

ASSEMBLY, No. 169

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen GIBSON and ASSELTA

1 AN ACT concerning school-based drug and alcohol abuse counseling
2 programs and supplementing chapter 40A of Title 18A of the New
3 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. a. If a public or private school pupil who is participating in a
9 school-based drug and alcohol abuse counseling program provides
10 information during the course of a counseling session in that program
11 which indicates that the pupil's parent or guardian or other person
12 residing in the pupil's household is dependent upon or illegally using
13 a substance as that term is defined in section 2 of P.L.1987,
14 c.387(C.18:40A-9), that information shall be kept confidential and may
15 be disclosed only under the circumstances expressly authorized under
16 subsection b. of this section.

17 b. The information provided by a pupil pursuant to subsection a.
18 of this section may be disclosed:

19 (1) subject to the pupil's written consent, to another person or
20 entity whom the pupil specifies in writing;

21 (2) pursuant to a court order; or

22 (3) to a person engaged in a bona fide research purpose, except that
23 no names or other information identifying the pupil or the person with
24 respect to whose substance abuse the information was provided, shall
25 be made available to the researcher.

26 c. Any disclosure made pursuant to paragraph (1) or (2) of
27 subsection b. of this section shall be limited to that information which
28 is necessary to carry out the purpose of the disclosure, and the person
29 or entity to whom the information is disclosed shall be prohibited from
30 making any further disclosure of that information without the pupil's
31 written consent. The disclosure shall be accompanied by a written
32 statement advising the recipient that the information is being disclosed
33 from records the confidentiality of which is protected by P.L. , c.

34 (C.) (pending before the Legislature as this bill), and that
35 this law prohibits any further disclosure of this information without the

1 written consent of the person from whom the information originated.

2 d. The prohibition on the disclosure of information provided by a
3 pupil pursuant to subsection a. of this section shall apply whether the
4 person to whom the information was provided believes that the person
5 seeking the information already has it, has other means of obtaining it,
6 is a law enforcement or other public official, has obtained a subpoena,
7 or asserts any other justification for the disclosure of this information.
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9 2. A person who discloses or willfully permits the disclosure of
10 information provided by a pupil in violation of the provisions of
11 section 1 of this act is subject to a fine of not more than \$500 for a
12 first offense and not more than \$5,000 for a second and each
13 subsequent offense. The penalty shall be collected and enforced in
14 summary proceedings under "the penalty enforcement law"
15 (N.J.S.2A:58-1 et seq.).
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17 3. This act shall take effect immediately.
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20 STATEMENT

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22 This bill ensures the confidentiality of any information provided by
23 a public or private school pupil during a counseling session in a
24 school-based drug and alcohol abuse counseling program that a family
25 member is abusing alcohol or drugs. This bill is intended to expand
26 the protection already provided under federal regulations which ensure
27 the confidentiality of information provided by a pupil in a program of
28 this kind regarding his own substance abuse but not with respect to
29 substance abuse by others.

30 The bill provides that any person who discloses or willfully permits
31 the disclosure of information provided by a pupil which violates these
32 confidentiality restrictions is subject to a fine of not more than \$500
33 for a first offense and not more than \$5,000 for a second and each
34 subsequent offense.
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39 Requires information provided by pupils in school-based drug and
40 alcohol abuse counseling about substance abuse by family members be
41 kept confidential.