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RH/CL

P.L. 2021, CHAPTER 156, *approved July 2, 2021*  
Assembly, No. 5597

1 **AN ACT** concerning student participation in health surveys and  
2 supplementing chapter 36 of Title 18A of the New Jersey  
3 Statutes.

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

7  
8 1. a. Notwithstanding section 1 of P.L.2001, c.364 (C.18A:36-  
9 34), or any other law, rule, or regulation to the contrary, a school  
10 district that sends prior written notification to a parent or legal  
11 guardian of a student may administer an anonymous, voluntary  
12 survey, assessment, analysis or evaluation to the student which  
13 reveals information concerning any of the following issues:

- 14 (1) use of alcohol, tobacco, drugs, and vaping;  
15 (2) sexual behavior and attitudes;  
16 (3) behaviors that may contribute to intentional or unintentional  
17 injuries or violence; or  
18 (4) physical activity and nutrition-related behaviors.

19 b. Written notification provided by a school district to the  
20 parent or legal guardian of a student shall be delivered to the parent  
21 or legal guardian by regular mail, electronic mail, or a written  
22 acknowledgement form to be delivered by the student at least two  
23 weeks prior to administration of the survey, assessment, analysis or  
24 evaluation. Written notification shall contain, at minimum, the  
25 following information:

- 26 (1) a description of the survey, assessment, analysis, or  
27 evaluation;  
28 (2) the purpose for which the survey, assessment, analysis, or  
29 evaluation is needed;  
30 (3) the entities and persons that will have access to the  
31 information generated by the survey, assessment, analysis, or  
32 evaluation;  
33 (4) specific instruction as to when and where the survey,  
34 assessment, analysis, or evaluation will be available for parental or  
35 legal guardian review prior to its administration;  
36 (5) the method by which the parent or legal guardian can deny  
37 permission to administer the survey, assessment, analysis, or  
38 evaluation to the student; a form specifically providing for such  
39 denial shall be included with this notice;  
40 (6) the names and contact information of persons to whom  
41 questions can be directed; and

1 (7) a statement advising that failure to respond indicates  
2 approval of participation in the survey, assessment, analysis, or  
3 evaluation.

4 c. Information obtained through a survey, assessment, analysis  
5 or evaluation administered to a student in accordance with this  
6 section shall be submitted to the Department of Education and the  
7 Department of Health. Information may be used to develop public  
8 health initiatives and prevention programs. Information shall not be  
9 used for marketing or other commercial purposes that are not  
10 related to student health.

11 d. A school district that violates the provisions of this section  
12 shall be subject to such monetary penalties as determined by the  
13 commissioner.

14  
15 2. This act shall take effect on the 180th day after the date of  
16 enactment, except the Commissioner of Education may take any  
17 anticipatory administrative action in advance as shall be necessary  
18 for the implementation of this act.

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21 STATEMENT

22

23 This bill allows school districts to administer anonymous,  
24 voluntary surveys concerning student health once prior written  
25 notification has been provided to parents and legal guardians.  
26 Specifically, the school district would be able to administer a  
27 survey concerning the use of alcohol, tobacco, drugs, and vaping;  
28 sexual behavior and attitudes; behaviors that may contribute to  
29 intentional or unintentional injuries or violence; or physical activity  
30 and nutrition-related behaviors.

31 Written notification to parents and legal guardians would be  
32 delivered by regular mail, electronic mail, or a written  
33 acknowledgement form to be delivered by the student at least two  
34 weeks prior to administration of the survey. Information obtained  
35 through the survey would be submitted to the Department of  
36 Education and the Department of Health. Information may be used  
37 to develop public health initiatives and prevention programs and  
38 would not be used for marketing or other commercial purposes  
39 unrelated to student health.

40 For the past several years, the Department of Education has been  
41 unable to obtain a sufficient amount data on student health surveys  
42 to produce a sample that is representative of the student population.  
43 This is due in part to the method in which students are permitted to  
44 participate in such surveys. Currently, parents or legal guardians  
45 must actively grant permission for their students to participate.  
46 Active permission is the process by which a signature is collected  
47 from a parent or legal guardian authorizing the student's  
48 participation in a survey. According to the Centers for Disease

1 Control and Prevention, the use of active permission reduces  
2 student participation rates by as much as 50 percent unless  
3 extraordinary follow up procedures are implemented. In contrast,  
4 passive parental permission presumes a parent or legal guardian has  
5 consented to the student's participation in a survey unless notice  
6 and an opportunity for the parent or legal guardian to deny  
7 permission is provided.

