

AMENDED IN SENATE APRIL 2, 2002

**SENATE BILL**

**No. 1290**

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**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 amended, Haynes. Psychotropic drugs: prescriptions for children.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state, including *the* 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~~ *constitutes unprofessional conduct*.

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.~~

*The bill would provide that a violation of these provisions would constitute unprofessional conduct.*

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

*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. (a) 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.~~

20 (b) *A violation of subdivision (a) constitutes unprofessional*  
21 *conduct and is not subject to Section 2314.*

