

ASSEMBLY, No. 1097

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1970

By Assemblymen DENNIS, WILSON, KALTENBACHER, GOLD-
FARB, RINALDI, CAPUTO, FIORE, TURNER, SHUSTED,
ROBERTSON and MABIE

Referred to Committee on Law, Public Safety and Defense

AN ACT granting doctors, teachers and certain school personnel
immunity from civil suit for damages for certain actions in rela-
tion to persons addicted to or illegally using narcotic drugs.

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

1 1. Any fully licensed doctor of medicine or doctor of osteopathy,
2 and any resident or intern on the staff of a hospital, whether or not
3 fully licensed, who in good faith treats or renders care to a person
4 in an attempt to cure such person's addiction to narcotic drugs or
5 to curtail such person's illegal use of narcotic drugs, shall not be
6 liable for any civil damages as a result of any of his acts or omis-
7 sions in rendering such care, provided the skill and care given is
8 that ordinarily required and exercised by others in the profession,
9 or for any report he may make or fail to make regarding the per-
10 son's addiction to or illegal use of narcotic drugs.

1 2. Any teacher, administrator, guidance counselor, psychologist
2 or nurse employed by or in any of the public or private schools of
3 this State who in good faith counsels or advises a person in an
4 attempt to help such person cure his addiction to or illegal use of
5 narcotic drugs shall not be liable in civil damages as a result of
6 any of his reasonable acts or omissions, or for any report he may
7 make or fail to make regarding the person's addiction to or illegal
8 use of narcotic drugs.

1 3. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1097

STATE OF NEW JERSEY

ADOPTED FEBRUARY 16, 1971

Amend page 1, title, line 3, omit "narcotic drugs", insert "controlled dangerous substances".

Amend page 1, section 1, line 4, after "person's", delete "addiction to narcotic drugs", and insert "dependency upon controlled dangerous substances".

Amend page 1, section 1, line 5, after "of", delete "narcotic drugs", and insert "controlled dangerous substances".

Amend page 1, section 1, line 8, after "profession", delete ",", and insert ".".

Amend page 1, section 1, lines 9-10, delete in entirety.

Amend page 1, section 2, line 1, delete "administrator," and insert "," after "psychologist".

Amend page 1, section 2, line 2, before "nurse", delete "or", and insert "registered"; after "nurse", insert "or other educational personnel".

Amend page 1, section 2, line 3, after "faith", delete "counsels or advises", and insert "reports"; after "person", insert "to the school administrator or school physician".

Amend page 1, section 2, line 4, after "his", delete "addiction to", and insert "dependency upon".

Amend page 1, section 2, line 5, delete "narcotic drugs", and insert "controlled dangerous substances".

Amend page 1, section 2, lines 6, 7 and 8, delete lines in entirety, and insert "making any such report."

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By Assemblymen DENNIS, WILSON, KALTENBACHER, GOLD-
FARB, RINALDI, CAPUTO, FIORE, TURNER, SHUSTED,
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Referred to Committee on Law, Public Safety and Defense

AN ACT granting doctors, teachers and certain school personnel
immunity from civil suit for damages for certain actions in rela-
tion to persons addicted to or illegally using ***[narcotic drugs]***
controlled dangerous substances.

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

1 1. Any fully licensed doctor of medicine or doctor of osteopathy,
2 and any resident or intern on the staff of a hospital, whether or not
3 fully licensed, who in good faith treats or renders care to a person
4 in an attempt to cure such person's ***[addiction to narcotic drugs]***
5 **dependency upon controlled dangerous substances** or to curtail
6 such person's illegal use of ***[narcotic drugs]*** **controlled*
7 *dangerous substances**, shall not be liable for any civil damages as
8 a result of any of his acts or omissions in rendering such care, pro-
9 vided the skill and care given is that ordinarily required and exer-
10 cised by others in the profession ***[**, or for any report he may make
11 or fail to make regarding the person's addiction to or illegal use
12 of narcotic drugs**]***.

