

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 169

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1997

The Assembly Education Committee favorably reports Assembly Bill No. 169 with committee amendments.

As amended by committee, this bill provides that if a public or private secondary school student who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of that program that his parent, guardian, or other person living in the household is abusing drugs or alcohol, that information will be considered confidential. The purpose of the bill is to expand the protection already provided under federal regulations on the confidentiality of information provided by a student in a school-based counseling session on his or her own substance abuse to such information provided about other family members.

Under the bill's provisions, information provided by a student could only be disclosed to another person or entity upon the written consent of the student; pursuant to a court order; to a person engaged in a research project, except that no personal identification information may be included with such a release; or, to the Division of Youth and Family Services if the information provided by the student would lead a person to believe that the student or another child may be abused or neglected. The bill also specifies that its provisions shall not be construed as prohibiting the division from using or disclosing the information in the course of conducting an investigation.

The bill provides that any person who discloses or willfully permits the disclosure of confidential information is subject to a fine of not more than \$500 for a first offense and not more than \$5,000 for a second and each subsequent offense.

The committee amended the bill to add language to specify that information provided by a student could be released to the Division of Youth and Family Services if there is reason to suspect that the student or another child may be abused or neglected and to clarify that nothing will prohibit the division from using that information in the course of its investigation. The amendments also clarify that the bill's provisions apply to students within secondary schools and make a technical correction to a statutory cite.

As amended by committee, this bill is identical to Senate Bill No. 62 (2R) Aca.

This bill was prefiled for introduction in the 1996-97 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.