8 Studies have shown that a lack of written consent rarely means  
9 that a parent or legal guardian has objections to their child's  
10 participation in a survey and that students from at-risk  
11 environments are less likely to return permission forms leading to  
12 diminished validity of the sample. By authorizing the use of  
13 passive parental permission, the State can increase student  
14 participation in student health surveys and acquire a better  
15 understanding of the various health issues affecting the student  
16 population to develop appropriate and responsive solutions.

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21 Permits school districts to administer student health surveys after  
22 prior written notification to parents and legal guardians.

## CHAPTER 156

AN ACT concerning student participation in health surveys and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

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

C.18A:36-34.1 Voluntary survey for students with prior parental, guardian written notification.

1. a. Notwithstanding section 1 of P.L.2001, c.364 (C.18A:36-34), or any other law, rule, or regulation to the contrary, a school district that sends prior written notification to a parent or legal guardian of a student may administer an anonymous, voluntary survey, assessment, analysis or evaluation to the student which reveals information concerning any of the following issues:

- (1) use of alcohol, tobacco, drugs, and vaping;
- (2) sexual behavior and attitudes;
- (3) behaviors that may contribute to intentional or unintentional injuries or violence; or
- (4) physical activity and nutrition-related behaviors.

b. Written notification provided by a school district to the parent or legal guardian of a student shall be delivered to the parent or legal guardian by regular mail, electronic mail, or a written acknowledgement form to be delivered by the student at least two weeks prior to administration of the survey, assessment, analysis or evaluation. Written notification shall contain, at minimum, the following information:

- (1) a description of the survey, assessment, analysis, or evaluation;
- (2) the purpose for which the survey, assessment, analysis, or evaluation is needed;
- (3) the entities and persons that will have access to the information generated by the survey, assessment, analysis, or evaluation;
- (4) specific instruction as to when and where the survey, assessment, analysis, or evaluation will be available for parental or legal guardian review prior to its administration;
- (5) the method by which the parent or legal guardian can deny permission to administer the survey, assessment, analysis, or evaluation to the student; a form specifically providing for such denial shall be included with this notice;
- (6) the names and contact information of persons to whom questions can be directed; and
- (7) a statement advising that failure to respond indicates approval of participation in the survey, assessment, analysis, or evaluation.

c. Information obtained through a survey, assessment, analysis or evaluation administered to a student in accordance with this section shall be submitted to the Department of Education and the Department of Health. Information may be used to develop public health initiatives and prevention programs. Information shall not be used for marketing or other commercial purposes that are not related to student health.

d. A school district that violates the provisions of this section shall be subject to such monetary penalties as determined by the commissioner.

2. This act shall take effect on the 180th day after the date of enactment, except the Commissioner of Education may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 2, 2021.

# ASSEMBLY, No. 5597

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

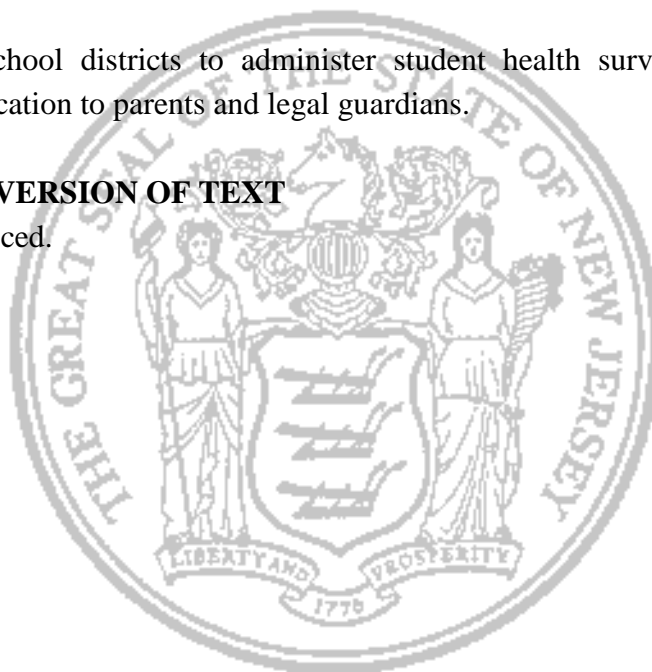
**Assemblywoman Vainieri Huttle, Assemblyman Stanley, Assemblywomen  
Lampitt, Jasey and Downey**

**SYNOPSIS**

Permits school districts to administer student health surveys after prior written notification to parents and legal guardians.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/24/2021)**

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5 diminished validity of the sample. By authorizing the use of  
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7 participation in student health surveys and acquire a better  
8 understanding of the various health issues affecting the student  
9 population to develop appropriate and responsive solutions.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5597

# STATE OF NEW JERSEY

DATED: MAY 17, 2021

The Assembly Health Committee reports favorably Assembly Bill No. 5597.