1 2. Any teacher, ***[administrator,]*** guidance counselor, psy-
2 chologist*, ***[or]*** **registered** nurse **or other educational per-*
3 *sonnel** employed by or in any of the public or private schools of
4 this State who in good faith ***[counsels or advises]*** **reports** a
5 person **to the school administrator or school physician** in an
6 attempt to help such person cure his ***[addiction to]*** **dependency*
7 *upon** or illegal use of ***[narcotic drugs]*** **controlled dangerous*
8 *substances** shall not be liable in civil damages as a result of ***[any**
9 of his reasonable acts or omissions, or for any report he may
10 make or fail to make regarding the person's addiction to or illegal
11 use of narcotic drugs**]*** **making any such report**.

1 3. This act shall take effect immediately.

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

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 15, 1971

ASSEMBLY BILL NO. 1097 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1097 (OCR), with my objections, for reconsideration.

This bill grants immunity to doctors and residents or interns on hospital staffs who, in good faith and using the skill and care ordinarily required and exercised, treat or attempt to treat persons dependent upon or illegally using "controlled dangerous substances." Further, it provides immunity to teachers, guidance counsellors, psychologists, registered nurses or other educational personnel in public and private schools who, in good faith, report persons to school administrators or school physicians in an attempt to cure that person's dependency upon or illegal use of "controlled dangerous substances."

I wholeheartedly and enthusiastically support the philosophy of this bill. The use and abuse of drugs (controlled dangerous substances) in all phases of life in the State has reached distressing proportions. This is most particularly so in our schools. To combat this distressing situation it is absolutely necessary that we have the complete cooperation of doctors and other medical personnel, as well as teachers, guidance counsellors and all educational personnel. In this regard it is incumbent that immunity from suit be granted to those medical personnel who, in good faith and using the appropriate reasonable skill and care, attempt to treat persons using and abusing drugs and, further, this immunity should extend to persons in the educational field who similarly, in good faith, report the use or misuse of drugs in efforts to help cure such persons.

The bill as drafted is not sufficiently comprehensive. The immunity granted with regard to persons in the medical field should extend as well to registered nurses and the administrative personnel of hospitals and clinics, including members of the medical staff and Board of Directors. Experience has shown that these additional persons

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 1097 (OCR)

- 2 -

are quite frequently subject to suits in these matters. Further, the bill is limited to drugs which are defined as "controlled dangerous substances." It should also encompass the use and abuse of chemicals or compounds which release vapors or fumes which are inhaled for the purpose of causing a condition of intoxication, inebriation, excitement or other abnormal conditions of the brain or nervous system. This particular area is covered in P.L. 1965, chapter 41. It is separate and apart from the subject of "controlled dangerous substances" pursuant to P.L. 1970, chapter 226.

With regard to the reporting of drug use by educational personnel the term "school administrator" may be confusing. I would recommend this term be replaced by the phrase "principal or his designee." Since "medical inspector" is the proper term for school doctors in public schools, I would recommend the term "medical inspector" be added as one of the persons to whom such reports may be made. For the same reason I would also include "school nurse."

Accordingly, I herewith return Assembly Bill No. 1097 (OCR) for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Line 1: After "osteopathy," insert "or registered nurse,"

On Page 1, Section 1, Line 5: After "substances" insert "as defined in P.L. 1970, chapter 226, section 1 (C.24:24-1)"

On Page 1, Section 1, Line 7: After "substances," insert "or any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including but not limited to glue containing a solvent having the property of

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 1097 (OCR)

- 3 -

releasing toxic vapors or fumes, as defined in
P.L. 1965, chapter 41, section 1, (C.2A:170-25.9)"

On Page 1, Section 1, after Line 12: Insert "The grant of
immunity provided for herein shall also extend to the
administrative personnel including all members of
the medical staff and Board of Directors of hospitals
and clinics treating such persons."

On Page 1, Section 2, Line 5: Delete "school administrator" and
insert "principal or his designee or to the medical
inspector"

On Page 1, Section 2, Line 5: After "school physician" insert
"or school nurse"

On Page 1, Section 2, Line 8: After "substances" insert "as
defined in P.L. 1970, chapter 226, section 1,
(C.24:21-1), or such chemical or chemical compound
as defined in P.L. 1965, chapter 41, section 1,
(C.2A:170-25.9),"

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1097
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STATE OF NEW JERSEY

ADOPTED NOVEMBER 15, 1971

Amend page 1, section 1, line 1, after "osteopathy," insert "or registered nurse,".

