

# 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:**

**Senators Turner and A.M.Bucco**

**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**

As reported by the Senate Education Committee with technical review.



**(Sponsorship Updated As Of: 3/25/2021)**

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.

**S508 VITALE, RUIZ**

4

- 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.  
7
- 8       3. This act shall take effect in the first full school year  
9 following the date of enactment.