This bill allows school districts to administer anonymous, voluntary surveys concerning student health once prior written notification has been provided to parents and legal guardians. Specifically, the school district would be able to administer a survey concerning the use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

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Studies have shown that a lack of written consent rarely means that a parent or legal guardian has objections to their child's participation in a survey and that students from at-risk environments are less likely to return permission forms leading to diminished validity of the sample.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5597**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 5597.

This bill allows school districts to administer anonymous, voluntary surveys concerning student health once prior written notification has been provided to parents and legal guardians. Specifically, the school district would be able to administer a survey concerning the use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

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As reported by the committee, Assembly Bill No. 5597 is identical to Senate Bill No. 3801, which was also reported by the committee on this date.

# SENATE, No. 3801

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 20, 2021

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Permits school districts to administer student health surveys after prior written notification to parents and legal guardians.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/24/2021)

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**S3801 VITALE, TURNER**

4

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SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 3801**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3801.

This bill allows school districts to administer anonymous, voluntary surveys concerning student health once prior written notification has been provided to parents and legal guardians. Specifically, the school district would be able to administer a survey concerning the use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

Written notification to parents and legal guardians would be delivered by regular mail, electronic mail, or a written acknowledgement form to be delivered by the student at least two weeks prior to administration of the survey. Information obtained through the survey would be submitted to the Department of Education and the Department of Health. The information may be used to develop public health initiatives and prevention programs, and would not be used for marketing or other commercial purposes unrelated to student health.

As reported by the committee, Senate Bill No. 3801 is identical to Assembly Bill No. 5597, which was also reported by the committee on this date.

# Governor Murphy Signs Legislative Package to Address New Jersey's Opioid Epidemic

07/2/2021

**ASBURY PARK** – Reaffirming his commitment to end New Jersey's opioid epidemic, Governor Phil Murphy today signed a comprehensive legislative package into law to address the state's opioid crisis through overdose prevention and recovery resilience. The six bills focus on overdose prevention by expanding low-barrier access to naloxone and bridges to medication assisted treatment; strengthens public health data; and builds resiliency among children and families impacted by the opioid crisis.

“Over the last three years, my Administration, alongside our partners in the Legislature and many passionate advocates, has worked to meaningfully combat the opioid crisis that has held our state in its grip for far too long,” **said Governor Murphy**. “We have worked tirelessly to erase the stigma associated with opioid use disorder and people who use drugs, close gaps in treatment, expand access and use of life-saving medicines like naloxone, and support the work of syringe exchange programs and harm reduction centers. The fight against the opioid epidemic has required a focus on harm reduction by providing safe and compassionate access points to care and by securing funding for vital programs and recovery services. By signing these bills today, we are strengthening the foundation of these critical resources and programs, keeping families together, and furthering our commitment to saving lives and ending the opioid epidemic in New Jersey.”

“The opioid epidemic is a national public health crisis that devastates families every day,” **said U.S. Congressman Frank Pallone**. “We know that harm reduction is critical to saving lives and getting the help individuals who suffer from opioid use disorder need to combat this epidemic. As Chairman of the Energy and Commerce Committee, I've helped pass legislation in Congress to address this crisis and will continue to work at the federal level to save lives. I'm proud to join Governor Murphy today as we take another step forward in expanding access to treatments and lifesaving medications in our state.”

Governor Murphy signed the following six bills into law:

**S3491 (Vitale, Lagana, Vainieri Huttel/Verrelli, Benson)** Revises and expands authorization for any person or entity to obtain, distribute, and administer opioid antidotes.

**S3803 (Vitale, Schepisi/Conaway, Vainieri Huttel, Verrelli)** Permits certain paramedics to administer buprenorphine.

**A5595 (Verrelli, Benson, Holley/Gopal, Lagana)** Requires Division of Consumer Affairs to publish retail price of certain opioid antidotes.

**A5597 (Conaway, Jimenez, Speight/Vitale, Turner)** Permits school districts to administer student health surveys after prior written notification to parents and legal guardians.

