

ASSEMBLY, No. 5096

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 23, 2023

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**Assemblywoman Swift, Assemblymen Benson, Conaway, Assemblywomen
Piperno, Eulner, Assemblyman Stanley, Assemblywomen Jimenez, Speight
and Assemblyman Atkins**

SYNOPSIS

Replaces statutory terms regarding alcohol and substance use.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2023)

1 AN ACT concerning alcohol and substance use and amending
2 various parts of the statutory law.

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.2015, c.89 (C.2A:4A-26.1) is amended to
8 read as follows:

9 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
10 delinquency case by the Superior Court, Chancery Division, Family
11 Part to an appropriate court and prosecuting authority without the
12 consent of the juvenile shall file a motion within 60 days after the
13 receipt of the complaint, which time may be extended for good
14 cause shown. The motion shall be accompanied by a written
15 statement of reasons clearly setting forth the facts used in assessing
16 all factors contained in paragraph (3) of subsection c. of this
17 section, together with an explanation as to how evaluation of those
18 facts support waiver for each particular juvenile.

19 b. At a hearing, the court shall receive the evidence offered by
20 the State and by the juvenile. The State shall provide proof to
21 satisfy the requirements set forth in paragraphs (1) and (2) of
22 subsection c. of this section. The court also shall review whether the
23 State considered the factors set forth in paragraph (3) of subsection
24 c. of this section.

25 c. Except as provided in paragraph (3) of this subsection, the
26 court shall waive jurisdiction of a juvenile delinquency case without
27 the juvenile's consent and shall refer the case to the appropriate
28 court and prosecuting authority having jurisdiction if:

29 (1) The juvenile was 15 years of age or older at the time of the
30 alleged delinquent act; and

31 (2) There is probable cause to believe that the juvenile
32 committed a delinquent act which if committed by an adult would
33 constitute:

34 (a) criminal homicide, other than death by auto;

35 (b) strict liability for drug-induced deaths;

36 (c) first degree robbery;

37 (d) carjacking;

38 (e) aggravated sexual assault;

39 (f) sexual assault;

40 (g) second degree aggravated assault;

41 (h) kidnapping;

42 (i) aggravated arson;

43 (j) possession of a firearm with a purpose to use it unlawfully
44 against the person of another under subsection a. of N.J.S.2C:39-4,
45 or possession of a firearm while committing or attempting to

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.

1 commit, including the immediate flight therefrom, aggravated
2 assault, aggravated criminal sexual contact, burglary, or escape;

3 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics
4 Trafficking Network);

5 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
6 CDS Production Facility);

7 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
8 (Weapons Possession while Committing certain CDS Offenses);

9 (n) an attempt or conspiracy to commit any of the crimes
10 enumerated in subparagraphs (a) through (m) of this paragraph; or

11 (o) a crime committed at a time when the juvenile previously
12 had been sentenced and confined in an adult correctional facility.

13 (3) The court may deny a motion by the prosecutor to waive
14 jurisdiction of a juvenile delinquency case if it is clearly convinced
15 that the prosecutor abused his discretion in considering the
16 following factors in deciding whether to seek a waiver:

17 (a) The nature and circumstances of the offense charged;

18 (b) Whether the offense was against a person or property,
19 allocating more weight for crimes against the person;

20 (c) Degree of the juvenile's culpability;

21 (d) Age and maturity of the juvenile;

22 (e) Any classification that the juvenile is eligible for special
23 education to the extent this information is provided to the
24 prosecution by the juvenile or by the court;

25 (f) Degree of criminal sophistication exhibited by the juvenile;

26 (g) Nature and extent of any prior history of delinquency of the
27 juvenile and dispositions imposed for those adjudications;

28 (h) If the juvenile previously served a custodial disposition in a
29 State juvenile facility operated by the Juvenile Justice Commission,
30 and the response of the juvenile to the programs provided at the
31 facility to the extent this information is provided to the prosecution
32 by the Juvenile Justice Commission;

33 (i) Current or prior involvement of the juvenile with child
34 welfare agencies;

35 (j) Evidence of mental health concerns, substance **[abuse]** use
36 disorder, or emotional instability of the juvenile to the extent this
37 information is provided to the prosecution by the juvenile or by the
38 court; and

39 (k) If there is an identifiable victim, the input of the victim or
40 victim's family.

41 The Attorney General may develop for dissemination to the
42 county prosecutors those guidelines or directives deemed necessary
43 or appropriate to ensure the uniform application of this section
44 throughout the State.

45 d. An order waiving jurisdiction over a case and referring the
46 case to the appropriate court and prosecuting authority shall specify
47 the alleged act upon which the referral is based and all other

1 delinquent acts charged against the juvenile arising out of or related
2 to the same transaction.

3 e. Testimony of a juvenile at a hearing to determine referral
4 under this section shall not be admissible for any purpose in any
5 subsequent hearing to determine delinquency or guilt of any
6 offense.

7 f. Upon waiver of jurisdiction and referral to the appropriate
8 court and prosecuting authority having jurisdiction:

9 (1) The case shall proceed as if it originated in that court and
10 shall be subject to the sentencing provisions available to that court;
11 provided, however, upon conviction for any offense which is
12 subject to waiver pursuant to paragraph (2) of subsection c. of this
13 section, there shall be a presumption that the juvenile shall serve
14 any custodial sentence imposed in a State juvenile facility operated
15 by the Juvenile Justice Commission until the juvenile reaches the
16 age of 21, except that:

17 (a) a juvenile who has not reached the age of 21 may, in the
18 discretion of the Juvenile Justice Commission, be transferred to the
19 Department of Corrections in accordance with the plan established
20 pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-
21 175) and regulations adopted pursuant to that section; and

22 (b) a juvenile who has reached or exceeds the age of 21 may
23 continue to serve a sentence in a State juvenile facility operated by
24 the Juvenile Justice Commission in the discretion of the Juvenile
25 Justice Commission and if the juvenile so consents; otherwise the
26 juvenile shall serve the remainder of the custodial sentence in a
27 State correctional facility;

28 (2) If a juvenile is not convicted of an offense set forth in
29 paragraph (2) of subsection c. of this section, a conviction for any
30 other offense shall be deemed a juvenile adjudication and be
31 remanded to the Superior Court, Chancery Division, Family Part for
32 disposition, in accordance with the dispositional options available
33 to that court and all records related to the act of delinquency shall
34 be subject to the provisions of section 1 of P.L.1982, c.79
35 (C.2A:4A-60);

36 (3) With the consent of the defense and the prosecutor, at any
37 point in the proceedings subsequent to the decision ordering waiver
38 the court may remand to the Superior Court, Chancery Division,
39 Family Part if it appears that:

40 (a) the interests of the public and the best interests of the
41 juvenile require access to programs or procedures uniquely
42 available to that court; and

43 (b) the interests of the public are no longer served by waiver.

44 g. (1) The Juvenile Justice Commission, in consultation with the
45 Attorney General, shall establish a program to collect, record, and
46 analyze data regarding waiver of jurisdiction of a juvenile
47 delinquency case by the Superior Court, Chancery Division, Family
48 Part to an appropriate court and prosecuting authority. In

1 furtherance of this program, the Juvenile Justice Commission shall,
 2 in cooperation with the Administrative Office of the Courts,
 3 Attorney General, and county prosecutors, collect data related to the
 4 decision to seek waiver of jurisdiction of a juvenile delinquency
 5 case, which shall include but not be limited to data concerning:

6 (a) youth demographics, including age, gender, race, and
 7 ethnicity;

8 (b) case characteristics, including the degree of the offense
 9 waived, the degree of the offense convicted, and the final court
 10 resolution;

11 (c) case processing times; and

12 (d) waiver rates by race and ethnicity.

13 (2) The commission shall prepare and publish on its Internet
 14 website biennial reports summarizing the data collected, recorded,
 15 and analyzed pursuant to paragraph (1) of this subsection.

16 (3) The commission shall, pursuant to section 2 of P.L. 1991,
 17 c.164 (C.52:14-19.1), biennially prepare and transmit to the
 18 Governor and the Legislature the reports required in paragraph (2)
 19 of this subsection, along with any recommendations the commission
 20 may have for legislation concerning waiver of jurisdiction of
 21 juvenile delinquency cases.

22 (cf: P.L.2015, c.89, s.1)

23

24 2. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
 25 as follows:

26 25. Incarceration--Aggravating and mitigating factors

27 a. (1) In determining whether incarceration is an appropriate
 28 disposition and in addition to the considerations set forth in
 29 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court
 30 shall consider the following aggravating circumstances:

31 (a) The fact that the nature and circumstances of the act, and the
 32 role of the juvenile therein, was committed in an especially heinous,
 33 cruel, or depraved manner;

34 (b) The fact that there was grave and serious harm inflicted on
 35 the victim and that based upon the juvenile's age or mental capacity
 36 the juvenile knew or reasonably should have known that the victim
 37 was particularly vulnerable or incapable of resistance due to
 38 advanced age, disability, ill-health, or extreme youth, or was for any
 39 other reason substantially incapable;

40 (c) The character and attitude of the juvenile indicate that the
 41 juvenile is likely to commit another delinquent or criminal act;

42 (d) The juvenile's prior record and the seriousness of any acts
 43 for which the juvenile has been adjudicated delinquent;

44 (e) The fact that the juvenile committed the act pursuant to an
 45 agreement that the juvenile either pay or be paid for the commission
 46 of the act and that the pecuniary incentive was beyond that inherent
 47 in the act itself;

- 1 (f) The fact that the juvenile committed the act against a
- 2 policeman or other law enforcement officer, correctional employee
- 3 or fireman, acting in the performance of his duties while in uniform
- 4 or exhibiting evidence of his authority, or the juvenile committed
- 5 the act because of the status of the victim as a public servant;
- 6 (g) The need for deterring the juvenile and others from violating
- 7 the law;
- 8 (h) The fact that the juvenile knowingly conspired with others as
- 9 an organizer, supervisor, or manager to commit continuing criminal
- 10 activity in concert with two or more persons and the circumstances
- 11 of the crime show that he has knowingly devoted himself to
- 12 criminal activity as part of an ongoing business activity;
- 13 (i) The fact that the juvenile on two separate occasions was
- 14 adjudged a delinquent on the basis of acts which if committed by an
- 15 adult would constitute crimes;
- 16 (j) The impact of the offense on the victim or victims;
- 17 (k) The impact of the offense on the community; and
- 18 (l) The threat to the safety of the public or any individual posed
- 19 by the child.
- 20 (2) In determining whether incarceration is an appropriate
- 21 disposition the court shall consider the following mitigating
- 22 circumstances:
- 23 (a) The child is under the age of 14;
- 24 (b) The juvenile's conduct neither caused nor threatened serious
- 25 harm;
- 26 (c) The juvenile did not contemplate that the juvenile's conduct
- 27 would cause or threaten serious harm;
- 28 (d) The juvenile acted under a strong provocation;
- 29 (e) There were substantial grounds tending to excuse or justify
- 30 the juvenile's conduct, though failing to establish a defense;
- 31 (f) The victim of the juvenile's conduct induced or facilitated its
- 32 commission;
- 33 (g) The juvenile has compensated or will compensate the victim
- 34 for the damage or injury that the victim has sustained, or will
- 35 participate in a program of community service;
- 36 (h) The juvenile has no history of prior delinquency or criminal
- 37 activity or has led a law-abiding life for a substantial period of time
- 38 before the commission of the present act;
- 39 (i) The juvenile's conduct was the result of circumstances
- 40 unlikely to recur;
- 41 (j) The character and attitude of the juvenile indicate that the
- 42 juvenile is unlikely to commit another delinquent or criminal act;
- 43 (k) The juvenile is particularly likely to respond affirmatively to
- 44 noncustodial treatment;
- 45 (l) The separation of the juvenile from the juvenile's family by
- 46 incarceration of the juvenile would entail excessive hardship to the
- 47 juvenile or the juvenile's family;

1 (m) The willingness of the juvenile to cooperate with law
2 enforcement authorities;

3 (n) The conduct of the juvenile was substantially influenced by
4 another person more mature than the juvenile.

5 b. (1) There shall be a presumption of nonincarceration for any
6 crime or offense of the fourth degree or less committed by a
7 juvenile who has not previously been adjudicated delinquent or
8 convicted of a crime or offense.

9 (2) Where incarceration is imposed, the court and a panel
10 comprised of at least two members of the Juvenile Justice
11 Commission designated by the executive director and a member of
12 the State Parole Board designated by the chairman shall consider
13 the juvenile's eligibility for release pursuant to the provisions of
14 subsection d. of this section.

15 c. The following juveniles shall not be committed to a State
16 juvenile facility:

17 (1) Juveniles age 11 or under unless adjudicated delinquent for
18 the crime of arson or a crime which, if committed by an adult,
19 would be a crime of the first or second degree; and

20 (2) Juveniles who are developmentally disabled as defined in
21 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82
22 (C.30:6D-3).

23 d. (1) When the court determines that, based on the consideration
24 of all the factors set forth in subsection a., the juvenile shall be
25 incarcerated, unless it orders the incarceration pursuant to
26 subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall
27 state on the record the reasons for imposing incarceration, including
28 any findings with regard to these factors, and commit the juvenile to
29 the custody of the Juvenile Justice Commission which shall provide
30 for the juvenile's placement in a suitable juvenile facility pursuant
31 to the conditions set forth in this subsection and for terms not to
32 exceed the maximum terms as provided herein for what would
33 constitute the following crimes if committed by an adult:

34 (a) Murder under 2C:11-3a(1) or (2) 20 years
35 (b) Murder under 2C:11-3a(3) 10 years
36 (c) Crime of the first degree, except murder 4 years
37 (d) Crime of the second degree 3 years
38 (e) Crime of the third degree 2 years
39 (f) Crime of the fourth degree 1 year
40 (g) Disorderly persons offense 6 months

41 (2) The period of confinement shall continue until the panel
42 established pursuant to subsection b. of this section determines that
43 the person is eligible for early release on parole or until expiration
44 of the term of confinement, whichever shall occur first; except that
45 in no case shall the period of confinement and parole exceed the
46 maximum provided by law for the offense. A juvenile shall be
47 granted early release on parole when it appears that the juvenile has
48 made substantial progress toward positive behavioral adjustment

1 and rehabilitative goals articulated by the panel established pursuant
2 to subsection b. of this section to the juvenile. However, if a
3 juvenile is approved for parole by the panel established pursuant to
4 subsection b. of this section prior to serving one-third of any term
5 imposed for any crime of the first, second, or third degree,
6 including any extended term imposed pursuant to paragraph (3) or
7 (4) of this subsection, or one-fourth of any term imposed for any
8 other crime the granting of parole shall be subject to approval of the
9 sentencing court. Prior to approving parole, the court shall give the
10 prosecuting attorney notice and an opportunity to be heard. If the
11 court denies the parole of a juvenile pursuant to this paragraph it
12 shall state its reasons in writing and notify the panel established
13 pursuant to subsection b. of this section, the juvenile, and the
14 juvenile's attorney. The court shall have 30 days from the date of
15 notice of the pending parole to exercise the power granted under
16 this paragraph. If the court does not respond within that time
17 period, the parole will be deemed approved.

18 The panel established pursuant to subsection b. of this section
19 shall determine at the time of release the conditions of parole,
20 which shall be appropriately tailored to the needs of each juvenile.
21 Any conditions imposed at the time of release or modified
22 thereafter as a graduated intervention in lieu of initiating parole
23 revocation proceedings shall constitute the least restrictive
24 alternatives necessary to promote the successful return of the
25 juvenile to the community. The juvenile shall not be required to
26 enter or complete a residential community release program,
27 residential treatment program, or other out-of-home placement as a
28 condition of parole unless it is determined that the condition is
29 necessary to protect the safety of the juvenile.

30 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
31 seq.) who is released on parole prior to the expiration of the
32 juvenile's maximum term may be retained under parole supervision
33 for a period not exceeding the unserved portion of the term. The
34 panel established pursuant to subsection b. of this section, the
35 juvenile, the juvenile's attorney, the juvenile's parent or guardian or,
36 with leave of the court any other interested party, may make a
37 motion to the court, with notice to the prosecuting attorney, for the
38 return of the juvenile from a juvenile facility prior to the juvenile's
39 parole and provide for an alternative disposition which would not
40 exceed the duration of the original time to be served in the facility.

41 (3) Upon application by the prosecutor, the court may sentence a
42 juvenile who has been convicted of a crime of the first, second, or
43 third degree if committed by an adult, to an extended term of
44 incarceration beyond the maximum set forth in paragraph (1) of this
45 subsection, if it finds that the juvenile was previously adjudged
46 delinquent on at least two separate occasions, for offenses which, if
47 committed by an adult, would constitute a crime of the first or
48 second degree. The extended term shall not exceed five additional

1 years for an act which would constitute murder and shall not exceed
2 three additional years for all other crimes of the first degree and
3 shall not exceed two additional years for a crime of the second
4 degree, if committed by an adult, and one additional year for a
5 crime of the third degree, if committed by an adult.

6 (4) Upon application by the prosecutor, when a juvenile is
7 before the court at one time for disposition of three or more
8 unrelated offenses which, if committed by an adult, would
9 constitute crimes of the first, second or third degree and which are
10 not part of the same transaction, the court may sentence the juvenile
11 to an extended term of incarceration not to exceed the maximum of
12 the permissible term for the most serious offense for which the
13 juvenile has been adjudicated plus two additional years.

14 (5) The panel established pursuant to subsection b. of this
15 section may impose a term of post-incarceration supervision
16 following the juvenile's release from custody only if it is deemed
17 necessary to effectuate the juvenile's rehabilitation and reintegration
18 into society. Post-incarceration supervision shall not exceed six
19 months, except the term may be extended for an additional six
20 months if the panel established pursuant to subsection b. of this
21 section deems continuation of the post-incarceration supervision
22 necessary to effectuate the juvenile's rehabilitation and reintegration
23 into society. Post-incarceration supervision shall not exceed one
24 year. Post-incarceration supervision shall not be imposed on any
25 juvenile who has completed a period of parole supervision of six
26 months or more. The term of post-incarceration supervision shall
27 commence on the date of the expiration of the juvenile's maximum
28 sentence. During the term of post-incarceration supervision the
29 juvenile shall remain in the community and in the legal custody of
30 the commission. The juvenile shall not be required to enter or
31 complete a residential community release program, residential
32 treatment program, or other out-of-home placement as a condition
33 of post-incarceration supervision. A term of post-incarceration
34 supervision imposed pursuant to this paragraph may be terminated
35 by the panel established pursuant to subsection b. of this section or
36 court if the juvenile has made a satisfactory adjustment in the
37 community while under supervision and if continued supervision is
38 not required.

39 (6) The commission shall review the case of each juvenile
40 sentenced to a term of commitment with the commission at least
41 every three months and submit a status report to the court, the
42 prosecutor, and the counsel for the juvenile. The commission's
43 review and status report shall include, but not be limited to:

44 (a) information on the treatment, care, and custody of the
45 juvenile;

46 (b) whether the juvenile is receiving the mental health,
47 substance **[abuse]** use disorder, educational, and other

1 rehabilitative services necessary to promote the juvenile's
2 successful reintegration into the community;

3 (c) any incidents of violence involving the juvenile; and

4 (d) the juvenile's eligibility for parole.

5 Counsel for the juvenile shall have the opportunity to respond to
6 the report required pursuant to this paragraph.

7 The commission shall continue to submit quarterly reports to the
8 court until the juvenile is paroled or released at the expiration of the
9 term of incarceration and shall resume the quarterly reviews if the
10 juvenile is returned to the custody of the commission. The court
11 may conduct a hearing at any time to determine whether
12 commitment with the commission continues to be appropriate
13 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and section
14 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the juvenile or
15 otherwise modify the dispositional order. Nothing in this paragraph
16 shall abrogate the court's retention of jurisdiction pursuant to
17 section 26 of P.L.1982, c.77 (C.2A:4A-45).

18 e. If the panel established pursuant to subsection b. of this
19 section determines there is probable cause to believe that the
20 juvenile has seriously or persistently violated the terms and
21 conditions of parole, the commission shall conduct a hearing to
22 determine if the juvenile's parole should be revoked. The juvenile
23 shall be represented by counsel at the hearing. The hearing shall be
24 conducted by a hearing officer who is licensed as an attorney-at-law
25 in this State. The juvenile shall not be incarcerated prior to the
26 hearing unless the panel established pursuant to subsection b. of this
27 section determines by objective and credible evidence that the
28 juvenile poses an immediate and substantial danger to public safety.
29 If the juvenile is incarcerated prior to the hearing, the hearing shall
30 be held within 72 hours of the juvenile's return to custody and a
31 written decision made and transmitted to the juvenile and the
32 juvenile's counsel within 48 hours of the hearing. Upon request of
33 counsel for the juvenile, the hearing officer shall adjourn the
34 hearing for not more than 72 hours. Subsequent adjournments may
35 be granted upon request of the juvenile and good cause shown.

36 The panel established pursuant to subsection b. of this section
37 shall not revoke the parole of a juvenile unless the hearing officer
38 determines, by clear and convincing evidence, that:

39 (1) the juvenile has seriously or persistently violated the
40 conditions of parole;

41 (2) the juvenile poses a substantial danger to public safety and
42 no form of community-based supervision would alleviate that
43 danger; and

44 (3) revocation is consistent with the provisions of section 2 of
45 P.L.1982, c.77 (C.2A:4A-21).

46 The procedures and standards set forth in sections 15 through 21
47 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall

1 apply to juvenile parole revocation hearings, unless the procedures
2 and standards conflict with those set forth in this subsection.

3 Notwithstanding a determination that the juvenile violated a
4 condition of parole, the panel established pursuant to subsection b.
5 of this section may modify those conditions.

6 f. The panel established pursuant to subsection b. of this
7 section may relieve a juvenile of any parole conditions, and may
8 permit a parolee to reside outside the State pursuant to the
9 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55
10 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney
11 General, may consent to the supervision of a parolee by the federal
12 government pursuant to the federal Witness Security Reform Act,
13 Pub.L.98-473 (18 U.S.C. s.3521 et seq.). The panel established
14 pursuant to subsection b. of this section may revoke permission,
15 except in the case of a juvenile under the Witness Security Reform
16 Act, or reinstate relieved parole conditions for any period of time
17 during which a juvenile is under its jurisdiction.

18 g. The commission shall promulgate rules and regulations
19 governing the commission's duties and responsibilities concerning
20 parole eligibility, supervision, and revocation.

21 h. The member of the State Parole Board who is designated by
22 the chairman to be on the panel established pursuant to subsection
23 b. of this section shall have experience in juvenile justice or have
24 successfully completed a juvenile justice training program to be
25 established by the chairman. The training program shall be
26 comprised of seven hours of instruction including, but not limited
27 to: emerging scientific knowledge concerning adolescent
28 development, particularly adolescent brain function and how
29 adolescent development relates to incarcerated youth, the influence
30 of peer relationships among adolescents and peer contagion effects,
31 and the effects of juvenile crime on victims.

32 i. Any decision concerning parole made by the panel
33 established pursuant to subsection b. of this section shall be
34 unanimous.

35 (cf: P.L.2019, c.363, s.3)

36

37 3. N.J.S.2C:35-14 is amended to read as follows:

38 2C:35-14. Rehabilitation Program for **【Drug- and Alcohol-**
39 **Dependent】** Persons with a Substance Use Disorder Subject to a
40 Presumption of Incarceration or a Mandatory Minimum Period of
41 Parole Ineligibility; Criteria for Imposing Special Probation;
42 Ineligible Offenders; Commitment to Residential Treatment
43 Facilities or Participation in a Nonresidential Treatment Program;
44 Presumption of Revocation; Brief Incarceration in Lieu of
45 Permanent Revocation.

46 a. Any person who is ineligible for probation due to a
47 conviction for a crime which is subject to a presumption of
48 incarceration or a mandatory minimum period of parole ineligibility

1 may be sentenced to a term of special probation in accordance with
2 this section, and may not apply for **【drug and alcohol treatment】**
3 treatment for substance use disorder pursuant to N.J.S.2C:45-1.
4 Nothing in this section shall be construed to prohibit a person who
5 is eligible for probation in accordance with N.J.S.2C:45-1 due to a
6 conviction for an offense which is not subject to a presumption of
7 incarceration or a mandatory minimum period of parole ineligibility
8 from applying for **【drug or alcohol treatment】** treatment for
9 substance use disorder as a condition of probation pursuant to
10 N.J.S.2C:45-1; provided, however, that a person in need of
11 treatment as defined in subsection f. of section 2 of P.L.2012, c.23
12 (C.2C:35-14.2) shall be sentenced in accordance with that section.
13 Notwithstanding the presumption of incarceration pursuant to the
14 provisions of subsection d. of N.J.S.2C:44-1, whenever a **【drug- or**
15 **alcohol-dependent】** person with a substance use disorder who is
16 subject to sentencing under this section is convicted of or
17 adjudicated delinquent for an offense, other than one described in
18 subsection b. of this section, the court, upon notice to the
19 prosecutor, may, on motion of the person, or on the court's own
20 motion, place the person on special probation, which shall be for a
21 term of five years, provided that the court finds on the record that:
22 (1) the person has undergone a professional diagnostic
23 assessment to determine whether and to what extent the person **【is**
24 **drug- or alcohol-dependent】** has a substance use disorder and would
25 benefit from treatment; and
26 (2) the person **【is a drug- or alcohol-dependent person】** has a
27 substance use disorder within the meaning of N.J.S.2C:35-2 and
28 was **【drug- or alcohol-dependent】** with a substance use disorder at
29 the time of the commission of the present offense; and
30 (3) the present offense was committed while the person was
31 under the influence of a controlled dangerous substance, controlled
32 substance analog or alcohol or was committed to acquire property
33 or monies in order to support the person's **【drug or alcohol**
34 **dependency】** substance use disorder; and
35 (4) substance use disorders treatment and monitoring will serve
36 to benefit the person by addressing the person's **【drug or alcohol**
37 **dependency】** substance use disorder and will thereby reduce the
38 likelihood that the person will thereafter commit another offense;
39 and
40 (5) the person did not possess a firearm at the time of the
41 present offense and did not possess a firearm at the time of any
42 pending criminal charge; and
43 (6) the person has not been previously convicted on two or more
44 separate occasions of crimes of the first or second degree, other
45 than those listed in paragraph (7); or the person has not been
46 previously convicted on two or more separate occasions, where one
47 of the offenses is a crime of the third degree, other than crimes

1 defined in N.J.S.2C:35-10, and one of the offenses is a crime of the
2 first or second degree; and

3 (7) the person has not been previously convicted or adjudicated
4 delinquent for, and does not have a pending charge of murder,
5 aggravated manslaughter, manslaughter, kidnapping, aggravated
6 assault, aggravated sexual assault or sexual assault, or a similar
7 crime under the laws of any other state or the United States; and

8 (8) a suitable treatment facility licensed and approved by the
9 Division of Mental Health and Addiction Services in the
10 Department of Human Services is able and has agreed to provide
11 appropriate treatment services in accordance with the requirements
12 of this section; and

13 (9) no danger to the community will result from the person
14 being placed on special probation pursuant to this section.

15 In determining whether to sentence the person pursuant to this
16 section, the court shall consider all relevant circumstances, and
17 shall take judicial notice of any evidence, testimony or information
18 adduced at the trial, plea hearing or other court proceedings, and
19 shall also consider the presentence report and the results of the
20 professional diagnostic assessment to determine whether and to
21 what extent the person **【is drug- or alcohol-dependent】** has a
22 substance use disorder and would benefit from treatment. The court
23 shall give priority to a person who has moved to be sentenced to
24 special probation over a person who is being considered for a
25 sentence to special probation on the court's own motion or in
26 accordance with the provisions of section 2 of P.L.2012, c.23
27 (C.2C:35-14.2).

28 As a condition of special probation, the court shall order the
29 person to enter a residential treatment program at a facility licensed
30 and approved by the Division of Mental Health and Addiction
31 Services in the Department of Human Services or a program of
32 nonresidential treatment by a licensed and approved treatment
33 provider, which program may include the use of medication-
34 assisted treatment as defined in paragraph (7) of subsection f. of
35 this section, to comply with program rules and the requirements of
36 the course of treatment, to cooperate fully with the treatment
37 provider, and to comply with such other reasonable terms and
38 conditions as may be required by the court or by law, pursuant to
39 N.J.S.2C:45-1, and which shall include periodic urine testing for
40 drug or alcohol usage throughout the period of special probation. In
41 determining whether to order the person to participate in a
42 nonresidential rather than a residential treatment program, the court
43 shall follow the procedure set forth in subsection j. of this section.
44 Subject to the requirements of subsection d. of this section, the
45 conditions of special probation may include different methods and
46 levels of community-based or residential supervision.

1 b. A person shall not be eligible for special probation pursuant
2 to this section if the person is convicted of or adjudicated
3 delinquent for:

4 (1) a crime of the first degree;

5 (2) a crime of the first or second degree enumerated in
6 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), other
7 than a crime of the second degree involving N.J.S.2C:15-1
8 (robbery) or N.J.S.2C:18-2 (burglary);

9 (3) a crime, other than that defined in section 1 of P.L.1987,
10 c.101 (C.2C:35-7), for which a mandatory minimum period of
11 incarceration is prescribed under chapter 35 of this Title or any
12 other law; or

13 (4) an offense that involved the distribution or the conspiracy or
14 attempt to distribute a controlled dangerous substance or controlled
15 substance analog to a juvenile near or on school property.

16 c. (Deleted by amendment, P.L.2012, c.23)

17 d. Except as otherwise provided in subsection j. of this section,
18 a person convicted of or adjudicated delinquent for a crime of the
19 second degree or of a violation of section 1 of P.L.1987, c.101
20 (C.2C:35-7), or who previously has been convicted of or
21 adjudicated delinquent for an offense under subsection a. of
22 N.J.S.2C:35-5 or a similar offense under any other law of this State,
23 any other state or the United States, who is placed on special
24 probation under this section shall be committed to the custody of a
25 residential substance use disorders treatment facility licensed and
26 approved by the Division of Mental Health and Addiction Services
27 in the Department of Human Services. Subject to the authority of
28 the court to temporarily suspend imposition of all or any portion of
29 the term of commitment to a residential treatment facility pursuant
30 to subsection j. of this section, the person shall be committed to the
31 residential treatment facility immediately, unless the facility cannot
32 accommodate the person, in which case the person shall be
33 incarcerated to await commitment to the residential treatment
34 facility. The term of such commitment shall be for a minimum of
35 six months, or until the court, upon recommendation of the
36 treatment provider, determines that the person has successfully
37 completed the residential treatment program, whichever is later,
38 except that no person shall remain in the custody of a residential
39 treatment facility pursuant to this section for a period in excess of
40 five years. Upon successful completion of the required residential
41 treatment program, the person shall complete the period of special
42 probation, as authorized by subsection a. of this section, with credit
43 for time served for any imprisonment served as a condition of
44 probation and credit for each day during which the person
45 satisfactorily complied with the terms and conditions of special
46 probation while committed pursuant to this section to a residential
47 treatment facility. Except as otherwise provided in subsection l. of
48 this section, the person shall not be eligible for early discharge of

1 special probation pursuant to N.J.S.2C:45-2, or any other provision
2 of the law. The court, in determining the number of credits for time
3 spent in residential treatment, shall consider the recommendations
4 of the treatment provider. A person placed into a residential
5 treatment facility pursuant to this section shall be deemed to be
6 subject to official detention for the purposes of N.J.S.2C:29-5
7 (escape).

8 e. The probation department or other appropriate agency
9 designated by the court to monitor or supervise the person's special
10 probation shall report periodically to the court as to the person's
11 progress in treatment and compliance with court-imposed terms and
12 conditions. The treatment provider shall promptly report to the
13 probation department or other appropriate agency all significant
14 failures by the person to comply with any court-imposed term or
15 condition of special probation or any requirements of the course of
16 treatment, including but not limited to a positive drug or alcohol
17 test, which shall only constitute a violation for a person using
18 medication-assisted treatment as defined in paragraph (7) of
19 subsection f. of this section if the positive test is unrelated to the
20 person's medication-assisted treatment, or the unexcused failure to
21 attend any session or activity, and shall immediately report any act
22 that would constitute an escape. The probation department or other
23 appropriate agency shall immediately notify the court and the
24 prosecutor in the event that the person refuses to submit to a
25 periodic drug or alcohol test or for any reason terminates the
26 person's participation in the course of treatment, or commits any act
27 that would constitute an escape.

28 f. (1) Upon a first violation of any term or condition of the
29 special probation authorized by this section or of any requirements
30 of the course of treatment, the court in its discretion may
31 permanently revoke the person's special probation.

