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P.L. 1999, CHAPTER 320, *approved January 6, 2000*

Senate, No. 1370 (*First Reprint*)

1 **AN ACT** concerning school-based drug and alcohol abuse counseling
2 programs and amending P.L.1997, c.362.

3

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

6

7 1. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended to
8 read as follows:

9 1. a. Except as provided by section 3 of P.L.1971, c.437
10 (C.9:6-8.10), if a public or private elementary or secondary school
11 pupil who is participating in a school-based drug and alcohol abuse
12 counseling program provides information during the course of a
13 counseling session in that program which indicates that the pupil's
14 parent or guardian or other person residing in the pupil's household is
15 dependent upon or illegally using a substance as that term is defined
16 in section 2 of P.L.1987, c.387 (C.18A:40A-9), that information shall
17 be kept confidential and may be disclosed only under the
18 circumstances expressly authorized under subsection b. of this section.

19 b. The information provided by a pupil pursuant to subsection a.
20 of this section may be disclosed:

21 (1) subject to the pupil's written consent, to another person or
22 entity whom the pupil specifies in writing ¹in the case of a secondary
23 school pupil, or to a member of the pupil's immediate family or the
24 appropriate school personnel in the case of an elementary school
25 pupil¹;

26 (2) pursuant to a court order;

27 (3) to a person engaged in a bona fide research purpose, except
28 that no names or other information identifying the pupil or the person
29 with respect to whose substance abuse the information was provided,
30 shall be made available to the researcher; or

31 (4) to the Division of Youth and Family Services or to a law
32 enforcement agency, if the information would cause a person to
33 reasonably suspect that the elementary or secondary school pupil or
34 another child may be an abused or neglected child as the terms are
35 used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971,
36 c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

37 c. Any disclosure made pursuant to paragraph (1) or (2) of
38 subsection b. of this section shall be limited to that information which
39 is necessary to carry out the purpose of the disclosure, and the person
40 or entity to whom the information is disclosed shall be prohibited from

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:

¹ Senate SED committee amendments adopted February 18, 1999.

1 making any further disclosure of that information without the pupil's
2 written consent. The disclosure shall be accompanied by a written
3 statement advising the recipient that the information is being disclosed
4 from records the confidentiality of which is protected by P.L.1997,
5 c.362 (C.18A:40A-7.1 et seq.), and that this law prohibits any further
6 disclosure of this information without the written consent of the
7 person from whom the information originated. Nothing in this act
8 shall be construed as prohibiting the Division of Youth and Family
9 Services or a law enforcement agency from using or disclosing the
10 information in the course of conducting an investigation or
11 prosecution. Nothing in this act shall be construed as authorizing the
12 violation of any federal law.

13 d. The prohibition on the disclosure of information provided by
14 a pupil pursuant to subsection a. of this section shall apply whether the
15 person to whom the information was provided believes that the person
16 seeking the information already has it, has other means of obtaining it,
17 is a law enforcement or other public official, has obtained a subpoena,
18 or asserts any other justification for the disclosure of this information.
19 (cf: P.L.1997, c.362, s.1)

20

21 2. This act shall take effect immediately.

22

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24

25

26 Extends confidentiality of certain information provided by secondary
27 school students in school-based drug and alcohol abuse counseling
28 programs to elementary school students.

SENATE, No. 1370

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED SEPTEMBER 24, 1998

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Extends confidentiality of certain information provided by secondary school students in school-based drug and alcohol abuse counseling programs to elementary school students.

CURRENT VERSION OF TEXT

As introduced.



S1370 CAFIERO

2

1 AN ACT concerning school-based drug and alcohol abuse counseling
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3

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10 (C.9:6-8.10), if a public or private elementary or secondary school
11 pupil who is participating in a school-based drug and alcohol abuse
12 counseling program provides information during the course of a
13 counseling session in that program which indicates that the pupil's
14 parent or guardian or other person residing in the pupil's household is
15 dependent upon or illegally using a substance as that term is defined
16 in section 2 of P.L.1987, c.387 (C.18A:40A-9), that information shall
17 be kept confidential and may be disclosed only under the
18 circumstances expressly authorized under subsection b. of this section.

19 b. The information provided by a pupil pursuant to subsection a.
20 of this section may be disclosed:

21 (1) subject to the pupil's written consent, to another person or
22 entity whom the pupil specifies in writing;

23 (2) pursuant to a court order;

24 (3) to a person engaged in a bona fide research purpose, except
25 that no names or other information identifying the pupil or the person
26 with respect to whose substance abuse the information was provided,
27 shall be made available to the researcher; or

28 (4) to the Division of Youth and Family Services or to a law
29 enforcement agency, if the information would cause a person to
30 reasonably suspect that the elementary or secondary school pupil or
31 another child may be an abused or neglected child as the terms are
32 used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971,
33 c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

34 c. Any disclosure made pursuant to paragraph (1) or (2) of
35 subsection b. of this section shall be limited to that information which
36 is necessary to carry out the purpose of the disclosure, and the person
37 or entity to whom the information is disclosed shall be prohibited from
38 making any further disclosure of that information without the pupil's
39 written consent. The disclosure shall be accompanied by a written
40 statement advising the recipient that the information is being disclosed
41 from records the confidentiality of which is protected by P.L.1997,
42 c.362 (C.18A:40A-7.1 et seq.), and that this law prohibits any further
43 disclosure of this information without the written consent of the

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

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1 person from whom the information originated. Nothing in this act
2 shall be construed as prohibiting the Division of Youth and Family
3 Services or a law enforcement agency from using or disclosing the
4 information in the course of conducting an investigation or
5 prosecution. Nothing in this act shall be construed as authorizing the
6 violation of any federal law.

