evaluation for special education or related services."

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.