32 (2) Upon a second or subsequent violation of any term or
33 condition of the special probation authorized by this section or of
34 any requirements of the course of treatment, the court shall, subject
35 only to the provisions of subsection g. of this section, permanently
36 revoke the person's special probation unless the court finds on the
37 record that there is a substantial likelihood that the person will
38 successfully complete the treatment program if permitted to
39 continue on special probation, and the court is clearly convinced,
40 considering the nature and seriousness of the violations, that no
41 danger to the community will result from permitting the person to
42 continue on special probation pursuant to this section. The court's
43 determination to permit the person to continue on special probation
44 following a second or subsequent violation pursuant to this
45 paragraph may be appealed by the prosecution.

46 (3) In making its determination whether to revoke special
47 probation, and whether to overcome the presumption of revocation
48 established in paragraph (2) of this subsection, the court shall

1 consider the nature and seriousness of the present infraction and any
2 past infractions in relation to the person's overall progress in the
3 course of treatment, and shall also consider the recommendations of
4 the treatment provider. The court shall give added weight to the
5 treatment provider's recommendation that the person's special
6 probation be permanently revoked, or to the treatment provider's
7 opinion that the person is not amenable to treatment or is not likely
8 to complete the treatment program successfully.

9 (4) If the court permanently revokes the person's special
10 probation pursuant to this subsection, the court shall impose any
11 sentence that might have been imposed, or that would have been
12 required to be imposed, originally for the offense for which the
13 person was convicted or adjudicated delinquent. The court shall
14 conduct a de novo review of any aggravating and mitigating factors
15 present at the time of both original sentencing and resentencing. If
16 the court determines or is required pursuant to any other provision
17 of this chapter or any other law to impose a term of imprisonment,
18 the person shall receive credit for any time served in custody
19 pursuant to N.J.S.2C:45-1 or while awaiting placement in a
20 treatment facility pursuant to this section, and for each day during
21 which the person satisfactorily complied with the terms and
22 conditions of special probation while committed pursuant to this
23 section to a residential treatment facility. The court, in determining
24 the number of credits for time spent in a residential treatment
25 facility, shall consider the recommendations of the treatment
26 provider.

27 (5) Following a violation, if the court permits the person to
28 continue on special probation pursuant to this section, the court
29 shall order the person to comply with such additional terms and
30 conditions, including but not limited to more frequent drug or
31 alcohol testing, as are necessary to deter and promptly detect any
32 further violation.

33 (6) Notwithstanding any other provision of this subsection, if
34 the person at any time refuses to undergo urine testing for drug or
35 alcohol usage as provided in subsection a. of this section, the court
36 shall, subject only to the provisions of subsection g. of this section,
37 permanently revoke the person's special probation. Notwithstanding any other provision of this section, if the person at
38 any time while committed to the custody of a residential treatment
39 facility pursuant to this section commits an act that would constitute
40 an escape, the court shall forthwith permanently revoke the person's
41 special probation.
42

43 (7) An action for a violation under this section may be brought
44 by a probation officer or prosecutor or on the court's own motion.
45 Failure to complete successfully the required treatment program
46 shall constitute a violation of the person's special probation. In the
47 case of the temporary or continued management of a person's **【drug**
48 **or alcohol dependency】** substance use disorder by means of

1 medication-assisted treatment as defined herein, whenever
2 supported by a report from the treatment provider of existing
3 satisfactory progress and reasonably predictable long-term success
4 with or without further medication-assisted treatment, the person's
5 use of the medication-assisted treatment, even if continuing, shall
6 not be the basis to constitute a failure to complete successfully the
7 treatment program. A person who fails to comply with the terms of
8 the person's special probation pursuant to this section and is
9 thereafter sentenced to imprisonment in accordance with this
10 subsection shall thereafter be ineligible for entry into the Intensive
11 Supervision Program, provided however that this provision shall not
12 affect the person's eligibility for entry into the Intensive
13 Supervision Program for a subsequent conviction.

14 As used in this section, the term "medication-assisted treatment"
15 means the use of any medications approved by the federal Food and
16 Drug Administration to treat substance use disorders, including
17 extended-release naltrexone, methadone, and buprenorphine, in
18 combination with counseling and behavioral therapies, to provide a
19 whole-patient approach to the treatment of substance use disorders.

20 g. When a person on special probation is subject to a
21 presumption of revocation on a second or subsequent violation
22 pursuant to paragraph (2) of subsection f. of this section, or when
23 the person refuses to undergo drug or alcohol testing pursuant to
24 paragraph (6) of subsection f. of this section, the court may, in lieu
25 of permanently revoking the person's special probation, impose a
26 term of incarceration for a period of not less than 30 days nor more
27 than six months, after which the person's term of special probation
28 pursuant to this section may be reinstated. In determining whether
29 to order a period of incarceration in lieu of permanent revocation
30 pursuant to this subsection, the court shall consider the
31 recommendations of the treatment provider with respect to the
32 likelihood that such confinement would serve to motivate the
33 person to make satisfactory progress in treatment once special
34 probation is reinstated. This disposition may occur only once with
35 respect to any person unless the court is clearly convinced that there
36 are compelling and extraordinary reasons to justify reimposing this
37 disposition with respect to the person. Any such determination by
38 the court to reimpose this disposition may be appealed by the
39 prosecution. Nothing in this subsection shall be construed to limit
40 the authority of the court at any time during the period of special
41 probation to order a person on special probation who is not subject
42 to a presumption of revocation pursuant to paragraph (2) of
43 subsection f. of this section to be incarcerated over the course of a
44 weekend, or for any other reasonable period of time, when the court
45 in its discretion determines that such incarceration would help to
46 motivate the person to make satisfactory progress in treatment.

47 h. The court, as a condition of its order, and after considering
48 the person's financial resources, shall require the person to pay that

1 portion of the costs associated with the person's participation in any
2 residential or nonresidential treatment program imposed pursuant to
3 this section which, in the opinion of the court, is consistent with the
4 person's ability to pay, taking into account the court's authority to
5 order payment or reimbursement to be made over time and in
6 installments.

7 i. The court shall impose, as a condition of the special
8 probation, any fine, penalty, fee or restitution applicable to the
9 offense for which the person was convicted or adjudicated
10 delinquent.

11 j. Where the court finds that a person has satisfied all of the
12 eligibility criteria for special probation and would otherwise be
13 required to be committed to the custody of a residential substance
14 use disorders treatment facility pursuant to the provisions of
15 subsection d. of this section, the court may temporarily suspend
16 imposition of all or any portion of the term of commitment to a
17 residential treatment facility and may instead order the person to
18 enter a nonresidential treatment program, provided that the court
19 finds on the record that:

20 (1) the person conducting the diagnostic assessment required
21 pursuant to paragraph (1) of subsection a. of this section has
22 recommended in writing that the proposed course of nonresidential
23 treatment services is clinically appropriate and adequate to address
24 the person's treatment needs; and

25 (2) no danger to the community would result from the person
26 participating in the proposed course of nonresidential treatment
27 services; and

28 (3) a suitable treatment provider is able and has agreed to
29 provide clinically appropriate nonresidential treatment services.

30 If the prosecutor objects to the court's decision to suspend the
31 commitment of the person to a residential treatment facility
32 pursuant to this subsection, the sentence of special probation
33 imposed pursuant to this section shall not become final for ten days
34 in order to permit the appeal by the prosecution of the court's
35 decision.

36 After a period of six months of nonresidential treatment, if the
37 court, considering all available information including but not
38 limited to the recommendation of the treatment provider, finds that
39 the person has made satisfactory progress in treatment and that
40 there is a substantial likelihood that the person will successfully
41 complete the nonresidential treatment program and period of special
42 probation, the court, on notice to the prosecutor, may permanently
43 suspend the commitment of the person to the custody of a
44 residential treatment program, in which event the special
45 monitoring provisions set forth in subsection k. of this section shall
46 no longer apply.

47 Nothing in this subsection shall be construed to limit the
48 authority of the court at any time during the term of special

1 probation to order the person to be committed to a residential or
2 nonresidential treatment facility if the court determines that such
3 treatment is clinically appropriate and necessary to address the
4 person's present treatment needs.

5 k. (1) When the court temporarily suspends the commitment of
6 the person to a residential treatment facility pursuant to subsection
7 j. of this section, the court shall, in addition to ordering
8 participation in a prescribed course of nonresidential treatment and
9 any other appropriate terms or conditions authorized or required by
10 law, order the person to undergo urine testing for drug or alcohol
11 use not less than once per week unless otherwise ordered by the
12 court. The court-ordered testing shall be conducted by the
13 probation department or the treatment provider. The results of all
14 tests shall be reported promptly to the court and to the prosecutor.
15 If the person is involved with a program that is providing the person
16 medication-assisted treatment as defined in paragraph (7) of
17 subsection f. of this section, only a positive urine test for drug or
18 alcohol use unrelated to the medication-assisted treatment shall
19 constitute a violation of the terms and conditions of special
20 probation. In addition, the court shall impose appropriate curfews
21 or other restrictions on the person's movements, and may order the
22 person to wear electronic monitoring devices to enforce such
23 curfews or other restrictions as a condition of special probation.

24 (2) The probation department or other appropriate agency shall
25 immediately notify the court and the prosecutor in the event that the
26 person fails or refuses to submit to a drug or alcohol test, knowingly
27 defrauds the administration of a drug test, terminates the person's
28 participation in the course of treatment, or commits any act that
29 would constitute absconding from parole. If the person at any time
30 while entered in a nonresidential treatment program pursuant to
31 subsection j. of this section knowingly defrauds the administration
32 of a drug test, goes into hiding, or leaves the State with a purpose of
33 avoiding supervision, the court shall permanently revoke the
34 person's special probation.

35 l. If the court finds that the person has made exemplary
36 progress in the course of treatment, the court may, upon
37 recommendation of the person's supervising probation officer or on
38 the court's own motion, and upon notice to the prosecutor, grant
39 early discharge from a term of special probation provided that the
40 person: (1) has satisfactorily completed the treatment program
41 ordered by the court; (2) has served at least two years of special
42 probation; (3) within the preceding 12 months, did not commit a
43 substantial violation of any term or condition of special probation,
44 including but not limited to a positive urine test, which shall only
45 constitute a violation for a person using medication-assisted
46 treatment as defined in paragraph (7) of subsection f. of this section
47 if the positive test is unrelated to the person's medication-assisted

1 treatment; and (4) is not likely to relapse or commit an offense if
2 probation supervision and related services are discontinued.

3 m. (1) The Superior Court may order the expungement of all
4 records and information relating to all prior arrests, detentions,
5 convictions, and proceedings for any offense enumerated in Title
6 2C of the New Jersey Statutes upon successful discharge from a
7 term of special probation as provided in this section, regardless of
8 whether the person was sentenced to special probation under this
9 section, section 2 of P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-
10 1, if the person satisfactorily completed a substance **[abuse]** use
11 disorder treatment program as ordered by the court and was not
12 convicted of any crime, or adjudged a disorderly person or petty
13 disorderly person, during the term of special probation. The
14 provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14 shall not apply
15 to an expungement pursuant to this paragraph and no fee shall be
16 charged to a person eligible for relief pursuant to this paragraph.
17 The court shall grant the relief requested unless it finds that the
18 need for the availability of the records outweighs the desirability of
19 having the person freed from any disabilities associated with their
20 availability, or it finds that the person is otherwise ineligible for
21 expungement pursuant to paragraph (2) of this subsection. An
22 expungement under this paragraph shall proceed in accordance with
23 rules and procedures developed by the Supreme Court.

24 (2) A person shall not be eligible for expungement under
25 paragraph (1) of this subsection if the records include a conviction
26 for any offense barred from expungement pursuant to subsection b.
27 or c. of N.J.S.2C:52-2. It shall be the obligation of the prosecutor to
28 notify the court of any disqualifying convictions or any other
29 factors related to public safety that should be considered by the
30 court when deciding to grant an expungement under paragraph (1)
31 of this subsection.

32 (3) The Superior Court shall provide a copy of the expungement
33 order granted pursuant to paragraph (1) of this subsection to the
34 prosecutor and to the person and, if the person was represented by
35 the Public Defender, to the Public Defender. The person or, if the
36 person was represented by the Public Defender, the Public Defender
37 on behalf of the person, shall promptly distribute copies of the
38 expungement order to appropriate agencies who have custody and
39 control of the records specified in the order so that the agencies may
40 comply with the requirements of N.J.S.2C:52-15.

41 (4) If the person whose records are expunged pursuant to
42 paragraph (1) of this subsection is convicted of any crime following
43 discharge from special probation, the full record of arrests and
44 convictions may be restored to public access and no future
45 expungement shall be granted to such person.

46 (5) A person who, prior to the effective date of P.L.2015, c.261,
47 was successfully discharged from a term of special probation as
48 provided in this section, regardless of whether the person was

1 sentenced to special probation under this section, section 2 of
2 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, may seek an
3 expungement of all records and information relating to all arrests,
4 detentions, convictions, and proceedings for any offense
5 enumerated in Title 2C of the New Jersey Statutes that existed at
6 the time of discharge from special probation by presenting an
7 application to the Superior Court in the county in which the person
8 was sentenced to special probation, which contains a duly verified
9 petition as provided in N.J.S.2C:52-7 for each crime or offense
10 sought to be expunged. The petition for expungement shall proceed
11 pursuant to N.J.S.2C:52-1 et seq. except that the requirements
12 related to the expiration of the time periods specified in
13 N.J.S.2C:52-2 through section 1 of P.L.1980, c.163 (C.2C:52-4.1)
14 shall not apply. A person who was convicted of any offense barred
15 from expungement pursuant to subsection b. or c. of N.J.S.2C:52-2,
16 or who has been convicted of any crime or offense since the date of
17 discharge from special probation shall not be eligible to apply for
18 an expungement under this paragraph. In addition, no application
19 for expungement shall be considered until any pending charges are
20 disposed. It shall be the obligation of the prosecutor to notify the
21 court of any disqualifying convictions or any other factors related to
22 public safety that should be considered by the court when deciding
23 to grant an expungement under this paragraph. The Superior Court
24 shall consider the person's verified petition and may order the
25 expungement of all records and information relating to all arrests,
26 detentions, convictions, and proceedings of the person that existed
27 at the time of discharge from special probation as appropriate. The
28 court shall grant the relief requested unless it finds that the need for
29 the availability of the records outweighs the desirability of having
30 the person freed from any disabilities associated with their
31 availability, or it finds that the person is otherwise ineligible for
32 expungement pursuant to this paragraph. No fee shall be charged to
33 a person eligible for relief pursuant to this paragraph.

34 (6) (a) A person who is not eligible for expungement relief
35 pursuant to paragraph (1) or (5) of this subsection because of a
36 conviction occurring prior to, on, or after the effective date of
37 P.L.2021, c.460, for any offense set forth in paragraph (2) of
38 subsection a. of N.J.S.2C:24-4, involving endangering the welfare
39 of a child, which is barred from expungement pursuant to
40 subsection b. of N.J.S.2C:52-2 and therefore renders the person
41 ineligible under those paragraphs, may be eligible to seek
42 expungement relief pursuant to this paragraph. The person shall
43 have been successfully discharged from a term of special probation
44 as provided in this section, regardless of whether the person was
45 sentenced to special probation under this section, section 2 of
46 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, for a period of at
47 least 10 years prior to seeking an expungement of all records and
48 information relating to all arrests, detentions, convictions, and

1 proceedings for any offense enumerated in Title 2C of the New
2 Jersey Statutes that existed at the time of discharge from special
3 probation. The person shall present an application to the Superior
4 Court in the county in which the person was sentenced to special
5 probation, which contains a duly verified petition as provided in
6 N.J.S.2C:52-7 for each crime or offense sought to be expunged.
7 The petition for expungement shall proceed pursuant to
8 N.J.S.2C:52-1 et seq. A person shall not be eligible to apply for an
9 expungement under this paragraph if that person was convicted of
10 any offense barred from expungement pursuant to subsection b. or
11 c. of N.J.S.2C:52-2, other than a conviction for endangering the
12 welfare of a child under paragraph (2) of subsection a. of
13 N.J.S.2C:24-4, which crime is also determined by the court, based
14 upon a review by the prosecutor in accordance with subparagraph
15 (b) of this paragraph, to have been nonviolent with respect to the
16 facts and elements of the criminal act, or if that person has been
17 convicted of any crime or offense since the date of discharge from
18 special probation. In addition, no application for expungement
19 shall be considered until any pending charges are disposed. It shall
20 be the obligation of the prosecutor to notify the court of any
21 disqualifying convictions, any conviction for endangering the
22 welfare of a child reviewed by the prosecutor and found to be
23 violent, or any other factors related to public safety that should be
24 considered by the court when deciding to grant an expungement
25 under this paragraph. The Superior Court shall consider the
26 person's verified petition and may order the expungement of all
27 records and information relating to all arrests, detentions,
28 convictions, and proceedings of the person that existed at the time
29 of discharge from special probation as appropriate. The court shall
30 grant the relief requested unless it finds that the need for the
31 availability of the records outweighs the desirability of having the
32 person freed from any disabilities associated with their availability,
33 or it finds that the person is otherwise ineligible for expungement
34 pursuant to this paragraph. No fee shall be charged to a person
35 eligible for relief pursuant to this paragraph.

36 (b) The prosecutor, when reviewing a conviction for
37 endangering the welfare of a child under paragraph (2) of
38 subsection a. of N.J.S.2C:24-4 as to whether the facts and elements
39 of the criminal act were nonviolent and therefore do not prevent, as
40 to this conviction, a person's eligibility for expungement relief
41 under this paragraph, shall consider any act which falls under the
42 following definitions to be violent acts, and render the person
43 ineligible for expungement relief:

44 any act of "abuse," as defined in R.S.9:6-1, that is specifically
45 listed in part (c) of the definition, employing or permitting a child to
46 be employed in any occupation, employment or vocation dangerous
47 to the morals of such child; part (e) of the definition, the performing
48 of any indecent, immoral or unlawful act or deed, in the presence of

1 a child, that may tend to debauch or endanger or degrade the morals
2 of the child; part (f) of the definition, permitting or allowing any
3 other person to perform any indecent, immoral or unlawful act in
4 the presence of the child that may tend to debauch or endanger the
5 morals of such child; or part (g) of the definition, using excessive
6 physical restraint on the child under circumstances which do not
7 indicate that the child's behavior is harmful to himself, others or
8 property;

9 any act of "cruelty," as defined in R.S.9:6-1; and

10 any act resulting in an "abused or neglected child," as defined by
11 subsection c. of section 1 of P.L.1974, c.119 (C.9:6-8.21), that is
12 specifically listed in paragraph (1) of the definition, inflicting or
13 allowing to be inflicted upon such child physical injury by other
14 than accidental means which causes or creates a substantial risk of
15 death, or serious or protracted disfigurement, or protracted
16 impairment of physical or emotional health or protracted loss or
17 impairment of the function of any bodily organ; paragraph (2) of the
18 definition, creating or allowing to be created a substantial or
19 ongoing risk of physical injury to such child by other than
20 accidental means which would be likely to cause death or serious or
21 protracted disfigurement, or protracted loss or impairment of the
22 function of any bodily organ; paragraph (3) of the definition,
23 committing or allowing to be committed an act of sexual abuse
24 against the child; subparagraph (b) of paragraph (4) of the
25 definition, solely as to a child whose physical, mental, or emotional
26 condition has been impaired or is in imminent danger of becoming
27 impaired as the result of the failure of the child's parent or guardian
28 to exercise a minimum degree of care in providing the child with
29 proper supervision or guardianship, by unreasonably inflicting or
30 allowing to be inflicted excessive corporal punishment, or the
31 substantial risk thereof; paragraph (6) of the definition, for a child
32 upon whom excessive physical restraint has been used under
33 circumstances which do not indicate that the child's behavior is
34 harmful to himself, others, or property; or paragraph (7) of the
35 definition, for a child who is in an institution and, pursuant to
36 subparagraph (a) of that paragraph, has been placed there
37 inappropriately for a continued period of time with the knowledge
38 that the placement has resulted or may continue to result in harm to
39 the child's mental or physical well-being or, pursuant to
40 subparagraph (b) of that paragraph, who has been willfully isolated
41 from ordinary social contact under circumstances which indicate
42 emotional or social deprivation.

43 (cf: P.L.2021, c.460, s.1)

44
45 4. N.J.S.2C:35-15 is amended to read as follows:

46 2C:35-15. a. (1) In addition to any disposition authorized by this
47 title, every person convicted of a violation of any offense defined in

1 this chapter or chapter 36 of this title shall be assessed for each
2 offense a penalty fixed at:

- 3 (a) \$3,000 in the case of a crime of the first degree;
- 4 (b) \$2,000 in the case of a crime of the second degree;
- 5 (c) \$1,000 in the case of a crime of the third degree;
- 6 (d) \$750 in the case of a crime of the fourth degree;
- 7 (e) \$500 in the case of a disorderly persons or petty disorderly
8 persons offense.

9 (2) A person being sentenced for more than one offense set forth
10 in subsection a. of this section who is not placed in supervisory
11 treatment pursuant to this section or ordered to perform reformatory
12 service pursuant to subsection f. of this section may, in the
13 discretion of the court, be assessed a single penalty applicable to the
14 highest degree offense for which the person is convicted, if the
15 court finds that the defendant has established the following:

16 (a) the imposition of multiple penalties would constitute a
17 serious hardship that outweighs the need to deter the defendant
18 from future criminal activity; and

19 (b) the imposition of a single penalty would foster the
20 defendant's rehabilitation.

21 Every person placed in supervisory treatment pursuant to the
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
23 any offense defined in this chapter or chapter 36 of this title shall be
24 assessed the penalty prescribed in this section and applicable to the
25 degree of the offense charged, except that the court shall not impose
26 more than one such penalty regardless of the number of offenses
27 charged. If the person is charged with more than one offense, the
28 court shall impose as a condition of supervisory treatment the
29 penalty applicable to the highest degree offense for which the
30 person is charged.

31 All penalties provided for in this section shall be in addition to
32 and not in lieu of any fine authorized by law or required to be
33 imposed pursuant to the provisions of N.J.S.2C:35-12.

34 b. All penalties provided for in this section shall be collected as
35 provided for collection of fines and restitutions in section 3 of
36 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
37 Department of the Treasury as provided in subsection c. of this
38 section.

39 c. All moneys collected pursuant to this section shall be
40 forwarded to the Department of the Treasury to be deposited in a
41 nonlapsing revolving fund to be known as the "Drug Enforcement
42 and Demand Reduction Fund." Moneys in the fund shall be
43 appropriated by the Legislature on an annual basis for the purposes
44 of funding in the following order of priority: (1) the Alliance to
45 Prevent Alcoholism and Drug Abuse and its administration by the
46 Governor's Council on **Alcoholism** Alcohol Use Disorder and
47 **Drug Abuse** Substance Use Disorder; (2) the "**Alcoholism**
48 Alcohol Use Disorder and **Drug Abuse** Substance Use Disorder

1 Program for the Deaf, Hard of Hearing and Disabled" established
2 pursuant to section 2 of P.L.1995, c.318 (C.26:2B-37); (3) the
3 "Partnership for a Drug Free New Jersey," the State affiliate of the
4 "Partnership for a Drug Free America"; and (4) other **alcohol and**
5 **drug abuse** substance use disorder programs.

6 Moneys appropriated for the purpose of funding the
7 "**Alcoholism** Alcohol Use Disorder and **Drug Abuse** Substance
8 Use Disorder Program for the Deaf, Hard of Hearing and Disabled"
9 shall not be used to supplant moneys that are available to the
10 Department of Health and Senior Services as of the effective date of
11 P.L.1995, c.318 (C.26:2B-36 et al.), and that would otherwise have
12 been made available to provide **alcoholism** alcohol use disorder
13 and **drug abuse** substance use disorder services for the deaf, hard
14 of hearing and disabled, nor shall the moneys be used for the
15 administrative costs of the program.

16 d. (Deleted by amendment, P.L.1991, c.329).

17 e. The court may suspend the collection of a penalty imposed
18 pursuant to this section; provided the person is ordered by the court
19 to participate in a drug or alcohol rehabilitation program approved
20 by the court; and further provided that the person agrees to pay for
21 all or some portion of the costs associated with the rehabilitation
22 program. In this case, the collection of a penalty imposed pursuant
23 to this section shall be suspended during the person's participation
24 in the approved, court-ordered rehabilitation program. Upon
25 successful completion of the program, as determined by the court
26 upon the recommendation of the treatment provider, the person may
27 apply to the court to reduce the penalty imposed pursuant to this
28 section by any amount actually paid by the person for participating
29 in the program. The court shall not reduce the penalty pursuant to
30 this subsection unless the person establishes to the satisfaction of
31 the court that the person has successfully completed the
32 rehabilitation program. If the person's participation is for any
33 reason terminated before successful completion of the rehabilitation
34 program, collection of the entire penalty imposed pursuant to this
35 section shall be enforced. Nothing in this section shall be deemed
36 to affect or suspend any other criminal sanctions imposed pursuant
37 to this chapter or chapter 36 of this title.

38 f. A person required to pay a penalty under this section may
39 propose to the court and the prosecutor a plan to perform
40 reformatory service in lieu of payment of up to one-half of the
41 penalty amount imposed under this section. The reformatory
42 service plan option shall not be available if the provisions of
43 paragraph (2) of subsection a. of this section apply or if the person
44 is placed in supervisory treatment pursuant to the provisions of
45 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,
46 "reformatory service" shall include training, education or work, in
47 which regular attendance and participation is required, supervised,
48 and recorded, and which would assist in the defendant's

1 rehabilitation and reintegration. "Reformative service" shall
2 include, but not be limited to, substance **[abuse]** use disorder
3 treatment or services, other therapeutic treatment, educational or
4 vocational services, employment training or services, family
5 counseling, service to the community and volunteer work. For the
6 purposes of this section, an application to participate in a court-
7 administered alcohol and drug rehabilitation program shall have the
8 same effect as the submission of a reformative service plan to the
9 court.

10 The court, in its discretion, shall determine whether to accept the
11 plan, after considering the position of the prosecutor, the plan's
12 appropriateness and practicality, the defendant's ability to pay, and
13 the effect of the proposed service on the defendant's rehabilitation
14 and reintegration into society. The court shall determine the amount
15 of the credit that would be applied against the penalty upon
16 successful completion of the reformative service, not to exceed one-
17 half of the amount assessed, except that the court may, in the case
18 of an extreme financial hardship, waive additional amounts of the
19 penalty owed by a person who has completed a court administered
20 alcohol and drug rehabilitation program if necessary to aid the
21 person's rehabilitation and reintegration into society. The court shall
22 not apply the credit against the penalty unless the person establishes
23 to the satisfaction of the court that the person has successfully
24 completed the reformative service. If the person's participation is
25 for any reason terminated before his successful completion of the
26 reformative service, collection of the entire penalty imposed
27 pursuant to this section shall be enforced. Nothing in this
28 subsection shall be deemed to affect or suspend any other criminal
29 sanctions imposed pursuant to this chapter or chapter 36 of this
30 title.

31 Any reformative service ordered pursuant to this section shall be
32 in addition to and not in lieu of any community service imposed by
33 the court or otherwise required by law. Nothing in this section shall
34 limit the court's authority to order a person to participate in any
35 activity, program, or treatment in addition to those proposed in a
36 reformative service plan.

37 (cf: P.L.2019, c.363, s.4)

38

39 5. Section 1 of P.L.2011, c.183 (C.2C:36-6.2) is amended to read
40 as follows:

41 1. a. Notwithstanding any State law, rule, or regulation to the
42 contrary, a licensed pharmacy may sell a hypodermic syringe or
43 needle, or any other instrument adapted for the administration of
44 drugs by injection, to a person over 18 years of age who presents
45 valid photo identification to demonstrate proof of age or who
46 otherwise satisfies the seller that he is over 18 years of age, as
47 follows:

1 (1) without a prescription if sold in quantities of 10 or fewer;
2 and

3 (2) pursuant to a prescription issued by a person authorized to
4 prescribe under State law if sold in quantities of more than 10.

5 b. A licensed pharmacy that provides hypodermic syringes or
6 needles for sale shall also be required to:

7 (1) maintain its supply of such instruments under or behind the
8 pharmacy sales counter such that they are accessible only to a
9 person standing behind a pharmacy sales counter; and

10 (2) make available to each person who purchases any such
11 instrument, at the time of purchase, information to be developed by
12 the Department of Health to the purchaser, about:

13 (a) the safe disposal of the instrument, including local disposal
14 locations or a telephone number to call for that information; and

15 (b) substance **[abuse]** use disorder treatment, including a
16 telephone number to call for assistance in obtaining treatment.

17 c. In addition to any other provision of law that may apply, a
18 person who purchases a hypodermic syringe or needle pursuant to
19 subsection a. of this section and sells that needle or syringe to
20 another person is guilty of a disorderly persons offense.

21 d. The Department of Health, in consultation with the
22 Department of Human Services and the New Jersey State Board of
23 Pharmacy, may, pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to
25 effectuate the purposes of subsection b. of this section. The
26 Department of Health shall make the information that is to be
27 developed pursuant to subsection b. of this section available to
28 pharmacies and purchasers of hypodermic syringes or needles
29 through its Internet website.

30 (cf: P.L.2012, c.17, s.4)

31

32 6. N.J.S.2C:44-6 is amended to read as follows:

33 2C:44-6. Procedure on sentence; presentence investigation and
34 report.

35 a. The court shall not impose sentence without first ordering a
36 presentence investigation of the defendant and according due
37 consideration to a written report of such investigation when
38 required by the Rules of Court. The court may order a presentence
39 investigation in any other case.

40 b. The presentence investigation shall include an analysis of
41 the circumstances attending the commission of the offense, the
42 defendant's history of delinquency or criminality, family situation,
43 financial resources, including whether or not the defendant is an
44 enrollee or covered person under a health insurance contract, policy
45 or plan, debts, including any amount owed for a fine, assessment or
46 restitution ordered in accordance with the provisions of Title 2C,
47 any obligation of child support including any child support
48 delinquencies, employment history, personal habits, the disposition

1 of any charge made against any codefendants, the defendant's
2 history of civil commitment, any disposition which arose out of
3 charges suspended pursuant to N.J.S.2C:4-6 including the records
4 of the disposition of those charges and any acquittal by reason of
5 insanity pursuant to N.J.S.2C:4-1, and any other matters that the
6 probation officer deems relevant or the court directs to be included.
7 The defendant shall disclose any information concerning any
8 history of civil commitment. The report shall also include a
9 medical history of the defendant and a complete psychological
10 evaluation of the defendant in any case in which the defendant is
11 being sentenced for a first or second degree crime involving
12 violence and:

13 (1) the defendant has a prior acquittal by reason of insanity
14 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
15 N.J.S.2C:4-6; or

16 (2) the defendant has a prior conviction for murder pursuant to
17 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
18 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
19 endangering the welfare of a child which would constitute a crime
20 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
21 would constitute a crime of the third degree pursuant to section 1 of
22 P.L.1992, c.209 (C.2C:12-10); or

23 (3) the defendant has a prior diagnosis of psychosis.

24 The court, in its discretion and considering all the appropriate
25 circumstances, may waive the medical history and psychological
26 examination in any case in which a term of imprisonment including
27 a period of parole ineligibility is imposed. In any case involving a
28 conviction of N.J.S.2C:24-4, endangering the welfare of a child;
29 N.J.S.2C:18-3, criminal trespass, where the trespass was committed
30 in a school building or on school property; section 1 of P.L.1993,
31 c.291 (C.2C:13-6), attempting to lure or entice a child with purpose
32 to commit a criminal offense; section 1 of P.L.1992, c.209
33 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where the
34 victim of the offense is a child under the age of 18, the investigation
35 shall include a report on the defendant's mental condition.

36 The presentence investigation shall also include information
37 regarding the defendant's history of substance **[abuse]** use disorder
38 and substance **[abuse]** use disorder treatment, if any, including
39 whether the defendant has sought treatment in the past. If any of
40 the factors listed in subsection b. of section 1 of P.L.2012, c.23
41 (C.2C:35-14.1) apply, the presentence report shall also include
42 consideration of whether the defendant may be a **[drug dependent]**
43 person with a substance use disorder as defined in N.J.S.2C:35-2.

44 The presentence investigation shall include an analysis of
45 whether the defendant should be required to submit to a
46 professional diagnostic assessment within the meaning of paragraph
47 (1) of subsection a. of N.J.S.2C:35-14 in any case where: the
48 defendant may be a **[drug dependent]** person with a substance use

1 disorder as defined in N.J.S.2C:35-2; the defendant is eligible to be
2 considered for a sentence to special probation pursuant to
3 N.J.S.2C:35-14; and the court has not already ordered the defendant
4 to submit to any such diagnostic assessment in regard to the
5 pending matter.