7 d. The prohibition on the disclosure of information provided by
8 a pupil pursuant to subsection a. of this section shall apply whether the
9 person to whom the information was provided believes that the person
10 seeking the information already has it, has other means of obtaining it,
11 is a law enforcement or other public official, has obtained a subpoena,
12 or asserts any other justification for the disclosure of this information.
13 (cf: P.L.1997, c.362, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill amends P.L.1997, c.362 to include elementary school
21 students within the law's provisions. That law in its current form
22 provides that if a secondary school student who is participating in a
23 school-based drug and alcohol abuse counseling program provides
24 information during the course of a counseling session in that program
25 which indicates that the student's parent or guardian or other person
26 residing in the student's household is dependent upon or is using an
27 illegal substance, then that information must be kept confidential and
28 may only be disclosed under the circumstances expressly authorized in
29 the law. This bill will extend that same confidentiality to information
30 provided by elementary school students.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1370

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Assembly Education Committee favorably reports Senate Bill No. 1370 (1R).

This bill amends P.L.1997, c.362 to include elementary school students within the law's provisions. Under that law, if a secondary school student who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in the program which indicates that the student's parent or guardian or other person residing in the student's household is dependent upon or is using an illegal substance, then that information must be kept confidential and may only be disclosed under the circumstances expressly authorized in the law. This bill will extend that same confidentiality to information provided by elementary school students.

As reported by committee, this bill is identical to Assembly Bill No. 2476 with Assembly committee amendments.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1370

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Education Committee reports favorably Senate Bill No.1370 with committee amendments.

As amended, this bill amends P.L.1997, c.362 to include elementary school students within the law's provisions. Under that law, if a secondary school student who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in the program which indicates that the student's parent or guardian or other person residing in the student's household is dependent upon or is using an illegal substance, then that information must be kept confidential and may only be disclosed under the circumstances expressly authorized in the law. This bill will extend that same confidentiality to information provided by elementary school students.

An amendment was adopted which provides that information provided by an elementary school pupil may be disclosed, subject to the pupil's written consent, to a member of the pupil's immediate family or the appropriate school personnel. The committee reported the bill with the understanding that the Department of Education would define "immediate family" in regulations.

ASSEMBLY, No. 2476

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED OCTOBER 5, 1998

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblymen LeFevre, Blee and Conaway

SYNOPSIS

Extends confidentiality of certain information provided by secondary school students in school-based drug and alcohol abuse counseling programs to elementary school students.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/4/1999)

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18 circumstances expressly authorized under subsection b. of this section.

19 b. The information provided by a pupil pursuant to subsection a.
20 of this section may be disclosed:

21 (1) subject to the pupil's written consent, to another person or
22 entity whom the pupil specifies in writing;

23 (2) pursuant to a court order;

24 (3) to a person engaged in a bona fide research purpose, except
25 that no names or other information identifying the pupil or the person
26 with respect to whose substance abuse the information was provided,
27 shall be made available to the researcher; or

28 (4) to the Division of Youth and Family Services or to a law
29 enforcement agency, if the information would cause a person to
30 reasonably suspect that the elementary or secondary school pupil or
31 another child may be an abused or neglected child as the terms are
32 used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971,
33 c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

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29 the law. This bill will extend that same confidentiality to information
30 provided by elementary school students.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2476

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Assembly Education Committee favorably reports Assembly Bill No. 2476 with committee amendments.

As amended by committee, this bill amends P.L.1997, c.362 to include elementary school students within the law's provisions. Under that law, if a secondary school student who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in the program which indicates that the student's parent or guardian or other person residing in the student's household is dependent upon or is using an illegal substance, then that information must be kept confidential and may only be disclosed under the circumstances expressly authorized in the law. This bill will extend that same confidentiality to information provided by elementary school students.

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As amended by committee, this bill is identical to Senate Bill No. 1370 (1R).

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: January 6, 2000

Gov. Christie Whitman today signed the following pieces of legislation:

S-1551, sponsored by Senators Nicholas J. Sacco (D-Bergen/Hudson) and Henry P. McNamara (R-Bergen/Passaic) and Assembly Members John E. Rooney (R-Bergen) and David C. Russo (R-Bergen/Passaic), authorizes the board of education of a school district to apply to the economic Development Administration (EDA) for an interest-free loan for the costs of cleaning up a leaking tank, or upgrading or closing a regulated tank.