**S3814 (Madden/Conaway, Mosquera, Tully)** Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.

**A5703 (Armato, Verrelli, Conaway/Addiego, Lagana)** Requires certain health insurers, Medicaid, NJ FamilyCare, SHBP, and SEHBP to cover naloxone without imposing prior authorization requirements.

"I would like to thank the Governor for signing these crucial and life-saving bills into law today," **said Senator Joseph Vitale**. "Drug overdose is the leading cause of accidental death in the United States, with opioids being the most common drug, causing approximately 70 percent of all drug overdose deaths. Many of these lives could have been saved with the use of opioid antidotes, however; there is currently only a limited amount of individuals authorized to administer these antidotes. These new laws will expand who can deliver antidotes to a larger group of individuals, which will be crucial in saving countless lives from overdose."

"This bill keeps reunification the focus by removing barriers to relatives becoming Kinship Legal Guardians so that the child's relationship with their birth parents can be preserved," **said Senator Fred Madden**. "Kinship relationships increase the emotional well-being of a child and reduce their number of placements in foster care. This legislation will allow case precedent to better reflect new research."

"It's important that we have accurate data on the social, emotional and physical well-being of our students," **said Senator Shirley Turner**. "This legislation will help to provide that, by ensuring we are allowing as many students as possible to participate in these valuable surveys. I am grateful to see the Governor signing this measure into law and I look forward to seeing the impact it has on our public health initiatives."

"In 2020 alone, New Jersey had thousands of suspected opioid overdose deaths," **said Senator Joseph Laguna**. "It is evident that when we increase the availability of opioid antidotes, we can equip ourselves with the resources needed to greatly diminish the amount of deaths we have each year. Additionally, having the prices of these antidotes readily available will encourage those suffering from addiction to seek out antidotes that can be life-saving in dire times. I commend the Governor for signing this bill package today and I know we will save more lives because of it."

"Complete and utter transparency between the Division of Consumer Affairs and consumers is essential," **said Senator Vin Gopal**. "Antidotes like Narcan save lives and its accessibility can be the difference between a fatal drug overdose and someone's resuscitation. This legislation will ensure that consumers can identify which opioid antidotes they can afford and encourage them to purchase one to keep on them in case of emergency."

"Naloxone is crucial in treating an opioid overdose in the event of an emergency," **said Senator Dawn Addiego**. "When properly administered, the drug has been proven to significantly decrease the likelihood of death following an overdose, saving countless lives to date. It is imperative that we make this life-saving medication as accessibly as possible to our residents."

"As a doctor, I know just how important it is to prepare for and respond to medical emergencies patients may encounter," **said Assemblyman Herb Conaway**. "With thousands of lives lost to overdoses each year, we need a system in place to help residents struggling with substance use disorders who may be at risk for overdoses."

"Having immediate access to an opioid antidote when helping someone experiencing an overdose can mean the difference between life and death," **said Assemblyman Anthony Verrelli**. "It might be too late if a patient has to wait for treatment until they reach the hospital, which is why we must improve access to these medicines in our state."

"Every life lost to an overdose is a tragedy that might have been avoided with the right resources and support," **said Assemblyman John Armato**. "We must do everything in our power to help prevent the needless loss of life caused by drug overdoses throughout our state."

"Due to the addictive nature of these drugs, unfortunately it is quite possible for someone who overdosed once to accidentally overdose again," **said Assemblywoman Valerie Vainieri Huttle**. "We must take a holistic approach to combating overdoses by also treating opioid use disorder itself with medicines such

as buprenorphine.”

“Studies have shown that children often fare better when placed with relatives rather than someone they do not know in foster care,” **said Assemblywoman Gabriela Mosquera**. “More residents with happier, stable childhoods will help reduce the number of people throughout our state who struggle with substance use disorder.”

“A safe and loving home environment helps pave the way for children to lead healthier lives,” **said Assemblyman Christopher Tully**. “This legislation provides solutions to one of the key factors contributing to substance use disorder by ensuring more children end up with family or friends who know them and can care for them when their parents cannot.”

“When you consider the prevalence of overdoses in our state and just how effective opioid antidotes can be in those situations, it is clear we must do everything we can to make this medication widely available,” **said Assemblyman Daniel Benson**. “Allowing anyone to obtain opioid antidotes and give them out or utilize them in emergency situations is one way we can help get this life-saving medicine into the hands of the many residents who need it.”

“Opioid antidotes save lives – it’s as simple as that,” **said Assemblyman Jamel Holley**. “There can be no confusion about pricing and accessibility when it comes to helping our community members acquire these medicines.”