6 The presentence report shall also include a report on any
7 compensation paid by the Victims of Crime Compensation Agency
8 as a result of the commission of the offense and, in any case where
9 the victim chooses to provide one, a statement by the victim of the
10 offense for which the defendant is being sentenced. The statement
11 may include the nature and extent of any physical harm or
12 psychological or emotional harm or trauma suffered by the victim,
13 the extent of any loss to include loss of earnings or ability to work
14 suffered by the victim and the effect of the crime upon the victim's
15 family. The probation department shall notify the victim or nearest
16 relative of a homicide victim of his right to make a statement for
17 inclusion in the presentence report if the victim or relative so
18 desires. Any such statement shall be made within 20 days of
19 notification by the probation department.

20 The presentence report shall specifically include an assessment
21 of the gravity and seriousness of harm inflicted on the victim,
22 including whether or not the defendant knew or reasonably should
23 have known that the victim of the offense was particularly
24 vulnerable or incapable of resistance due to advanced age,
25 disability, ill-health, or extreme youth, or was for any other reason
26 substantially incapable of exercising normal physical or mental
27 power of resistance.

28 c. If, after the presentence investigation, the court desires
29 additional information concerning an offender convicted of an
30 offense before imposing sentence, it may order any additional
31 psychological or medical testing of the defendant.

32 d. Disclosure of any presentence investigation report or
33 psychiatric examination report shall be in accordance with law and
34 the Rules of Court, except that information concerning the
35 defendant's financial resources shall be made available upon request
36 to the Victims of Crime Compensation Agency or to any officer
37 authorized under the provisions of section 3 of P.L.1979, c.396
38 (C.2C:46-4) to collect payment on an assessment, restitution or fine
39 and that information concerning the defendant's coverage under any
40 health insurance contract, policy or plan shall be made available, as
41 appropriate to the Commissioner of Corrections and to the chief
42 administrative officer of a county jail in accordance with the
43 provisions of P.L.1995, c.254 (C.30:7E-1 et al.).

44 e. The court shall not impose a sentence of imprisonment for
45 an extended term unless the ground therefor has been established at
46 a hearing after the conviction of the defendant and on written notice
47 to him of the ground proposed. The defendant shall have the right

1 to hear and controvert the evidence against him and to offer
2 evidence upon the issue.

3 f. (Deleted by amendment, P.L.1986, c.85).
4 (cf: P.L.2012, c.23, s.6)

5
6 7. Section 12 of P.L.2005, c.304 (C.3B:12-24.1) is amended to
7 read as follows:

8 12. Determination by the court of need for guardianship services,
9 specific services.

10 a. General Guardian. If the court finds that an individual is
11 incapacitated as defined in N.J.S.3B:1-2 and is without capacity to
12 govern himself or manage his affairs, the court may appoint a
13 general guardian who shall exercise all rights and powers of the
14 incapacitated person. The general guardian of the estate shall
15 furnish a bond conditioned as required by the provisions of
16 N.J.S.3B:15-1 et seq., unless the guardian is relieved from doing so
17 by the court.

18 b. Limited Guardian. If the court finds that an individual is
19 incapacitated and lacks the capacity to do some, but not all, of the
20 tasks necessary to care for himself, the court may appoint a limited
21 guardian of the person, limited guardian of the estate, or limited
22 guardian of both the person and estate. A court, when establishing
23 a limited guardianship shall make specific findings regarding the
24 individual's capacity, including, but not limited to which areas, such
25 as residential, educational, medical, legal, vocational and financial
26 decision making, the incapacitated person retains sufficient capacity
27 to manage. A judgment of limited guardianship may specify the
28 limitations upon the authority of the guardian or alternatively the
29 areas of decision making retained by the person. The limited
30 guardian of the estate shall furnish a bond in accordance with the
31 provisions of N.J.S.3B:15-1 et seq., unless the guardian is relieved
32 from doing so by the court.

33 c. Pendente lite; Temporary Guardian.

34 (1) Whenever a complaint is filed in the Superior Court to
35 declare a person incapacitated and appoint a guardian, the
36 complaint may also request the appointment of a temporary
37 guardian of the person or estate, or both, pendente lite. Notice of a
38 pendente lite temporary guardian application shall be given to the
39 alleged incapacitated person or alleged incapacitated person's
40 attorney or the attorney appointed by the court to represent the
41 alleged incapacitated person.

42 (2) Pending a hearing for the appointment of a guardian, the
43 court may for good cause shown and upon a finding that there is a
44 critical need or risk of substantial harm, including, but not limited
45 to:

46 (a) the physical or mental health, safety and well-being of the
47 person may be harmed or jeopardized;

1 (b) the property or business affairs of the person may be
2 repossessed, wasted, misappropriated, dissipated, lost, damaged or
3 diminished or not appropriately managed;

4 (c) it is in the best interest of the alleged incapacitated person to
5 have a temporary guardian appointed and such may be dealt with
6 before the hearing to determine incapacity can be held, after any
7 notice as the court shall direct, appoint a temporary guardian
8 pendente lite of the person or estate, or both, of the alleged
9 incapacitated person.

10 (3) A pendente lite temporary guardian appointed pursuant to
11 this section may be granted authority to arrange interim financial,
12 social, medical or mental health services or temporary
13 accommodations for the alleged incapacitated person determined to
14 be necessary to deal with critical needs of or risk of substantial
15 harm to the alleged incapacitated person or the alleged incapacitated
16 person's property or assets. The pendente lite temporary guardian
17 may be authorized to make arrangements for payment for such
18 services from the estate of the alleged incapacitated person.

19 (4) A pendente lite temporary guardian appointed hereunder
20 shall be limited to act for the alleged incapacitated person only for
21 those services determined by the court to be necessary to deal with
22 critical needs or risk of substantial harm to the alleged incapacitated
23 person.

24 (5) The alleged incapacitated person's attorney or attorney
25 appointed by the court to represent the alleged incapacitated person
26 shall be given notice of the appointment of the pendente lite
27 temporary guardian. The pendente lite temporary guardian shall
28 communicate all actions taken on behalf of the alleged incapacitated
29 individual to the alleged incapacitated person's attorney or attorney
30 appointed by the court to represent the alleged incapacitated person
31 who shall have the right to object to such actions.

32 (6) A pendente lite temporary guardian appointment shall not
33 have the effect of an adjudication of incapacity or effect of
34 limitation on the legal rights of the individual other than those
35 specified in the court order.

36 (7) If the court enters an order appointing a pendente lite
37 temporary guardian without notice, the alleged incapacitated person
38 may appear and move for its dissolution or modification on two
39 days' notice to the plaintiff and to the temporary guardian or on
40 such shorter notice as the court prescribes.

41 (8) Every order appointing a pendente lite temporary guardian
42 granted without notice expires as prescribed by the court, but within
43 a period of not more than 45 days, unless within that time the court
44 extends it for good cause shown for the same period.

45 (9) The pendente lite temporary guardian, upon application to
46 the court, shall be entitled to receive reasonable fees for his
47 services, as well as reimbursement of his reasonable expenses,

1 which shall be payable by the estate of the alleged incapacitated
2 person or minor.

3 (10) The pendente lite temporary guardian shall furnish a bond in
4 accordance with the provisions of N.J.S.3B:15-1 et seq., unless the
5 guardian is relieved from doing so by the court.

6 d. Disclosure of information. Physicians and psychologists
7 licensed by the State are authorized to disclose medical information,
8 including but not limited to medical, mental health and substance
9 **[abuse]** use disorder information as permitted by State and federal
10 law, regarding the alleged incapacitated person in affidavits filed
11 pursuant to the Rules Governing the Courts of the State of New
12 Jersey.

13 e. Court appearance. The alleged incapacitated person shall
14 appear in court unless the plaintiff and the court-appointed attorney
15 certify that the alleged incapacitated person is unable to appear
16 because of physical or mental incapacity.

17 f. Communication. When a person who is allegedly in need of
18 guardianship services appears to have a receptive or expressive
19 communication deficit, all reasonable means of communication
20 with the person shall be attempted for the purposes of this section,
21 including written, spoken, sign or non-formal language, which
22 includes translation of the person's spoken or written word when the
23 person is unable to communicate in English, and the use of adaptive
24 equipment.

25 g. Additional subject areas. At the request of the limited
26 guardian, and if the incapacitated person is not represented, after
27 appointment of an attorney for the incapacitated person and with
28 notice to all interested parties, the court may determine that a
29 person is in need of guardian services regarding additional subject
30 areas and may enlarge the powers of the guardian to protect the
31 person from significant harm.

32 h. Limitations of guardian powers. At the request of the
33 guardian, the incapacitated person or another interested person, and
34 if the incapacitated person is not represented, after appointment of
35 an attorney for the incapacitated person and with notice to all
36 interested parties, the court may limit the powers conferred upon a
37 guardian.

38 (cf: P.L.2005, c.304, s.12)

39

40 8. Section 1 of P.L.1955, c.232 (C.9:2-13) is amended to read as
41 follows:

42 1. For the purposes of P.L.1955, c.232 (C.9:2-13 et seq.), the
43 following words and phrases, unless otherwise indicated, shall be
44 deemed to have the following meanings:

45 (a) The phrase "approved agency" means a legally constituted
46 agency having its principal office within or without this State,
47 which has been approved, pursuant to law, to place children in New
48 Jersey for purposes of adoption.

1 (b) The word "child" means any person under 18 years of age.

2 (c) The word "custody" means continuing control and authority
3 over the person of a child, established by natural parenthood, by
4 order or judgment of a court of competent jurisdiction, or by written
5 surrender to and approved agency pursuant to law.

6 (d) The phrase "forsaken parental obligations" means willful
7 and continuous neglect or failure to perform the natural and regular
8 obligations of care and support of a child.

9 (e) The phrase "mentally incapacitated" means inability to
10 understand and discharge the natural and regular obligations of care
11 and support of a child by reason of mental disease, intellectual
12 disability, or the effects of drug, alcohol, or substance **[abuse]** use
13 disorder.

14 (f) The word "parent," when not otherwise described by the
15 context, means a natural parent or parent by previous adoption.

16 (g) The word "may" shall be construed to be permissive and the
17 word "shall" shall be construed to be mandatory.

18 (cf: P.L.2013, c.103, s.54)

19

20 9. Section 2 of P.L.2006, c.47 (C.9:3A-2) is amended to read as
21 follows:

22 2. The Legislature finds and declares that:

23 a. In 2003, New Jersey settled a class action lawsuit alleging
24 that the State's child welfare system, which was primarily
25 administered through the Division of Youth and Family Services in
26 the Department of Human Services, failed to protect the State's
27 most vulnerable children from child abuse and neglect. Under the
28 terms of the settlement agreement, a New Jersey Child Welfare
29 Panel was created to provide technical assistance to the State on
30 child welfare issues in order to monitor the development and
31 implementation of a State plan to reform New Jersey's child welfare
32 system;

33 b. Although the State has committed substantial financial
34 resources to the reform of the child welfare system between the date
35 of the settlement agreement and 2005, the New Jersey Child
36 Welfare Panel concluded that the department has not been able to
37 demonstrate substantial progress in the implementation of the
38 reform plan, and the Child Welfare Panel and other child advocates
39 have concluded that children continue to remain at risk;

40 c. One of the concerns about the reform is that the child
41 welfare system is administered through and is one of several large
42 units within one of the largest agencies in State government, the
43 Department of Human Services, which is responsible for so many of
44 our State's vulnerable citizens. The department consists of
45 approximately 22,000 employees and includes, in addition to the
46 Division of Youth and Family Services: the Division of Medical
47 Assistance and Health Services, which administers the State's
48 Medicaid and NJ FamilyCare programs; the Division of Family

1 Development, which administers the Temporary Assistance for
2 Needy Families program and other public assistance programs; the
3 Division of Developmental Disabilities, which provides services to
4 developmentally disabled persons in the community and operates
5 seven developmental centers; the Division of Mental Health
6 Services, which provides services to persons with mental illness in
7 the community and operates five psychiatric hospitals; the Division
8 of Addiction Services, which administers the State's substance
9 **【abuse】 use disorder** programs; the Division of Disability Services,
10 which provides various services to disabled adults; and the
11 Commission for the Blind and Visually Impaired and the Division
12 of the Deaf and Hard of Hearing, which are responsible for
13 providing services to persons who are blind or visually impaired
14 and persons with hearing impairments, respectively; and

15 d. In order to facilitate aggressive reform of the child welfare
16 system and ensure that the reform effort is successful, it is,
17 therefore, in the best interest of the citizens of this State to establish
18 a principal department within the Executive Branch that focuses
19 exclusively on protecting children and strengthening families, so
20 that our State's children will have the optimum conditions in which
21 to grow and prosper to the benefit of themselves, their families, and
22 society as a whole. The department shall have the goal of ensuring
23 safety, permanency, and well-being for all children, and shall have
24 direct responsibility for child welfare and other children and family
25 services, supported by strong inter-agency partnerships among other
26 State departments also responsible for family services.

27 (cf: P.L.2006, c.47, s.2)

28

29 10. Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is amended to
30 read as follows:

31 1. When a child is placed in the custody of a relative or other
32 suitable person or the Division of Child Protection and Permanency
33 pursuant to section 34 of P.L.1974, c.119 (C.9:6-8.54), because of a
34 finding of abuse or neglect, the Superior Court, Chancery Division,
35 Family Part shall order the parent and, when appropriate, any other
36 adult domiciled in the home to undergo substance **【abuse】 use**
37 **disorder** assessment, when necessary. If the assessment reveals
38 positive evidence of substance **【abuse】 use disorder**, the court shall
39 require the parent and other adult, when appropriate, to demonstrate
40 that he is receiving treatment and complying with the treatment
41 program for the substance **【abuse】 use disorder** problem before the
42 child is returned to the parental home.

43 (cf: P.L.2012, c.16, s.35)

44

45 11. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read
46 as follows:

47 7. a. The board shall consist of 13 members as follows: the
48 Commissioner of Children and Families, the Commissioner of

1 Health and Senior Services, the Director of the Division of Child
2 Protection and Permanency in the Department of Children and
3 Families, the Attorney General, and the Superintendent of State
4 Police, or their designees, the State Medical Examiner, and the
5 Chairperson or Executive Director of the New Jersey Task Force on
6 Child Abuse and Neglect, who shall serve ex officio; and six public
7 members appointed by the Governor, one of whom shall be a
8 representative of the New Jersey Prosecutors' Association, one of
9 whom shall be a Law Guardian, one of whom shall be a pediatrician
10 with expertise in child abuse and neglect, one of whom shall be a
11 psychologist with expertise in child abuse and neglect, one of whom
12 shall be a social work educator with experience and expertise in the
13 area of child abuse or a related field and one of whom shall have
14 expertise in substance [abuse] use disorder.

15 b. The public members of the board shall serve for three-year
16 terms. Of the public members first appointed, three shall serve for a
17 period of two years, and three shall serve for a term of three years.
18 They shall serve without compensation but shall be eligible for
19 reimbursement for necessary and reasonable expenses incurred in
20 the performance of their official duties and within the limits of
21 funds appropriated for this purpose. Vacancies in the membership
22 of the board shall be filled in the same manner as the original
23 appointments were made.

24 c. The Governor shall appoint a public member to serve as
25 chairperson of the board who shall be responsible for the
26 coordination of all activities of the board and who shall provide the
27 technical assistance needed to execute the duties of the board.

28 d. The board is entitled to call to its assistance and avail itself
29 of the services of employees of any State, county, or municipal
30 department, board, bureau, commission, or agency as it may require
31 and as may be available for the purposes of reviewing a case
32 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
33 The board may also seek the advice of experts, such as persons
34 specializing in the fields of pediatric, radiological, neurological,
35 psychiatric, orthopedic, and forensic medicine; nursing;
36 psychology; social work; education; law enforcement; family law;
37 substance [abuse] use disorder; child advocacy; or other related
38 fields, if the facts of a case warrant additional expertise.

39 (cf: P.L.2012, c.16, s.39)

40

41 12. Section 8 of P.L.1997, c.175 (C.9:6-8.90) is amended to read
42 as follows:

43 8. The board shall:

44 a. Identify the fatalities of children due to unusual circumstances
45 according to the following criteria:

46 (1) The cause of death is undetermined;

47 (2) Death where substance [abuse] use disorder may have been
48 a contributing factor;

- 1 (3) Homicide, child abuse or neglect;
2 (4) Death where child abuse or neglect may have been a
3 contributing factor;
4 (5) Malnutrition, dehydration, or medical neglect or failure to
5 thrive;
6 (6) Sexual abuse;
7 (7) Head trauma, fractures or blunt force trauma without
8 obvious innocent reason such as auto accidents;
9 (8) Suffocation or asphyxia;
10 (9) Burns without obvious innocent reason such as auto accident
11 or house fire; and
12 (10) Suicide.
13 b. Identify fatalities and near fatalities among children whose
14 family, currently or within the last 12 months, were receiving
15 services from the division.
16 (cf: P.L.1997, c.175, s.8)

17
18 13. Section 2 of P. L.1998, c.19 (C.9:6-8.100) is amended to read
19 as follows:

20 2. Each center shall demonstrate a multidisciplinary approach
21 to identifying and responding to child abuse and neglect. The
22 center staff shall include, at a minimum, a pediatrician, a consulting
23 psychiatrist, a psychologist and a social worker who are trained to
24 evaluate and treat children who have been abused or neglected and
25 their families. Each center shall establish a liaison with the district
26 office of the Division of Youth and Family Services in the
27 Department of Children and Families and the prosecutor's office
28 from the county in which the child who is undergoing evaluation
29 and treatment resides. At least one member of the staff shall also
30 have an appropriate professional credential or significant training
31 and experience in the identification and treatment of substance
32 **[abuse]** use disorder.

33 Each center shall develop an intake, referral and case tracking
34 process which assists the division and prosecutor's office in
35 assuring that child victims receive appropriate and timely diagnostic
36 and treatment services.
37 (cf: P.L.2006, c.47, s.63)

38
39 14. Section 4 of P. L.1998, c.19 (C.9:6-8.102) is amended to read
40 as follows:

- 41 4. Services provided by the center's staff shall include, but not
42 be limited to:
43 a. Providing psychological and medical evaluation and
44 treatment of the child, counseling for family members and
45 substance **[abuse]** use disorder assessment and mental health and
46 substance **[abuse]** use disorder counseling for the parents or
47 guardians of the child;

- 1 b. Providing referral for appropriate social services and
- 2 medical care;
- 3 c. Providing testimony regarding alleged child abuse or neglect
- 4 at judicial proceedings;
- 5 d. Providing treatment recommendations for the child and
- 6 mental health and substance **[abuse]** use disorder treatment
- 7 recommendations for his family, and providing mental health and
- 8 substance **[abuse]** use disorder treatment recommendations for
- 9 persons convicted of child abuse or neglect;
- 10 e. Receiving referrals from the Department of Children and
- 11 Families and the county prosecutor's office and assisting them in
- 12 any investigation of child abuse or neglect;
- 13 f. Providing educational material and seminars on child abuse
- 14 and neglect and the services the center provides to children, parents,
- 15 teachers, law enforcement officials, the judiciary, attorneys and
- 16 other citizens.
- 17 (cf: P.L.2006, c.47, s.64)

18
19 15. Section 6 of P.L.1998, c.19 (C.9:6-8.104) is amended to read
20 as follows:

21 6. Regional centers shall act as a resource in the establishment
22 and maintenance of county-based multidisciplinary teams which
23 work in conjunction with the county prosecutor and the Department
24 of Children and Families in the investigation of child abuse and
25 neglect in the county in which the child who is undergoing
26 evaluation and treatment resides. The Commissioner of Children
27 and Families, in consultation with the New Jersey Task Force on
28 Child Abuse and Neglect, shall establish standards for a county
29 team. The county team shall consist of representatives of the
30 following disciplines: law enforcement; child protective services;
31 mental health; substance **[abuse]** use disorder identification and
32 treatment; and medicine; and, in those counties where a child
33 advocacy center has been established, shall include a staff
34 representative of a child advocacy center, all of whom have been
35 trained to recognize child abuse and neglect. The county team shall
36 provide: facilitation of the investigation, management and
37 disposition of cases of criminal child abuse and neglect; referral
38 services to the regional diagnostic center; appropriate referrals to
39 medical and social service agencies; information regarding the
40 identification and treatment of child abuse and neglect; and
41 appropriate follow-up care for abused children and their families.

42 As used in this section, "child advocacy center" means a county-
43 based center which meets the standards for a county team
44 established by the commissioner pursuant to this section and
45 demonstrates a multidisciplinary approach in providing
46 comprehensive, culturally competent child abuse prevention,
47 intervention, and treatment services to children who are victims of

1 child abuse or neglect.
2 (cf: P.L.2006, c.47, s.65)

3
4 16. Section 7 of P.L.2017, c.28 (C.17B:27A-19.25) is amended
5 to read as follows:

6 7. a. A small employer health benefits plan that provides hospital
7 or medical expense benefits and is delivered, issued, executed or
8 renewed in this State, or approved for issuance or renewal in this
9 State by the Commissioner of Banking and Insurance, on or after
10 the effective date of this act, shall provide unlimited benefits for
11 inpatient and outpatient treatment of substance use disorder at in-
12 network facilities. The services for the treatment of substance use
13 disorder shall be prescribed by a licensed physician, licensed
14 psychologist, or licensed psychiatrist and provided by licensed
15 health care professionals or licensed or certified substance use
16 disorder providers in licensed or otherwise State-approved facilities,
17 as required by the laws of the state in which the services are
18 rendered.

19 b. The benefits for the first 180 days per plan year of inpatient
20 and outpatient treatment of substance use disorder shall be provided
21 when determined medically necessary by the covered person's
22 physician, psychologist or psychiatrist without the imposition of
23 any prior authorization or other prospective utilization management
24 requirements. The facility shall notify the carrier of both the
25 admission and the initial treatment plan within 48 hours of the
26 admission or initiation of treatment. If there is no in-network
27 facility immediately available for a covered person, a carrier shall
28 provide necessary exceptions to their network to ensure admission
29 in a treatment facility within 24 hours.

30 c. Providers of treatment for substance use disorder to persons
31 covered under a covered health benefits plan shall not require pre-
32 payment of medical expenses during this 180 days in excess of
33 applicable co-payment, deductible, or co-insurance under the plan.

34 d. The benefits for outpatient visits shall not be subject to
35 concurrent or retrospective review of medical necessity or any other
36 utilization management review.

37 e. (1) The benefits for the first 28 days of an inpatient stay
38 during each plan year shall be provided without any retrospective
39 review or concurrent review of medical necessity and medical
40 necessity shall be as determined by the covered person's physician.

41 (2) The benefits for days 29 and thereafter of inpatient care shall
42 be subject to concurrent review as defined in this section. A request
43 for approval of inpatient care beyond the first 28 days shall be
44 submitted for concurrent review before the expiration of the initial
45 28-day period. A request for approval of inpatient care beyond any
46 period that is approved under concurrent review shall be submitted
47 within the period that was previously approved. No carrier shall
48 initiate concurrent review more frequently than at two-week

1 intervals. If a carrier determines that continued inpatient care in a
2 facility is no longer medically necessary, the carrier shall within 24
3 hours provide written notice to the covered person and the covered
4 person's physician of its decision and the right to file an expedited
5 internal appeal of the determination pursuant to an expedited
6 process pursuant to sections 11 through 13 of P.L.1997, c.192
7 (C.26:2S-11 through 26:2S-13) and N.J.A.C.11:24A-3.5, as
8 applicable. The carrier shall review and make a determination with
9 respect to the internal appeal within 24 hours and communicate
10 such determination to the covered person and the covered person's
11 physician. If the determination is to uphold the denial, the covered
12 person and the covered person's physician have the right to file an
13 expedited external appeal with the Independent Health Care
14 Appeals Program in the Department of Banking and Insurance
15 pursuant to sections 11 through 13 of P.L.1997, c.192 (C.26:2S-11
16 through 26:2S-13) and N.J.A.C.11:24A-3.6, as applicable. An
17 independent utilization review organization shall make a
18 determination within 24 hours. If the carrier's determination is
19 upheld and it is determined continued inpatient care is not
20 medically necessary, the carrier shall remain responsible to provide
21 benefits for the inpatient care through the day following the date the
22 determination is made and the covered person shall only be
23 responsible for any applicable co-payment, deductible and co-
24 insurance for the stay through that date as applicable under the
25 policy. The covered person shall not be discharged or released
26 from the inpatient facility until all internal appeals and independent
27 utilization review organization appeals are exhausted. For any costs
28 incurred after the day following the date of determination until the
29 day of discharge, the covered person shall only be responsible for
30 any applicable cost-sharing, and any additional charges shall be
31 paid by the facility or provider.

32 f. (1) The benefits for the first 28 days of intensive outpatient or
33 partial hospitalization services shall be provided without any
34 retrospective review of medical necessity and medical necessity
35 shall be as determined by the covered person's physician.

36 (2) The benefits for days 29 and thereafter of intensive
37 outpatient or partial hospitalization services shall be subject to a
38 retrospective review of the medical necessity of the services.

39 g. Benefits for inpatient and outpatient treatment of substance
40 use disorder after the first 180 days per plan year shall be subject to
41 the medical necessity determination of the carrier and may be
42 subject to prior authorization or, retrospective review and other
43 utilization management requirements.

44 h. Medical necessity review shall utilize an evidence-based and
45 peer reviewed clinical review tool to be designated through
46 rulemaking by the Commissioner of Human Services in
47 consultation with the Department of Health.

1 i. The benefits for outpatient prescription drugs to treat
2 substance use disorder shall be provided when determined
3 medically necessary by the covered person's physician, psychologist
4 or psychiatrist without the imposition of any prior authorization or
5 other prospective utilization management requirements.

6 j. The first 180 days per plan year of benefits shall be
7 computed based on inpatient days. One or more unused inpatient
8 days may be exchanged for two outpatient visits. All extended
9 outpatient services such as partial hospitalization and intensive
10 outpatient, shall be deemed inpatient days for the purpose of the
11 visit to day exchange provided in this subsection.

12 k. Except as stated above, the benefits and cost-sharing shall be
13 provided to the same extent as for any other medical condition
14 covered under the health benefits plan.

15 l. The benefits required by this section are to be provided to all
16 covered persons with a diagnosis of substance use disorder. The
17 presence of additional related or unrelated diagnoses shall not be a
18 basis to reduce or deny the benefits required by this section.

19 m. The provisions of this section shall apply to all small
20 employer health benefits plans in which the carrier has reserved the
21 right to change the premium.

22 n. The Attorney General's Office shall be responsible for
23 overseeing any violations of law that may result from P.L.2017,
24 c.28 (C.17:48-6nn et al.), including fraud, abuse, waste, and
25 mistreatment of covered persons. The Attorney General's Office is
26 authorized to adopt, pursuant to the "Administrative Procedure
27 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to
28 implement any of the provisions of P.L.2017, c.28 (C.17:48-6nn et
29 al.).

30 o. As used in this section:

31 "Concurrent review" means inpatient care is reviewed as it is
32 provided. Medically qualified reviewers monitor appropriateness of
33 the care, the setting, and patient progress, and as appropriate, the
34 discharge plans.

35 "Substance use disorder" is as defined by the American
36 Psychiatric Association in the Diagnostic and Statistical Manual of
37 Mental Disorders, Fifth Edition and any subsequent editions and
38 shall include substance **[abuse]** use disorder withdrawal.

39 (cf: P.L.2017, c.28, s.7)

40

41 17. Section 1 of P.L.2015, c.92 (C.18A:3B-70) is amended to
42 read as follows:

43 1. a. Within four years after the effective date of this act, each
44 four-year public institution of higher education, in which at least
45 25% of the undergraduate students live in on-campus housing, shall
46 establish a substance **[abuse]** use disorder recovery housing
47 program. The purpose of the program shall be to provide a
48 supportive substance-free dormitory environment that recognizes

1 the unique risks and challenges that recovering students face, and
2 that provides support programs to recovering students who reside in
3 the recovery housing to assist their efforts to remain substance-free.
4 The program shall include on-site counseling, mentoring, peer
5 support, and other appropriate services. An institution may
6 designate a floor, wing, or other designated area within a dormitory
7 building for the substance **[abuse]** use disorder recovery housing
8 program, and shall not be required to designate an entire dormitory
9 building for the program.

10 b. The institution shall apply for any federal, State, corporate,
11 or other grant funding that may be available to implement the
12 substance **[abuse]** use disorder recovery housing program.

13 (cf: P.L.2015, c.92, s.1)
14

15 18. Section 1 of P.L.2019, c.222 (C.18A:35-4.39) is amended to
16 read as follows:

17 1. a. A school district shall ensure that its health education
18 programs for students in grades kindergarten through 12 recognize
19 the multiple dimensions of health by including mental health and
20 the relation of physical and mental health so as to enhance student
21 understanding, attitudes, and behaviors that promote health, well-
22 being, and human dignity. The instruction in mental health shall be
23 adapted to the age and understanding of the students and shall be
24 incorporated as part of the district's implementation of the New
25 Jersey Student Learning Standards in Comprehensive Health and
26 Physical Education. The instruction shall include, as appropriate,
27 information on substance **[abuse]** use disorder provided pursuant to
28 the implementation of these standards and to section 1 of P.L.2016,
29 c.46 (C.18A:40A-2.1).

30 b. The State Board of Education shall review and update the
31 New Jersey Student Learning Standards in Comprehensive Health
32 and Physical Education to ensure the incorporation of instruction in
33 mental health in an appropriate place in the curriculum for students
34 in grades kindergarten through 12. In its review, the State board
35 shall consult with mental health experts including, but not limited
36 to, representatives from the Division of Mental Health and
37 Addiction Services in the Department of Human Services.

38 (cf: P.L.2019, c.222, s.1)
39

40 19. Section 1 of P.L.2019, c.479 (C.18A:37-2c) is amended to
41 read as follows:

42 1. a. In the event a student has experienced multiple suspensions
43 or may be subject to a proposed expulsion from public school, the
44 principal shall convene a meeting, as soon as practicable, between
45 the student and a school psychologist, a school counselor, a school
46 social worker, a student assistance coordinator, or a member of the
47 school's intervention and referral services team. The principal may
48 convene such a meeting, if after the student has been suspended for

1 the first time, the principal upon evaluation deems such a meeting
2 appropriate. The purpose of the meeting shall be to identify any
3 behavior or health difficulties experienced by the student and,
4 where appropriate, to provide supportive interventions or referrals
5 to school or community resources that may assist the student in
6 addressing the identified difficulties.

7 b. The Department of Education, in consultation with the
8 Department of Health, shall make available to school districts a list
9 of current resources that may be of assistance as referral services
10 for students under subsection a. of this section. The resources may
11 include, but need not be limited to, the New Jersey
12 MentalHealthCares information and referral service, and county or
13 local programs that provide youth services for mental health or
14 substance **[abuse]** use disorder.

15 c. The requirements of subsection a. of this section shall not
16 apply when a student's immediate removal or suspension from the
17 school's regular education program is required pursuant to the
18 provisions of the "Zero Tolerance for Guns Act," P.L.1995, c.127
19 (C.18A:37-7 et seq.); section 2 of P.L.1979, c.189 (C.18A:37-2.1);
20 or section 1 of P.L.1995, c.128 (C.18A:37-2.2); or in any other
21 instance in which the safety and security of other students or school
22 staff requires the student's immediate removal from school. In these
23 instances, the meeting required pursuant to subsection a. of this
24 section shall take place as soon as practicable following the
25 student's removal from the school's regular education program.

26 d. The provisions of this section shall be construed in a manner
27 consistent with the "Individuals with Disabilities Education Act,"
28 20 U.S.C. s.1400 et seq.

29 e. The State Board of Education may promulgate regulations
30 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.), necessary to effectuate the provision of this
32 act.

33 (cf: P.L.2019, c.479, s.1)

34

35 20. Section 1 of P.L.2019, c.412 (C.18A:37-38) is amended to
36 read as follows:

37 1. As used in this act:

38 "Adverse childhood experiences" means severe childhood
39 stressors that, when experienced prenatal to three years old, affect
40 brain development and which are proven to be powerful
41 determinants of physical, mental, social, and behavioral health
42 across a lifespan. Adverse childhood experiences may include, but
43 are not limited to, child physical or sexual abuse, child emotional
44 abuse, child physical or emotional neglect, **[alcohol or other]**
45 substance **[abuse]** use disorder in the home, mental illness or
46 suicidal behaviors in the home, incarceration of a family member,
47 exposure to violence in the home or community, and parental
48 divorce or separation.

1 "Restorative justice" means a system of dispute resolution tools
2 that allow all parties of a dispute to be involved in defining the
3 harm and devising remedies while giving the necessary attention to
4 community safety, victims' needs, and the need for offender
5 accountability. Restorative justice practices shall include, but need
6 not be limited to, student or community court, restorative circles,
7 mediation, and conferencing.

8 "Trauma-informed approach" means an approach that recognizes
9 the signs and symptoms of trauma in students, families, staff, and
10 others, and which responds by fully integrating knowledge about
11 trauma into policies, procedures, and practices for the purposes of
12 promoting resiliency and healing, resisting the recurrence of
13 trauma, and improving educational outcomes.