Amend page 1, section 1, line 5, after "substances", insert "as defined in P. L. 1970, chapter 226, section 2 (C. 24:24-2)".

Amend page 1, section 1, line 7, after "substances," insert "or any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in P. L. 1965, chapter 41, section 1 (C. 2A:170-25.9)".

Amend page 1, section 1, after line 12, insert "The grant of immunity provided for herein shall also extend to the administrative personnel including all members of the medical staff and board of directors of hospitals and clinics treating such persons.".

Amend page 1, section 2, line 5, delete "school administrator", and insert "principal or his designee or to the medical inspector".

Amend page 1, section 2, line 5, after "school physician", insert "or school nurse".

Amend page 1, section 2, line 8, after "substances", insert "as defined in P. L. 1970, chapter 226, section 2 (C. 24:21-2), or such chemical or chemical compound as defined in P. L. 1965, chapter 41, section 1 (C. 2A:170-25.9)".

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ASSEMBLY, No. 1097

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1970

By Assemblymen DENNIS, WILSON, KALTENBACHER, GOLDFARB, RINALDI, CAPUTO, FIORE, TURNER, SHUSTED, ROBERTSON and MABIE

Referred to Committee on Law, Public Safety and Defense

AN ACT granting doctors, teachers and certain school personnel immunity from civil suit for damages for certain actions in relation to persons addicted to or illegally using ***[narcotic drugs]*** **controlled dangerous substances**.

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

1 1. Any fully licensed doctor of medicine or doctor of osteopathy,
2 ****or registered nurse,**** and any resident or intern on the staff of
3 a hospital, whether or not fully licensed, who in good faith treats
4 or renders care to a person in an attempt to cure such person's
5 ***[addiction to narcotic drugs]*** **dependency upon controlled*
6 *dangerous substances** ****as defined in P. L. 1970, chapter 226,**
7 *section 2 (C. 24:24-2)*** or to curtail such person's illegal use of
8 ***[narcotic drugs]*** **controlled dangerous substances**, ****or any**
9 *chemical or chemical compound which releases vapor or fumes*
10 *causing a condition of intoxication, inebriation, excitement, stupe-*
11 *fication, or dulling of the brain or nervous system, including but*
12 *not limited to glue containing a solvent having the property of*
13 *releasing toxic vapors or fumes, as defined in P. L. 1965 chapter*
14 *41, section 1 (C. 2A:170-25.9)*** shall not be liable for any civil
15 damages as a result of any of his acts or omissions in rendering
16 such care, provided the skill and care given is that ordinarily re-
17 quired and exercised by others in the profession ***[**, or for any
18 report he may make or fail to make regarding the person's addic-
19 tion to or illegal use of narcotic drugs **]***. ****The grant of immunity**
20 *provided for herein shall also extend to the administrative per-*
21 *sonnel including all members of the medical staff and board of*
22 *directors of hospitals and clinics treating such persons.***

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

1 2. Any teacher, ***[administrator,]** guidance counselor, psy-
2 chologist*, ***[or]** **registered** nurse **or other educational per-*
3 *sonnel** employed by or in any of the public or private schools of
4 this State who in good faith ***[counsels or advises]** **reports** a
5 person **to the* ****[school administrator]**** ***principal or his desig-*
6 *nee or to the medical inspector** or school physician* **or school*
7 *nurse*** in an attempt to help such person cure his ***[addiction to]**
8 **dependency upon** or illegal use of ***[narcotic drugs]** **controlled*
9 *dangerous substances* **as defined in P. L. 1970, chapter 226,*
10 *section 2 (C. 24:21-2), or such chemical or chemical compound as*
11 *defined in P. L. 1965, chapter 41, section 1 (C. 2A:170-25.9),***
12 shall not be liable in civil damages as a result of ***[any of his**
13 reasonable acts or omissions, or for any report he may make or
14 fail to make regarding the person's addiction to or illegal use
15 of narcotic drugs] **making any such report**.

1 3. This act shall take effect immediately.