

SENATE, No. 62

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators CAFIERO and KOSCO

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, c.387  
14 (C.18:40A-9), that information shall be kept confidential and may be  
15 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. ,

34 c. (C. ) (pending before the Legislature as this bill), and  
35 that this law prohibits any further disclosure of this information  
36 without the written consent of the person from whom the information  
37 originated.

1       d. The prohibition on the disclosure of information provided by a  
2 pupil pursuant to subsection a. of this section shall apply whether the  
3 person to whom the information was provided believes that the person  
4 seeking the information already has it, has other means of obtaining it,  
5 is a law enforcement or other public official, has obtained a subpoena,  
6 or asserts any other justification for the disclosure of this information.

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8       2. A person who discloses or willfully permits the disclosure of  
9 information provided by a pupil in violation of the provisions of  
10 section 1 of this act is subject to a fine of not more than \$500 for a  
11 first offense and not more than \$5,000 for a second and each  
12 subsequent offense. The penalty shall be collected and enforced in  
13 summary proceedings under "the penalty enforcement law"  
14 (N.J.S.2A:58-1 et seq.).

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16       3. This act shall take effect immediately.

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22       Requires information provided by pupils in school-based drug and  
23 alcohol abuse counseling about substance abuse by family members be  
24 kept confidential.