14 (cf: P.L.2019, c.412, s.1)

15
16 21. Section 1 of P.L.2017, c.70 (C.18A:40-3.7) is amended to
17 read as follows:

18 1. State Board of Education regulations prescribing the
19 requirements for eligibility for an educational services certificate
20 with a school nurse endorsement shall, at a minimum, require that a
21 candidate for the endorsement:

22 a. is licensed as a registered nurse pursuant to the provisions of
23 P.L.1947, c.262 (C.45:11-23 et seq.);

24 b. holds a bachelor's degree from a regionally-accredited
25 college or university;

26 c. completes either a Department of Education-approved
27 college curriculum for the preparation of school nurses or a
28 program of studies, with a minimum of 21 semester hour credits,
29 that includes study in the fundamentals of substance **[abuse]** use
30 disorder and dependency and such other subject areas as determined
31 by the State board, and clinical experience in a school nurse office;
32 and

33 d. completes a college-supervised school nurse practicum
34 experience, a portion of which shall be completed in a school nurse
35 office and a portion of which shall be completed in a classroom.
36 The practicum experience may count toward the minimum 21
37 semester hour credit requirement.

38 (cf: P.L.2017, c.70, s.1)

39
40 22. Section 2 of P.L.2017, c.70 (C.18A:40-3.8) is amended to
41 read as follows:

42 2. State Board of Education regulations prescribing the
43 requirements for eligibility for an educational services certificate
44 with a school nurse/non-instructional endorsement shall, at a
45 minimum, require that a candidate for the endorsement:

46 a. is licensed as a registered nurse pursuant to the provisions of
47 P.L.1947, c.262 (C.45:11-23 et seq.);

b. holds a bachelor's degree from a regionally-accredited college or university; and

c. completes either a Department of Education-approved college curriculum for the preparation of school nurses or a program of studies, with a minimum of 15 semester hour credits, that includes study in the fundamentals of substance **[abuse]** use disorder and dependency and such other subject areas as determined by the State board, and clinical experience in a school nurse office. (cf: P.L.2017, c.70, s.2)

23. Section 1 of P.L.2013, c.146 (C.18A:40-44) is amended to read as follows:

1. a. The Department of Education shall prepare and make available on the department's Internet website, both in print and in an easily printable format, information on how a parent can limit a child's exposure to violence on television, cell phones, computers, and other electronic devices. The department shall update this information whenever new information about a child's exposure to violence on television and other electronic devices becomes available. The information shall include, but not be limited to:

(1) research and statistics on how violent behavior increases after exposure to violent films, music, television, or video games;

(2) scientific findings that show children who play violent video games are more likely to be involved in physical altercations with classmates, perform poorly on academic tasks, and are unable to relate to adults in positions of authority;

(3) factors that increase the probability a child will be at risk of violent behavior, including, but not limited to, exposure or involvement in violence at critical stages of childhood development, poor socioeconomic conditions, and poor parenting skills;

(4) symptoms of a child's overexposure to violence, including, but not limited to, sleeplessness, anxiety, depression, feelings of hopelessness, truancy, and difficulty in school;

(5) predictors of violent behavior in children, including but not limited to, dishonesty, disobedience, favorable attitude toward violence, hostility toward police, substance **[abuse]** use disorder, aggressive or antisocial behavior, and involvement in nonviolent criminal offenses; and

(6) effective strategies, based on a child's age and stage of development, that will help a parent monitor or restrict a child's exposure to violence on television and other electronic devices, including, but not limited to, the use of screening software or other technologies that prevent a child from watching television programs a parent deems inappropriate, co-viewing and commenting on television programs that depict violence, and familiarization with video game advisory labels and rating systems that make it more difficult for children to purchase and play such games.

1 b. The department shall prepare an informational pamphlet that
2 contains the information posted on its website pursuant to
3 subsection a. of this section, and shall update the pamphlet as
4 necessary. The department shall distribute the pamphlet, at no
5 charge, to all school districts in the State, and shall make additional
6 copies available to nonpublic schools upon request.

7 c. In the 2013-2014 school year and in each school year
8 thereafter, each school district shall distribute the pamphlet to the
9 parents or guardians of students attending the schools of the district.
10 (cf: P.L.2013, c.146, s.1)

11

12 24. Section 2 of P.L.1987, c.389 (C.18A:40A-2) is amended to
13 read as follows:

14 2. The Commissioner of Education, in consultation with the
15 Commissioner of Health, shall develop curriculum guidelines for
16 education programs on drugs, alcohol, anabolic steroids, tobacco
17 and controlled dangerous substances. These guidelines shall be
18 reviewed annually, and shall be updated as necessary to insure that
19 the curriculum reflects the most current information available on
20 the nature and treatment of drug, alcohol, anabolic steroids, tobacco
21 and controlled dangerous substance **【abuse】** use disorder and
22 treatment. The guidelines shall provide for a sequential course of
23 study for each grade, K-12, and shall, at a minimum, include:

24 a. Detailed, factual information regarding the physiological,
25 psychological, sociological and legal aspects of substance **【abuse】**
26 use disorder;

27 b. Detailed information concerning the availability of help and
28 assistance for pupils and their families with chemical dependency
29 problems;

30 c. Decision making and coping skills; and,

31 d. The development of activities and attitudes which are
32 consistent with a healthy life style.

33 The guidelines shall include model instructional units, shall define
34 specific behavioral and learning objectives and shall recommend
35 instructional materials suitable for each grade level.

36 (cf: P.L.1989, c.225, s.3)

37

38 25. Section 1 of P.L.2016, c.46 (C.18A:40A-2.1) is amended to
39 read as follows:

40 1. a. The Department of Education, in consultation with the
41 Division of Mental Health and Addiction Services in the
42 Department of Human Services, shall review the Core Curriculum
43 Content Standards in Comprehensive Health and Physical
44 Education to ensure that guidance for substance **【abuse】** use
45 disorder instruction incorporates the most recent evidence-based
46 standards and practices.

47 b. Within 120 days of the effective date of this act, the
48 department shall issue a written report to the Governor, to the State

1 Board of Education, and to the Legislature as provided under
2 section 2 of P.L.1991, c.164 (C.52:14-19.1), with its determination
3 on whether the Core Curriculum Content Standards in
4 Comprehensive Health and Physical Education adequately
5 incorporate the most recent evidence-based standards and practices
6 pursuant to subsection a. of this section. If the department
7 determines that the Core Curriculum Content Standards in
8 Comprehensive Health and Physical Education need to be revised, it
9 shall propose the revisions to the State board within 12 months of
10 the report's submission.

11 (cf: P.L.2016, c.46, s.1)

12

13 26. Section 3 of P.L.1987, c.389 (C.18A:40A-3) is amended to
14 read as follows:

15 3. a. Upon completion of the curriculum guidelines required
16 pursuant to section 2 of this act, the Commissioner of Education, in
17 consultation with the Commissioner of Health, shall establish
18 inservice workshops and training programs to train selected public
19 school teachers to teach an education program on drugs, alcohol,
20 anabolic steroids, tobacco and controlled dangerous substances. The
21 inservice training programs may utilize existing county or regional
22 offices, or such other institutions, agencies or persons as the
23 Commissioner of Education deems appropriate. The programs and
24 workshops shall provide instructional preparation for the teaching
25 of the drug, alcohol, anabolic steroids, tobacco and controlled
26 dangerous substances curriculum, and shall, in addition to the
27 curriculum material, include information on the history,
28 pharmacology, physiology and psychosocial aspects of drugs,
29 alcohol, anabolic steroids, tobacco and controlled dangerous
30 substances, symptomatic behavior associated with substance
31 **【abuse】** use disorder, the availability of rehabilitation and treatment
32 programs, and the legal aspects of substance **【abuse】** use disorder.
33 Each local board of education shall provide time for the inservice
34 training during the usual school schedule in order to insure that
35 appropriate teaching staff members are prepared to teach the
36 education program in each grade in each school district.

37 b. Upon completion of the initial inservice training program,
38 the Commissioner of Education shall insure that programs and
39 workshops that reflect the most current information on substance
40 **【abuse】** use disorder are prepared and are made available to
41 teaching staff members at regular intervals.

42 c. In addition to providing inservice training programs for
43 teaching staff members who will provide instruction on substance
44 **【abuse】** use disorder in the public schools, the Commissioner of
45 Education shall make these training programs available to such
46 other instructional and supervisory personnel as he deems necessary
47 and appropriate.

48 (cf: P.L.1989, c.225, s.4)

1 27. Section 4 of P.L.1987, c.389 (C.18A:40A-4) is amended to
2 read as follows:

3 4. In addition to the provisions for inservice training established
4 pursuant to this act, the commissioner shall insure that the
5 preservice training of individuals intending to enter the teaching
6 profession provides for an adequate treatment of the subject of
7 substance **[abuse]** use disorder.

8 No certificate to teach in the public schools shall be issued to any
9 teaching staff member who has not passed a satisfactory
10 examination in (1) physiology and hygiene; and (2) substance
11 **[abuse]** use disorder issues which includes material on the
12 physiological, psychological, sociological and legal aspects of
13 **[drug and alcohol abuse]** substance use disorder, methods of
14 educating students on the negative effects of substance **[abuse]** use
15 disorder, and intervention strategies for dealing with students
16 **[engaged in]** with substance **[abuse]** use disorder.

17 (cf: P.L.1987, c.389, s.4)

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

21 1. a. Except as provided by section 3 of P.L.1971, c.437 (C.9:6-
22 8.10), if a public or private elementary or secondary school pupil
23 who is participating in a school-based **[drug and alcohol abuse]**
24 substance use disorder counseling program provides information
25 during the course of a counseling session in that program which
26 indicates that the pupil's parent or guardian or other person residing
27 in the pupil's household is dependent upon or illegally using a
28 substance as that term is defined in section 2 of P.L.1987, c.387
29 (C.18A:40A-9), that information shall be kept confidential and may
30 be disclosed only under the circumstances expressly authorized
31 under subsection b. of this section.

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

34 (1) subject to the pupil's written consent, to another person or
35 entity whom the pupil specifies in writing in the case of a secondary
36 school pupil, or to a member of the pupil's immediate family or the
37 appropriate school personnel in the case of an elementary school
38 pupil;

39 (2) pursuant to a court order;

40 (3) to a person engaged in a bona fide research purpose, except
41 that no names or other information identifying the pupil or the
42 person with respect to whose substance **[abuse]** use disorder the
43 information was provided, shall be made available to the researcher;
44 or

45 (4) to the Division of Child Protection and Permanency or to a
46 law enforcement agency, if the information would cause a person to
47 reasonably suspect that the elementary or secondary school pupil or
48 another child may be an abused or neglected child as the terms are

1 used in R.S.9:6-1, or as the terms are defined in section 2 of
2 P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-
3 8.21).

4 c. Any disclosure made pursuant to paragraph (1) or (2) of
5 subsection b. of this section shall be limited to that information
6 which is necessary to carry out the purpose of the disclosure, and
7 the person or entity to whom the information is disclosed shall be
8 prohibited from making any further disclosure of that information
9 without the pupil's written consent. The disclosure shall be
10 accompanied by a written statement advising the recipient that the
11 information is being disclosed from records the confidentiality of
12 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and
13 that this law prohibits any further disclosure of this information
14 without the written consent of the person from whom the
15 information originated. Nothing in P.L.1997, c.362 (C.18A:40A-
16 7.1 et seq.) shall be construed as prohibiting the Division of Child
17 Protection and Permanency or a law enforcement agency from using
18 or disclosing the information in the course of conducting an
19 investigation or prosecution. Nothing in P.L.1997, c.362 shall be
20 construed as authorizing the violation of any federal law.

21 d. The prohibition on the disclosure of information provided by
22 a pupil pursuant to subsection a. of this section shall apply whether
23 the person to whom the information was provided believes that the
24 person seeking the information already has it, has other means of
25 obtaining it, is a law enforcement or other public official, has
26 obtained a subpoena, or asserts any other justification for the
27 disclosure of this information.

28 (cf: P.L.2012, c.16, s.43)

29

30 29. Section 2 of P.L.1987, c.387 (C.18A:40A-9) is amended to
31 read as follows:

32 2. For the purposes of this act:

33 "Substance" shall mean alcoholic beverages, controlled
34 dangerous substances as defined in section 2 of P.L.1970, c.266
35 (C.24:21-2), anabolic steroids or any chemical or chemical
36 compound which releases vapors or fumes causing a condition of
37 intoxication, inebriation, excitement, stupefaction or dulling of the
38 brain or nervous system including, but not limited to, glue
39 containing a solvent having the property of releasing toxic vapors or
40 fumes as defined in section 1 of P.L.1965, c.41 (C.2A:170-25.9).

41 "Substance **[abuse]** use disorder " shall mean the consumption
42 or use of any substance as defined herein for purposes other than for
43 the treatment of sickness or injury as prescribed or administered by
44 a person duly authorized by law to treat sick and injured human
45 beings.

46 (cf: P.L.1989, c.216, s.1.)

1 30. Section 3 of P.L.1987, c.387 (C.18A:40A-10) is amended to
2 read as follows:

3 3. Each local board of education shall, pursuant to guidelines
4 developed by the Commissioner of Education, in consultation with
5 the Commissioner of Health, establish a comprehensive substance
6 **【abuse】** use disorder intervention, prevention and treatment referral
7 program in the public elementary and secondary schools of the
8 district. The purpose of the program shall be to identify pupils who
9 **【are】** have substance **【abusers】** use disorder, assess the extent of
10 these pupils' involvement with these substances and, where
11 appropriate, refer pupils and their families to organizations and
12 agencies approved by the Department of Health to offer competent
13 professional treatment. Treatment shall not be at the expense of the
14 local board of education.

15 Each school district shall develop a clear written policy
16 statement which outlines the district's program to combat substance
17 **【abuse】** use disorder and which provides for the identification,
18 evaluation, referral for treatment and discipline of pupils who **【are】**
19 have substance **【abusers】** use disorder. Copies of the policy
20 statement shall be distributed to pupils and their parents at the
21 beginning of each school year.

22 (cf: P.L.1987, c.387, s.3)

23

24 31. Section 4 of P.L.1987, c.387 (C.18A:40A-11) is amended to
25 read as follows:

26 4. Each board of education shall adopt and implement, in
27 accordance with rules and regulations promulgated by the State
28 board, policies and procedures for the evaluation, referral for
29 treatment and discipline of pupils involved in incidents of
30 possession or abuse of substances as defined in section 2 of this act,
31 on school property or at school functions, or who show significant
32 symptoms of the use of those substances on school property or at
33 school functions. In adopting and implementing these policies and
34 procedures, the board shall consult and work closely with a local
35 organization involved with the prevention, detection and treatment
36 of substance **【abuse】** use disorder approved by the Department of
37 Health.

38 (cf: P.L.1987, c.387, s.4)

39

40 32. Section 5 of P.L.1987, c.387 (C.18A:40A-12) is amended to
41 read as follows:

42 5. a. Whenever it shall appear to any teaching staff member,
43 school nurse or other educational personnel of any public school in
44 this State that a pupil may be under the influence of substances as
45 defined pursuant to section 2 of this act, other than anabolic
46 steroids, that teaching staff member, school nurse, or other
47 educational personnel shall report the matter as soon as possible to
48 the school nurse or medical inspector, as the case may be, or to a

1 student assistance coordinator, and to the principal or, in his
2 absence, to his designee. The principal or his designee, shall
3 immediately notify the parent or guardian and the superintendent of
4 schools, if there be one, or the administrative principal and shall
5 arrange for an immediate examination of the pupil by a doctor
6 selected by the parent or guardian, or if that doctor is not
7 immediately available, by the medical inspector, if he is available.
8 If a doctor or medical inspector is not immediately available, the
9 pupil shall be taken to the emergency room of the nearest hospital
10 for examination accompanied by a member of the school staff
11 designated by the principal and a parent or guardian of the pupil if
12 available. The pupil shall be examined as soon as possible for the
13 purpose of diagnosing whether or not the pupil is under such
14 influence. A written report of that examination shall be furnished
15 within 24 hours by the examining physician to the parent or
16 guardian of the pupil and to the superintendent of schools or
17 administrative principal. If it is determined that the pupil was under
18 the influence of a substance, the pupil shall be returned to the
19 pupil's home as soon as possible and shall not resume attendance at
20 school until the pupil submits to the principal a written report
21 certifying that the pupil is physically and mentally able to return
22 thereto, which report shall be prepared by a personal physician, the
23 medical inspector, or the physician who examined the pupil
24 pursuant to the provisions of this act.

25 In addition, the pupil shall be interviewed by a student assistance
26 coordinator or another appropriately trained teaching staff member
27 for the purpose of determining the extent of the pupil's involvement
28 with these substances and possible need for treatment. In order to
29 make this determination the coordinator or other teaching staff
30 member may conduct a reasonable investigation which may include
31 interviews with the pupil's teachers and parents. The coordinator or
32 other teaching staff member may also consult with experts in the
33 field of substance **[abuse]** use disorder as may be necessary and
34 appropriate. If it is determined that the pupil's involvement with and
35 use of these substances represents a danger to the pupil's health and
36 well-being, the coordinator or other teaching staff member shall
37 refer the pupil to an appropriate treatment program which has been
38 approved by the Commissioner of Health.

39 b. Whenever any teaching staff member, school nurse, or other
40 educational personnel of any public school in this State shall have
41 reason to believe that a pupil has used or may be using anabolic
42 steroids, that teaching staff member, school nurse, or other
43 educational personnel shall report the matter as soon as possible to
44 the school nurse or medical inspector, as the case may be, or to a
45 student assistance coordinator, and to the principal or, in his
46 absence, to his designee. The principal or his designee, shall
47 immediately notify the parent or guardian and the superintendent of
48 schools, if there be one, or the administrative principal and shall

1 arrange for an examination of the pupil by a doctor selected by the
2 parent or guardian or by the medical inspector. The pupil shall be
3 examined as soon as possible for the purpose of diagnosing whether
4 or not the pupil has been using anabolic steroids. A written report
5 of that examination shall be furnished by the examining physician
6 to the parent or guardian of the pupil and to the superintendent of
7 schools or administrative principal. If it is determined that the pupil
8 has been using anabolic steroids, the pupil shall be interviewed by a
9 student assistance coordinator or another appropriately trained
10 teaching staff member for the purpose of determining the extent of
11 the pupil's involvement with these substances and possible need for
12 treatment. In order to make this determination the coordinator or
13 other teaching staff member may conduct a reasonable investigation
14 which may include interviews with the pupil's teachers and parents.
15 The coordinator or other teaching staff member may also consult
16 with experts in the field of substance **[abuse]** use disorder as may
17 be necessary and appropriate. If it is determined that the pupil's
18 involvement with and use of these substances represents a danger to
19 the pupil's health and well-being, the coordinator or other teaching
20 staff member shall refer the pupil to an appropriate treatment
21 program which has been approved by the Commissioner of Health.
22 (cf: P.L.2012, c.17, s.82)

23
24 33. Section 8 of P.1987, c.387 (C. 18A:40A-15) is amended to
25 read as follows:

26 8. a. The Commissioner of Education, in consultation with the
27 Commissioner of Health, shall develop an inservice training
28 program for public school teachers to enable the teachers to
29 recognize and respond to substance **[abuse]** use disorder by public
30 school pupils. The program shall, at a minimum, include:

31 (1) Instruction to assist the teacher in the identification of the
32 symptoms and behavioral patterns which might indicate that a child
33 may **[be involved in]** have substance **[abuse]** use disorder;

34 (2) Appropriate intervention strategies; and,

35 (3) Information on the State, local and community organizations
36 which are available for the prevention, early intervention, treatment
37 and rehabilitation of individuals who show symptoms of substance
38 **[abuse]** use disorder.

39 The inservice training program required pursuant to this section
40 shall be updated at regular intervals in order to insure that teaching
41 staff members have the most current information available on this
42 subject.

43 b. Each local board of education shall insure that all teaching
44 staff members in the district who are involved in the instruction of
45 pupils are provided with the inservice training program developed
46 pursuant to this section. The inservice training program of the local
47 board of education shall also include information concerning the
48 policy of the board regarding the referral for treatment of pupils

1 **【involved in】** with substance **【abuse】** use disorder, as required
2 pursuant to section 5 of this act.

3 (cf: P.L.1987, c.387, s.8)
4

5 34. Section 9 of P.L.1987, c.387 (C.18A:40A-16) is amended to
6 read as follows:

7 9. a. The Commissioner of Education, in consultation with the
8 Commissioner of Health, shall establish guidelines for substance
9 **【abuse】** use disorder education programs to be offered by local
10 boards of education to the parents or legal guardians of public
11 school pupils. The program shall, at a minimum, provide:

12 (1) A thorough and comprehensive review of the substance
13 **【abuse】** use disorder education curriculum which will be taught to
14 the child of the parent or guardian during the school year, with
15 recommendations as to the ways in which the parent or guardian
16 may enhance, reinforce and supplement that program;

17 (2) Information on the pharmacology, physiology, psychosocial
18 and legal aspects of substance **【abuse】** use disorder, and instruction
19 to assist the parent or guardian in the identification of the symptoms
20 and behavioral patterns which might indicate that a child may be
21 involved in substance **【abuse】** use disorder; and

22 (3) Information on the State, local and community organizations
23 which are available for the prevention, early intervention, treatment
24 and rehabilitation of individuals who show symptoms of substance
25 **【abuse】** use disorder.

26 b. In addition to the guidelines required pursuant this section,
27 the Commissioner of Education, in consultation with the
28 Commissioner of Health, shall develop and provide to local boards
29 of education suggested materials for the substance **【abuse】** use
30 disorder education program for parents or legal guardians of school
31 pupils, and shall maintain and continuously update a roster of
32 individuals or groups available to assist boards of education in
33 implementing this program and a list of State and local agencies and
34 organizations which are approved by the Department of Health to
35 provide services for the prevention, early intervention, treatment or
36 rehabilitation of individuals who show symptoms of substance
37 **【abuse】** use disorder.

38 (cf: P.L.1987, c. 387, s.9)
39

40 35. Section 10 of P.L.1987, c.387 (C.18A:40A-17) is amended to
41 read as follows:

42 10. a. Under the guidelines established by the Commissioner of
43 Education, each local board of education shall establish an outreach
44 program to provide substance **【abuse】** use disorder education for
45 the parents or legal guardians of the pupils of the district. In
46 establishing the program, the local board of education shall consult
47 with such local organizations and agencies as are recommended by
48 the commissioner. The board of education shall insure that the

1 program is offered at times and places convenient to the parents of
2 the district on school premises, or in other suitable facilities.

3 b. In addition to the substance **[abuse]** use disorder education
4 program required pursuant to this section, each local board of
5 education shall establish policies and procedures to provide
6 assistance to parents or legal guardians who believe that their child
7 may be involved in substance **[abuse]** use disorder. These policies
8 and procedures shall be consistent with the policies and procedures
9 for intervention by school personnel developed pursuant to this act.

10 c. The board of education in each school district in the State in
11 which a nonpublic school is located shall have the power and duty
12 to loan to the parents or legal guardians of all pupils attending
13 nonpublic schools located within the district all educational
14 materials developed by the Commissioner of Education for the
15 instruction of the parents or legal guardians of public school pupils
16 on the nature and effects of substances and substance **[abuse]** use
17 disorder. The Commissioner of Education shall make these
18 materials available so that the local board of education shall not be
19 required to expend funds for the loan of these materials.

20 (cf: P.L.1987, c. 387, s.10)

21

22 36. Section 11 of P.L.1987, c.387 (C.18A:40A-18) is amended to
23 read as follows:

24 11. The Commissioner of Education, in consultation with the
25 Commissioner of Health, shall develop and administer a program
26 which provides for the employment of student assistance
27 coordinators in certain school districts.

28 a. Within 90 days of the effective date of this act, the
29 Commissioner of Education shall forward to each local school
30 board a request for a proposal for the employment of a student
31 assistance coordinator. A board which wants to participate in the
32 program shall submit a proposal to the commissioner which outlines
33 the district's plan to provide substance **[abuse]** use disorder
34 prevention, intervention, and treatment referral services to students
35 through the employment of a student assistance coordinator.
36 Nothing shall preclude a district which employs a student assistance
37 coordinator at the time of the effective date of this act from
38 participating in this program. The commissioner shall select school
39 districts to participate in the program through a competitive grant
40 process. The participating districts shall include urban, suburban,
41 and rural districts from the north, central, and southern geographic
42 regions of the State with at least one school district per county. In
43 addition to all other State aid to which the local district is entitled
44 under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and
45 other pertinent statutes, each board of education participating in the
46 program shall receive from the State, for a three-year period, the
47 amount necessary to pay the salary of its student assistance
48 coordinator.

1 b. The position of student assistance coordinator shall be
2 separate and distinct from any other employment position in the
3 district, including, but not limited to district guidance counselors,
4 school social workers, and school psychologists. The State Board
5 of Education shall approve the education and experience criteria
6 necessary for employment as a student assistance coordinator. The
7 criteria shall include a requirement for certification by the State
8 Board of Examiners. In addition to the criteria established by the
9 State board, the Department of Education and the Department of
10 Health shall jointly conduct orientation and training programs for
11 student assistance coordinators, and shall also provide for
12 continuing education programs for coordinators.

13 c. It shall be the responsibility of student assistance
14 coordinators to assist local school districts in the effective
15 implementation of this act. Coordinators shall assist with the in
16 service training of school district staff concerning substance
17 **【abuse】** use disorder issues and the district program to combat
18 substance **【abuse】** use disorder; serve as an information resource
19 for substance **【abuse】** use disorder curriculum development and
20 instruction; assist the district in revising and implementing
21 substance **【abuse】** use disorder policies and procedures; develop
22 and administer intervention services in the district; provide
23 counseling services to pupils regarding substance **【abuse】** use
24 disorder problems; and, where necessary and appropriate, cooperate
25 with juvenile justice officials in the rendering of substance **【abuse】**
26 use disorder treatment services.

27 d. The Commissioner of Education, in consultation with the
28 Commissioner of Health, shall implement a plan to collect data on
29 the effectiveness of the program in treating problems associated
30 with substance **【abuse】** use disorder and in reducing the incidence
31 of substance **【abuse】** use disorder in local school districts. Six
32 months prior to the expiration of the program authorized pursuant to
33 this section, the Commissioner of Education shall submit to the
34 Governor and the Legislature an evaluation of the program and a
35 recommendation on the advisability of its continuation or expansion
36 to all school districts in the State.

37 (cf: P.L.2012, c.17, s.83)

38
39 37. Section 12 of P.L.1987, c.387 (C.18A:40A-19) is amended to
40 read as follows:

41 12. The Commissioner of Education is authorized to make
42 grants to local school districts in such amounts as he shall
43 determine, to assist the districts in the implementation of innovative
44 pilot programs designed to educate pupils of elementary and
45 secondary schools and members of the general public on the subject
46 of substance **【abuse】** use disorder, and to prevent the abuse of those
47 substances. Application for grants shall be made on forms
48 furnished by the Commissioner of Education and shall set forth the

1 program proposed and appropriate administrative procedures for the
2 proper and efficient implementation of the program. These pilot
3 programs shall, at a minimum, include:

4 a. An early intervention competitive grant pilot program to be
5 established by the Commissioner of Education, in consultation with
6 the Commissioner of Health and the Commissioner of Human
7 Services, to enable local school districts to identify and assist
8 elementary school pupils who are affected by family substance
9 **[abuse]** use disorder problems or who are at risk of developing
10 such problems themselves. The purpose of the program shall be to
11 encourage the creation of effective model programs for the early
12 identification of children at risk for substance **[abuse]** use disorder
13 related problems and to provide for effective intervention when
14 these children are identified.

15 Grants shall be awarded to boards of education through a
16 competitive grant process based upon written applications
17 submitted by local boards of education. The Commissioner of
18 Education shall select not more than eight of the proposals
19 submitted by boards of education for participation in the pilot
20 program. The commissioner, in addition to considering the overall
21 quality of each proposal and the likelihood that the proposal can be
22 replicated in other districts, shall seek to achieve the broadest
23 geographic distribution of recipients consistent with the purposes of
24 this act.

25 b. The pilot program established in Ocean County by the
26 Department of Education in conjunction with the Juvenile Services
27 Unit in the Family Division of the Administrative Office of the
28 Courts, to coordinate the efforts of school and juvenile justice
29 personnel in the county to combat **[alcohol and]** substance **[abuse]**
30 use disorder by students.

31 The commissioner shall evaluate the effectiveness of the model
32 program developed and tested pursuant to this section and
33 disseminate information about successful model programs to school
34 districts that do not participate in the pilot program.

35 (cf: P.L.1987, c.387, s.12)

36

37 38. Section 13 of P.L.1987, c.387 (C.18A:40A-20) is amended to
38 read as follows:

39 13. The Commissioner of Education, in consultation with the
40 Commissioner of Health and the Commissioner of Human Services,
41 shall develop procedures for the evaluation of the impact of the
42 programs established pursuant to this act and shall report annually
43 to the Governor and the Legislature on the effects of these
44 programs. That report shall include data concerning the incidence
45 of substance **[abuse]** use disorder in the public schools; the nature
46 and scope of intervention, prevention and treatment referral
47 programs; an assessment of the impact of those programs on the
48 problem of substance **[abuse]** use disorder; and, any

1 recommendations for modifications in the programs established
2 pursuant to this act.
3 (cf: P.L.1987, c.387, s.13)
4
5 39. Section 1 of P.L.2021, c.445 (C.18A:61D-19) is amended to
6 read as follows:
7 1. a. Beginning with the 2021-2022 academic year and in each
8 academic year thereafter, a public and independent institution of
9 higher education shall:
10 (1) ensure that all on-campus students have access to campus-
11 based mental health care programs and services;
12 (2) provide assistance and referrals to mental health support
13 services to any student unable to access on-campus services; and
14 (3) provide each newly enrolled student with information
15 concerning the location and availability of those programs and
16 services.
17 b. Beginning with the 2021-2022 academic year, each public
18 and independent institution of higher education shall establish and
19 maintain, on a 24-hour basis, a toll-free telephone hotline for
20 students. The hotline shall receive and respond to calls from
21 students seeking counseling for depression, anxiety, stress, or other
22 psychological or emotional tension, trauma, or disorder. The
23 operators of the hotline shall seek to identify those callers who
24 should be referred to additional counseling services, and to provide
25 such referrals.
26 The number for the hotline shall be posted in each dormitory,
27 library, and student center, and any other facility or area on campus
28 that the institution determines to be appropriate.
29 c. The operators of the hotline shall be, to the greatest extent
30 possible, persons who, by experience or education, are (1) familiar
31 with the emotional and psychological tensions, depressions, and
32 anxieties unique to higher education students; or (2) trained to
33 provide counseling services involving substance **[abuse]** use
34 disorder, personal stress management, and other emotional or
35 psychological disorders or conditions which may be likely to
36 adversely affect the well-being of students.
37 d. An institution of higher education may satisfy the hotline
38 requirement established pursuant to subsection b. of this section by
39 providing each student with the hotline number for the National
40 Suicide Prevention Lifeline, the NJ Hopeline, or any 24/7 mental
41 health hotline deemed appropriate by the Secretary of Higher
42 Education. In addition to providing students with the hotline
43 numbers, the institution shall post the hotline numbers in each
44 dormitory, library, and student center, and any other facility or area
45 on campus that the institution determines to be appropriate.
46 (cf: P.L.2021, c.445, s.1)

1 40. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
2 read as follows:

3 2. The Legislature finds and declares that:

4 a. A qualified and stable work force in public facilities and
5 nonprofit social services agencies is essential to ensure the
6 provision of quality services to persons in need of services,
7 including persons with mental illness, developmental disabilities or
8 other disabilities, persons in need of substance **[abuse]** use disorder
9 treatment and juveniles under the custody and care of the Juvenile
10 Justice Commission;

11 b. These public facilities and social services agencies are
12 currently facing a personnel crisis, which is expected to worsen in
13 the next two decades;

14 c. The entry-level and on-going salaries offered by these public
15 facilities and social services agencies to direct care professionals
16 are not always competitive with those offered in the private for
17 profit sector, which limits the ability of these facilities and agencies
18 to attract and retain qualified direct care professionals;

19 d. Loan redemption programs can address the economic
20 hardship of direct care professionals performing critical work in
21 low-paying jobs, who in many instances are forced, because of their
22 high loan debt and low incomes, to reject or abandon employment
23 in the public sector, which is in great need of their skills and
24 knowledge, for employment that is more financially rewarding;

25 e. The departure of these skilled direct care professionals from
26 the public and nonprofit sector is, in many cases, a loss to their own
27 sense of personal fulfillment, to the consumers that they serve, and
28 to society at large; and

29 f. The establishment by this State of a loan redemption
30 program for direct care professionals employed in public facilities
31 and nonprofit agencies that contract with the Department of Human
32 Services and the Juvenile Justice Commission is essential to address
33 the need for the continued provision of high-quality services by
34 these skilled and knowledgeable professionals.

