

SENATE, No. 508

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Requires public and nonpublic secondary schools to annually conduct written or verbal substance use screening on all students using a particular screening program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning screening for substance abuse in schools and
2 supplementing chapter 40A of Title 18A of the New Jersey
3 Statutes.

4
5 **WHEREAS**, Drug and alcohol use among New Jersey's youth leads to
6 poorer health, diminished productivity, and higher health care costs;
7 and

8 **WHEREAS**, The vast majority of adults who have a substance use
9 disorder began their use before the age of 18; and

10 **WHEREAS**, Drugs and alcohol are contributors to the three leading
11 causes of teen deaths; and

12 **WHEREAS**, Opiate addiction and deaths from overdose continue to rise
13 in New Jersey and nationally; and

14 **WHEREAS**, According to the Youth Risk Behavior Surveillance
15 System of the Centers for Disease Control and Prevention, 31
16 percent of New Jersey high school students have been offered, sold,
17 or given an illegal drug by someone on school property; and

18 **WHEREAS**, Research supports that early screening and intervention
19 can help young people avoid the destructive consequences of drug
20 and alcohol misuse and addiction; and

21 **WHEREAS**, Screening, brief intervention, and referral to treatment
22 (SBIRT) is a set of effective prevention and treatment tools that
23 helps identify alcohol or drug problems and guides follow-up
24 intervention and treatment if a problem exists; and

25 **WHEREAS**, New Jersey has implemented SBIRT with adults in
26 emergency departments and federally qualified health centers and
27 found the program was effective in reducing risky substance abuse;
28 and

29 **WHEREAS**, Bringing SBIRT into the school setting holds great
30 potential for curbing substance use among young people and
31 preventing addiction before it begins; now, therefore,

32
33 **BE IT ENACTED** by the Senate and General Assembly of the State
34 of New Jersey:

35
36 1. a. The board of education of a school district that includes
37 any of the grades nine through 12, the board of trustees of a charter
38 school that includes any of the grades nine through 12, and the
39 governing board or chief school administrator of a nonpublic school
40 that includes any of the grades nine through 12 shall provide for an
41 annual written or verbal substance use screening to be conducted on
42 each student in grade nine through grade 12. The screening shall
43 assess the student's risk for substance abuse using the screening,
44 brief intervention, and referral to treatment program. The screening
45 at a school district or charter school shall be conducted by a
46 certified student assistance coordinator, a school nurse, a school
47 counselor, a school social worker, or a school psychologist. The
48 screening at a nonpublic school shall be conducted by a licensed

1 health care professional. If the student screens positive for potential
2 substance misuse, the person administering the screening shall
3 provide brief counseling using motivational interviewing and assist
4 the student with referral to treatment options, if needed.

5 b. The board of education, the board of trustees, or the
6 governing board or chief school administrator shall provide written
7 notice to the parent or guardian of a student prior to the student
8 being screened pursuant to subsection a. of this section. A student's
9 parent or guardian may opt the student out of the screening by
10 notifying the school district, charter school, or nonpublic school. In
11 the case of a student enrolled in a school district or charter school,
12 the notification shall be on a form developed by the Department of
13 Education.

14 c. Any statement, response, or disclosure made by a student
15 during a screening conducted pursuant to subsection a. of this
16 section shall be considered confidential information and shall not be
17 disclosed by a person receiving the statement, response, or
18 disclosure to any other person without the prior written consent of
19 the student and the student's parent or guardian, except in cases of
20 immediate medical emergency or if disclosure is otherwise required
21 by State law. In the case of a student enrolled in a school district or
22 charter school, the written consent shall be documented on a form
23 developed by the Department of Education. The statement,
24 response, or disclosure shall not be subject to discovery or
25 subpoena in any civil, criminal, legislative, or administrative
26 proceeding. No record of any statement, response, or disclosure
27 shall be made in any form, written, electronic, or otherwise, that
28 includes information identifying the student.

29 d. The Department of Education shall notify each school
30 district, charter school, and nonpublic school in writing of the
31 requirement to screen students pursuant to subsection a. of this
32 section. School districts, charter schools, and nonpublic schools
33 with alternative substance abuse intervention, prevention and
34 treatment referral programs may opt out of the program required
35 pursuant to subsection a. of this section on a form provided by the
36 department. The form shall: be signed by the superintendent of
37 schools, the lead person of the charter school, or the chief school
38 administrator of the nonpublic school, or a representative of that
39 person; provide a detailed description of the alternative program
40 being implemented; and provide reasons why the program required
41 pursuant to subsection a. of this section is not appropriate for the
42 school district, charter school, or nonpublic school.

43 e. The Division of Mental Health and Addiction Services in the
44 Department of Human Services and the Department of Children and
45 Families, using existing public and private training resources, shall
46 make available to school districts, charter schools, and nonpublic
47 schools, training for personnel conducting the screening pursuant to
48 subsection a. of this section.

1 2. The State Board of Education, in consultation with the
2 Commissioner of Human Services, shall promulgate regulations
3 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
4 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
5 act, including the standards pursuant to which a screening, brief
6 intervention, and referral to treatment program is conducted.

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8 3. This act shall take effect in the first full school year
9 following the date of enactment.

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12 STATEMENT

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14 This bill will require school districts, charter schools, and
15 nonpublic schools to provide for an annual written or verbal
16 substance use screening on each high school student. The screening
17 will assess the student’s risk for substance abuse using the
18 screening, brief intervention, and referral to treatment (SBIRT)
19 program. If the student screens positive for potential substance
20 misuse, the person administering the screening will be required to
21 provide brief counseling using motivational interviewing and assist
22 the student with referral to treatment options, if needed. The
23 Division of Mental Health and Addiction Services in the
24 Department of Human Services and the Department of Children and
25 Families, using existing public and private training resources, will
26 make available to school districts, charter schools, and nonpublic
27 schools, training for personnel using the SBIRT program.

28 Under the provisions of the bill, the parent or guardian of a
29 student being screened must be given prior written notice of the
30 screening and an opportunity to have the student opt out of the
31 screening. The bill also includes a provision regarding the privacy
32 of information collected during the screening. Statements made by
33 a student during a screening are considered confidential information
34 and cannot be disclosed by a person receiving the statement to any
35 other person without the prior written consent of the student and the
36 student’s parent or guardian, except in cases of immediate medical
37 emergency or if disclosure is otherwise required by State law.

38 A school district, charter school, or nonpublic school is
39 permitted to opt out of the SBIRT program required pursuant to the
40 bill, if it is implementing an alternative screening program and
41 provides to the Department of Education a detailed description of
42 the alternative program and the reasons why the SBIRT program is
43 not appropriate for its use.

44 The State Board of Education, in conjunction with the
45 Commissioner of Human Services, will promulgate regulations to
46 effectuate the provisions of this bill, including standards pursuant to
47 which the SBIRT program will be conducted.