ASSEMBLY, No. 3158

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

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 introduced.

(Sponsorship Updated As Of: 3/5/2020)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

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