35 (cf: P.L.2005, c.157, s.2)

36

37 41. Section 3 of P.L.2013, c.175 (C.18A:72P-3) is amended to
38 read as follows:

39 3. The advisory council shall:

40 a. examine issues related to school-aged children and students
41 attending public or independent institutions of higher education in
42 the State, including, but not limited to, education, employment,
43 strategies to promote the involvement of children and young adults
44 in government affairs, the accessibility of government services by
45 children and young adults, and substance **[abuse]** use disorder
46 prevention, intervention, treatment, and rehabilitation;

1 b. support existing, and develop new, Statewide initiatives
2 relating to school-aged children and students attending public or
3 independent institutions of higher education in the State;

4 c. develop and foster partnerships among federal, State, and
5 local government entities, members of the educational community,
6 private, nonprofit, and volunteer agencies, community-based
7 organizations, private foundations, and representatives of the
8 business community that provide services to, administer programs
9 for, or mentor school-aged children and students attending public or
10 independent institutions of higher education in the State, so as to
11 enable them to better coordinate and improve the effectiveness of
12 these services and programs; and

13 d. train advisory council members to serve as ambassadors to
14 school-aged children and students attending public or independent
15 institutions of higher education in the State to encourage their
16 participation in civic enrichment activities.

17 (cf: P.L.2013, c.175, s.3)

18
19 42. Section 19 of P.L.2021, c.16 (C.24:6I-36) is amended to read
20 as follows:

21 19. Application For License or Conditional License.

22 a. Each application for an annual license to operate a cannabis
23 establishment, distributor, or delivery service, or conditional license
24 for a proposed cannabis establishment, distributor, or delivery
25 service, shall be submitted to the commission. A separate license or
26 conditional license shall be required for each location at which a
27 cannabis establishment seeks to operate, or for the location of each
28 premises from which a cannabis distributor or delivery service
29 seeks to operate. Renewal applications for another annual license
30 shall be filed no later than 90 days prior to the expiration of the
31 establishment's, distributor's, or delivery service's license. A
32 conditional license shall not be renewed, but replaced with an
33 annual license upon the commission's determination of qualification
34 for the annual license, or otherwise expire, as set forth in paragraph
35 (2) of subsection b. of this section.

36 b. (1) Regarding the application for and issuance of annual
37 licenses, the commission shall:

38 (a) begin accepting and processing applications within 30 days
39 after the commission's initial rules and regulations have been
40 adopted pursuant to subparagraph (a) of paragraph (1) of subsection
41 d. of section 6 of P.L.2021, c.16 (C.24:6I-34);

42 (b) forward, within 14 days of receipt, a copy of each
43 application to the municipality in which the applicant desires to
44 operate the cannabis establishment, distributor, or delivery service;
45 and

46 (c) verify the information contained in the application and
47 review the qualifications for the applicable license class, set forth in
48 section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37,

1 C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43), and
2 regulations concerning qualifications for licensure promulgated by
3 the commission for which the applicant seeks licensure, and not
4 more than 90 days after the receipt of an application, make a
5 determination as to whether the application is approved or denied,
6 or that the commission requires more time to adequately review the
7 application.

8 The commission shall deny a license application to any applicant
9 who fails to provide information, documentation and assurances as
10 required by P.L.2021, c.16 (C.24:6I-31 et al.) or as requested by the
11 commission, or who fails to reveal any material fact to
12 qualification, or who supplies information which is untrue or
13 misleading as to a material fact pertaining to the qualification
14 criteria for licensure. The commission shall approve a license
15 application that meets the requirements of this section unless the
16 commission finds by clear and convincing evidence that the
17 applicant would be manifestly unsuitable to perform the activities
18 for the applicable license class for which licensure is sought.

19 (i) If the application is approved, upon collection of the license
20 fee, the commission shall issue an annual license to the applicant no
21 later than 30 days after giving notice of approval of the application
22 unless the commission finds the applicant is not in compliance with
23 regulations for annual licenses enacted pursuant to the provisions of
24 paragraph (1) of subsection d. of section 6 of P.L.2021, c.16
25 (C.24:6I-34) or the commission is notified by the relevant
26 municipality that the applicant is not in compliance with ordinances
27 and regulations made pursuant to the provisions of section 31 of
28 P.L.2021, c.16 (C.24:6I-45) and in effect at the time of application,
29 provided, if a municipality has enacted a numerical limit on the
30 number of cannabis establishments, distributors, or delivery
31 services and a greater number of applicants seek licenses, the
32 commission shall solicit and consider input from the municipality as
33 to the municipality's preference or preferences for licensure.

34 (ii) If the application is denied, the commission shall notify the
35 applicant in writing of the specific reason for its denial, and provide
36 the applicant with the opportunity for a hearing in accordance with
37 the "Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
38 seq.).

39 (2) Regarding the application for and issuance of conditional
40 licenses, the commission shall:

41 (a) begin accepting and processing applications from applicants
42 within 30 days after the commission's initial rules and regulations
43 have been adopted pursuant to subparagraph (a) of paragraph (1) of
44 subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), and
45 ensure that at least 35 percent of the total licenses issued for each
46 class of cannabis establishment, and for cannabis distributors and
47 delivery services, are conditional licenses, which 35 percent figure
48 shall also include any conditional license issued to an applicant

1 which is subsequently replaced by the commission with an annual
2 license due to that applicant's compliance for the annual license
3 pursuant to subsubparagraph (i) of subparagraph (d) of this
4 paragraph;

5 (b) forward, within 14 days of receipt, a copy of each
6 application to the municipality in which the applicant desires to
7 operate a proposed cannabis establishment, or to the municipality in
8 which the premises is located from which the applicant desires to
9 operate a proposed cannabis distributor or delivery service; and

10 (c) verify the information contained in the application and
11 review the following qualifications for a conditional license:

12 (i) that the application include at least one significantly
13 involved person who has resided in this State for at least two years
14 as of the date of the application;

15 (ii) a listing included with the application, showing all persons
16 with a financial interest who also have decision making authority
17 for the proposed cannabis establishment, distributor, or delivery
18 service detailed in the application;

19 (iii) proof that the significantly involved person and any other
20 person with a financial interest who also has decision making
21 authority for the proposed cannabis establishment, distributor, or
22 delivery service is 21 years of age or older;

23 (iv) the name, address, date of birth, and resumes of each
24 executive officer, all significantly involved persons, and persons
25 with a financial interest who also have decision making authority
26 for the proposed cannabis establishment, distributor, or delivery
27 service, as well as a photocopy of their driver's licenses or other
28 government-issued form of identification, plus background check
29 information in a form and manner determined by the commission in
30 consultation with the Superintendent of State Police; concerning the
31 background check, an application shall be denied if any person has
32 any disqualifying conviction pursuant to subparagraph (c) of
33 paragraph (4) of subsection a. of section 20, 22, 23, 24, 25 or 26 of
34 P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41,
35 C.24:6I-42, or C.24:6I-43), based upon the applicable class of
36 cannabis establishment for which the application was submitted, or
37 based upon the application being for a cannabis distributor or
38 delivery service, unless the commission determines pursuant to
39 subsubparagraph (ii) of those subparagraphs that the conviction
40 should not disqualify the application;

41 (v) proof that each person with a financial interest who also has
42 decision making authority for the proposed cannabis establishment,
43 distributor, or delivery service has, for the immediately preceding
44 taxable year, an adjusted gross income of no more than \$200,000 or
45 no more than \$400,000 if filing jointly with another;

46 (vi) a certification that each person with a financial interest who
47 also has decision making authority for the proposed cannabis
48 establishment, distributor, or delivery service does not have any

1 financial interest in an application for an annual license under
2 review before the commission or a cannabis establishment,
3 distributor, or delivery service that is currently operating with an
4 annual license;

5 (vii) the federal and State tax identification numbers for the
6 proposed cannabis establishment, distributor, or delivery service,
7 and proof of business registration with the Division of Revenue in
8 the Department of the Treasury;

9 (viii) information about the proposed cannabis establishment,
10 distributor, or delivery service including its legal name, any
11 registered alternate name under which it may conduct business, and
12 a copy of its articles of organization and bylaws;

13 (ix) the business plan and management operation profile for the
14 proposed cannabis establishment, distributor, or delivery service;

15 (x) the plan by which the applicant intends to obtain appropriate
16 liability insurance coverage for the proposed cannabis
17 establishment, distributor, or delivery service; and

18 (xi) any other requirements established by the commission
19 pursuant to regulation; and

20 (d) not more than 30 days after the receipt of an application,
21 make a determination as to whether the application is approved or
22 denied, or that the commission requires more time to adequately
23 review the application.

24 The commission shall deny a conditional license application to
25 any applicant who fails to provide information, documentation and
26 assurances as required by P.L.2021, c.16 (C.24:6I-31 et al.) or as
27 requested by the commission, or who fails to reveal any material
28 fact to qualification, or who supplies information which is untrue or
29 misleading as to a material fact pertaining to the qualification
30 criteria for licensure. The commission shall approve a license
31 application that meets the requirements of this section unless the
32 commission finds by clear and convincing evidence that the
33 applicant would be manifestly unsuitable to perform the activities
34 for the applicable license class for which conditional licensure is
35 sought.

36 (i) If the application is approved, upon collection of the
37 conditional license fee, the commission shall issue a conditional
38 license to the applicant, which is non-transferable for its duration,
39 no later than 30 days after giving notice of approval of the
40 application, unless the commission finds the applicant is not in
41 compliance with regulations for conditional licenses enacted
42 pursuant to the provisions of paragraph (1) of subsection d. of
43 section 6 of P.L.2021, c.16 (C.24:6I-34) or the commission is
44 notified by the relevant municipality that the applicant is not in
45 compliance with ordinances and regulations made pursuant to the
46 provisions of section 31 of P.L.2021, c.16 (C.24:6I-45) and in effect
47 at the time of application, provided, if a municipality has enacted a
48 numerical limit on the number of marijuana cannabis

1 establishments, distributors, or delivery services and a greater
2 number of applicants seek licenses, the commission shall solicit and
3 consider input from the municipality as to the municipality's
4 preference or preferences for licensure. For each license issued, the
5 commission shall also provide the approved licensee with
6 documentation setting forth the remaining conditions to be satisfied
7 under section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-
8 37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43),
9 or relevant regulations, based upon the applicable class of cannabis
10 establishment for which the conditional license was issued, or based
11 upon the conditional license issued for a cannabis distributor or
12 delivery service, and which were not already required for the
13 issuance of that license, to be completed within 120 days of
14 issuance of the conditional license, which period may be extended
15 upon request to the commission for an additional period of up to 45
16 days at the discretion of the commission. If the commission
17 subsequently determines during that 120-day period, or during any
18 additional period granted, that the conditional licensee is in
19 compliance with all applicable conditions and is implementing the
20 plans, procedures, protocols, actions, or other measures set forth in
21 its application, the commission shall replace the conditional license
22 by issuing an annual license, which will expire one year from its
23 date of issuance; if the conditional licensee is not in compliance
24 with all applicable conditions or not implementing the plans,
25 procedures, protocols, actions, or other measures set forth in its
26 application, the conditional license shall automatically expire at the
27 end of the 120-day period, or at the end of any additional period
28 granted by the commission;

29 (ii) If the application is denied, the commission shall notify the
30 applicant in writing of the specific reason for its denial, provide
31 with this written notice a refund of 80 percent of the application fee
32 submitted with the application, and provide the applicant with the
33 opportunity for a hearing in accordance with the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

35 c. The commission shall require all applicants for cannabis
36 licenses, other than applicants for a conditional license for any class
37 of cannabis establishment, or for a cannabis distributor or delivery
38 service, or for either a conditional or annual license for an
39 establishment, distributor, or delivery service that is a
40 microbusiness pursuant to subsection f. of this section, to submit an
41 attestation signed by a bona fide labor organization stating that the
42 applicant has entered into a labor peace agreement with such bona
43 fide labor organization. The maintenance of a labor peace
44 agreement with a bona fide labor organization by a licensed
45 cannabis establishment, distributor, or delivery service, other than
46 an establishment that is a microbusiness, shall be an ongoing
47 material condition of the establishment's, distributor's, or delivery
48 service's license. The submission of an attestation and maintenance

1 of a labor peace agreement with a bona fide labor organization by
2 an applicant issued a conditional license for a cannabis
3 establishment, distributor, or delivery service, other than an
4 establishment that is a microbusiness, shall be a requirement for
5 final approval for an annual license. Failure to enter, or to make a
6 good faith effort to enter, into a collective bargaining agreement
7 within 200 days of the opening of a licensed cannabis
8 establishment, distributor, or delivery service, other than an
9 establishment that is a microbusiness, shall result in the suspension
10 or revocation of the establishment's, distributor's, or delivery
11 service's license.

12 As used in this subsection, "bona fide labor organization" means
13 a labor organization of any kind or employee representation
14 committee, group, or association, in which employees participate
15 and which exists and is constituted for the purpose, in whole or in
16 part, of collective bargaining or otherwise dealing with medical or
17 personal use cannabis employers concerning grievances, labor
18 disputes, terms or conditions of employment, including wages and
19 rates of pay, or other mutual aid or protection in connection with
20 employment, and may be characterized by: it being a party to one or
21 more executed collective bargaining agreements with medical or
22 personal use cannabis employers, in this State or another state; it
23 having a written constitution or bylaws in the three immediately
24 preceding years; it filing the annual financial report required of
25 labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or
26 it having at least one audited financial report in the three
27 immediately preceding years; it being affiliated with any regional or
28 national association of unions, including but not limited to state and
29 federal labor councils; or it being a member of a national labor
30 organization that has at least 500 general members in a majority of
31 the 50 states of the United States.

32 d. (1) Each license application shall be scored and reviewed
33 based upon a point scale with the commission determining the
34 amount of points, the point categories, and the system of point
35 distribution by regulation. The commission shall assign points and
36 rank applicants according to the point system. The commission
37 may, pursuant to a process set forth in regulation and consistent
38 with this subsection, adjust the point system or utilize a separate
39 point system and rankings with respect to the review of an
40 application for which a conditional license is sought, or for which a
41 microbusiness license is sought. If two or more eligible applicants
42 have the same number of points, those applicants shall be grouped
43 together and, if there are more eligible applicants in this group than
44 the remaining number of licenses available, the commission shall
45 utilize a public lottery to determine which applicants receive a
46 license or conditional license, as the case may be.

47 (a) An initial application for licensure shall be evaluated
48 according to criteria to be developed by the commission. There

1 shall be included bonus points for applicants who are residents of
2 New Jersey.

3 (b) The criteria to be developed by the commission pursuant to
4 subparagraph (a) of this paragraph shall include, in addition to the
5 criteria set forth in subparagraphs (c) and (d) of this paragraph and
6 any other criteria developed by the commission, an analysis of the
7 applicant's operating plan, excluding safety and security criteria,
8 which shall include the following:

9 (i) In the case of an applicant for a cannabis cultivator license,
10 the operating plan summary shall include a written description
11 concerning the applicant's qualifications for, experience in, and
12 knowledge of each of the following topics:

- 13 - cultivation of cannabis;
- 14 - conventional horticulture or agriculture, familiarity with good
15 agricultural practices, and any relevant certifications or degrees;
- 16 - quality control and quality assurance;
- 17 - recall plans;
- 18 - packaging and labeling;
- 19 - inventory control and tracking software or systems for the
20 production of personal use cannabis;
- 21 - analytical chemistry and testing of cannabis;
- 22 - water management practices;
- 23 - odor mitigation practices;
- 24 - onsite and offsite recordkeeping;
- 25 - strain variety and plant genetics;
- 26 - pest control and disease management practices, including plans
27 for the use of pesticides, nutrients, and additives;
- 28 - waste disposal plans; and
- 29 - compliance with applicable laws and regulations.

30 (ii) In the case of an applicant for a cannabis manufacturer
31 license, or, as applicable, a cannabis wholesaler license, cannabis
32 distributor license, or cannabis delivery service license, the
33 operating plan summary shall include a written description
34 concerning the applicant's qualifications for, experience in, and
35 knowledge of each of the following topics:

- 36 - manufacture and creation of cannabis products using
37 appropriate extraction methods, including intended use and sourcing
38 of extraction equipment and associated solvents or intended
39 methods and equipment for non-solvent extraction;
- 40 - quality control and quality assurance;
- 41 - recall plans;
- 42 - packaging and labeling;
- 43 - inventory control and tracking software or systems for the
44 manufacturing, warehousing, transportation, or delivery of cannabis
45 and cannabis items;
- 46 - analytical chemistry and testing of cannabis items;
- 47 - water management practices;
- 48 - odor mitigation practices;

- 1 - onsite and offsite recordkeeping;
- 2 - a list of product formulations or products proposed to be
- 3 manufactured with estimated cannabinoid profiles, if known,
- 4 including varieties with high cannabidiol content;
- 5 - intended use and sourcing of all non-cannabis ingredients used
- 6 in the manufacture and creation of cannabis products, including
- 7 methods to verify or ensure the safety and integrity of those
- 8 ingredients and their potential to be or contain allergens;
- 9 - waste disposal plans; and
- 10 - compliance with applicable laws and regulations.
- 11 (iii) In the case of an applicant for a cannabis retailer license, the
- 12 operating plan summary shall include a written description
- 13 concerning the applicant's qualifications for, experience in, and
- 14 knowledge of each of the following topics:
- 15 - sales of cannabis items to consumers;
- 16 - cannabis product evaluation procedures;
- 17 - recall plans;
- 18 - packaging and labeling;
- 19 - inventory control and point-of-sale software or systems for the
- 20 sale of cannabis items;
- 21 - the routes of administration, strains, varieties, and cannabinoid
- 22 profiles of cannabis and cannabis items;
- 23 - odor mitigation practices;
- 24 - onsite and offsite recordkeeping;
- 25 - waste disposal plans; and
- 26 - compliance with applicable laws and regulations.
- 27 (c) The criteria to be developed by the commission pursuant to
- 28 subparagraph (a) of this paragraph shall include, in addition to the
- 29 criteria set forth in subparagraphs (b) and (d) of this paragraph and
- 30 any other criteria developed by the commission, an analysis of the
- 31 following factors, if applicable:
- 32 (i) The applicant's environmental impact plan.
- 33 (ii) A summary of the applicant's safety and security plans and
- 34 procedures, which shall include descriptions of the following:
- 35 - plans for the use of security personnel, including contractors;
- 36 - the experience or qualifications of security personnel and
- 37 proposed contractors;
- 38 - security and surveillance features, including descriptions of any
- 39 alarm systems, video surveillance systems, and access and visitor
- 40 management systems, along with drawings identifying the proposed
- 41 locations for surveillance cameras and other security features;
- 42 - plans for the storage of cannabis and cannabis items, including
- 43 any safes, vaults, and climate control systems that will be utilized
- 44 for this purpose;
- 45 - a diversion prevention plan;
- 46 - an emergency management plan;
- 47 - procedures for screening, monitoring, and performing criminal
- 48 history record background checks of employees;

- 1 - cybersecurity procedures;
- 2 - workplace safety plans and the applicant's familiarity with
- 3 federal Occupational Safety and Health Administration regulations;
- 4 - the applicant's history of workers' compensation claims and
- 5 safety assessments;
- 6 - procedures for reporting adverse events; and
- 7 - a sanitation practices plan.
- 8 (iii) A summary of the applicant's business experience, including
- 9 the following, if applicable:
- 10 - the applicant's experience operating businesses in highly-
- 11 regulated industries;
- 12 - the applicant's experience in operating cannabis establishments
- 13 or alternative treatment centers and related cannabis production,
- 14 manufacturing, warehousing, or retail entities, or experience in
- 15 operating cannabis distributors or delivery services, under the laws
- 16 of New Jersey or any other state or jurisdiction within the United
- 17 States; and
- 18 - the applicant's plan to comply with and mitigate the effects of
- 19 26 U.S.C. s.280E on cannabis businesses, and for evidence that the
- 20 applicant is not in arrears with respect to any tax obligation to the
- 21 State.
- 22 In evaluating the experience described under this
- 23 subsubparagraph, the commission shall afford the greatest weight to
- 24 the experience of the applicant itself, controlling owners, and
- 25 entities with common ownership or control with the applicant;
- 26 followed by the experience of those with a 15 percent or greater
- 27 ownership interest in the applicant's organization; followed by
- 28 significantly involved persons in the applicant's organization;
- 29 followed by other officers, directors, and current and prospective
- 30 employees of the applicant who have a bona fide relationship with
- 31 the applicant's organization as of the date of the application.
- 32 (iv) A description of the proposed location for the applicant's
- 33 site, including the following, if applicable:
- 34 - the proposed location, the surrounding area, and the suitability
- 35 or advantages of the proposed location, along with a floor plan and
- 36 optional renderings or architectural or engineering plans;
- 37 - the submission of zoning approvals for the proposed location,
- 38 which shall consist of a letter or affidavit from appropriate officials
- 39 of the municipality that the location will conform to local zoning
- 40 requirements allowing for activities related to the operations of the
- 41 proposed cannabis cultivator, cannabis manufacturer, cannabis
- 42 wholesaler, cannabis distributor, cannabis retailer, or cannabis
- 43 delivery service as will be conducted at the proposed facility; and
- 44 - the submission of proof of local support for the suitability of
- 45 the location, which may be demonstrated by a resolution adopted by
- 46 the municipality's governing body indicating that the intended
- 47 location is appropriately located or otherwise suitable for activities
- 48 related to the operations of the proposed cannabis cultivator,

1 cannabis manufacturer, cannabis wholesaler, cannabis distributor,
2 cannabis retailer, or cannabis delivery service.

3 An application for a cannabis retailer shall not include in that
4 application a proposed site that would place the retailer's premises
5 in or upon any premises in which operates a grocery store,
6 delicatessen, indoor food market, or other store engaging in retail
7 sales of food, or in or upon any premises in which operates a store
8 that engages in licensed retail sales of alcoholic beverages, as
9 defined by subsection b. of R.S.33:1-1; any application presented to
10 the commission shall be denied if it includes that form of proposed
11 site.

12 Notwithstanding any other provision of this subsubparagraph, an
13 application shall be disqualified from consideration unless it
14 includes documentation demonstrating that the applicant will have
15 final control of the premises upon approval of the application,
16 including, but not limited to, a lease agreement, contract for sale,
17 title, deed, or similar documentation. In addition, if the applicant
18 will lease the premises, the application will be disqualified from
19 consideration unless it includes certification from the landlord that
20 the landlord is aware that the tenant's use of the premises will
21 involve activities associated with operations as a cannabis
22 cultivator, cannabis manufacturer, cannabis wholesaler, cannabis
23 distributor, cannabis retailer, or cannabis delivery service.

24 (v) A community impact, social responsibility, and research
25 statement, which may include, but shall not be limited to, the
26 following:

27 - a community impact plan summarizing how the applicant
28 intends to have a positive impact on the community in which the
29 proposed cannabis establishment, distributor, or delivery service is
30 to be located, which shall include an economic impact plan and a
31 description of outreach activities;

32 - a written description of the applicant's record of social
33 responsibility, philanthropy, and ties to the proposed host
34 community;

35 - a written description of any research the applicant has
36 conducted on the adverse effects of the use of cannabis items,
37 substance **【abuse】** use disorder **【or addiction】**, and the applicant's
38 participation in or support of cannabis-related research and
39 educational activities; and

40 - a written plan describing any research and development
41 regarding the adverse effects of cannabis, and any cannabis-related
42 educational and outreach activities, which the applicant intends to
43 conduct if issued a license by the commission.

44 In evaluating the information submitted pursuant to this
45 subsubparagraph, the commission shall afford the greatest weight to
46 responses pertaining to the applicant itself, controlling owners, and
47 entities with common ownership or control with the applicant;
48 followed by those with a 15 percent or greater ownership interest in

1 the applicant's organization; followed by significantly involved
2 persons in the applicant's organization; followed by other officers,
3 directors, and current and prospective employees of the applicant
4 who have a bona fide relationship with the applicant's organization
5 as of the date of the application.

6 (vi) A workforce development and job creation plan, which may
7 include information on the applicant's history of job creation and
8 planned job creation at the proposed cannabis establishment,
9 distributor, or delivery service; education, training, and resources to
10 be made available for employees; any relevant certifications; and an
11 optional diversity plan.

12 (vii) A business and financial plan, which may include, but shall
13 not be limited to, the following:

- 14 - an executive summary of the applicant's business plan;
- 15 - a demonstration of the applicant's financial ability to implement
16 its business plan, which may include, but shall not be limited to,
17 bank statements, business and individual financial statements, net
18 worth statements, and debt and equity financing statements; and
- 19 - a description of the applicant's plan to comply with guidance
20 pertaining to cannabis issued by the Financial Crimes Enforcement
21 Network under 31 U.S.C. s.5311 et seq., the federal "Bank Secrecy
22 Act," which may be demonstrated by submitting letters regarding
23 the applicant's banking history from banks or credit unions that
24 certify they are aware of the business activities of the applicant, or
25 entities with common ownership or control with the applicant, in
26 any state where the applicant has operated a business related to
27 personal use or medical cannabis. For the purposes of this
28 subsubparagraph, the commission shall consider only bank
29 references involving accounts in the name of the applicant or of an
30 entity with common ownership or control with the applicant. An
31 applicant who does not submit the information about a plan of
32 compliance with the federal "Bank Secrecy Act" shall not be
33 disqualified from consideration.

34 (viii) Whether any of the applicant's majority or controlling
35 owners were previously approved by the commission to serve as an
36 officer, director, principal, or key employee of an alternative
37 treatment center or personal use cannabis establishment, distributor,
38 or delivery service, provided any such individual served in that
39 capacity for six or more months;

40 (ix) Any other information the commission deems relevant in
41 determining whether to grant a license to the applicant.

42 (2) In ranking applications, in addition to the awarding of points
43 as set forth in paragraph (1) of this subsection, the commission shall
44 give priority to the following, regardless of whether there is any
45 competition among applications for a particular class of license:

46 (a) Applicants that include a significantly involved person or
47 persons lawfully residing in New Jersey for at least five years as of
48 the date of the application.

1 (b) Applicants that are party to a collective bargaining
2 agreement with a bona fide labor organization that currently
3 represents, or is actively seeking to represent cannabis workers in
4 New Jersey.

5 (c) Applicants that are party to a collective bargaining
6 agreement with a bona fide labor organization that currently
7 represents cannabis workers in another state.

8 (d) Applicants that submit a signed project labor agreement with
9 a bona fide building trades labor organization, which is a form of
10 pre-hire collective bargaining agreement covering terms and
11 conditions of a specific project, including labor issues and worker
12 grievances associated with that project, for the construction or
13 retrofit of the facilities associated with the licensed entity.

14 (e) Applicants that submit a signed project labor agreement with
15 a bona fide labor organization for any other applicable project
16 associated with the licensed entity.

17 As used in this paragraph, "bona fide labor organization" means
18 "bona fide labor organization" as defined in subsection c. of this
19 section, and includes a bona fide building trades labor organization.

20 (3) In reviewing an initial license application, unless the
21 information is otherwise solicited by the commission in a specific
22 application question, the commission's evaluation of the application
23 shall be limited to the experience and qualifications of the
24 applicant's organization, including controlling owners, any entities
25 with common ownership or control with the applicant, those with a
26 15 percent or greater ownership interest in the applicant's
27 organization, significantly involved persons in the applicant's
28 organization, the other officers, directors, and current or prospective
29 employees of the applicant who have a bona fide relationship with
30 the applicant's organization as of the date of the application, and
31 consultants and independent contractors who have a bona fide
32 relationship with the applicant as of the date of the application.
33 Responses pertaining to applicants who are exempt from the
34 criminal history record background check requirements of
35 P.L.2021, c.16 (C.24:6I-31 et al.) shall not be considered. Each
36 applicant shall certify as to the status of the individuals and entities
37 included in the application.

38 (4) The commission shall give special consideration to any
39 applicant that has entered into an agreement with an institution of
40 higher education to create an integrated curriculum involving the
41 cultivation, manufacturing, wholesaling, distributing, retail sales, or
42 delivery of personal use cannabis or cannabis items, provided that
43 the curriculum is approved by both the commission and the Office
44 of the Secretary of Higher Education and the applicant agrees to
45 maintain the integrated curriculum in perpetuity. An integrated
46 curriculum license shall be subject to revocation if the license
47 holder fails to maintain or continue the integrated curriculum. In the
48 event that, because of circumstances outside a license holder's

1 control, the license holder will no longer be able to continue an
2 integrated curriculum, the license holder shall notify the
3 commission and shall make reasonable efforts to establish a new
4 integrated curriculum with an institution of higher education,
5 subject to approval by the commission and the Office of the
6 Secretary of Higher Education. If the license holder is unable to
7 establish a new integrated curriculum within six months after the
8 date the current integrated curriculum arrangement ends, the
9 commission shall revoke the entity's license, unless the commission
10 finds there are extraordinary circumstances that justify allowing the
11 license holder to retain the license without an integrated curriculum
12 and the commission finds that allowing the license holder to retain
13 the license would be consistent with the purposes of P.L.2021, c.16
14 (C.24:6I-31 et al.). The commission may revise the application and
15 license fees or other conditions for a license pursuant to this
16 paragraph as may be necessary to encourage applications for
17 licensure which involves an integrated curriculum.

18 (5) Application materials submitted to the commission pursuant
19 to this section shall not be considered a public record pursuant to
20 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et
21 al.), or the common law concerning access to government records.

22 (6) If the commission notifies an applicant that it has performed
23 sufficiently well on multiple applications to be awarded more than
24 one license, the applicant shall notify the commission, within seven
25 business days after receiving such notice, as to which class of
26 license it will accept. For any license award that is declined by an
27 applicant pursuant to this paragraph, the commission shall, upon
28 receiving notice from the applicant of the declination, award the
29 license to the applicant for that license class who, in the
30 determination of the commission, best satisfies the commission's
31 criteria while meeting the commission's determination of Statewide
32 marketplace need. If an applicant fails to notify the commission as
33 to which license it will accept, the commission shall have the
34 discretion to determine which license it will award to the applicant,
35 based on the commission's determination of Statewide marketplace
36 need and other applications submitted for cannabis establishments,
37 distributors, or delivery services to be located in the affected
38 regions.

39 e. (1) The commission shall also prioritize applications on the
40 basis of impact zones, for which past criminal marijuana enterprises
41 contributed to higher concentrations of law enforcement activity,
42 unemployment, and poverty, or any combination thereof, within
43 parts of or throughout these zones, regardless of whether there is
44 any competition among applications for a particular class of license.
45 An "impact zone" means any municipality that:

46 (a) has a population of 120,000 or more according to the most
47 recently compiled federal decennial census as of the effective date
48 of P.L.2021, c.16 (C.24:6I-31 et al.);

- 1 (b) based upon data for calendar year 2019:
- 2 (i) ranks in the top 40 percent of municipalities in the State for
- 3 marijuana- or hashish-related arrests for violation of paragraph (4)
- 4 of subsection a. of N.J.S.2C:35-10;
- 5 (ii) has a crime index total of 825 or higher based upon the
- 6 indexes listed in the annual Uniform Crime Report by the Division
- 7 of State Police; and
- 8 (iii) has a local average annual unemployment rate that ranks in
- 9 the top 15 percent of all municipalities in the State, based upon
- 10 average annual unemployment rates estimated for the relevant
- 11 calendar year by the Office of Research and Information in the
- 12 Department of Labor and Workforce Development;
- 13 (c) is a municipality located in a county of the third class, based
- 14 upon the county's population according to the most recently
- 15 compiled federal decennial census as of the effective date of
- 16 P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set
- 17 forth in subparagraph (b) other than having a crime index total of
- 18 825 or higher; or
- 19 (d) is a municipality located in a county of the second class,
- 20 based upon the county's population according to the most recently
- 21 compiled federal decennial census as of the effective date of
- 22 P.L.2021, c.16 (C.24:6I-31 et al.):
- 23 (i) with a population of less than 60,000 according to the most
- 24 recently compiled federal decennial census, that for calendar year
- 25 2019 ranks in the top 40 percent of municipalities in the State for
- 26 marijuana- or hashish-related arrests for violation of paragraph (4)
- 27 of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000
- 28 or higher based upon the indexes listed in the 2019 annual Uniform
- 29 Crime Report by the Division of State Police; but for calendar year
- 30 2019 does not have a local average annual unemployment rate that
- 31 ranks in the top 15 percent of all municipalities, based upon average
- 32 annual unemployment rates estimated for the relevant calendar year
- 33 by the Office of Research and Information in the Department of
- 34 Labor and Workforce Development; or
- 35 (ii) with a population of not less than 60,000 or more than 80,000
- 36 according to the most recently compiled federal decennial census;
- 37 has a crime index total of 650 or higher based upon the indexes
- 38 listed in the 2019 annual Uniform Crime Report; and for calendar
- 39 year 2019 has a local average annual unemployment rate of 3.0
- 40 percent or higher using the same estimated annual unemployment
- 41 rates.
- 42 (2) In ranking applications with respect to impact zones, the
- 43 commission shall give priority to the following:
- 44 (a) An application for a cannabis establishment, distributor, or
- 45 delivery service that is located, or is intended to be located, within
- 46 an impact zone, and that impact zone has less than two licensees, so
- 47 that there will be a prioritized distribution of licenses to at least two
- 48 licensees within each impact zone.

