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**Children & Family Services  
Committee**

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**HB 2828**

**Brief Description:** Specifying that failure to administer amphetamine-like medication to a child is not abuse or neglect.

**Sponsors:** Representatives Boldt, Anderson and Pflug.

**Brief Summary of Bill**

- Modifies the civil definition of "abuse and neglect" to state that a parent's refusal to administer, or have another person administer, an amphetamine-like medication to his or her child is not abuse and neglect.

**Hearing Date:** 2/4/02

**Staff:** Deborah Frazier (786-7152).

**Background:**

"Amphetamine-like" drugs are a class of central nervous system stimulants that includes medications such as Benzadrine, Dexedrine and Ritalin.

Concerns have been expressed by parents of school age children about the actions of school and child protective services personnel related to the administration of these drugs to their children.

In one highly publicized case in Millbrook N.Y, on the advice of school officials and psychiatrists, a child began taking Ritalin in first grade. By the fourth grade, the parents reported that the child had become withdrawn, periodically angry, and listless. In December 1999, the parents stopped administering Ritalin and other medications prescribed to counter the side effects of the Ritalin. The parents reported that the child's temperament immediately improved. In 2000, the child was expelled from school, and school officials reported the parents to child protective services. The mother was charged with medical neglect for failing to give the child the 'necessary medical treatment.'

In another New York case in 2000, parents of a school age child in the Albany area were

also reported to child protective services by school officials when they stopped administering Ritalin to their 7 year-old, and while the report was deemed unfounded, the allegation remains in the child protective services reporting system.

Several states have taken action in this policy area. In April 2001, Minnesota became the first state to bar schools and child protection agencies from telling parents they must put their children on drugs to treat disorders such as attention deficit hyperactivity disorder, or ADHD. In October of 2001, a Connecticut law took effect prohibiting any school staff member from discussing drug treatments with a parent to ensure that only doctors have these conversations with parents. Similar bills have been introduced in Arizona, New Jersey, New York and Utah. In New York, another bill has been introduced that would require parents to sign a form showing they understand Ritalin's risks and other treatment options before a physician can prescribe it for their children.

A study released in the February 2000 Journal of the American Medical Association showed that the use of Ritalin and comparable drugs among children ages 2 to 14 had tripled during the 1990s. A May 1999 study by Washington State University showed that the use of such drugs in children ages 5 to 18 tripled between 1990 and 1995.

**Summary of Bill:**

The civil definition of "abuse and neglect" is modified to state that a parent's refusal to administer, or have another person administer, an amphetamine-like medication to his or her child is not abuse and neglect.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/29/02.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.