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HB 1067/96 - ENV

1997 Regular Session
71r0058

**By: Delegates Muse, Valderrama, R. Baker, C. Davis, Howard, Patterson, C. Mitchell,
Benson, Turner, Opara, Crumlin, Finifter, and Marriott**

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Abuses of Methylphenidate and Other Drugs on School Children**

3 FOR the purpose of establishing a Task Force to Study the Abuses of Methylphenidate
4 and Other Drugs on School Children; providing for the membership, duties,
5 staffing, and termination of the Task Force; requiring a certain report; and
6 generally relating to the establishment of a certain task force.

7 BY adding to

8 Article 41 - Governor - Executive and Administrative Departments
9 Section 18-313
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1996 Supplement)

12 Preamble

13 WHEREAS, There are between 1.5 million to 2.5 million children in the United
14 States under age 18 who have attention deficit hyperactivity disorder (ADHD); and

15 WHEREAS, In recent years there has been a dramatic increase in the use of the
16 drug methylphenidate to treat ADHD in school-age children, with the number of
17 children taking this drug doubling in the last five years; and

18 WHEREAS, Methylphenidate, which has a high habit forming potential, may be
19 an effective means of treatment for ADHD in some children by enabling hyperactive
20 children to calm down and to focus more effectively on school tasks; and

21 WHEREAS, For other children use of the drug may be ineffective or produce
22 serious side effects, such as insomnia, nervousness, loss of appetite, weight loss, and
23 palpitations and hallucinations; and

24 WHEREAS, There is concern that ADHD is being over diagnosed and,
25 consequently, that methylphenidate is being over prescribed for this condition among
26 school-age children; and

27 WHEREAS, There is also concern that methylphenidate may be underutilized
28 among ADHD children whose condition requires that use of the drug should not be
29 limited only to school settings; and

2

1 WHEREAS, There is a need to determine the prevalence and the effects of the
2 use of methylphenidate among school-age children in Maryland; and

3 WHEREAS, Issues concerning the use of methylphenidate in the State by
4 school-age children are of concern to both the public health and educational
5 communities; now, therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 41 - Governor - Executive and Administrative Departments**

9 18-313.

10 (A) THERE IS A TASK FORCE TO STUDY THE ABUSES OF METHYLPHENIDATE
11 AND OTHER DRUGS ON SCHOOL CHILDREN.

12 (B) THE TASK FORCE SHALL BE COMPOSED OF 17 MEMBERS APPOINTED AS
13 FOLLOWS:

14 (1) ONE MEMBER OF THE HOUSE OF DELEGATES APPOINTED BY THE
15 SPEAKER OF THE HOUSE;

16 (2) ONE MEMBER OF THE SENATE OF MARYLAND APPOINTED BY THE
17 PRESIDENT OF THE SENATE;

18 (3) ONE MEMBER WHO IS A SCHOOL PSYCHOLOGIST FROM THE STATE
19 BOARD OF EDUCATION APPOINTED BY THE GOVERNOR;

20 (4) ONE MEMBER OF THE MARYLAND STATE TEACHERS ASSOCIATION
21 WHO IS A TEACHER APPOINTED BY THE GOVERNOR;

22 (5) SEVEN MEMBERS WHO ARE EXPERTS ON ATTENTION DEFICIT
23 HYPERACTIVITY DISORDER FROM THE MEDICAL COMMUNITY APPOINTED BY THE
24 GOVERNOR;

25 (6) TWO MEMBERS WHO ARE REGISTERED NURSES EMPLOYED AS
26 SCHOOL NURSES APPOINTED BY THE GOVERNOR;

27 (7) ONE MEMBER WHO IS A LICENSED PHYSICIAN APPOINTED BY THE
28 STATE BOARD OF PHYSICIAN QUALITY ASSURANCE;

29 (8) ONE MEMBER WHO IS A LICENSED PSYCHOLOGIST APPOINTED BY
30 THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS;

31 (9) ONE MEMBER WHO IS A PARENT OF A CHILD ON
32 METHYLPHENIDATE APPOINTED BY THE GOVERNOR; AND

33 (10) ONE MEMBER WHO IS A MEMBER OF CHILDREN AND ADULTS WITH
34 ATTENTION DEFICIT DISORDER (CHADD) APPOINTED BY THE GOVERNOR.

35 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE TASK FORCE.

36 (D) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH
37 AND MENTAL HYGIENE JOINTLY SHALL PROVIDE STAFF FOR THE TASK FORCE.

3

1 (E) A MEMBER OF THE TASK FORCE:

2 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK
3 FORCE; BUT

4 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
5 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6 (F) THE TASK FORCE:

7 (1) SHALL DETERMINE THE PREVALENCE OF THE USE OF
8 METHYLPHENIDATE AMONG SCHOOL-AGE CHILDREN IN THE STATE;

9 (2) SHALL DETERMINE THE EXTENT TO WHICH TREATMENTS FOR
10 ATTENTION DEFICIT HYPERACTIVITY DISORDER OTHER THAN METHYLPHENIDATE
11 ARE GENERALLY AVAILABLE OR IN USE;

12 (3) MAY CONSULT WITH EDUCATION AND HEALTH OFFICIALS AND
13 EXPERTS IN THIS STATE AND IN OTHER STATES AND COUNTRIES;

14 (4) SHALL CONVENE A STATEWIDE CONFERENCE ON ATTENTION
15 DEFICIT HYPERACTIVITY DISORDER THAT WOULD BE APPROPRIATE FOR PARENTS,
16 TEACHERS, AND PRIMARY CARE PHYSICIANS TO EXAMINE THE LATEST
17 INFORMATION ON ATTENTION DEFICIT HYPERACTIVITY DISORDER, THE USE OF
18 METHYLPHENIDATE, DEXTROAMPHETAMINE, MAGNESIUM PEMOLINE, AND OTHER
19 MEDICATIONS EFFECTIVE IN THE TREATMENT OF THE DISORDER, AND
20 NONPHARMACOLOGICAL INTERVENTIONS IN THE TREATMENT OF ATTENTION
21 DEFICIT HYPERACTIVITY DISORDER;

22 (5) SHALL DEVELOP EDUCATIONAL PROGRAMS AND MATERIALS
23 CONCERNING ATTENTION DEFICIT HYPERACTIVITY DISORDER FOR DISTRIBUTION
24 TO PARENTS, EDUCATORS, AND PRIMARY CARE PHYSICIANS; AND

25 (6) MAY TAKE ANY OTHER ACTION NECESSARY AND PROPER TO
26 CARRY OUT THE PURPOSES OF THIS SECTION.

27 (G) ON OR BEFORE JANUARY 1, 1998, THE TASK FORCE SHALL SUBMIT A
28 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND,
29 SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
30 ASSEMBLY.

31 (H) THIS SECTION SHALL TERMINATE AND BE OF NO EFFECT AFTER
32 JANUARY 1, 1998.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997.