

I MINA TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

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Bill No. 61 (cor)

Introduced by:

Ray Tenorio  
E. J. B. Calvo  
A.B. Palacios, Sr.

AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 6 OF  
17GCA RELATIVE TO RECOMMENDATIONS ON  
MEDICATING STUDENTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1.** A new Article 5 is added to Chapter 6 of 17GCA to read:

**ARTICLE 5**

**Common Sense in Medicating Students Act**

**§6500. Short Title** This act shall be cited as The Common Sense in Medicating  
Students Act.

**§6501. Legislative Intent.** *I Liheslaturan Guåhan* finds that more and more  
schools and school districts across the country are resorting to policies that allow  
non-medical school personnel to require or recommend that students receive  
controversial psychotropic medical treatment as a means to control children  
suspected of having behavior disorders. Such drugs include amphetamines such  
as Ritalin, antihypertensive drugs such as clonidine, tricyclic antidepressants,  
Selective Serotonin Uptake inhibitors such as Prozac, Paxil and Zoloft and

1 neuroleptics such as Haldol and Thorazine. More and more medical studies are  
2 revealing that many of these substances have little or no affect in treating maladies  
3 such as ADHD and may cause severe harm to a child.

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5 In many school districts in the United States, teachers, administrators and  
6 counselors continue to resort to extraordinary means to require parents to force-  
7 medicate their children. Such means include, suspension or expulsion of the  
8 student or reporting the student's parents to municipal authorities on child abuse  
9 or neglect charges for refusing to subject their children to these medications. *I*  
10 *Liheslatura* further finds that decisions that involve the treatment of children  
11 should be a personal one between parents, their children and their children's  
12 physicians and not the school system.

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14 It is the intent of *I Liheslatura* to prohibit any non-medical school personnel from  
15 recommending the use of psychotropic drugs for any child and protects parents or  
16 guardians who refuse to administer psychotropic drugs to their child from having  
17 said child taken into custody by the Child Protective Services Division unless such  
18 refusal causes the child to be neglected or abused as defined by Public Law.

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20 **§6502. Limitation on Certain Practices.** The Guam Education Policy Board shall  
21 adopt and implement policies prohibiting any school personnel from  
22 recommending the use of psychotropic drugs for any child. The provisions of this  
23 section shall not prohibit school medical staff from recommending that a child be  
24 evaluated by an appropriate medical practitioner, or prohibit school personnel  
25 from consulting with such practitioner with the consent of the parents or guardian  
26 of such child.

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**§6503. Parental and Guardian Protection** The refusal of a parent or guardian having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for the *Child Protective Services Division* of the Department of Public Health and Social Services to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the department, unless such refusal causes such child to be neglected or abused, as defined in 19GCA: Chapter 13.