

By: Hupp

H.B. No. 2983

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain psychoactive medications to a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 576.025, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (h) and (i) to read as follows:

(a) A person may not administer a psychoactive medication to a patient receiving voluntary or involuntary mental health services who refuses the administration unless:

(1) the patient is having a medication-related emergency;

(2) the patient is younger than 16 years of age and the patient's parent, managing conservator, possessory conservator, ~~or~~ guardian, caretaker, or custodian consents to the administration on behalf of the patient;

(3) the refusing patient's representative authorized by law to consent on behalf of the patient has consented to the administration;

(4) the administration of the medication regardless of the patient's refusal is authorized by an order issued under Section 574.106; or

(5) the patient is receiving court-ordered mental health services authorized by an order issued under:

1 (A) Article 46.02 or 46.03, Code of Criminal
2 Procedure; or

3 (B) Chapter 55, Family Code.

4 (h) If a physician issues an order to administer three or
5 more concurrent psychoactive medications, or two or more
6 psychoactive medications of the same class concurrently, to a
7 patient younger than 18 years of age, the pharmacist dispensing the
8 medications shall make a referral of the physician to the Texas
9 State Board of Medical Examiners.

10 (i) Notwithstanding Subsection (a)(2), a psychoactive
11 medication may not be administered to a child unless the child's
12 parent, managing conservator, possessory conservator, guardian,
13 caretaker, or custodian consents as provided by Subsection (b). If
14 a child is removed from the child's home because of an allegation of
15 child abuse or neglect, the child's parent retains the right to
16 consent for the child under this section unless the parent's
17 parental rights have been terminated by the court.

18 SECTION 2. This Act takes effect September 1, 2003.