S-2013, sponsored by Senators Norman M. Robertson (R-Essex/Passaic) and William L. Gormley (R-Atlantic) and Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Anthony M. Impreveduto (D-Bergen/Hudson), prohibits physicians, chiropractors, and other health care professionals from soliciting professional employment from accident and disaster victims within the 30-day period after the accident or disaster. The bill also provides for a criminal penalty against attorneys who violate the rules of professional conduct by contacting victims.

SCS for S-1613, sponsored by Senators C. Louis Bassano (R-Essex/Union) and Henry P. McNamara (R-Bergen/Passaic) and Assembly Members John E. Rooney (R-Bergen) and David C. Russo (R-Bergen/Passaic), establishes a certification requirement for persons removing or installing an unregulated storage tank. Unregulated storage tanks are those used for residential purposes and non-residential tanks under 2000 gallons.

S-1941, sponsored by Senators Richard J. Codey (D-Essex) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Jack Collins (R-Salem/Cumberland/Gloucester), establishes the Senator Wynona Lipman Chair in Political Leadership at the Center for the American Woman and Politics at the Eagleton Institute of Politics. The bill appropriates \$100,000 to finance the chair. The bill is a tribute to the late Senator Lipman.

S-908, sponsored by Senators Joseph A. Palaia (R-Monmouth) and John Matheussen (R-Camden/Gloucester) and Assembly Member Tom Smith (R-Monmouth) reduces the minimum eligibility age for membership in the Junior Firemen's Auxiliary from 16 to 14.

S-1370, sponsored by Senator James S. Cafiero (R-Atlantic/Cape May/Cumberland) and Assembly Members John C. Gibson (R-Atlantic/Cape May/Cumberland) and Nicholas Asselta (R-Atlantic/Cape May/Cumberland), extends to elementary students certain drug counseling-related confidentiality protections currently available to secondary students. The bill is intended to encourage students to seek out drug counseling and foster greater communication between students and counselors.

S-1061, sponsored by Senators Martha W. Bark (R-Atlantic/Burlington/Camden) and John A. Girgenti (D-Passaic) and Assembly Members Richard A. Merkt (R-Morris) and Michael Patrick Carroll (R-Morris), repeals, recodifies and supplements a number of statutes dealing with evidence and service of process. The bill embodies the recommendations of the New Jersey Law Revision Commission, which in 1996 undertook a review of these statutes.

S-273, sponsored by the late Senator Wynona Lipman (D-Essex/Union) and Assembly Member Craig A. Stanley (D-Essex), grants voting rights to student members of the Commission on Higher Education.

S-1954, sponsored by Senators C. Louis Bassano (R-Essex/Union) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Kevin J. O'Toole (R-Essex/ Union) and Joel M. Weingarten (R-Essex/Union), permits the Governor to appoint up to three out-of-state alumni to the boards of trustees of each of the nine state colleges and universities. Previously, all members of the boards of trustees were required to be citizens of New Jersey.

A-2392, sponsored by Assembly Members Paul DiGaetano (R- Bergen/Essex/Passaic) and Doria (D-Hudson) and Senator C. Louis Bassano (R- Essex/Union), permits a chiropractor licensed to practice in New Jersey (or a bordering state) to certify a person as handicapped for purposes of handicapped parking. Under previous law, only a licensed physician or podiatrist could grant this certification.

A-2781, sponsored by Assembly Members Connie Myers (R- Warren/Hunterdon/Mercer) and Guy R. Gregg (R-Sussex/Hunterdon/Morris) and Senator Martha W. Bark (R-Atlantic/ Burlington/Camden), allows the issuance of a permit to farmers to kill deer because of crop damage incurred anytime in the prior year. In order to receive the special permit, the bill allows the Division of Fish and Wildlife to require a farmer to demonstrate that he or she has sustained crop damage due to deer during the previous 12- month period.

S-401, sponsored by Senator Robert E. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Paul R. Kramer (R-Mercer/Middlesex) and Marion Crecco (R-Essex/Passaic), criminalizes "jumping" emergency calls. The bill's purpose is to enhance public safety by preventing persons from disrupting medical personnel and firefighters during emergencies. As a result of the bill, it is now a fourth-degree crime to use intercepted information to interfere with fire fighting operations or the provision of medical services by first aid, rescue or ambulance squad personnel.

A-3250, sponsored by Assembly Members Richard A. Merkt (R-Morris) and Guy R. Gregg (R-Sussex/ Hunterdon/Morris) and Senators Louis F. Kosco (R- Bergen) and Dr. Gerald Cardinale (R-Bergen), forbids tax stamping, and therefore, the sale of re-imported cigarettes originally produced for export. The bill attempts to ban gray market cigarettes by amending the Cigarette Tax Act to prohibit tobacco distributors from affixing cigarette tax stamps on cigarette packages that are repatriated. There are currently 24 states that have enacted similar legislation.