1 (b) An applicant who is a current resident of an impact zone and
2 has resided therein for three or more consecutive years at the time
3 of making the application. To the extent reasonably practicable, at
4 least 25 percent of the total licenses issued to applicants for a
5 cannabis establishment, distributor, or delivery service license shall
6 be awarded to applicants who have resided in an impact zone for
7 three or more consecutive years at the time of making the
8 application, regardless of where the cannabis establishment,
9 distributor, or delivery service is, or is intended to be, located.

10 (c) An applicant who presents a plan, attested to, to employ at
11 least 25 percent of employees who reside in an impact zone, of
12 whom at least 25 percent shall reside in the impact zone nearest to
13 the location, or intended location, of the cannabis establishment,
14 distributor, or delivery service; failure to meet the requisite
15 percentages of employees from an impact zone within 90 days of
16 the opening of a licensed cannabis establishment, distributor, or
17 delivery service shall result in the suspension or revocation of a
18 license or conditional license, as applicable, issued based on an
19 application with an impact zone employment plan.

20 f. (1) The commission shall ensure that at least 10 percent of the
21 total licenses issued for each class of cannabis establishment, or for
22 cannabis distributors and cannabis delivery services, are designated
23 for and only issued to microbusinesses, and that at least 25 percent
24 of the total licenses issued be issued to microbusinesses. The
25 determination of the percentage for each class of license issued to
26 microbusinesses shall include the number of conditional licenses
27 issued to microbusinesses for each class, as the percentage of
28 conditional licenses issued for each class pursuant to subparagraph
29 (a) of paragraph (2) of subsection b. of this section shall not be
30 mutually exclusive of the percentage of licenses issued to
31 microbusinesses pursuant to this subsection. There shall not be any
32 cap or other numerical restriction on the number of licenses issued
33 to microbusinesses pursuant to P.L.2021, c.16 (C.24:6I-31 et al.),
34 and this prohibition on a cap or other numerical restriction shall
35 apply to every class of license issued. The maximum fee assessed
36 by the commission for issuance or renewal of a license designated
37 and issued to a microbusiness shall be no more than half the fee
38 applicable to a license of the same class issued to a person or entity
39 that is not a microbusiness.

40 (2) A microbusiness shall meet the following requirements:

41 (a) 100 percent of the ownership interest in the microbusiness
42 shall be held by current New Jersey residents who have resided in
43 the State for at least the past two consecutive years;

44 (b) at least 51 percent of the owners, directors, officers, or
45 employees of the microbusiness shall be residents of the
46 municipality in which the microbusiness is located, or to be located,
47 or a municipality bordering the municipality in which the
48 microbusiness is located, or to be located;

- 1 (c) concerning business operations, and capacity and quantity
- 2 restrictions:
- 3 (i) employ no more than 10 employees;
- 4 (ii) operate a cannabis establishment occupying an area of no
- 5 more than 2,500 square feet, and in the case of a cannabis
- 6 cultivator, grow cannabis on an area no more than 2,500 square feet
- 7 measured on a horizontal plane and grow above that plane not
- 8 higher than 24 feet; provided, that a cannabis cultivator's grow
- 9 space may, if approved by the commission, be part of a larger
- 10 premises that is owned or operated by a cannabis cultivator that is
- 11 not a licensed microbusiness, allowing for the sharing of a physical
- 12 premises and certain business operations, but only the
- 13 microbusiness cannabis cultivator shall grow cannabis on and above
- 14 the cultivator's grow space;
- 15 (iii) possess no more than 1,000 cannabis plants each month,
- 16 except that a cannabis distributor's possession of cannabis plants for
- 17 transportation shall not be subject to this limit;
- 18 (iv) in the case of a cannabis manufacturer, acquire no more than
- 19 1,000 pounds of usable cannabis each month;
- 20 (v) in the case of a cannabis wholesaler, acquire for resale no
- 21 more than 1,000 pounds of usable cannabis, or the equivalent
- 22 amount in any form of manufactured cannabis product or cannabis
- 23 resin, or any combination thereof, each month; and
- 24 (vi) in the case of a cannabis retailer, acquire for retail sale no
- 25 more than 1,000 pounds of usable cannabis, or the equivalent
- 26 amount in any form of manufactured cannabis product or cannabis
- 27 resin, or any combination thereof, each month;
- 28 (d) no owner, director, officer, or other person with a financial
- 29 interest who also has decision making authority for the
- 30 microbusiness shall hold any financial interest in any other licensed
- 31 cannabis establishment, distributor, or delivery service, whether or
- 32 not a microbusiness;
- 33 (e) no owner, director, officer, or other person with a financial
- 34 interest who also has decision making authority for a licensed
- 35 cannabis establishment, distributor, or delivery service, whether or
- 36 not a microbusiness, shall hold any financial interest in a
- 37 microbusiness;
- 38 (f) the microbusiness shall not sell or transfer the license issued
- 39 to it; and
- 40 (g) the microbusiness shall comply with such other requirements
- 41 as may be established by the commission by regulation.
- 42 (3) A license designated and issued to a microbusiness shall be
- 43 valid for one year and may be renewed annually, or alternatively
- 44 replaced, while still valid, with an annual license allowing the
- 45 microbusiness to convert and continue its operations as a licensed
- 46 person or entity that is not a microbusiness subject to the provisions
- 47 of this subsection, based upon a process and criteria established by
- 48 the commission in regulation for the conversion.

1 (a) Any microbusiness that meets the criteria established by the
2 commission for conversion may submit an application to convert its
3 operations. Upon review of the application to confirm the
4 commission's criteria have been met, the commission shall issue a
5 new annual license to the person or entity, and the previously issued
6 license for the microbusiness shall be deemed expired as of the date
7 of issuance of the new annual license. If the commission
8 determines that the criteria have not been met, the conversion
9 application shall be denied, and the commission shall notify the
10 microbusiness applicant of the specific reason for its denial, and
11 provide the applicant with the opportunity for a hearing in
12 accordance with the "Administrative Procedure Act," P.L.1968,
13 c.410 (C.52:14B-1 et seq.).

14 (b) Any new annual license issued pursuant to this paragraph
15 allowing a microbusiness to convert and continue its operations as a
16 licensed person or entity that is not a microbusiness subject to the
17 provisions of this subsection shall be counted towards the
18 percentages of licenses that are designated for and only issued to
19 microbusinesses as set forth in paragraph (1) of this subsection,
20 notwithstanding the microbusiness' converted operations.
21 (cf: P.L.2021, c.16, s.19)

22
23 43. Section 6 of P.L.2013, c.46 (C.24:6J-6) is amended to read as
24 follows:

25 6. a. The Commissioner of Human Services may award grants,
26 based upon any monies appropriated by the Legislature, to create or
27 support local opioid overdose prevention, recognition, and response
28 projects. County and municipal health departments, correctional
29 institutions, hospitals, and universities, as well as organizations
30 operating community-based programs, substance **[abuse]** use
31 disorder programs, syringe access programs, or other programs
32 which address medical or social issues related to **[drug addiction]**
33 substance use disorder may apply to the Department of Human
34 Services for a grant under this section, on forms and in the manner
35 prescribed by the commissioner.

36 b. In awarding any grant, the commissioner shall consider the
37 necessity for overdose prevention projects in various health care
38 facility and non-health care facility settings, and the applicant's
39 ability to develop interventions that will be effective and viable in
40 the local area to be served by the grant.

41 c. In awarding any grant, the commissioner shall give
42 preference to applications that include one or more of the following
43 elements:

44 (1) prescription and distribution of naloxone hydrochloride or
45 any other similarly acting drug approved by the United States Food
46 and Drug Administration for the treatment of an opioid overdose;

- 1 (2) policies and projects to encourage persons, including drug
- 2 users, to call 911 for emergency assistance when they witness a
- 3 potentially fatal opioid overdose;
- 4 (3) opioid overdose prevention, recognition, and response
- 5 education projects in syringe access programs, drug treatment
- 6 centers, outreach programs, and other programs operated by
- 7 organizations that work with, or have access to, opioid users and
- 8 their families and communities;
- 9 (4) opioid overdose recognition and response training, including
- 10 rescue breathing, in drug treatment centers and for other
- 11 organizations that work with, or have access to, opioid users and
- 12 their families and communities;
- 13 (5) the production and distribution of targeted or mass media
- 14 materials on opioid overdose prevention and response;
- 15 (6) the institution of education and training projects on opioid
- 16 overdose response and treatment for emergency services and law
- 17 enforcement personnel; and
- 18 (7) a system of parent, family, and survivor education and
- 19 mutual support groups.
- 20 d. In addition to any moneys appropriated by the Legislature,
- 21 the commissioner may seek money from the federal government,
- 22 private foundations, and any other source to fund the grants
- 23 established pursuant to this section, as well as to fund on-going
- 24 monitoring and evaluation of the programs supported by the grants.
- 25 (cf: P.L.2013, c.46, s.6)
- 26
- 27 44. Section 11 of P.L.2017, c.28 (C.24:21-15.2) is amended to
- 28 reads as follows:
- 29 11. a. A practitioner shall not issue an initial prescription for an
- 30 opioid drug which is a prescription drug as defined in section 2 of
- 31 P.L.2003, c.280 (C.45:14-41) in a quantity exceeding a five-day
- 32 supply for treatment of acute pain. Any prescription for acute pain
- 33 pursuant to this subsection shall be for the lowest effective dose of
- 34 immediate-release opioid drug.
- 35 b. Prior to issuing an initial prescription of a Schedule II
- 36 controlled dangerous substance or any other opioid drug which is a
- 37 prescription drug as defined in section 2 of P.L.2003, c.280
- 38 (C.45:14-41) in a course of treatment for acute or chronic pain, a
- 39 practitioner shall:
- 40 (1) take and document the results of a thorough medical history,
- 41 including the patient's experience with non-opioid medication and
- 42 non-pharmacological pain management approaches and substance
- 43 **abuse** use disorder history;
- 44 (2) conduct, as appropriate, and document the results of a
- 45 physical examination;
- 46 (3) develop a treatment plan, with particular attention focused
- 47 on determining the cause of the patient's pain;

1 (4) access relevant prescription monitoring information under
2 the Prescription Monitoring Program pursuant to section 8 of
3 P.L.2015, c.74 (C. 45:1-46.1); and

4 (5) limit the supply of any opioid drug prescribed for acute pain
5 to a duration of no more than five days as determined by the
6 directed dosage and frequency of dosage.

7 c. No less than four days after issuing the initial prescription
8 pursuant to subsection a. of this subsection, the practitioner, after
9 consultation with the patient, may issue a subsequent prescription
10 for the drug to the patient in any quantity that complies with
11 applicable State and federal laws, provided that:

12 (1) the subsequent prescription would not be deemed an initial
13 prescription under this section;

14 (2) the practitioner determines the prescription is necessary and
15 appropriate to the patient's treatment needs and documents the
16 rationale for the issuance of the subsequent prescription; and

17 (3) the practitioner determines that issuance of the subsequent
18 prescription does not present an undue risk of abuse, addiction, or
19 diversion and documents that determination.

20 d. Prior to issuing the initial prescription of a Schedule II
21 controlled dangerous substance or any other opioid drug which is a
22 prescription drug as defined in section 2 of P.L.2003, c.280
23 (C.45:14-41) in a course of treatment for acute pain and prior to
24 issuing a prescription at the outset of a course of treatment for
25 chronic pain, a practitioner shall discuss with the patient, or the
26 patient's parent or guardian if the patient is under 18 years of age
27 and is not an emancipated minor, the risks associated with the drugs
28 being prescribed, including but not limited to:

29 (1) the risks of addiction and overdose associated with opioid
30 drugs and the dangers of taking opioid drugs with alcohol,
31 benzodiazepines and other central nervous system depressants;

32 (2) the reasons why the prescription is necessary;

33 (3) alternative treatments that may be available; and

34 (4) risks associated with the use of the drugs being prescribed,
35 specifically that opioids are highly addictive, even when taken as
36 prescribed, that there is a risk of developing a physical or
37 psychological dependence on the controlled dangerous substance,
38 and that the risks of taking more opioids than prescribed, or mixing
39 sedatives, benzodiazepines or alcohol with opioids, can result in
40 fatal respiratory depression.

41 The practitioner shall include a note in the patient's medical
42 record that the patient or the patient's parent or guardian, as
43 applicable, has discussed with the practitioner the risks of
44 developing a physical or psychological dependence on the
45 controlled dangerous substance and alternative treatments that may
46 be available. The Division of Consumer Affairs shall develop and
47 make available to practitioners guidelines for the discussion
48 required pursuant to this subsection.

1 e. Prior to the commencement of an ongoing course of
2 treatment for chronic pain with a Schedule II controlled dangerous
3 substance or any opioid, the practitioner shall enter into a pain
4 management agreement with the patient.

5 f. When a Schedule II controlled dangerous substance or any
6 other prescription opioid drug is continuously prescribed for three
7 months or more for chronic pain, the practitioner shall:

8 (1) review, at a minimum of every three months, the course of
9 treatment, any new information about the etiology of the pain, and
10 the patient's progress toward treatment objectives and document the
11 results of that review;

12 (2) assess the patient prior to every renewal to determine
13 whether the patient is experiencing problems associated with
14 physical and psychological dependence and document the results of
15 that assessment;

16 (3) periodically make reasonable efforts, unless clinically
17 contraindicated, to either stop the use of the controlled substance,
18 decrease the dosage, try other drugs or treatment modalities in an
19 effort to reduce the potential for abuse or the development of
20 physical or psychological dependence and document with
21 specificity the efforts undertaken;

22 (4) review the Prescription Drug Monitoring information in
23 accordance with section 8 of P.L.2015, c.74 (C. 45:1-46.1); and

24 (5) monitor compliance with the pain management agreement
25 and any recommendations that the patient seek a referral.

26 g. As used in this section:

27 "Acute pain" means pain, whether resulting from disease,
28 accidental or intentional trauma, or other cause, that the practitioner
29 reasonably expects to last only a short period of time. "Acute pain"
30 does not include chronic pain, pain being treated as part of cancer
31 care, hospice or other end of life care, or pain being treated as part
32 of palliative care.

33 "Chronic pain" means pain that persists or recurs for more than
34 three months.

35 "Initial prescription" means a prescription issued to a patient
36 who:

37 (1) has never previously been issued a prescription for the drug
38 or its pharmaceutical equivalent; or

39 (2) was previously issued a prescription for, or used or was
40 administered the drug or its pharmaceutical equivalent, but the date
41 on which the current prescription is being issued is more than one
42 year after the date the patient last used or was administered the drug
43 or its equivalent.

44 When determining whether a patient was previously issued a
45 prescription for, or used or was administered a drug or its
46 pharmaceutical equivalent, the practitioner shall consult with the
47 patient and review the patient's medical record and prescription
48 monitoring information.

1 "Opioid antidote" means any drug, regardless of dosage amount
2 or method of administration, which has been approved by the
3 United States Food and Drug Administration (FDA) for the
4 treatment of an opioid overdose. "Opioid antidote" includes, but is
5 not limited to, naloxone hydrochloride, in any dosage amount,
6 which is administered through nasal spray or any other FDA-
7 approved means or methods.

8 "Pain management agreement" means a written contract or
9 agreement that is executed between a practitioner and a patient,
10 prior to the commencement of treatment for chronic pain using a
11 Schedule II controlled dangerous substance or any other opioid drug
12 which is a prescription drug as defined in section 2 of P.L.2003,
13 c.280 (C.45:14-41), as a means to:

14 (1) prevent the possible development of physical or
15 psychological dependence in the patient;

16 (2) document the understanding of both the practitioner and the
17 patient regarding the patient's pain management plan;

18 (3) establish the patient's rights in association with treatment,
19 and the patient's obligations in relation to the responsible use,
20 discontinuation of use, and storage of Schedule II controlled
21 dangerous substances, including any restrictions on the refill of
22 prescriptions or the acceptance of Schedule II prescriptions from
23 practitioners;

24 (4) identify the specific medications and other modes of
25 treatment, including physical therapy or exercise, relaxation, or
26 psychological counseling, that are included as a part of the pain
27 management plan;

28 (5) specify the measures the practitioner may employ to
29 monitor the patient's compliance, including but not limited to
30 random specimen screens and pill counts; and

31 (6) delineate the process for terminating the agreement,
32 including the consequences if the practitioner has reason to believe
33 that the patient is not complying with the terms of the agreement.

34 "Practitioner" means a medical doctor, doctor of osteopathy,
35 dentist, optometrist, podiatrist, physician assistant, certified nurse
36 midwife, or advanced practice nurse, acting within the scope of
37 practice of their professional license pursuant to Title 45 of the
38 Revised Statutes.

39 h. This section shall not apply to a prescription for a patient
40 who is currently in active treatment for cancer, receiving hospice
41 care from a licensed hospice or palliative care, or is a resident of a
42 long term care facility, or to any medications that are being
43 prescribed for use in the treatment of substance **[abuse]** use
44 disorder or opioid dependence.

45 i. Every policy, contract or plan delivered, issued, executed or
46 renewed in this State, or approved for issuance or renewal in this
47 State by the Commissioner of Banking and Insurance, and every
48 contract purchased by the School Employees' Health Benefits

1 Commission or State Health Benefits Commission, on or after the
2 effective date of this act, that provides coverage for prescription
3 drugs subject to a co-payment, coinsurance or deductible shall
4 charge a co-payment, coinsurance or deductible for an initial
5 prescription of an opioid drug prescribed pursuant to this section
6 that is either:

7 (1) proportional between the cost sharing for a 30-day supply
8 and the amount of drugs the patient was prescribed; or

9 (2) equivalent to the cost sharing for a full 30-day supply of the
10 opioid drug, provided that no additional cost sharing may be
11 charged for any additional prescriptions for the remainder of the 30-
12 day supply.

13 j. (1) Subject to paragraph (2) of this subsection, if a health care
14 practitioner issues a prescription for an opioid drug which is a
15 controlled dangerous substance to a patient, the prescriber shall
16 additionally issue the patient a prescription for an opioid antidote if
17 any of the following conditions is present:

18 (a) the patient has a history of substance use disorder;

19 (b) the prescription for the opioid drug is for a daily dose of
20 more than 90 morphine milligram equivalents; or

21 (c) the patient holds a current, valid prescription for a
22 benzodiazepine drug that is a Schedule III or Schedule IV
23 controlled dangerous substance.

24 (2) A practitioner shall not be required to issue more than one
25 prescription for an opioid antidote to a patient under paragraph (1)
26 of this subsection per year.

27 (3) Nothing in paragraph (2) of this subsection shall be
28 construed to prohibit a practitioner from issuing additional
29 prescriptions for an opioid antidote to a patient upon the patient's
30 request or when the practitioner determines there is a clinical or
31 practical need for the additional prescription.

32 (cf: P.L.2021, c.54, s.1)

33

34 45. Section 1 of P.L.1995, c.318 (C.26:2B-36) is amended to
35 read as follows:

36 1. The Legislature finds and declares that: there is growing
37 evidence that people with deafness, hearing loss or other disabilities
38 are at greater risk of **being involved with alcohol or other drugs of**
39 **abuse** having substance use disorder than the general population;
40 the deaf and hard of hearing have a communication disability which
41 prevents them from receiving and communicating information that
42 would enable them to make more informed decisions about their
43 **own use, abuse or addiction to alcohol and other drugs** alcohol or
44 substance use disorder; and the combined impact of physical
45 impairment, attitudinal and architectural barriers, societal
46 discrimination and the psychological stresses that accompany
47 disability may create a special vulnerability for substance **abuse**
48 use disorder in people with disabilities.

1 The Legislature further finds and declares that: few rehabilitation
2 centers and professionals working with the deaf, hard of hearing
3 and other disabled persons are adequately prepared or trained to
4 identify, recognize or deal with the signs of substance [abuse] use
5 disorder; and New Jersey needs the development of specialized
6 services for people with disabilities who [abuse, misuse and are
7 addicted to alcohol and other drugs] have an alcohol or a substance
8 use disorder.

9 (cf: P.L.1995, c.318, s.1)

10
11 46. Section 115 of P.L.2008, c.29 (C.26:2NN-1) is amended to
12 read as follows:

13 115. a. The Department of Human Services shall maintain a toll-
14 free information "Law Enforcement Officer Crisis Intervention
15 Services" telephone hotline on a 24-hour basis.

16 The hotline shall receive and respond to calls from law
17 enforcement officers and sheriff's officers who have been involved
18 in any event or incident which has produced personal or job-related
19 depression, anxiety, stress, or other psychological or emotional
20 tension, trauma, or disorder for the officer and officers who have
21 been wounded in the line of duty. The operators of the hotline shall
22 seek to identify those officers who should be referred to further
23 debriefing and counseling services, and to provide such referrals. In
24 the case of wounded officers, those services may include peer
25 counseling, diffusing, debriefing, group therapy, and individual
26 therapy as part of a coordinated assistance program, to be known as
27 the "Blue Heart Law Enforcement Assistance Program," designed
28 and implemented by the University Behavioral Healthcare Unit of
29 Rutgers, The State University.

30 b. The operators of the hotline shall be trained by the
31 Department of Human Services and, to the greatest extent possible,
32 shall be persons, who by experience or education, are: (1) familiar
33 with post trauma disorders and the emotional and psychological
34 tensions, depressions, and anxieties unique to law enforcement
35 officers and sheriff's officers; or (2) trained to provide counseling
36 services involving marriage and family life, substance [abuse] use
37 disorder, personal stress management, and other emotional or
38 psychological disorders or conditions which may be likely to
39 adversely affect the personal and professional well-being of a law
40 enforcement officer and a sheriff's officer.

41 c. To ensure the integrity of the telephone hotline and to
42 encourage officers to utilize it, the commissioner shall provide for
43 the confidentiality of the names of the officers calling, the
44 information discussed by that officer and the operator, and any
45 referrals for further debriefing or counseling; provided, however,
46 the commissioner may, by rule and regulation, (1) establish
47 guidelines providing for the tracking of any officer who exhibits a
48 severe emotional or psychological disorder or condition which the

1 operator handling the call reasonably believes might result in harm
 2 to the officer or others and (2) establish a confidential registry of
 3 wounded New Jersey law enforcement officers.
 4 (cf: P.L.2012, c.45, s.117)

5
 6 47. Section 1 of P.L.2021, c.396 (C.26:5C-26.1) is amended to
 7 read as follows:

8 1. As used in P.L.2006, c.99 (C.26:5C-25 et al.):

9 "Authorized harm reduction services" means a suite of harm
 10 reduction services, approved by the Department of Health and
 11 provided in a manner that is consistent with State and federal law,
 12 which services shall include, but shall not be limited to: syringe
 13 access, syringe disposal, referrals to health and social services,
 14 harm reduction counseling and supplies including, but not limited
 15 to, fentanyl test strips, and HIV and hepatitis C testing.

16 "Eligible entity" means a federally qualified health center, a
 17 public health agency, a substance **[abuse]** use disorder treatment
 18 program, an AIDS service organization, or another entity with the
 19 capacity to provide harm reduction services as determined by the
 20 Department of Health.

21 "Harm reduction supplies" means any materials or equipment
 22 designed to identify or analyze the presence, strength, effectiveness,
 23 or purity of controlled dangerous substances or controlled substance
 24 analogs, including, but not limited to, fentanyl test strips; opioid
 25 antidotes and associated supplies; and any other materials or
 26 equipment that may be used to prevent, reduce or mitigate the
 27 harms of disease transmission, overdose, and other harms associated
 28 with personal drug use as are designated through rules prescribed
 29 by the Commissioners of Health or Human Services.

30 (cf: P.L.2021, c.396, s.1)

31
 32 48. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to read
 33 as follows:

34 4. a. In accordance with the provisions of section 3 of
 35 P.L.2006, c.99 (C.26:5C-27), an eligible entity may be approved by
 36 the department to provide authorized harm reduction services in this
 37 State.

38 (1) An entity authorized to provide harm reduction services may
 39 provide the services at a fixed location or through a mobile access
 40 component, and may operate the program directly or contract with
 41 one or more of the following entities to operate the program: a
 42 hospital or other health care facility licensed pursuant to P.L.1971,
 43 c.136 (C.26:2H-1 et seq.), a federally qualified health center, a
 44 public health agency, a substance **[abuse]** use disorder treatment
 45 program, an AIDS service organization, or another nonprofit entity
 46 designated by the department. An entity authorized to provide harm
 47 reduction services shall be managed in accordance with standards or
 48 guidance issued by the Division of HIV, STD, and TB Services in

1 the Department of Health and in a manner that is consistent with
2 national best practices for the provision of harm reduction services
3 and all applicable State laws and regulations that are not otherwise
4 to the contrary.

5 (2) (deleted by amendment, P.L.2021, c.396)

6 (3) (deleted by amendment, P.L.2021, c.396)

7 (4) To the extent permitted under federal law, and subject to the
8 requirements of federal law, notwithstanding any provision of State
9 law to the contrary, an authorized entity may deliver harm reduction
10 services or other related supplies, as determined by the
11 commissioner, to consumers via postal mail or other delivery
12 service.

13 b. An entity authorized to provide harm reduction services
14 shall comply with the following requirements:

15 (1) Sterile syringes and needles shall be provided at no cost to
16 consumers 18 years of age and older, provided that the department
17 may authorize sterile syringes and needles to be provided at no cost
18 to consumers under 18 years of age in limited circumstances, at the
19 department's discretion;

20 (2) An entity authorized to provide harm reduction services shall
21 be responsible for training program staff in the following subjects:
22 harm reduction; substance use disorder; medical and social service
23 referrals; infection control procedures, including universal
24 precautions and needle stick injury protocol; and other subjects as
25 determined by the entity authorized to provide harm reduction
26 services and the department. Entities authorized to provide harm
27 reduction services shall maintain records of staff and volunteer
28 training;

29 (3) Entities authorized to provide harm reduction services shall
30 offer information about HIV, hepatitis C and other bloodborne
31 pathogens and information concerning the safe use of drugs by
32 intravenous injection at no cost to consumers, and shall seek to
33 educate all consumers about safe and proper disposal of needles and
34 syringes;

35 (4) Entities authorized to provide harm reduction services shall
36 provide information and referrals to consumers, including HIV,
37 hepatitis C, and sexually transmitted infection testing options,
38 access to medication-assisted substance use disorder treatment
39 programs and other substance use disorder treatment programs, and
40 available health and social service options relevant to the needs of
41 consumers. The entity shall encourage consumers to receive HIV,
42 hepatitis C, and sexually transmitted infection tests;

43 (5) Except as may otherwise be authorized by the department
44 pursuant to paragraph (1) of this subsection, entities authorized to
45 provide harm reduction services shall screen out consumers under
46 18 years of age from access to syringes and needles, and shall refer
47 them to substance use disorder treatment and other appropriate
48 programs for youth;

- 1 (6) Entities authorized to provide harm reduction services shall
- 2 develop a plan for the handling and disposal of used syringes and
- 3 needles in accordance with requirements set forth at N.J.A.C.7:26-
- 4 3A.1 et seq. for regulated medical waste disposal pursuant to the
- 5 "Comprehensive Regulated Medical Waste Management Act,"
- 6 P.L.1989, c.34 (C.13:1E-48.1 et al.), and shall also develop and
- 7 maintain protocols for post-exposure treatment;
- 8 (7) (a) Entities authorized to provide harm reduction
- 9 services may obtain and distribute naloxone hydrochloride or
- 10 another opioid antidote to consumers, to family members and
- 11 friends of consumers, and to any member of the general public, in
- 12 accordance with the "Overdose Prevention Act," P.L.2013, c.46
- 13 (C.24:6J-1 et al.) and P.L.2021, c.152;
- 14 (b) Entities authorized to provide harm reduction services shall
- 15 provide overdose prevention information to consumers and to
- 16 family members and friends of consumers, and to members of the
- 17 general public, in accordance with the provisions of section 5 of the
- 18 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-5);
- 19 (8) Entities authorized to provide harm reduction services shall
- 20 maintain the confidentiality and security of information about
- 21 consumers receiving harm reduction services through appropriate
- 22 administrative, technical, and physical controls and safeguards that
- 23 protect the confidentiality, integrity, and availability of individually
- 24 identifiable information about consumers;
- 25 (9) Entities authorized to provide harm reduction services shall
- 26 provide a uniform membership card that has been approved by the
- 27 department to consumers and to staff and volunteers involved in
- 28 transporting, exchanging or possessing syringes and needles, or
- 29 shall provide for such other uniform Statewide means of
- 30 identification as may be approved by the department for this
- 31 purpose;
- 32 (10) Entities authorized to provide harm reduction services shall
- 33 provide consumers at the time of enrollment with a schedule of the
- 34 entity's operation hours and locations, in addition to information
- 35 about prevention and harm reduction and substance use disorder
- 36 treatment services; and
- 37 (11) Entities authorized to provide harm reduction services shall
- 38 establish and implement accurate data collection methods and
- 39 procedures as required by the department for the purpose of
- 40 evaluating the provision of harm reduction services.
- 41 (a) (deleted by amendment, P.L.2021, c.396)
- 42 (b) (deleted by amendment, P.L.2021, c.396)
- 43 (c) (deleted by amendment, P.L.2021, c.396).
- 44 c. The department shall have sole authority to terminate
- 45 authorization for an entity to provide harm reduction services that
- 46 was approved by the department, without the need for application or
- 47 approval by the host municipality.

1 d. The provisions of P.L.2006, c.99 (C.26:5C-25 et al.) shall
2 not be construed as preempting the powers and the authority granted
3 to municipalities under the "Municipal Land Use Law," P.L.1975,
4 c.291 (C.40:55D-1 et seq.), nor as requiring a determination that the
5 provision of harm reduction services is an inherently beneficial use
6 thereunder.

7 (cf: P.L.2021, c.396, s.4)

8
9 49. Section 6 of P.L.2006, c.99 (C.26:5C-30) is amended to read
10 as follows:

11 6. a. The Commissioner of Human Services shall develop a plan
12 for establishing and funding regional substance **[abuse]** use
13 disorder treatment facilities. The plan shall include a strategy for
14 soliciting proposals from nonprofit agencies and organizations in
15 the State, including State-licensed health care facilities, with
16 experience in the provision of long-term care or outpatient
17 substance **[abuse]** use disorder treatment services to meet the post-
18 acute health, social, and educational needs of persons living with
19 HIV/AIDS.

20 b. The commissioner shall submit the plan to the Governor and,
21 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the
22 Legislature no later than the 120th day after the effective date of
23 this act, and shall report biannually thereafter to the Governor and,
24 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the
25 Legislature on the implementation of the plan.

26 (cf: P.L.2006, c.99, s.6)

27
28 50. Section 1 of P.L.1997, c.68 (C.30:1-12a) is amended to read
29 as follows:

30 1. As used in this act:

31 "Clinical treatment staff" means a physician, psychiatrist,
32 psychologist, physical therapist or social worker licensed pursuant
33 to Title 45 of the Revised Statutes, an occupational, recreation, art
34 or music therapist or a substance **[abuse]** use disorder counselor.

35 "Nursing direct care staff" means a Human Services Assistant,
36 Human Services Technician or a nurse licensed pursuant to Title 45
37 of the Revised Statutes.

38 (cf: P.L.1997, c.68, s.1)

39
40 51. Section 3 of P.L.2019, c.364 (C.30:1B-6.10) is amended to
41 read as follows:

42 3. a. The Commissioner of Corrections and Chairman of the
43 State Parole Board shall coordinate reentry preparation and other
44 rehabilitative services for inmates in all State correctional facilities
45 pursuant to P.L.2019, c.364 (C.30:4-123.55b et al.).

46 Appropriate staff within the Department of Corrections and State
47 Parole Board shall be responsible for engaging with each inmate to
48 develop and implement an individualized, comprehensive reentry

1 plan for services during the inmate's incarceration. This plan may
2 be refined and updated during incarceration as needed, and shall
3 include recommendations for community-based services prior to the
4 inmate's actual return to the community. Appropriate staff within
5 the Department of Corrections and State Parole Board shall
6 determine what medical, psychiatric, psychological, educational,
7 vocational, substance [abuse] use disorder, and social rehabilitative
8 services shall be incorporated into a comprehensive reentry plan in
9 order to prepare each inmate for successful integration upon release.
10 The Department of Corrections shall establish guidelines, timelines,
11 and procedures to govern the institutional reentry plan process.

