

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1170  
OFFERED BY MR. BURNS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Child Medication Safe-  
3 ty Act of 2003”.

**4 SEC. 2. REQUIRED POLICIES AND PROCEDURES.**

5       (a) IN GENERAL.—As a condition of receiving funds  
6 under any program or activity administered by the Sec-  
7 retary of Education, not later than 1 year after the date  
8 of the enactment of this Act, each State shall develop and  
9 implement policies and procedures prohibiting school per-  
10 sonnel from requiring a child to obtain a prescription for  
11 substances covered by section 202(c) of the Controlled  
12 Substances Act (21 U.S.C. 812(c)) as a condition of at-  
13 tending school or receiving services.

14       (b) RULE OF CONSTRUCTION.—Nothing in sub-  
15 section (a) shall be construed to create a Federal prohibi-  
16 tion against teachers and other school personnel con-  
17 sulting or sharing classroom-based observations with par-  
18 ents or guardians regarding a student’s academic perform-  
19 ance or behavior in the classroom or school, or regarding



1 the need for evaluation for special education or related  
2 services under section 612(a)(3) of the Individuals with  
3 Disabilities Education Act (20 U.S.C. 1412(a)(3)).

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) CHILD.—The term “child” means any per-  
7 son within the age limits for which the State pro-  
8 vides free public education.

9 (2) STATE.—The term “State” means each of  
10 the 50 States, the District of Columbia, and the  
11 Commonwealth of Puerto Rico.

