

Regulation of the Use of Psychotropic Substances in Children and Teenagers

The following is an example of a model law, based on existing legislation in Italy, Mexico and the United States that can be provided to legislators and policymakers as a guideline for implementing protections for children against unwanted mental health screening and psychotropic drugs. It also protects school personnel from being coerced into pressuring parents to administer psychotropic drugs to children as a requisite for their education.

A BILL TO PROTECT CHILDREN AND ADOLESCENTS FROM UNWANTED MENTAL HEALTH SCREENING AND PSYCHOTROPIC SUBSTANCES

Be it enacted by (the Senate and House of Representatives) of _____
(name of state) assembled:

SECTION 1. SHORT TITLE

This Act may be cited as the “Regulation of the Use of Mental Health Screening and Psychotropic Substances in Children and Teenagers.”

SECTION 2. INFORMED CONSENT

- a) The use of educational settings to screen children and adolescents for “mental disorders” has led to parents not being given sufficient information about the purpose of such screenings, the ramifications if they consent—such as mandatory psychological or psychiatric treatment for their child and family—thereby violating the recognized requirements and standards regarding “full informed consent.”
- b) The mental health screening and treatment of children and adolescents up to the age of 18 with psychotropic substances can only be done when the parents or guardians express a written, free, fully informed consent.
- c) Informed consent requires: “information about the proposed medication, its purpose, the method of its administration, the recommended ranges of dosages, possible side effects and benefits, ways to treat side effects, and risks of other conditions....” as well as “information about alternative treatments.”
- d) Parents are also not adequately informed that screenings for “mental disorders” are based on those defined in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) or corresponding mental disorders section of the *International Classification*

of Diseases (ICD). However, in the introduction of the *DSM-IV* it states, “Moreover, although this manual provides a classification of mental disorders, it must be admitted that no definition adequately specifies precise boundaries for the concept of ‘mental disorder.’” Further, “...the term ‘mental’ disorders...persists in the title of *DSM-IV* because we have not found an appropriate substitute.”

- e) Parents are often not informed that unlike scientific methods to determine physical diseases like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” is not based on any medical test, such as a brain scan, a “chemical imbalance” test, X-ray, or blood test.
- f) Parents are not often fully informed of the risks of psychotropic drugs and internationally drug regulatory agencies have warned that antidepressants may cause anxiety, agitation, panic attacks, insomnia, irritability, hostility, impulsivity, mania and suicide. Stimulants could cause hallucinations, mood swings, psychosis, aggression, strokes, heart attacks and death. Antipsychotics can cause life-threatening diabetes, convulsions and low white blood cell count.
- g) As such, [INSERT STATE] parents, without explicit protection, will be unable to give informed consent about whether they want their child to participate in such screening or undergo psychotropic drug treatment.
- h) School personnel should never be placed in a position where they feel compelled to advise or coerce parents into drugging a child as a requisite for education. They should encourage proven academic solutions to resolve behavior, attention, and learning difficulties.

SECTION 3. PROHIBITION OF MENTAL HEALTH TESTS AND QUESTIONNAIRES AND PSYCHOTROPIC SUBSTANCES

Therefore,

1. It is prohibited, within preschools, schools and colleges teaching students up to the age of 18 in (name of state/region) to give out or conduct tests or questionnaires concerning the psychiatric or emotional state or views of the students.
2. Mental health screenings may only take place exclusively outside of the school setting within public health structures.
3. The (name of state/region) shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for a psychiatric stimulant, antidepressant, antipsychotic or other mind-altering substance as a condition of attending school or receiving services.

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4. School psychologists, psychiatrists or other mental health providers may not coerce, intimidate or force any school personnel to advise or recommend a parent to seek a psychotropic drug or other psychological or psychiatric treatment for their child.

SECTION 4. URGENCY

The present Bill is urgently proclaimed and goes into effect the day of its issue on the _____ (date). It is mandatory to all concerned to comply with it and have it complied with as a law of the region/state of _____.