12 b. Appropriate staff within the Department of Corrections and
13 State Parole Board shall compile and disseminate to inmates
14 information concerning organizations and programs, whether faith-
15 based or secular programs, which provide assistance and services to
16 inmates reentering society after a period of incarceration. In
17 compiling this information, the appropriate staff shall consult with
18 non-profit entities that provide informational services concerning
19 reentry, the Executive Director of the Office of Faith-based
20 Initiatives in the Department of State, and the Corrections
21 Ombudsperson in, but not of, the Department of the Treasury.

22 c. The State Parole Board shall ensure that all inmates are
23 made aware of and referred to organizations which provide services
24 in the county where the inmate is to reside after being released from
25 incarceration. The State Parole Board shall assist inmates in gaining
26 access to programs and procuring the appropriate post-release
27 services.

28 d. The Department of Corrections and State Parole Board may
29 employ professional and clerical staff as necessary within the limits
30 of available appropriations.

31 (cf: P.L.2019, c.364, s.3)

32

33 52. Section 1 of P.L.1997, c.69 (C.30:4-3.12) is amended to read
34 as follows:

35 1. For the purposes of this act:

36 "Clinical treatment staff" means a physician, psychiatrist,
37 psychologist, physical therapist or social worker licensed pursuant
38 to Title 45 of the Revised Statutes, an occupational, recreation, art
39 or music therapist or a substance [abuse] use disorder counselor.

40 "Immediate family member" includes the staff member's spouse
41 and children, the staff member's siblings and parents, the staff
42 member's spouse's siblings and parents and the spouses of the staff
43 member's children.

44 "Nursing direct care staff" means a Human Services Assistant,
45 Human Services Technician, or a nurse licensed pursuant to Title 45
46 of the Revised Statutes.

47 (cf: P.L.1997, c.69, s.1)

1 53. Section 1 of P. L.1997, c.70 (C.30:4-3.15) is amended to read
2 as follows:

3 1. For the purposes of this act:

4 "Clinical treatment staff" means a physician, psychiatrist,
5 psychologist, physical therapist or social worker licensed pursuant
6 to Title 45 of the Revised Statutes, an occupational, recreation, art
7 or music therapist or a substance **abuse** use disorder counselor.

8 "Employee" means a person employed by the State to work at a
9 State psychiatric hospital or a person employed by a private entity
10 under contract with the State to provide contracted services at a
11 State psychiatric hospital.

12 "Nursing direct care staff" means a Human Services Assistant,
13 Human Services Technician, or a nurse licensed pursuant to Title 45
14 of the Revised Statutes.

15 "State psychiatric hospital" means a psychiatric hospital listed in
16 R.S.30:1-7.

17 (cf: P.L.1997, c.70, s.1)

18

19 54. Section 1 of P.L.1999, c.243 (C.30:4-91.9) is amended to
20 read as follows:

21 1. As used in this act:

22 "Eligible inmate" means an inmate who (1) was not convicted of
23 a sexual offense as defined in this section or an arson offense, (2)
24 does not demonstrate an undue risk to public safety and (3) has less
25 than one year remaining to be served before the inmate's parole
26 eligibility date, provided, however, that an eligible inmate may
27 include an inmate who is otherwise eligible but who has more than
28 one year but less than 18 months remaining to be served before the
29 inmate's parole eligibility date and is determined by the
30 Commissioner of Corrections or a designee to be appropriate to be
31 authorized for confinement in a private facility; and further
32 provided, however, that an eligible inmate may include an inmate
33 who is otherwise eligible but who has more than one year but less
34 than two years remaining to be served before the inmate's parole
35 eligibility date and is determined by the Commissioner of
36 Corrections or a designee to be appropriate to be authorized for
37 confinement in a private facility for participation in a substance
38 **abuse** use disorder treatment program.

39 "Private facility" means a residential center, operated by a
40 private nonprofit entity, contracted by the Department of
41 Corrections to provide for the care, custody, subsistence, treatment,
42 education, training or welfare of inmates sentenced to the custody
43 of the Commissioner of Corrections.

44 "Sexual offense" means a violation of 2C:14-2, 2C:14-3 or
45 2C:24-4, or of any other substantially equivalent provision
46 contained in Title 2A of the New Jersey Statutes now repealed,

1 conspiracy to commit any of these offenses or an attempt to commit
2 any of these offenses.

3 (cf: P.L.1999, c.243, s.1)

4
5 55. Section 159 of P.L.2012, c.16 (C.30:4C-4.5) is amended to
6 read as follows:

7 159. a. Notwithstanding any law, rule, or regulation to the
8 contrary, commencing on or after the effective date of P.L.2012,
9 c.16 (C.52:27D-43.9a et al.) and subject to the provisions of
10 subsection b. of this section, the Division of Children's System of
11 Care in the Department of Children and Families, in lieu of the
12 Division of Mental Health and Addiction Services in the
13 Department of Human Services, shall provide, manage, and
14 coordinate services for the treatment of **【alcoholism】** alcohol use
15 disorder and substance **【abuse】** use disorder for persons under 21
16 years of age, deemed clinically and functionally appropriate by the
17 Department of Children and Families, as limited by service
18 availability and appropriations and other monies available, and to
19 become available, except that, as agreed to by the Department of
20 Children and Families and the Department of Human Services
21 pursuant to subsection b. of this section, the Division of Mental
22 Health and Addiction Services may continue to exclusively provide,
23 manage, and coordinate programs and services designed primarily
24 for adults 18 years of age or older, including, but not limited to,
25 services provided pursuant to R.S.39:4-50 and the Drug Courts of
26 this State.

27 b. The Commissioner of Human Services and the
28 Commissioner of Children and Families, or the commissioners'
29 designees, shall establish and enter into an inter-agency agreement
30 as necessary for the purposes of subsection a. of this section.

31 c. The Commissioners of Human Services and Children and
32 Families, pursuant to the "Administrative Procedure Act," P.L.1968,
33 c.410 (C.52:14B-1 et seq.), shall adopt, notwithstanding any
34 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
35 immediately upon filing with the Office of Administrative Law,
36 such rules and regulations as the Commissioners deem necessary to
37 effectuate the purposes of section 159 of P.L.2012, c.16 (C.30:4C-
38 4.5), which shall be effective for a period not to exceed 12 months
39 following the effective date of P.L.2012, c.16 (C.52:27D-43.9a et
40 al.). The regulations shall thereafter be amended, adopted, or
41 readopted by the commissioners in accordance with the provisions
42 of P.L.1968, c.410 (C.52:14B-1 et seq.).

43 d. Whenever any current law, rule, regulation, or order
44 pertaining to the treatment of **【alcoholism】** alcohol use disorder and
45 substance **【abuse】** use disorder for persons under 21 years of age
46 refers to the Division of Mental Health and Addiction Services in
47 the Department of Human Services, the same shall mean and refer
48 to the Division of Children's System of Care in the Department of

1 Children and Families, except where the Division of Mental Health
 2 and Addiction Services continues to exclusively provide, manage,
 3 and coordinate programs and services consistent with this section.
 4 (cf: P.L.2012, c.16, s.159)

5
 6 56. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to
 7 read as follows:

8 6. The plan shall:

9 a. Assess current policies and activities of all divisions in the
 10 Department of Children and Families in the implementation of the
 11 individualized, appropriate child and family driven care system;

12 b. Assess the implementation of the policies and procedures of
 13 the Case Assessment Resource Teams (CARTs) and the County
 14 Inter-Agency Coordinating Councils (CIACCs) sanctioned by the
 15 Department of Children and Families to be certain, among other
 16 things, that a family using the services is a full participant in the
 17 CART/CIACC process;

18 c. Be consistent with principles set forth in section 7 of this
 19 act;

20 d. Set forth specific timelines and procedures for the
 21 implementation of new policies and practices that shall be
 22 undertaken to develop a system of care which is integrated across
 23 divisional and departmental lines;

24 e. Specify the role and function of the CARTs and CIACCs in
 25 developing the individualized, appropriate child and family driven
 26 care system;

27 f. Recommend departmental or divisional organizational
 28 changes required to execute the system of care;

29 g. Specify the interdepartmental amounts and sources of
 30 financial resources required to implement and maintain a
 31 coordinated system of care;

32 h. Develop a mechanism to guarantee that savings accrued
 33 through implementation of this plan be applied to community-based
 34 children's services;

35 i. Identify funding mechanisms compatible with individual
 36 county needs to carry out the purposes of this act;

37 j. Develop a system to monitor and evaluate the outcomes for
 38 children with special emotional needs who have received
 39 community-based services as a result of the implementation of an
 40 individualized, appropriate child and family driven care system;

41 k. Develop an independent evaluation mechanism to report at
 42 least quarterly, which is designed to enhance and evaluate the
 43 CART/CIACC inter-agency system at both the local and Statewide
 44 levels;

45 l. Describe all services, both public and private, including
 46 rehabilitation services, vocational services, substance **[abuse]** use
 47 disorder services, housing services, educational services, medical
 48 and dental care to be provided by local school systems under the

1 "Education of the Handicapped Act," (20 U.S.C. s.1401 et seq.);
2 and

3 m. Describe how parents will be involved in the development of
4 the plan and how the plan will insure their full participation in the
5 CART/CIAAC process.

6 (cf: P.L.2006, c.47, s.146)

7

8 57. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to
9 read as follows:

10 3. a. The Department of Children and Families may establish,
11 through purchase of service contracts with community-based
12 organizations, at least one family preservation services program in
13 each county in the State. The program shall provide services to
14 families whose children are at imminent risk of placement as
15 determined by agencies authorized to place children, or whose
16 children are being prepared for reunification.

17 b. The family preservation services program shall be based on
18 the following objectives:

19 (1) The prevention of out-of-home placement by enhancing
20 family functioning and problem solving;

21 (2) The development of appropriate crisis management and
22 parenting skills;

23 (3) The provision of services to families, as needed, including
24 transportation, emergency financial assistance for food, clothing
25 and housing, family counseling and substance **abuse** use disorder
26 treatment; and

27 (4) The development of linkages with service networks and
28 community resources.

29 (cf: P.L.2006, c.47, s.148)

30

31 58. Section 1 of P.L.2005, c.111 (C.30:4D-6j) is amended to read
32 as follows:

33 1. a. Subject to federal financial participation under Title XIX of
34 the federal Social Security Act (42 U.S.C. s.1396 et seq.), the
35 Commissioner of Health **and Senior Services** shall establish
36 special long-term care facility admission criteria for Medicaid-
37 eligible persons with HIV infection or AIDS, which would apply to
38 facilities that only serve persons with HIV infection or AIDS.

39 b. The criteria shall enable admission of:

40 (1) persons with HIV infection who have medical or psycho-
41 social co-morbidities, including, but not limited to: diabetes, cancer,
42 hypertension, hyperlipidemia, asthma, chronic obstructive
43 pulmonary disease, hepatitis B or C, substance **abuse** use
44 disorder, mental illness or dementia; and

45 (2) persons with AIDS-defining illness and infection, including
46 those persons newly diagnosed with HIV infection, which illness or
47 infection includes, but is not limited to: pneumocystis carinii
48 pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-

1 esophageal candidiasis, wasting, bacterial pneumonia, lymphoma,
2 cryptococcal meningitis, mycobacterium avium complex (MAC) or
3 Kaposi's sarcoma.

4 (cf: P.L.2005, c.111, s.1)

5
6 59. Section 2 of P.L.2016, c.58 (C.30:6C-12) is amended to read
7 as follows:

8 2. The Director of the Division of Mental Health and Addiction
9 Services in the Department of Human Services, in consultation with
10 the Attorney General, shall provide for the establishment, upon the
11 request of the department or force, of a law enforcement assisted
12 addiction and recovery referral program in accordance with section
13 5 of P.L.2016, c.58 (C.30:6C-15). In providing for the
14 establishment of these programs, the director shall:

15 a. prescribe by regulation requirements for a law enforcement
16 department to establish, or otherwise authorize the operation within
17 that department, of a law enforcement assisted addiction and
18 recovery referral program;

19 b. develop and implement guidelines for the recruitment and
20 training of law enforcement officers and personnel, volunteers, and
21 treatment providers to participate in the program, provided that law
22 enforcement officers may refer or transport program participants to
23 a program volunteer or to a treatment provider for substance
24 **【abuse】** use disorder recovery services, health care services,
25 including mental health services, medication-assisted drug
26 treatment services, and other substance **【abuse】** use disorder
27 treatment services but shall not be involved in the provision of such
28 services;

29 c. support and facilitate, to the maximum extent practicable,
30 the linkage of law enforcement assisted addiction and recovery
31 referral programs to facilities and programs that may provide
32 appropriate substance **【abuse】** use disorder recovery services,
33 health care services, including mental health services, medication-
34 assisted drug treatment services, and other substance **【abuse】** use
35 disorder treatment services to program participants;

36 d. coordinate with law enforcement officials, personnel, and
37 program volunteers to ensure that individuals seeking to participate
38 in the program are treated with respect, care, and compassion;

39 e. establish eligibility requirements for participation in the
40 program which shall include, but not be limited to, the provisions of
41 P.L.2016, c.58 (C.30:6C-11 et seq.);

42 f. develop and implement procedures for determining
43 eligibility to participate in the program, including, but not limited
44 to, conducting a wanted person check pursuant to section 1 of
45 P.L.2003, c.282 (C.30:4-91.3c) on each potential program
46 participant; and

1 g. provide procedures for maintaining the confidentiality of
2 information pertaining to the identity, diagnosis, treatment and
3 health information of any program participant.

4 (cf: P.L.2016, c.58, s.2)

5
6 60. Section 3 of P.L.2016, c.58 (C.30:6C-13) is amended to read
7 as follows:

8 3. Upon approval by the governing body of the county or
9 municipality, as the case may be, a county police department or
10 force established pursuant to N.J.S.40A:14-106 or municipal police
11 department or force established pursuant to N.J.S.40A:14-118 may
12 participate in a law enforcement assisted addiction and recovery
13 referral program established in accordance with P.L.2016, c.58
14 (C.30:6C-11 et seq.). Law enforcement officers participating in a
15 law enforcement assisted addiction and recovery referral program
16 established pursuant to this section may refer or transport program
17 participants to a program volunteer for support, guidance and
18 assistance, and may transport program participants to a treatment
19 provider for substance **[abuse]** use disorder recovery services or
20 health care services, but shall not otherwise be involved in the
21 provision of such services.

22 (cf: P.L.2016, c.58, s.3)

23
24 61. Section 2 of P.L.1997, c.81 (C.30:8-62) is amended to read
25 as follows:

26 2. The Legislature finds that specialized rehabilitation programs
27 which utilize proven military techniques of regimentation and
28 structured discipline have been shown to develop positive attitudes
29 and behavior traits in juvenile offenders; such programs foster self-
30 control, self-respect, and dramatically improve a juvenile offender's
31 potential for rehabilitation and re-integration into the community;
32 and, by complementing that regimen and structure with education,
33 vocational training, counseling, and aftercare services, such a
34 program can significantly reduce recidivism among juvenile
35 offenders.

36 The Legislature, therefore, declares that the counties of this State
37 should be authorized to establish and maintain specialized
38 rehabilitation programs for juvenile offenders; these specialized
39 programs should be designed as short-term incarcerations during
40 which the juvenile offender is exposed to a highly structured routine
41 of discipline, intensive regimentation, exercise and work therapy,
42 together with substance **[abuse]** use disorder treatment, self-
43 improvement counseling, and educational and vocational training;
44 and following the term of incarceration, the program should provide
45 a period of intensive aftercare supervision or mentoring for the
46 juvenile offender.

47 (cf: P.L.1997, c.81, s.2)

1 62. Section 5 of P.L.1997, c.81 (C.30:8-65) is amended to read
2 as follows:

3 5. A juvenile offender rehabilitation program established and
4 maintained pursuant to this act shall consist of the following
5 components:

6 a. A comprehensive, residential program for a minimum period
7 of four weeks consisting of:

- 8 (1) Highly structured routines of discipline;
9 (2) Physical exercise;
10 (3) Work;
11 (4) Substance **【abuse】** use disorder counseling;
12 (5) Educational and vocational counseling; and
13 (6) Self-improvement and personal growth counseling stressing
14 moral values and cognitive reasoning.

15 b. A six to nine month aftercare or mentoring program. The
16 program, which may include a residential period, shall consist of
17 counseling services and assistance, including, but not limited to:
18 educational and vocational counseling and assistance; psychological
19 counseling; substance **【abuse】** use disorder counseling and
20 assistance; personal development and self-improvement counseling;
21 and counseling and assistance relating to the juvenile's re-
22 integration into his family and the community.

23 (cf: P.L.1997, c.81, s.5)
24

25 63. Section 1 of P.L.2011, c.166 (C.30:9A-29) is amended to
26 read as follows:

27 1. a. The Commissioner of Children and Families, in consultation
28 with the Department of Human Services, and the New Jersey Youth
29 Suicide Prevention Advisory Council established pursuant to
30 section 4 of P.L.2003, c.214 (C.30:9A-25), shall develop and adopt
31 a Statewide youth suicide prevention plan no later than 180 days
32 after the effective date of this act.

33 b. The plan shall address, but not be limited to, the:

- 34 (1) identification of existing State and local sources of data
35 concerning youth suicide deaths, youth suicide attempts, and self-
36 inflicted injuries by youth;
37 (2) coordination and sharing of such data among identified State
38 and local sources;
39 (3) promotion of greater public awareness about youth suicide
40 prevention services and resources;
41 (4) identification of barriers to accessing mental health and
42 substance **【abuse】** use disorder services, and opportunities to
43 enhance access; and
44 (5) promotion of evidenced-based and best practice programs,
45 listed on the Suicide Prevention Resource Center's Best Practices
46 Registry, for the prevention and treatment of youth suicide and self-
47 injury.

48 (cf: P.L.2011, c.166, s.1)

1 64. Section 1 of P.L.2011, c.69 (C.34:13A-40) is amended to
2 read as follows:

3 1. For the purposes of this act:

4 "Civil union" means a civil union as defined in section 2 of
5 P.L.2006, c.103 (C.37:1-29).

6 "Employee assistance program" means a program in which a
7 public employer provides or contracts with a service provider to
8 provide assistance to the employer's employees and their
9 dependents to resolve problems which may affect employee work
10 performance, irrespective of whether the problems originate on the
11 job, including, but not limited to, marital and family problems,
12 emotional problems, substance **[abuse]** use disorder, compulsive
13 gambling, financial problems, and medical problems.

14 "Dependent" means an employee's spouse, civil union partner, or
15 domestic partner, an unmarried child of the employee who is less
16 than 31 years of age and lives with the employee in a regular
17 parent-child relationship, or an unmarried child of the employee
18 who is not less than 31 years of age and is not capable of self
19 support. "Child of the employee" includes any child, stepchild,
20 legally adopted child, or foster child of the employee, or of a
21 domestic partner or civil union partner of the employee, who is
22 reported for coverage and dependent upon the employee for support
23 and maintenance.

24 "Domestic partner" means a domestic partner as defined in
25 section 3 of P.L.2003, c.246 (C.26:8A-3).

26 "Employee" means an employee of a public employer.

27 "Public employer" means the State of New Jersey, or the
28 counties and municipalities thereof, or any other political
29 subdivision of the State, or a school district, or any special district,
30 or any authority, including a bi-state authority, or any commission,
31 or board, or any branch or agency of the public service.

32 (cf: P.L.2011, c.69, s.1)

33

34 65. Section 1 of P.L.1999, c.279 (C.34:15F-1) is amended to read
35 as follows:

36 1. The Legislature finds and declares that there are a significant
37 number of students in New Jersey who are economically and
38 socially disadvantaged and who are alienated from the community
39 and school. These students are at-risk of substance **[abuse]** use
40 disorder, teen pregnancy or other behavioral problems that inhibit
41 academic achievement and successful integration into society.

42 The Legislature further finds that mentoring programs that
43 develop relationships between professionally trained and committed
44 adult volunteers and at-risk students, for the purpose of providing
45 support, counseling, reinforcement and constructive examples,
46 create an environment in which students can achieve their full
47 academic potential and which fosters their future success as

1 productive citizens of the State.
2 (cf: P.L.1999, c.279, s.1)

3
4 66. Section 2 of P.L.2011, c.116 (C.38A:13-11) is amended to
5 read as follows:

6 2. a. The Department of Military and Veterans' Affairs shall
7 establish, in coordination with University Behavioral HealthCare of
8 Rutgers, The State University of New Jersey, a toll free veteran to
9 veteran peer support helpline.

10 b. The helpline shall be accessible 24 hours a day seven days
11 per week and shall respond to calls from veterans, servicemembers
12 and their families. The operators of the helpline shall seek to
13 identify the veterans, servicemembers and their families who should
14 be referred to further peer support and counseling services, and
15 provide referrals.

16 c. The operators of the helpline shall be trained by University
17 Behavioral Healthcare of Rutgers, The State University of New
18 Jersey and, to the greatest extent possible, shall be trained veterans
19 or mental health professionals with military service expertise and
20 (1) familiar with post traumatic stress disorder, traumatic brain
21 injury and the emotional and psychological tensions, depressions,
22 and anxieties unique to veterans, servicemembers, and their families
23 or (2) trained to provide counseling services involving marriage and
24 family life, substance **[abuse]** use disorder, personal stress
25 management and other emotional or psychological disorders or
26 conditions which may be likely to adversely affect the personal and
27 service related well-being of veterans, servicemembers, and their
28 families.

29 d. The Department of Military and Veterans' Affairs and
30 Rutgers, The State University of New Jersey shall provide for the
31 confidentiality of the names of the persons calling, the information
32 discussed, and any referrals for further peer support or counseling;
33 provided, however, the Department of Military and Veterans'
34 Affairs and Rutgers, The State University of New Jersey may
35 establish guidelines providing for the tracking of any person who
36 exhibits a severe emotional or psychological disorder or condition
37 which the operator handling the call reasonably believes might
38 result in harm to the veteran or servicemember or any other person.
39 (cf: P.L.2012, c.45, s.121)

40
41 67. Section 1 of P.L.2019, c.325 (C.39:3-27.158) is amended to
42 read as follows:

43 1. a. Upon proper application, the Chief Administrator of the
44 New Jersey Motor Vehicle Commission shall issue support
45 recovery license plates for any motor vehicle owned or leased and
46 registered in this State. In addition to the registration number and
47 other markings or identification otherwise prescribed by law, the
48 license plates shall display an emblem, consisting of an image of a

1 compass rose with cardinal direction indicators enclosed in a circle,
2 and the words "SUPPORT RECOVERY" beneath the image. The
3 chief administrator shall, in consultation with the Commissioner of
4 Human Services and Parents in Connection for Kids, Inc., select the
5 design and color scheme of the support recovery license plates. The
6 support recovery license plates shall be subject to the provisions of
7 chapter 3 of Title 39 of the Revised Statutes, except as hereinafter
8 otherwise specifically provided.

9 b. Application for issuance of support recovery license plates
10 shall be made to the chief administrator on forms and in a manner
11 prescribed by the chief administrator. In order to be deemed
12 complete, an application shall be accompanied by a fee of \$50,
13 payable to the New Jersey Motor Vehicle Commission, which shall
14 be in addition to the fees otherwise prescribed by law for the
15 registration of a motor vehicle. The chief administrator shall collect
16 annually, subsequent to the year of issuance of the support recovery
17 license plates, a \$10 fee for the license plates in addition to the fees
18 otherwise prescribed by law for the registration of a motor vehicle.
19 The additional fees required by this subsection shall be deposited in
20 the "Support Recovery License Plate Fund" created pursuant to
21 subsection c. of this section.

22 c. There is created in the Department of the Treasury a special
23 non-lapsing fund to be known as the "Support Recovery License
24 Plate Fund." There shall be deposited in the fund the amount
25 collected from all license plate fees collected pursuant to subsection
26 b. of this section, less the amounts necessary to reimburse the
27 commission for administrative costs pursuant to subsection d. of
28 this section. Monies deposited in the fund shall be appropriated
29 annually to the Division of Mental Health and Addiction Services
30 within the Department of Human Services to be used to secure
31 permanent sober living housing for individuals who have completed
32 substance **[abuse]** use disorder treatment or temporary sober living
33 housing for individuals waiting to be placed in a substance **[abuse]**
34 use disorder treatment program. Monies appropriated to the
35 division shall not be provided to any individual seeking housing
36 assistance but may be provided to housing facilities to be used as
37 deposits or monthly rent payments for individuals seeking housing
38 assistance. Monies deposited in the fund shall be held in interest-
39 bearing accounts in public depositories as defined pursuant to
40 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
41 reinvested in securities approved by the State Treasurer. Interest or
42 other income earned on monies deposited into the fund, and any
43 monies which may be appropriated or otherwise become available
44 for the purposes of the fund, shall be credited to and deposited in
45 the fund for use as set forth in P.L.2019, c.325 (C.39:3-27.158 et
46 seq.).

47 d. Prior to the deposit of the additional fees collected pursuant
48 to subsection b. of this section into the "Support Recovery License

1 Plate Fund," amounts thereof as are necessary shall be used to
2 reimburse the commission for all costs reasonably and actually
3 incurred, as stipulated by the chief administrator, for:

4 (1) designing, producing, issuing, renewing, and publicizing the
5 availability of the support recovery license plates; and

6 (2) any computer programming changes that may be initially
7 necessary to implement the support recovery license plate program
8 in an amount not to exceed \$150,000.

9 The chief administrator shall annually certify to the State
10 Treasurer the average cost per license plate incurred in the
11 immediately preceding year by the commission in producing,
12 issuing, renewing, and publicizing the availability of the support
13 recovery license plates. The annual certification of the average cost
14 per license plate shall be approved by the Joint Budget Oversight
15 Committee, or its successor.

16 In the event that the average cost per license plate as certified by
17 the chief administrator and approved by the Joint Budget Oversight
18 Committee, or its successor, is greater than the \$50 application fee
19 established in subsection b. of this section in two consecutive fiscal
20 years, the chief administrator may discontinue the issuance of
21 support recovery license plates.

22 e. The chief administrator shall notify eligible motorists of the
23 opportunity to obtain support recovery license plates by publicizing
24 the availability of the license plates on the commission's website.
25 The Department of Human Services, and any other individual or
26 entity designated by the Department of Human Services, may
27 publicize the availability of the support recovery license plates in
28 any manner that the department deems appropriate.

29 f. The chief administrator and the Commissioner of Human
30 Services shall develop and enter into an interdepartmental
31 memorandum of agreement setting forth the procedures to be
32 followed in carrying out their respective responsibilities under
33 P.L.2019, c.325 (C.39:3-27.158 et seq.).

34 g. The Commissioner of Human Services shall appoint a
35 representative who shall act as a liaison between the Department of
36 Human Services and the commission. The liaison shall represent
37 the department in any and all communications with the commission
38 regarding the support recovery license plates established by
39 P.L.2019, c.325 (C.39:3-27.158 et seq.).

40 (cf: P.L.2019, c.325, s.1)

41

42 68. Section 1 of P.L.2020, c.129 (C.40A:14-118.5) is amended to
43 read as follows:

44 1. a. For the purposes of this section:

45 "Body worn camera" means a mobile audio and video recording
46 system worn by a law enforcement officer, but shall not include a
47 recording device worn by a law enforcement officer while engaging
48 in an undercover assignment or a recording device used during a

1 custodial interrogation conducted in a place of detention in
2 compliance with Rule 3:17 of the Rules Governing the Courts of the
3 State of New Jersey.

4 "Constructive authority" means the use of the law enforcement
5 officer's authority to exert control over a person, directed against a
6 person who is subject to an investigative detention or arrest or
7 against any person if the officer has un-holstered a firearm or a
8 conducted energy device.

9 "Force" shall include physical, mechanical, enhanced
10 mechanical, and deadly force.

11 "Law enforcement officer" means a person whose public duties
12 include the power to act as an officer for the detection,
13 apprehension, arrest, and conviction of offenders against the laws of
14 this State. This term shall not include a correctional police officer.

15 "Mobile video recording system" shall have the same meaning as
16 set forth in section 1 of P.L.2014, c.54 (C.40A:14-118.1).

17 "School" means a public or nonpublic elementary or secondary
18 school within this State offering education in grades kindergarten
19 through 12, or any combination of grades, at which a child may
20 legally fulfill compulsory school attendance requirements.

21 "Subject of the video footage" means any law enforcement
22 officer, suspect, victim, detainee, conversant, injured party, or other
23 similarly situated person who appears on the body worn camera
24 recording, and shall not include a person who only incidentally
25 appears on the recording.

26 "Youth facility" means a facility within this State used to house
27 or provide services to children under P.L.1951, c.138 (C.30:4C-1 et
28 seq.), including but not limited to group homes, residential
29 facilities, day care centers, and day treatment centers.

30 b. A body worn camera used by a law enforcement officer shall
31 be placed so that it maximizes the camera's ability to capture video
32 footage of the officer's activities.

33 c. (1) Except as otherwise provided in this subsection or in
34 subsection e. of this section, the video and audio recording
35 functions of a body worn camera shall be activated whenever the
36 officer is responding to a call for service or at the initiation of any
37 other law enforcement or investigative encounter between an officer
38 and a member of the public, in accordance with applicable
39 guidelines or directives promulgated by the Attorney General;
40 provided however, if an immediate threat to the officer's life or
41 safety makes activating the body worn camera impossible or
42 dangerous, the officer shall activate the body worn camera at the
43 first reasonable opportunity to do so. The body worn camera shall
44 remain activated until the encounter has fully concluded and the
45 officer leaves the scene.

46 (2) The video and audio recording functions of a body worn
47 camera may be deactivated, consistent with directives or guidelines

1 promulgated by the Attorney General, under the following
2 circumstances:

3 (a) when a civilian conversing with the officer requests that the
4 device be deactivated where it reasonably appears that the person
5 will not provide information or otherwise cooperate with the officer
6 unless that request is respected;

7 (b) when a person, other than an arrestee, is seeking emergency
8 medical services for themselves or another person and requests that
9 the device be deactivated;

10 (c) while the officer is participating in a discussion pertaining to
11 criminal investigation strategy and planning, provided that the
12 discussion is not conducted in the immediate presence of a civilian
13 and further provided that the officer is not actively engaged in the
14 collection of physical evidence; or

15 (d) when specifically authorized to do so by an assistant
16 prosecutor or an assistant or deputy attorney general for good and
17 sufficient cause as determined by the assistant prosecutor or
18 assistant or deputy attorney general.

19 (3) Unless the officer is actively engaged in investigating the
20 commission of a criminal offense, or is responding to an emergency
21 or call for service, or reasonably believes that he or she will be
22 required to use constructive authority or force, the officer shall not
23 activate the video and audio recording functions of a body worn
24 camera, or shall deactivate a device that has been activated, while
25 the officer:

26 (a) is in a school or youth facility or on school or youth facility
27 property under circumstances where minor children would be in
28 view of the device;

29 (b) is in a patient care area of a healthcare facility, medical
30 office, or substance **[abuse]** use disorder treatment facility under
31 circumstances where patients would be in view of the device; or

32 (c) is in a place of worship under circumstances where
33 worshippers would be in view of the device.

34 (4) The officer shall not activate the video and audio recording
35 functions of a body worn camera, or shall deactivate a device that
36 has been activated, if the officer knows or reasonably believes that
37 the recording would risk revealing the identity of an individual as
38 an undercover officer or confidential informant or otherwise would
39 pose a risk to the safety of an undercover officer or confidential
40 informant, unless such activation is expressly authorized by a
41 supervisor, or unless the exigency of the situation and danger posed
42 to an officer require that the encounter or incident be recorded, in
43 which event the officer shall inform his or her supervisor that the
44 recording risks revealing the identity of an individual as an
45 undercover officer or confidential informant.

46 (5) An officer shall not activate a body worn camera while in a
47 courtroom during court proceedings, unless the officer is

1 responding to a call for service or is authorized to use constructive
2 force or authority.

3 (6) If the body worn camera model selected by a law
4 enforcement agency produces radio-frequency interference while
5 activated or while in standby mode, the device shall be deactivated
6 while in the area where an electronic alcohol breath testing device
7 is being used, or, as necessary, shall be removed from the area
8 where such device is being used. Nothing herein shall be construed
9 to preclude the use of a body worn camera to record the behavior of
10 a person arrested for driving while intoxicated other than while the
11 person is in the breath-testing area while the electronic breath
12 testing device is being operated. If this provision requires
13 deactivation of a body worn camera, the officer shall narrate the
14 reasons for deactivation, and the device shall be re-activated when
15 safe and practicable to do so following the completion of the breath
16 testing operation.

17 d. A law enforcement officer who is wearing a body worn
18 camera shall notify the subject of the recording that the subject is
19 being recorded by the body worn camera unless it is unsafe or
20 infeasible to provide such notification. Such notification shall be
21 made as close to the inception of the encounter as is reasonably
22 possible. If the officer does not provide the required notification
23 because it is unsafe or infeasible to do so, the officer shall
24 document the reasons for that decision in a report or by narrating
25 the reasons on the body worn camera recording, or both. The
26 failure to verbally notify a person pursuant to this section shall not
27 affect the admissibility of any statement or evidence.

