

**SENATE, No. 378**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**  
**District 32 (Bergen and Hudson)**  
**Senator JOSEPH A. PALAIA**  
**District 11 (Monmouth)**

**SYNOPSIS**

Authorizes school boards to adopt a drug testing policy of student athletes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT authorizing the adoption of substance abuse testing policies  
2 in public school districts and supplementing chapter 40A of Title  
3 18A of the New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. The Legislature finds and declares that there are many school  
9 districts within the State with a growing problem of drug abuse among  
10 students who participate in interscholastic athletics; and that this abuse  
11 creates the risk of immediate physical harm to the student using drugs  
12 as well as other students participating in interscholastic athletics. The  
13 Legislature further finds that in a school district where there is  
14 evidence of a drug abuse problem among students who participate in  
15 interscholastic athletics, it may be appropriate for that district to  
16 combat this problem through the random drug testing of student  
17 athletes to deter drug use and to provide a means for the early  
18 detection of students with drug problems so that counseling and  
19 rehabilitative treatment may be offered. The Legislature also finds that  
20 because student athletes are role models for the student body, it is  
21 appropriate to hold them to a higher degree of scrutiny to deter and  
22 detect drug use.

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24 2. A board of education may adopt a policy, pursuant to rules and  
25 regulations adopted by the State Board of Education in consultation  
26 with the Department of Health, for the random urinalysis testing of  
27 the district's students in grades 9-12 who participate in interscholastic  
28 athletics for the use of controlled dangerous substances as defined in  
29 N.J.S.2C:35-2. The testing shall be conducted by the school  
30 physician, school nurse or a physician, laboratory or health care facility  
31 designated by the board of education and the cost shall be paid by the  
32 board. Any disciplinary action taken against a student who tests  
33 positive for drug use or who refuses to consent to testing shall be  
34 limited to the student's suspension or prohibition from participation in  
35 interscholastic athletics.

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37 3. Each board of education shall hold a public hearing prior to the  
38 adoption of its drug testing policy. The policy shall be in written form  
39 and shall be distributed to students and their parents or guardians at  
40 the beginning of each school year. The policy shall include, but need  
41 not be limited to, the following:

42 a. notice that the consent of the student and his parent or guardian  
43 for random student drug testing is required for the student to  
44 participate in the district's interscholastic athletics program;

45 b. the procedures for collecting and testing urine specimens;

- 1 c. the manner in which students shall be randomly selected for drug  
2 testing;
- 3 d. the procedures for a student or his parent or guardian to  
4 challenge a positive test result;
- 5 e. the standards for ensuring the confidentiality of test results;
- 6 f. the specific disciplinary action to be imposed upon a student who  
7 tests positive for drug use or refuses to consent to testing; and
- 8 g. the guidelines for the referral of a student who tests positive for  
9 drug use to drug counseling or rehabilitative treatment.

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11 4. The State Board of Education, in consultation with the  
12 Department of Health, shall adopt pursuant to the "Administrative  
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and  
14 regulations necessary to carry out the provisions of this act.

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16 5. This act shall take effect immediately.

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#### STATEMENT

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21 This bill permits a board of education to adopt a policy for the  
22 random drug testing of the district's high school students who  
23 participate in interscholastic athletics. The bill establishes certain  
24 guidelines that a district must follow in adopting a drug testing policy  
25 similar to that upheld by the U.S. Supreme Court in Vernonia School  
26 District v. Acton, 115 S.Ct. 2386 (1995). The purpose of a drug  
27 testing policy would be to combat a district's problem of drug use  
28 among student athletes, which poses an immediate risk of physical  
29 harm to that athlete and to other students participating in  
30 interscholastic athletics. In addition, because student athletes are role  
31 models for a student body, it may be appropriate to hold them to a  
32 higher standard. The drug testing policy would deter drug use among  
33 student athletes and provide a means for the early detection of  
34 students with drug problems so that counseling and rehabilitative  
35 treatment may be offered.

36 The bill requires that any drug testing policy adopted by a district  
37 be adopted pursuant to rules and regulations promulgated by the State  
38 Board of Education, in consultation with the Department of Health.  
39 The testing is to be conducted by the school physician, school nurse  
40 or a physician, laboratory or health care facility designated by the  
41 board of education, and the cost would be paid by the board. Any  
42 disciplinary action imposed upon a student who tests positive for drug  
43 use or who refuses to be tested is to be limited to the student's  
44 suspension or prohibition from interscholastic athletic participation.

45 Each board of education is to hold a public hearing prior to the  
46 adoption of a drug testing policy. The policy would be in written form

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1 and distributed to students and their parents or guardians at the  
2 beginning of each school year. It would include, but need not be  
3 limited to: notice that the consent of the student and the student's  
4 parent or guardian for random student drug testing is required for the  
5 student to participate in the district's interscholastic athletics program;  
6 the procedures for collecting and testing urine specimens; the manner  
7 in which students will be randomly selected; the procedures for  
8 students and their parents or guardians to challenge positive test  
9 results; the standards for ensuring the confidentiality of test results; the  
10 specific disciplinary action imposed upon students who test positive  
11 for drug use or who refuse to consent to testing; and the guidelines for  
12 referring students who test positive for drug use to counseling or  
13 rehabilitative treatment.