

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1275 Prescription of Medication for Public School Students
SPONSOR(S): Barreiro
TIED BILLS: **IDEN./SIM. BILLS:** SB 1578 & HB 1203

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20		Hatfield	Bohannon
2) Health Care			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 1275 requires district school boards to prohibit school district personnel from requiring a student to take certain controlled substances as a condition of attending school or receiving educational services.

This bill also provides rulemaking authority to the State Board of Education.

The bill appears not to have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2004.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 1275 creates s. 1006.0625, F.S., requiring each district school board to prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act (21 U.S.C. s. 812(c)), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state.

Schedule II Controlled Substances — drugs with a high abuse risk, but also have safe and accepted medical uses in the United States. These drugs can cause severe psychological or physical dependence. Schedule II drugs include certain narcotic, stimulant, and depressant drugs. Some examples are morphine, cocaine, oxycodone (Percodan®), methylphenidate (Ritalin®), and dextroamphetamine (Dexedrine®).

This bill also clarifies that school district personnel may still consult or share classroom-based observations with parents regarding a student's academic performance, behavior in the classroom or school, and need for evaluation for special education or related services; provided the evaluation is strictly academic and not psychologically or psychiatrically based.

The bill provides State Board of Education with rulemaking authority to implement the provisions of this section and provides an effective date of July 1, 2004.

C. SECTION DIRECTORY:

Section 1: Creates s. 1006.0625, F.S., provides that a school district may not require a student to obtain a prescription for a controlled substance listed in Schedule II of the federal Controlled Substances Act as a prerequisite to the student's attending school or receiving educational services provided by the state.

Section 2: Provides the State Board of Education with rulemaking authority pursuant to ss. 120.536(1) and 120.54, F.S.

Section 3: Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Gives State Board of Education rulemaking authority to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES