

[First Reprint]

ASSEMBLY, No. 3080

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

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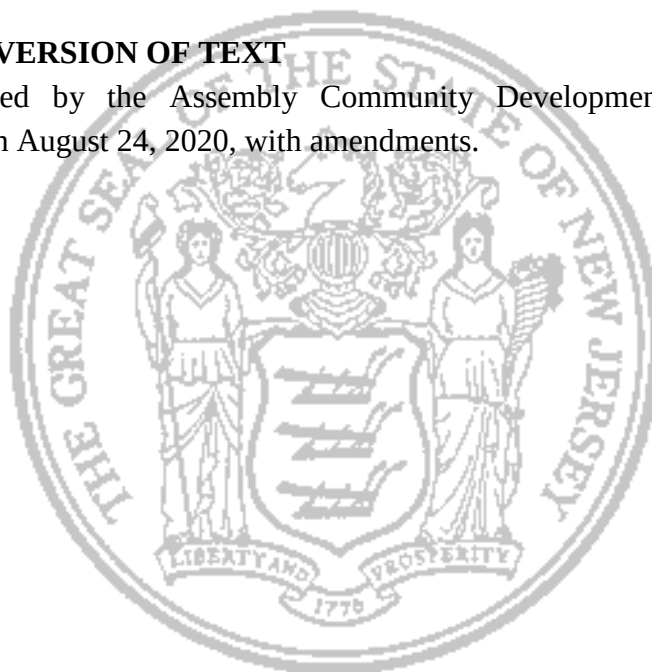
**Assemblywomen DiMaso, Vainieri Huttle, Murphy, Dunn and
Assemblyman Calabrese**

SYNOPSIS

Establishes one New Jersey Suicide Prevention Advisory Council in DOH.

CURRENT VERSION OF TEXT

As reported by the Assembly Community Development and Affairs Committee on August 24, 2020, with amendments.



(Sponsorship Updated As Of: 12/14/2020)

1 AN ACT establishing the New Jersey Suicide Prevention Advisory
 2 Council, revising various parts of the statutory law, and
 3 supplementing Title 26 of the Revised Statutes.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
 9 read as follows:

10 2. The State Board of Education, in consultation with the New
 11 Jersey **Y**outh Suicide Prevention Advisory Council established in
 12 the Department of Children and Families pursuant to P.L.2003,
 13 c.214 (C.30:9A-22 et seq.) **Suicide Prevention Advisory Council**
 14 established in the Department of Health pursuant to section 7 of
 15 P.L. , c. (C.) (pending before the Legislature as this bill),
 16 shall, as part of the professional development requirement
 17 established by the State board for public school teaching staff
 18 members, require each public school teaching staff member to
 19 complete at least two hours of instruction in suicide prevention, to
 20 be provided by a licensed health care professional with training and
 21 experience in mental health issues, in each professional
 22 development period. The instruction in suicide prevention shall
 23 include information on the relationship between the risk of suicide
 24 and incidents of harassment, intimidation, and bullying and
 25 information on reducing the risk of suicide in students who are
 26 members of communities identified as having members at high risk
 27 of suicide.

28 (cf: P.L.2010, c.122, s.4)

29
 30 2. (New section) As used in P.L. , c. (C.) (pending before
 31 the Legislature as this bill):

32 "Alcohol and drug counselor" means a person who is a certified
 33 alcohol and drug counselor or a licensed clinical alcohol and drug
 34 counselor pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.).

35 "Attempted suicide" or "suicide attempt" means destructive
 36 behavior intended by the actor to result in the actor's harm or death.

37 "Certified Domestic Violence Specialist" means a person who has
 38 fulfilled the requirements for certification as a Domestic Violence
 39 Specialist, which have been established by the New Jersey Association
 40 of Domestic Violence Professionals.

41 ¹**["Completed suicide"]** Death by suicide¹ means a death that is
 42 known or reasonably suspected to have resulted from an intentional act
 43 of the deceased, ¹**[regardless of whether it has been ruled a suicide]** as
 44 determined¹ by a medical examiner.

45 "Council" means the New Jersey Suicide Prevention Advisory
 46 Council established pursuant to section 7 of P.L. , c. (C.)
 47 (pending before the Legislature as this bill).

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACD committee amendments adopted August 24, 2020.

1 "Department" means the Department of Health.

2 "Teaching staff member" means a member of the professional staff
3 of any school district, regional board of education, or the board of
4 trustees of a charter school, or any board of education of a county
5 vocational school, who holds an office, position, or employment of
6 such character that the qualifications for the office, position, or
7 employment require the member to hold a valid and effective standard,
8 provisional, or emergency certificate, appropriate to the member's
9 office, position, or employment, issued by the State Board of
10 Examiners. Teaching staff member includes a school nurse and a
11 school athletic trainer.

12 "Youth" means a person 24 years of age or younger.

13

14 3. (New section) a. Any teaching staff member, who, as a result
15 of information obtained in the course of the person's employment, has
16 reasonable cause to suspect or believe that a student has attempted or
17 **'[completed] death by'** suicide, shall promptly report such
18 information to the department in a form and manner prescribed by the
19 department.

20 b. A nonpublic school is encouraged to require any member of its
21 professional staff, who, as a result of information obtained in the
22 course of the person's employment, has reasonable cause to suspect or
23 believe that a student has attempted or **'[completed] died by'** suicide,
24 to promptly report such information to the department in a form and
25 manner prescribed by the department.

26 As used in this subsection, "nonpublic school" means an
27 elementary or secondary school within the State, other than a public
28 school, offering education in grades K-12 or any combination thereof,
29 at which a child may legally fulfill compulsory school attendance
30 requirements.

31 c. Any licensed psychologist, social worker, marriage and family
32 therapist, professional counselor, physician, physician assistant,
33 alcohol and drug counselor, or registered nurse or licensed practical
34 nurse licensed in this State pursuant to Title 45 of the Revised Statutes,
35 who, as a result of information obtained in the course of the person's
36 employment, has reasonable cause to suspect or believe that a youth
37 has attempted or **'[completed] died by'** suicide, shall promptly report
38 such information to the department in a form and manner prescribed
39 by the department.

40 d. Any public health official, probation officer, employee of the
41 Superior Court, Chancery Division, Family Part, Certified Domestic
42 Violence Specialist, or member of a professional group identified by
43 the New Jersey Suicide Prevention Advisory Council established
44 pursuant to section 7 of P.L. , c. (C.) (pending before the
45 Legislature as this bill) as having a likelihood to know about suicide
46 attempts and deaths, who, as a result of information obtained in the
47 course of the person's employment, has reasonable cause to suspect or
48 believe that a person has attempted or **'[completed] died by'** suicide,

1 is encouraged to promptly report such information to the department in
2 a form and manner prescribed by the department.

3 e. The reporting form established by the department shall not
4 require the reporter to identify the person who attempted or
5 ~~'[completed] died by'~~ suicide by name or other unique identifier, but
6 may require the reporter to supply non-identifying demographic
7 information about the person, as well as information about other
8 suicide attempts made by the person, and the response or referral that
9 was used to deal with the incident that is the subject of the report.

10 f. The reporting form shall be submitted to a designated employee
11 of the department with responsibility for compiling data from the
12 reports. Information contained in the reports shall not be considered a
13 public record, but the department may aggregate the data for the
14 purpose of preparing an annual report pursuant to section 5 of P.L. ,
15 c. (C.) (pending before the Legislature as this bill).

16 g. The ~~'[department] Department of Children and Families and~~
17 ~~the Department of Education, in consultation with the Department of~~
18 ~~Health and the Department of Human Services.'~~ shall offer to provide
19 persons who are required or encouraged to report an attempted
20 ~~'suicide or death by suicide'~~ with current information about public and
21 private assistance available to survivors and families of attempted and
22 ~~'[completed suicides] death by suicide'~~ and professionals who deal
23 with suicide.

24 h. The reporting of an attempted or ~~'[completed] death by'~~
25 suicide pursuant to this section shall not replace or alter any other
26 requirement of law or professional standard or obligation that requires
27 a person to evaluate a death or report an attempted or ~~'[completed]~~
28 ~~death by'~~ suicide.

29 i. Any person who reports an attempted or ~~'[completed] death~~
30 ~~by'~~ suicide pursuant to this act shall have immunity from any civil or
31 criminal liability on account of that report, unless the person has acted
32 in bad faith or with malicious purpose.

33 j. No provision of this act shall be deemed to require the disclosure
34 of, or penalize the failure to disclose, any information which would be
35 privileged pursuant to the provisions of sections 18 through 23,
36 inclusive, of P.L.1960, c.52 (C.2A:84A-18 through 2A:84A-23). ~~'No~~
37 ~~provision of this act shall be deemed to require the disclosure of any~~
38 ~~information in violation of federal or State privacy laws.'~~
39

40 4. (New section) The Commissioner of Health, in conjunction
41 with the Commissioners of Human Services and Children and
42 Families, shall develop and publicize, in consultation with the New
43 Jersey Suicide Prevention Advisory Council established pursuant to
44 section 7 of P.L. , c. (C.) (pending before the Legislature as
45 this bill), a public awareness campaign on suicide prevention and
46 intervention, the goals of which shall be to:

1 a. increase voluntary reporting of suicides and attempts at suicide
2 by professionals who are likely to know of suicides and attempts in the
3 course of their employment;

4 b. increase referrals by these professionals to therapeutic services
5 available to persons who contemplate or attempt suicide;

6 c. increase public awareness of the incidence and causes of suicide
7 attempts and decrease the stigma currently associated with depression
8 and suicide; and

9 d. encourage the use by families of short-term and long-term public
10 and private mental health services, as well as other services, to reduce
11 the incidence of attempted 'suicide' and '~~completed suicides~~ death
12 by suicide' by youths.

13
14 5. (New section) a. The department shall compile data about
15 reported attempted 'suicides' and '~~completed suicides~~ deaths by
16 suicide' by persons in the State, without identifying any individuals
17 involved.

18 b. The Commissioner of Health shall annually issue a report to the
19 New Jersey Suicide Prevention Advisory Council established pursuant
20 to section 7 of P.L. , c. (C.) (pending before the Legislature as
21 this bill), to the Governor, and, pursuant to section 2 of P.L.1991,
22 c.164 (C.52:14-19.1), to the Legislature containing a summary of the
23 data compiled by the department that includes aggregate demographic
24 information about persons who attempt or complete suicide. The
25 report shall include any recommendations for legislation or regulatory
26 changes that would aid in the collection of more accurate data or the
27 provision of more effective suicide prevention and intervention.

28 c. The commissioner shall provide specific findings about
29 '~~completed suicides~~ deaths by suicide' and attempted suicides to
30 the council, as soon as possible, to assist the council in fulfilling its
31 responsibility under P.L. , c. (C.) (pending before the
32 Legislature as this bill) to make recommendations about suicide
33 prevention and intervention.

34
35 6. (New section) a. The Commissioner of Children and
36 Families, in consultation with the Department of Human Services,
37 and the New Jersey Suicide Prevention Advisory Council
38 established pursuant to section 7 of P.L. , c. (C.) (pending
39 before the Legislature as this bill), shall develop and adopt a
40 Statewide youth suicide prevention plan no later than 180 days after
41 the effective date of this act.

42 b. The plan shall address, but not be limited to, the:

43 (1) identification of existing State and local sources of data
44 concerning youth suicide deaths, youth suicide attempts, and self-
45 inflicted injuries by youth;

46 (2) coordination and sharing of such data among identified State
47 and local sources;

1 (3) promotion of greater public awareness about youth suicide
2 prevention services and resources;

3 (4) identification of barriers to accessing mental health and
4 substance abuse services, and opportunities to enhance access; and

5 (5) promotion of evidenced-based and best practice programs,
6 listed on the Suicide Prevention Resource Center's Best Practices
7 Registry, for the prevention and treatment of youth suicide and self-
8 injury.

9
10 7. (New section) There is established in the Department of
11 ¹~~Health~~ Human Services¹ the New Jersey Suicide Prevention
12 Advisory Council.

13 a. The purpose of the council shall be to:

14 (1) examine existing needs and services provided by the State and
15 make recommendations to all suicide prevention entities operating
16 under statutory authority for reporting, prevention, and intervention of
17 suicide; advise suicide prevention entities on the content of
18 informational materials to be made available to persons who report an
19 attempted or ¹~~completed~~ death by¹ suicide; and advise the entities in
20 the adoption of any regulations the Commissioner of Health deems
21 necessary to carry out the provisions of P.L. , c. (C.) (pending
22 before the Legislature as this bill); and

23 (2) aggregate data from its members' respective suicide prevention
24 entities, if applicable; make findings on ¹~~completed suicides~~ deaths
25 by suicide¹ and suicide attempts, in a manner that is not violative of
26 federal privacy laws under the "Health Insurance Portability and
27 Accountability Act of 1996," Pub.L.104-191, or any regulations
28 promulgated thereunder by the Secretary of the U.S. Department of
29 Health and Human Services; and share those findings and aggregated
30 data with all member participants to report back to their respective
31 suicide prevention entities.

32 b. The council shall consist of ¹~~19~~ 25¹ members as follows:

33 (1) the Commissioners of Health, Human Services, Children and
34 Families, Corrections, and Education, the Secretary of Higher
35 Education, ¹the executive director of the Juvenile Justice
36 Commission¹, the Adjutant General of the Department of Military and
37 Veterans' Affairs, the Executive Director of the Board of Directors of
38 NJ Transit, ¹the Chief State Medical Examiner, the assistant
39 commissioner of the Division of Mental Health and Addiction
40 Services, the chair of the Governor's Council on Mental Health
41 Stigma¹, and the Chief Technology Officer of the Office of
42 Information Technology, or their designees; except that if one of these
43 members has a suitable prevention or mental health entity operating
44 under the control of the member's department, corporation, or office,
45 as applicable, the member shall select a member of that entity as a
46 member of the council, who shall serve ex officio;

1 (2) four public members appointed by the Governor, three of
2 whom are each faculty members at institutions of higher education
3 who have expertise in the area of mental health; and one of whom is
4 either a law enforcement officer in the Office of the Attorney General
5 with expertise related to suicide, or a mental health professional;

6 (3) ~~‘[three] four’~~ public members appointed by the President of
7 the Senate, one of whom has experience as a mental health
8 professional in the private sector with experience in youth suicide
9 prevention and counseling, one of whom has experience as a
10 psychiatrist in the private sector in the provision of services to elderly
11 persons, ‘one of whom identifies as lesbian, gay, bisexual,
12 transgender, or intersex,’ and one of whom is a licensed clinical
13 alcohol and drug counselor who is also a licensed clinical social
14 worker with experience working with individuals in crisis; and

15 (4) ~~‘[three] four’~~ public members appointed by the Speaker of
16 the General Assembly, ~~‘[each] two’~~ of whom ~~‘[is]’~~ are ~~‘[a]’~~ current
17 or former mental health professional¹s¹ with experience providing
18 services in a secondary school ¹, one of whom is a survivor of suicide
19 or who has a family member who has been affected by suicide, and
20 one of whom has a background as a primary health practitioner¹.

21 c. The public members shall be appointed no later than 60 days
22 after the effective date of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24 d. The public members shall serve for a term of five years; but, of
25 the members first appointed, four shall serve for a term of three years,
26 three for a term of four years, and three for a term of five years.
27 Members are eligible for reappointment upon the expiration of their
28 terms. Vacancies in the membership of the council shall be filled in
29 the same manner provided for the original appointments.

30 e. The council shall organize as soon as practicable following the
31 appointment of its members, and shall select a chairperson and vice-
32 chairperson from among the members. The chairperson shall appoint
33 a secretary who need not be a member of the council.

34 f. The public members shall serve without compensation, but shall
35 be reimbursed for necessary expenses incurred in the performance of
36 their duties and within the limits of funds available to the council.

37 g. The council shall be entitled to call to its assistance and avail
38 itself of the services of the employees of any State, county, or
39 municipal department, board, bureau, commission, or agency as it may
40 require and as may be available to it for its purposes.

41 h. The Department of Health shall provide staff support to the
42 council.

43 i. The council shall, at a minimum, meet every other month and
44 may meet more frequently as needed, based on a vote of a majority of
45 the members of the council.

1 8. (New section) Whenever, in any law, rule, regulation, order,
2 contract, document, judicial or administrative proceeding, or
3 otherwise, reference is made to the New Jersey Youth Suicide
4 Prevention Advisory Council or the New Jersey Elderly Person
5 Suicide Prevention Advisory Council, the same shall mean and refer
6 to the New Jersey Suicide Prevention Advisory Council, established
7 pursuant to section 7 of P.L. , c. (C.) (pending before the
8 Legislature as this bill), in the Department of Health.

9
10 9. The Commissioner of Health ~~'[shall]~~ may¹, in accordance
11 with the "Administrative Procedure Act," P.L.1968, c.410
12 (C.52:14B-1 et seq.), adopt any rules and regulations as the
13 commissioner deems necessary to carry out the provisions of this
14 act.

15
16 10. The following sections are repealed:
17 Sections 1 through 4 of P.L.2005, c.274 (C.26:2MM-1 through
18 C.26:2MM-4); and
19 Sections 1 through 7 of P.L.2003, c.214 (C.30:9A-22 through
20 C.30:9A-28).

21
22 11. This act shall take effect ~~'[immediately]~~¹ on the 180th day
23 after the date of enactment, except that the Commissioner of Health
24 may take anticipatory action in advance as necessary for the
25 implementation of this act.