SENATE, No. 1434

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Criminalizes exposing first responder or health care provider to controlled dangerous substance under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning exposure to controlled dangerous substances and supplementing Title 2C of the New Jersey Statutes.

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

1. As used in this act:

"Controlled dangerous substance" has the meaning ascribed to it in N.J.S.2C:35-2.

"First responder" means a law enforcement officer, paid or volunteer firefighter, or paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association.

"Health care professional" means a physician, physician assistant, nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes.

2. A person who, in violation of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.) or the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., knowingly exposes a first responder or health care professional to a controlled dangerous substance in a manner that creates a substantial risk of bodily injury is guilty of a crime of the fourth degree. If the first responder or health care professional suffers bodily injury, it is a crime of the third degree.

3. This act shall take effect immediately.

STATEMENT

This bill would criminalize the act of knowingly exposing a first responder or health care professional to a controlled dangerous substance, in violation of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.) or the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., in a manner that creates a substantial risk of bodily injury. Under the bill, the act would be a crime of the fourth degree unless the first responder or health care professional suffers bodily injury, in which case it would be a crime of the third degree. A crime of the third degree is generally punishable by a term of imprisonment of three to five years or a fine up to $15,000, or both; a crime of the fourth degree, by a term of up to 18 months or a fine up to $10,000, or both.

This bill was prompted by recent reports of injuries suffered by first responders who were exposed to small amounts of fentanyl. According to the United States Drug Enforcement Administration

(DEA), fentanyl-related substances can be absorbed into the body through the skin, by contact with mucous membranes, and by inhalation. The DEA has stated that exposure to quantities as small as 2 to 3 milligrams (the size of five to seven individual grains of table salt) can cause respiratory depression, respiratory arrest, and death.