

SENATE, No. 2314

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1997

By Senators SACCO, PALAIA, Adler, Codey, Girgenti, Zane,
Bryant, Kenny, Lynch and Lesniak

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

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

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

1 Board of Education, in consultation with the Department of Health.
2 The testing is to be conducted by the school physician, school nurse
3 or a physician, laboratory or health care facility designated by the
4 board of education and the cost would be paid by the board. Any
5 disciplinary action imposed upon a student who tests positive for drug
6 use or who refuses to be tested is to be limited to the student's
7 suspension or prohibition from interscholastic athletic participation.

8 Each board of education is to hold a public hearing prior to the
9 adoption of a drug testing policy. The policy shall be in written form
10 and shall be distributed to students and their parents or guardians at
11 the beginning of each school year. The policy shall include, but need
12 not be limited to: notice that the consent of the student and his parent
13 or guardian for random student drug testing is required for the student
14 to participate in the district's interscholastic athletics program; the
15 procedures for collecting and testing urine specimens; the manner in
16 which students will be randomly selected; the procedures for students
17 and their parents or guardians to challenge positive test results; the
18 standards for ensuring the confidentiality of test results; the specific
19 disciplinary action imposed upon students who test positive for drug
20 use or who refuse to consent to testing; and, the guidelines for
21 referring students who test positive for drug use to counseling or
22 rehabilitative treatment.

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