

**Introduced by Senator Haynes**January 17, 2002

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An act to add Section 2242.5 to the Business and Professions Code, relating to psychotropic drugs.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1290, as introduced, Haynes. Psychotropic drugs: prescriptions for children.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state, including prescribing, dispensing, or furnishing of dangerous drugs by a physician and surgeon. Existing law provides that a violation of certain provisions of the Medical Practice Act is a crime.

This bill would require a physician and surgeon to obtain a properly signed informed consent form from a child's parent or legal guardian before prescribing, dispensing, or furnishing a psychotropic drug to a child for the treatment of a behavioral disorder. The bill would require the informed consent form to include information from the latest version of the Physicians Desk Reference concerning adverse effects of the psychotropic drug.

Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2242.5 is added to the Business and  
2 Professions Code, to read:  
3 2242.5. Before prescribing, dispensing, or furnishing a  
4 psychotropic drug, as defined in Section 3500 of the Penal Code,  
5 to a child for the treatment of a behavioral disorder, a physician and  
6 surgeon shall obtain a properly signed informed consent form  
7 from the child’s parent or legal guardian. The informed consent  
8 form shall include information from the latest version of the  
9 Physicians Desk Reference concerning adverse effects of the  
10 psychotropic drug.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