“With drug use sometimes beginning as young as 12-years-old, it is vital our State gathers information on the various health issues affecting our students,” **said Assemblywoman Angelica Jimenez**. “Knowing just how many children have already been exposed to harmful substances will help us better understand the scope of the issue and how to address it before it becomes more severe in adulthood.”

“We need to know more about the health challenges facing New Jersey students today,” **said Assemblywoman Shanique Speight**. “Understanding how many students are actively using harmful substances will make it easier for us to reach out and provide support to the children in our communities who need our help.”

“Governor Murphy and the Legislature are committed to saving lives by reaching those in need and removing barriers to treatment, and that includes making life-saving opioid antidotes as accessible as possible,” **said New Jersey Department of Human Services Acting Commissioner Sarah Adelman**. “We’ve worked to get the opioid overdose antidote naloxone into as many hands as possible, distributing 62,000 free doses to residents at more than 300 pharmacies and giving more than 70,000 free naloxone doses to police, EMS, homeless shelters, libraries, reentry organizations and county mobile outreach units. Naloxone saves lives, and these new laws will help reinforce these efforts to get it into as many hands as possible in as many ways as possible.”

“Today, New Jersey is making a strong and lasting statement with several new laws that support substance use treatment, recovery and family connections,” **said New Jersey Department of Children and Families Commissioner Christine Norbut Beyer**. “Through our work in child welfare, we know that substance use and addiction are often underlying factors of family separation, with resulting trauma that can have long term, negative effects on everyone involved. This new law will help create placement stability for children who are removed due to a caregiver’s opioid abuse, and will ensure that the preference for kinship placements is preserved.”

“Today’s actions further demonstrate Governor Murphy’s commitment to end the opioid epidemic in New Jersey. By removing barriers to life-saving treatments like naloxone, and addressing the impact of addiction on families, these new laws will make it easier for people battling with substance abuse to receive the help they need and will ultimately save lives,” **said New Jersey Department of Banking and Insurance Commissioner Marlene Caride**.

"New Jersey remains resolute in its commitment to ending the addiction crisis that continues to claim lives in communities across New Jersey," **said Attorney General Gurbir S. Grewal**. "These bills bolster our efforts by expanding access to life-saving medications and giving those on the front lines additional resources to fight this epidemic."

"Taken together, these bills provide powerful tools to address the overdose epidemic," **said New Jersey Department of Health Commissioner Judith Persichilli**. "Fundamentally rooted in science, compassion and harm reduction, these bills will help reverse the tide of the overdose epidemic, which has robbed us of too many people we love. These bills come at a crucial time, especially as we worry about an uptick in overdoses as a result of the COVID-19 pandemic."

"Breaking down barriers to affordable high-quality healthcare is the hallmark of what we do at the VNACJ Community Health Center," **said Christopher R. Rinn, CEO of the VNACJ Community Health Center**. "Today's initiatives not only underscore Governor Murphy's ongoing commitment to end the opioid epidemic but also empower those at the community level to improve access to a whole host addiction services. We are especially grateful for the support of our Medication Assistant Therapy (MAT) programs. The opioid epidemic continues to impact thousands of lives in the communities we serve. Thanks to the Governor's and the Legislature's leadership, we are saving lives and empowering patients onto the journey of recovery."

"Expanding New Jersey's naloxone standing order will make it much easier for people who use drugs to access this life-saving medication," **said Jenna Mellor, Executive Director, New Jersey Harm Reduction Coalition**. "When naloxone is widely available, people who are most likely to witness an overdose can act as first responders and save the life of a friend or family member. This legislation will get naloxone into as many hands as possible, which is one of the few proven ways to prevent overdose deaths. We sincerely thank Governor Murphy, Senator Vitale, and Assemblywoman Vaineri Huttle for their leadership on this issue, and look forward to finding new ways to expand harm reduction services across the Garden State."

"The bills signed today ensure that cost, location, and stigma never stand in the way of naloxone access for people who use drugs, people who used to use drugs, and our loved ones," **said Caitlin O'Neill, Director of Harm Reduction Services and co-founder, New Jersey Harm Reduction Coalition**. "Having naloxone on-hand is critical to keeping one another alive, and this bill makes widespread naloxone distribution possible. I commend Governor Murphy, Senator Vitale, and Assemblywoman Vainieri Huttle for responding with true leadership when people who use drugs when we told you we need widespread community naloxone access to survive, and I look forward to continuing to expand harm reduction services throughout the Garden State."