28 e. Notwithstanding the requirements of subsection c. of this
29 section:

30 (1) prior to entering a private residence, a law enforcement
31 officer shall notify the occupant that the occupant is being recorded
32 by the body worn camera and, if the occupant requests the officer to
33 discontinue use of the officer's body worn camera, the officer shall
34 immediately discontinue use of the body worn camera unless the
35 officer is actively engaged in investigating the commission of a
36 criminal offense, or is responding to an emergency, or reasonably
37 believes that the officer will be required to use constructive
38 authority or force;

39 (2) when interacting with an apparent crime victim, a law
40 enforcement officer shall, as soon as practicable, notify the apparent
41 crime victim that he or she is being recorded by the body worn
42 camera and, if the apparent crime victim requests the officer to
43 discontinue use of the body worn camera, the officer shall
44 immediately discontinue use of the body worn camera; and

45 (3) when interacting with a person seeking to anonymously
46 report a crime or assist in an ongoing law enforcement
47 investigation, a law enforcement officer, if the person requests that
48 the officer discontinue use of the body worn camera, shall evaluate

1 the circumstances and, if appropriate, discontinue use of the body
2 worn camera.

3 f. A request to discontinue the use of a body worn camera
4 made to a law enforcement officer pursuant to subsection e. of this
5 section and the response to the request shall be recorded by the
6 recording system prior to discontinuing use of the recording system.

7 g. A body worn camera shall not be used surreptitiously.

8 h. A body worn camera shall not be used to gather intelligence
9 information based on First Amendment protected speech,
10 associations, or religion, or to record activity that is unrelated to a
11 response to a call for service or a law enforcement or investigative
12 encounter between a law enforcement officer and a member of the
13 public, provided that nothing in this subsection shall be construed to
14 prohibit activation of video and audio recording functions of a body
15 worn camera as authorized under this law and in accordance with
16 any applicable guidelines or directives promulgated by the Attorney
17 General.

18 i. Every law enforcement agency shall promulgate and adhere
19 to a policy, standing operating procedure, directive, or order which
20 meets the requirements of subsection j. of this act and any
21 applicable guideline or directive promulgated by the Attorney
22 General that specifies the period of time during which a body worn
23 camera recording shall be retained.

24 j. A body worn camera recording shall be retained by the law
25 enforcement agency that employs the officer for a retention period
26 consistent with the provisions of this section, after which time the
27 recording shall be permanently deleted. A body worn camera
28 recording shall be retained for not less than 180 days from the date
29 it was recorded, which minimum time frame for retention shall be
30 applicable to all contracts for retention of body worn camera
31 recordings executed by or on behalf of a law enforcement agency
32 on or after the effective date of this act, and shall be subject to the
33 following additional retention periods:

34 (1) a body worn camera recording shall automatically be
35 retained for not less than three years if it captures images involving
36 an encounter about which a complaint has been registered by a
37 subject of the body worn camera recording;

38 (2) subject to any applicable retention periods established in
39 paragraph (3) of this subsection to the extent such retention period
40 is longer, a body worn camera recording shall be retained for not
41 less than three years if voluntarily requested by:

42 (a) the law enforcement officer whose body worn camera made
43 the video recording, if that officer reasonably asserts the recording
44 has evidentiary or exculpatory value;

45 (b) a law enforcement officer who is a subject of the body worn
46 camera recording, if that officer reasonably asserts the recording
47 has evidentiary or exculpatory value;

- 1 (c) any immediate supervisor of a law enforcement officer
2 whose body worn camera made the recording or who is a subject of
3 the body worn camera recording, if that immediate supervisor
4 reasonably asserts the recording has evidentiary or exculpatory
5 value;
- 6 (d) any law enforcement officer, if the body worn camera
7 recording is being retained solely and exclusively for police training
8 purposes;
- 9 (e) any member of the public who is a subject of the body worn
10 camera recording;
- 11 (f) any parent or legal guardian of a minor who is a subject of
12 the body worn camera recording; or
- 13 (g) a deceased subject's next of kin or legally authorized
14 designee.
- 15 (3) Notwithstanding the provisions of paragraph (1) or (2) of
16 this subsection, a body worn camera recording shall be subject to
17 the following additional retention requirements:
- 18 (a) when a body worn camera recording pertains to a criminal
19 investigation or otherwise records information that may be subject
20 to discovery in a prosecution, the recording shall be treated as
21 evidence and shall be kept in accordance with the retention period
22 for evidence in a criminal prosecution;
- 23 (b) when a body worn camera records an arrest that did not
24 result in an ongoing prosecution, or records the use of police force,
25 the recording shall be kept until the expiration of the statute of
26 limitations for filing a civil complaint against the officer or the
27 employing law enforcement agency;
- 28 (c) when a body worn camera records an incident that is the
29 subject of an internal affairs complaint, the recording shall be kept
30 pending final resolution of the internal affairs investigation and any
31 resulting administrative action.
- 32 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)
33 of subsection j. of this section, the member of the public, parent or
34 legal guardian, or next of kin or designee shall be permitted to
35 review the body worn camera recording in accordance with the
36 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine
37 whether to request a three-year retention period.
- 38 l. Notwithstanding that a criminal investigatory record does
39 not constitute a government record under section 1 of P.L.1995,
40 c.23 (C.47:1A-1.1), only the following body worn camera
41 recordings shall be exempt from public inspection:
- 42 (1) body worn camera recordings not subject to a minimum
43 three-year retention period or additional retention requirements
44 pursuant to subsection j. of this section;
- 45 (2) body worn camera recordings subject to a minimum three-
46 year retention period solely and exclusively pursuant to paragraph
47 (1) of subsection j. of this section if the subject of the body worn

1 camera recording making the complaint requests the body worn
2 camera recording not be made available to the public;

3 (3) body worn camera recordings subject to a minimum three-
4 year retention period solely and exclusively pursuant to
5 subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j. of
6 this section; and

7 (4) body worn camera recordings subject to a minimum three-
8 year retention period solely and exclusively pursuant to
9 subparagraph (e), (f), or (g) of paragraph (2) of subsection j. of this
10 section if a member, parent or legal guardian, or next of kin or
11 designee requests the body worn camera recording not be made
12 available to the public.

13 m. Any body worn camera recording retained beyond 180 days
14 solely and exclusively pursuant to subparagraph (d) of paragraph
15 (2) of subsection j. of this section shall not be admissible as
16 evidence in any criminal or civil legal or administrative proceeding.

17 n. (1) A law enforcement officer shall be permitted to review
18 or receive an accounting of a body worn camera recording prior to
19 that officer creating any required substantive initial report,
20 providing a statement, or submitting to an interview regarding the
21 recorded event, except under the following circumstances:

22 (a) the use of force by the officer where the officer knows or
23 should know that the use of force resulted in significant or serious
24 bodily injury or death;

25 (b) the discharge of a firearm or any other use of deadly force
26 by the law enforcement officer;

27 (c) the death of a person while in law enforcement custody;

28 (d) the death of a person during an encounter with a law
29 enforcement officer;

30 (e) an incident that that officer knows or has been advised is or
31 will be the subject of an internal affairs complaint relating to the
32 officer's use of force, bias, or dishonesty; or

33 (f) an incident the officer knows or has been advised is or will
34 be the subject of a citizen complaint related to the officer's use of
35 force, bias, or dishonesty.

36 (2) In the event a law enforcement officer reviews or receives an
37 accounting of a body worn camera recording prior to the creation of
38 any report, statement, or interview, the law enforcement officer
39 shall be required to acknowledge that prior review or receipt either
40 verbally or in writing within each such report, statement, or
41 interview.

42 (3) Nothing in this subsection shall be construed to require a law
43 enforcement officer to review a body worn camera recording prior
44 to creating any required initial reports, statements, and interviews
45 regarding the recorded event, nor to prevent a law enforcement
46 officer from reviewing or receiving an accounting of such a body
47 worn camera recording subsequent to the creation of any required
48 initial report, statement, or interview regarding the recorded event.

1 o. Body worn camera recordings shall not be divulged or used
2 by any law enforcement agency for any commercial or other non-
3 law enforcement purpose.

4 p. If a law enforcement agency authorizes a third party to act as
5 its agent in maintaining recordings from a body worn camera, the
6 agent shall be prohibited from independently accessing, viewing, or
7 altering any recordings, except to delete recordings as required by
8 law or agency retention policies.

9 q. If a law enforcement officer, employee, or agent fails to
10 adhere to the recording or retention requirements contained in this
11 act, or intentionally interferes with a body worn camera's ability to
12 accurately capture audio or video recordings:

13 (1) the officer, employee, or agent shall be subject to
14 appropriate disciplinary action;

15 (2) there shall be a rebuttable presumption that exculpatory
16 evidence was destroyed or not captured in favor of a criminal
17 defendant who reasonably asserts that exculpatory evidence was
18 destroyed or not captured; and

19 (3) there shall be a rebuttable presumption that evidence
20 supporting the plaintiff's claim was destroyed or not captured in
21 favor of a civil plaintiff suing the government, a law enforcement
22 agency, or a law enforcement officer for damages based on police
23 misconduct if the plaintiff reasonably asserts that evidence
24 supporting the plaintiff's claim was destroyed or not captured.

25 r. Any recordings from a body worn camera recorded in
26 contravention of this or any other applicable law shall be
27 immediately destroyed and shall not be admissible as evidence in
28 any criminal, civil, or administrative proceeding.

29 s. Nothing in this act shall be deemed to contravene any laws
30 governing the maintenance and destruction of evidence in a
31 criminal investigation or prosecution.

32 (cf: P.L.2021, c.472, s.1)

33

34 69. Section 3 of P.L.1998, c.148 (C.40A:14-197) is amended to
35 read as follows:

36 3. a. The debriefing and counseling services available under a
37 program established pursuant to P.L.1998, c.148 (C.40A:14-195 et
38 seq.) shall be provided by appropriately licensed or certified
39 psychologists and social workers who are either employees of the
40 county or under contract to provide such professional services to the
41 county. No employee of a county or municipal law enforcement
42 agency, department or force shall provide any debriefing or
43 counseling services under the program; provided, however, nothing
44 herein shall be construed to prohibit any county or municipal law
45 enforcement agency, department or force from establishing an
46 internal, administrative debriefing and counseling program to
47 identify law enforcement officers or sheriff's officers who may
48 benefit from the services available under the county crisis

1 intervention services program and to refer those officers to those
2 services.

3 b. Former law enforcement officers and other persons who are
4 not licensed or certified as psychologists or social workers and who
5 are not currently employed by any county or municipal law
6 enforcement agency may be employed by the county to provide
7 debriefing and counseling services; provided those former law
8 enforcement officers and other persons are:

9 (1) currently enrolled in an educational program to acquire such
10 licensing or certification; or

11 (2) familiar with the emotional crises and psychological
12 stresses, tensions and anxieties associated with law enforcement
13 duty; or

14 (3) trained to provide specialized or supplemental counseling
15 services involving domestic violence, substance [abuse] use
16 disorder, gambling, marriage and family life, and such other topics
17 as the county crisis intervention services advisory council,
18 established pursuant to section 4 of this act, may deem necessary;
19 and

20 (4) perform those debriefing and counseling services under the
21 direct supervision of a licensed or certified psychologist,
22 psychiatrist, or social worker.

23 (cf: P.L.1998, c.148, s.3)

24

25 70. R.S.43:21-5 is amended to read as follows:

26 43:21-5. An individual shall be disqualified for benefits:

27 (a) For the week in which the individual has left work
28 voluntarily without good cause attributable to such work, and for
29 each week thereafter until the individual becomes reemployed and
30 works eight weeks in employment, which may include employment
31 for the federal government, and has earned in employment at least
32 ten times the individual's weekly benefit rate, as determined in each
33 case. This subsection shall apply to any individual seeking
34 unemployment benefits on the basis of employment in the
35 production and harvesting of agricultural crops, including any
36 individual who was employed in the production and harvesting of
37 agricultural crops on a contract basis and who has refused an offer
38 of continuing work with that employer following the completion of
39 the minimum period of work required to fulfill the contract. This
40 subsection shall not apply to an individual who voluntarily leaves
41 work with one employer to accept from another employer
42 employment which commences not more than seven days after the
43 individual leaves employment with the first employer, if the
44 employment with the second employer has weekly hours or pay not
45 less than the hours or pay of the employment of the first employer,
46 except that if the individual gives notice to the first employer that
47 the individual will leave employment on a specified date and the

1 first employer terminates the individual before that date, the seven-
2 day period will commence from the specified date.

3 (b) For the week in which the individual has been suspended or
4 discharged for misconduct connected with the work, and for the five
5 weeks which immediately follow that week, as determined in each
6 case.

7 "Misconduct" means conduct which is improper, intentional,
8 connected with the individual's work, within the individual's
9 control, not a good faith error of judgment or discretion, and is
10 either a deliberate refusal, without good cause, to comply with the
11 employer's lawful and reasonable rules made known to the
12 employee or a deliberate disregard of standards of behavior the
13 employer has a reasonable right to expect, including reasonable
14 safety standards and reasonable standards for a workplace free of
15 substance **[abuse]** use.

16 In the event the discharge should be rescinded by the employer
17 voluntarily or as a result of mediation or arbitration, this subsection
18 (b) shall not apply, provided, however, an individual who is
19 restored to employment with back pay shall return any benefits
20 received under this chapter for any week of unemployment for
21 which the individual is subsequently compensated by the employer.

22 If the discharge was for gross misconduct connected with the
23 work because of the commission of an act punishable as a crime of
24 the first, second, third or fourth degree under the "New Jersey Code
25 of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be
26 disqualified in accordance with the disqualification prescribed in
27 subsection (a) of this section and no benefit rights shall accrue to
28 any individual based upon wages from that employer for services
29 rendered prior to the day upon which the individual was discharged.

30 The director shall insure that any appeal of a determination
31 holding the individual disqualified for gross misconduct in
32 connection with the work shall be expeditiously processed by the
33 appeal tribunal.

34 To sustain disqualification from benefits because of misconduct
35 under this subsection (b), the burden of proof is upon the employer,
36 who shall, prior to a determination by the department of
37 misconduct, provide written documentation demonstrating that the
38 employee's actions constitute misconduct or gross misconduct.

39 Nothing within this subsection (b) shall be construed to interfere
40 with the exercise of rights protected under the "National Labor
41 Relations Act," (29 U.S.C. s.151 et seq.) or the "New Jersey
42 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
43 et seq.).

44 (c) If it is found that the individual has failed, without good
45 cause, either to apply for available, suitable work when so directed
46 by the employment office or the director or to accept suitable work
47 when it is offered, or to return to the individual's customary self-
48 employment (if any) when so directed by the director. The

1 disqualification shall continue for the week in which the failure
2 occurred and for the three weeks which immediately follow that
3 week, as determined:

4 (1) In determining whether or not any work is suitable for an
5 individual, consideration shall be given to the degree of risk
6 involved to health, safety, and morals, the individual's physical
7 fitness and prior training, experience and prior earnings, the
8 individual's length of unemployment and prospects for securing
9 local work in the individual's customary occupation, and the
10 distance of the available work from the individual's residence. In
11 the case of work in the production and harvesting of agricultural
12 crops, the work shall be deemed to be suitable without regard to the
13 distance of the available work from the individual's residence if all
14 costs of transportation are provided to the individual and the terms
15 and conditions of hire are as favorable or more favorable to the
16 individual as the terms and conditions of the individual's base year
17 employment.

18 (2) Notwithstanding any other provisions of this chapter, no
19 work shall be deemed suitable and benefits shall not be denied
20 under this chapter to any otherwise eligible individual for refusing
21 to accept new work under any of the following conditions: the
22 position offered is vacant due directly to a strike, lockout, or other
23 labor dispute; the remuneration, hours, or other conditions of the
24 work offered are substantially less favorable to the individual than
25 those prevailing for similar work in the locality; or, the individual,
26 as a condition of being employed, would be required to join a
27 company union or to resign from or refrain from joining any bona
28 fide labor organization.

29 (d) If it is found that this unemployment is due to a stoppage of
30 work which exists because of a labor dispute at the factory,
31 establishment or other premises at which the individual is or was
32 last employed, except as otherwise provided by this subsection (d).

33 (1) No disqualification under this subsection (d) shall apply if it
34 is shown that:

35 (a) The individual is not participating in or financing or directly
36 interested in the labor dispute which caused the stoppage of work;
37 and

38 (b) The individual does not belong to a grade or class of workers
39 of which, immediately before the commencement of the stoppage,
40 there were members employed at the premises at which the
41 stoppage occurs, any of whom are participating in or financing or
42 directly interested in the dispute; provided that if in any case in
43 which (a) or (b) above applies, separate branches of work which are
44 commonly conducted as separate businesses in separate premises
45 are conducted in separate departments of the same premises, each
46 department shall, for the purpose of this subsection, be deemed to
47 be a separate factory, establishment, or other premises.

1 (2) For any claim for a period of unemployment commencing on
2 or after December 1, 2004, no disqualification under this subsection
3 (d) shall apply if it is shown that the individual has been prevented
4 from working by the employer, even though the individual's
5 recognized or certified majority representative has directed the
6 employees in the individual's collective bargaining unit to work
7 under the preexisting terms and conditions of employment, and the
8 employees had not engaged in a strike immediately before being
9 prevented from working.

10 (3) For any claim for a period of unemployment commencing on
11 or after July 1, 2018, no disqualification under this subsection (d)
12 shall apply if the labor dispute is caused by the failure or refusal of
13 the employer to comply with an agreement or contract between the
14 employer and the claimant, including a collective bargaining
15 agreement with a union representing the claimant, or a State or
16 federal law pertaining to hours, wages, or other conditions of work.

17 (4) For any claim for a period of unemployment commencing on
18 or after July 1, 2018, if the unemployment is caused by a labor
19 dispute, including a strike or other concerted activities of employees
20 at the claimant's workplace, whether or not authorized or sanctioned
21 by a union representing the claimant, but not including a dispute
22 subject to the provisions of paragraph (2) or (3) of this subsection
23 (d), the claimant shall not be provided benefits for a period of the
24 first 30 days following the commencement of the unemployment
25 caused by the labor dispute, except that the period without benefits
26 shall not apply if the employer hires a permanent replacement
27 worker for the claimant's position. A replacement worker shall be
28 presumed to be permanent unless the employer certifies in writing
29 that the claimant will be permitted to return to his or her prior
30 position upon conclusion of the dispute. If the employer does not
31 permit the return, the claimant shall be entitled to recover any
32 benefits lost as a result of the 30-day waiting period before
33 receiving benefits, and the department may impose a penalty upon
34 the employer of up to \$750 per employee per week of benefits lost.
35 The penalty collected shall be paid into the unemployment
36 compensation auxiliary fund established pursuant to subsection (g)
37 of R.S.43:21-14.

38 (e) For any week with respect to which the individual is
39 receiving or has received remuneration in lieu of notice.

40 (f) For any week with respect to which or a part of which the
41 individual has received or is seeking unemployment benefits under
42 an unemployment compensation law of any other state or of the
43 United States; provided that if the appropriate agency of the other
44 state or of the United States finally determines that the individual is
45 not entitled to unemployment benefits, this disqualification shall not
46 apply.

47 (g) (1) For a period of one year from the date of the discovery by
48 the division of the illegal receipt or attempted receipt of benefits

1 contrary to the provisions of this chapter, as the result of any false
2 or fraudulent representation; provided that any disqualification may
3 be appealed in the same manner as any other disqualification
4 imposed hereunder; and provided further that a conviction in the
5 courts of this State arising out of the illegal receipt or attempted
6 receipt of these benefits in any proceeding instituted against the
7 individual under the provisions of this chapter or any other law of
8 this State shall be conclusive upon the appeals tribunal and the
9 board of review.

10 (2) A disqualification under this subsection shall not preclude
11 the prosecution of any civil, criminal or administrative action or
12 proceeding to enforce other provisions of this chapter for the
13 assessment and collection of penalties or the refund of any amounts
14 collected as benefits under the provisions of R.S.43:21-16, or to
15 enforce any other law, where an individual obtains or attempts to
16 obtain by theft or robbery or false statements or representations any
17 money from any fund created or established under this chapter or
18 any negotiable or nonnegotiable instrument for the payment of
19 money from these funds, or to recover money erroneously or
20 illegally obtained by an individual from any fund created or
21 established under this chapter.

22 (h) (1) Notwithstanding any other provisions of this chapter
23 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
24 denied benefits for any week because the individual is in training
25 approved under section 236(a)(1) of the "Trade Act of 1974,"
26 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be
27 denied benefits by reason of leaving work to enter this training,
28 provided the work left is not suitable employment, or because of the
29 application to any week in training of provisions in this chapter
30 (R.S.43:21-1 et seq.), or any applicable federal unemployment
31 compensation law, relating to availability for work, active search
32 for work, or refusal to accept work.

33 (2) For purposes of this subsection (h), the term "suitable"
34 employment means, with respect to an individual, work of a
35 substantially equal or higher skill level than the individual's past
36 adversely affected employment, as defined for purposes of the
37 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and
38 wages for this work at not less than 80% of the individual's average
39 weekly wage, as determined for the purposes of the "Trade Act of
40 1974."

41 (i) For benefit years commencing after June 30, 1984, for any
42 week in which the individual is a student in full attendance at, or on
43 vacation from, an educational institution, as defined in subsection
44 (y) of R.S.43:21-19; except that this subsection shall not apply to
45 any individual attending a training program approved by the
46 division to enhance the individual's employment opportunities, as
47 defined under subsection (c) of R.S.43:21-4; nor shall this
48 subsection apply to any individual who, during the individual's base

1 year, earned sufficient wages, as defined under subsection (e) of
2 R.S.43:21-4, while attending an educational institution during
3 periods other than established and customary vacation periods or
4 holiday recesses at the educational institution, to establish a claim
5 for benefits. For purposes of this subsection, an individual shall be
6 treated as a full-time student for any period:

7 (1) During which the individual is enrolled as a full-time student
8 at an educational institution, or

9 (2) Which is between academic years or terms, if the individual
10 was enrolled as a full-time student at an educational institution for
11 the immediately preceding academic year or term.

12 (j) Notwithstanding any other provisions of this chapter
13 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
14 denied benefits because the individual left work or was discharged
15 due to circumstances resulting from the individual being a victim of
16 domestic violence as defined in section 3 of P.L.1991, c.261
17 (C.2C:25-19). No employer's account shall be charged for the
18 payment of benefits to an individual who left work due to
19 circumstances resulting from the individual being a victim of
20 domestic violence.

21 For the purposes of this subsection (j), the individual shall be
22 treated as being a victim of domestic violence if the individual
23 provides one or more of the following:

24 (1) A restraining order or other documentation of equitable
25 relief issued by a court of competent jurisdiction;

26 (2) A police record documenting the domestic violence;

27 (3) Documentation that the perpetrator of the domestic violence
28 has been convicted of one or more of the offenses enumerated in
29 section 3 of P.L.1991, c.261 (C.2C:25-19);

30 (4) Medical documentation of the domestic violence;

31 (5) Certification from a certified Domestic Violence Specialist
32 or the director of a designated domestic violence agency that the
33 individual is a victim of domestic violence; or

34 (6) Other documentation or certification of the domestic
35 violence provided by a social worker, member of the clergy, shelter
36 worker or other professional who has assisted the individual in
37 dealing with the domestic violence.

38 For the purposes of this subsection (j):

39 "Certified Domestic Violence Specialist" means a person who
40 has fulfilled the requirements of certification as a Domestic
41 Violence Specialist established by the New Jersey Association of
42 Domestic Violence Professionals; and "designated domestic
43 violence agency" means a county-wide organization with a primary
44 purpose to provide services to victims of domestic violence, and
45 which provides services that conform to the core domestic violence
46 services profile as defined by the Division of Youth and Family
47 Services in the Department of Children and Families and is under

1 contract with the division for the express purpose of providing such
2 services.

3 (k) Notwithstanding any other provisions of this chapter
4 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
5 denied benefits for any week in which the individual left work
6 voluntarily and without good cause attributable to the work, if the
7 individual left work to accompany his or her spouse who is an
8 active member of the United States Armed Forces, as defined in
9 N.J.S.38A:1-1(g), to a new place of residence outside the State, due
10 to the armed forces member's transfer to a new assignment in a
11 different geographical location outside the State, and the individual
12 moves to the new place of residence not more than nine months
13 after the spouse is transferred, and upon arrival at the new place of
14 residence the individual was in all respects available for suitable
15 work. No employer's account shall be charged for the payment of
16 benefits to an individual who left work under the circumstances
17 contained in this subsection (k), except that this shall not be
18 construed as relieving the State of New Jersey and any other
19 governmental entity or instrumentality or nonprofit organization
20 electing or required to make payments in lieu of contributions from
21 its responsibility to make all benefit payments otherwise required
22 by law and from being charged for those benefits as otherwise
23 required by law.

24 (cf: P.L.2018, c.112, s.1)

25

26 71. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
27 as follows:

28 8. a. As defined by the commissioner, each adult recipient shall
29 continuously and actively seek employment in an effort to remove
30 the assistance unit of which the recipient is a member from the
31 program. A recipient may be assigned to a work activity as
32 determined by the commissioner. The recipient shall sign an
33 individual responsibility plan, as provided in subsection f. of this
34 section, in order to be able to participate in the program, which
35 shall indicate the terms of the work activity requirements that the
36 recipient must fulfill in order to continue to receive benefits.

37 b. In accordance with Pub.L.104-193 (42 U.S.C. s. 601 et seq.),
38 a recipient in an assistance unit with dependent children shall
39 commence participation in a work activity, self-directed job search
40 or other activities as determined by the commissioner at some time
41 prior to having received 24 months of benefits; except that if the
42 recipient is a full-time post-secondary student in a course of study
43 related to employment as defined by regulation of the
44 commissioner, the recipient shall be required to engage in another
45 work activity for no more than 15 hours a week, subject to the
46 recipient making satisfactory progress toward the completion of the
47 post-secondary course of study as determined by the commissioner.

1 c. A recipient shall comply with work activity participation
2 requirements as a condition of remaining eligible for benefits. In
3 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
4 601 et seq.), a minimum participation rate of 25% shall be realized
5 in federal fiscal year 1997. The participation rate shall increase by
6 5% in each federal fiscal year to a level of 50% in federal fiscal
7 year 2002 and thereafter. For two-parent assistance units with
8 dependent children receiving benefits, the participation rate shall be
9 75% for federal fiscal years 1997 and 1998 and 90% in federal
10 fiscal year 1999 and thereafter. The participation rate shall be
11 calculated in accordance with federal requirements. A recipient
12 may be required to participate in one or more work activities for a
13 maximum aggregate hourly total of 40 hours per week.

14 d. A recipient shall not be required to engage in a work activity
15 if child care, including the unavailability of after-school child care
16 for children over six years of age, is unavailable for the recipient's
17 dependent child, as determined by regulation of the commissioner.

18 e. A recipient may temporarily be deferred from work activity
19 requirements as provided for by the commissioner if the recipient
20 is:

21 (1) a woman in the third trimester of pregnancy;

22 (2) a person certified by an examining legally licensed physician
23 or legally licensed certified nurse midwife, acting within the scope
24 of the practitioner's profession, to be unable, by reason of a physical
25 or mental defect, disease or impairment, to engage in any gainful
26 occupation for any period less than 12 months; or

27 (3) the parent or relative of a child under the age of 12 weeks
28 who is providing care for that child, except that, the deferral may be
29 extended for an appropriate period of time if determined to be
30 medically necessary for the parent or child.

31 f. Upon a determination of eligibility for benefits, each adult
32 recipient not otherwise deferred or exempted under this act shall be
33 given an assessment of that person's potential and readiness for
34 work, including, but not limited to, skills, education, past work
35 experience and any barriers to securing employment, including a
36 screening and assessment for substance **[abuse]** use disorder, as
37 appropriate. For all recipients not deferred or exempt, an annual
38 individual responsibility plan shall be developed jointly by the
39 county agency or municipal welfare agency, as appropriate, and the
40 recipient specifying the steps that will be taken by each to assist the
41 recipient to secure employment. The individual responsibility plan
42 shall include specific goals for each adult member or minor parent
43 in the assistance unit, and may include specific goals for a
44 dependent child member of the assistance unit. The goals, as
45 determined by regulation of the commissioner, shall include, but not
46 be limited to, requirements for parental participation in a dependent
47 child's primary school program, immunizations for a dependent
48 child, and regular school attendance by a dependent child.

1 Recipients who are job ready shall be placed immediately in a self-
2 directed job search. Within the amount of funds allocated by the
3 commissioner for this purpose, other recipients shall be placed in an
4 appropriate work activity as indicated by their individual
5 assessments.

6 g. The county agency or municipal welfare agency, as
7 appropriate, shall ensure the provision of necessary case
8 management for recipients, as appropriate to their degree of job
9 readiness, pursuant to regulations adopted by the commissioner.
10 The most intensive case management shall be directed to those
11 recipients facing the most serious barriers to employment.

12 h. (1) A recipient shall not be placed or utilized in a position at a
13 particular workplace:

14 (a) that was previously filled by a regular employee if that
15 position, or a substantially similar position at that workplace, has
16 been made vacant through a demotion, substantial reduction of
17 hours or a layoff of a regular employee in the previous 12 months,
18 or has been eliminated by the employer at any time during the
19 previous 12 months;

20 (b) in a manner that infringes upon a wage rate or an
21 employment benefit, or violates the contractual overtime provisions
22 of a regular employee at that workplace;

23 (c) in a manner that violates an existing collective bargaining
24 agreement or a statutory provision that applies to that workplace;

25 (d) in a manner that supplants or duplicates a position in an
26 existing, approved apprenticeship program;

27 (e) by or through an employment agency or temporary help
28 service firm as a community work experience or alternative work
29 experience worker;

30 (f) if there is a contractual or statutory recall right to that
31 position at that workplace; or

32 (g) if there is an ongoing strike or lockout at that workplace.

33 (2) A person who believes that he has been adversely affected
34 by a violation of this subsection, or the organization that is duly
35 authorized to represent the collective bargaining unit to which that
36 person belongs, shall be afforded an opportunity to meet with a
37 designee of the Commissioner of Labor and Workforce
38 Development or the Governor's Office of Employee Relations, as
39 appropriate. The designee shall attempt to resolve the complaint of
40 the alleged violation within 30 days of the date of the request for
41 the meeting. The Commissioner of Labor and Workforce
42 Development, in consultation with the Governor's Office of
43 Employee Relations, shall adopt regulations to effectuate the
44 provisions of this subsection. In the event that the complaint is not
45 resolved within the 30-day period, the complainant may appeal to
46 the New Jersey State Board of Mediation in the Department of
47 Labor and Workforce Development for expedited binding
48 arbitration in accordance with the rules of the board. If the

1 arbitrator determines that a violation has occurred, he shall provide
2 an appropriate remedy. The cost of the arbitration shall be borne
3 equally by both parties to the dispute.

4 (3) Nothing in this subsection shall be construed to prevent a
5 collective bargaining agreement from containing additional
6 protections for a regular employee.

7 i. The commissioner, acting in conjunction with the
8 Commissioners of Banking and Insurance, Community Affairs,
9 Education, Health and Senior Services, Labor and Workforce
10 Development and Transportation, shall implement all elements of
11 the program and establish initiatives to assist in moving recipients
12 towards self-sufficiency.

13 j. The commissioner shall take such actions as are necessary to
14 ensure that the program meets the requirements to qualify for the
15 maximum amount of federal funds due the State under Pub.L.104-
16 193 (42 U.S.C. s. 601 et seq.).

17 k. The commissioner is authorized to seek such waivers from
18 the federal government as are necessary to accomplish the goals of
19 the program.

20 (cf: P.L.2009, c.114, s.3)

21

22 72. Section 4 of P.L.2013, c.45 (C.44:10-98) is amended to read
23 as follows:

24 4. a. The commissioner shall issue a request for proposals from
25 qualifying agencies to participate in the project no later than 60
26 days following the effective date of P.L.2013, c.45 (C.44:10-95 et
27 seq.).

28 b. (1) The department shall select no fewer than three partnering
29 providers, from among qualifying agencies submitting proposals, to
30 participate in the project. Partnering providers shall provide
31 services under NJ SNAP ETP to eligible participants and be eligible
32 to receive federal reimbursements for those services pursuant to the
33 conditions of P.L.2013, c.45 (C.44:10-95 et seq.).

34 (2) The Commissioner of Labor and Workforce Development
35 shall extend the program beyond the initial four-year period. The
36 Commissioner of Labor and Workforce Development shall, subject
37 to the availability of federal funds, annually issue a new request for
38 proposals and maintain the participation of no fewer than three
39 partnering providers, from among qualifying agencies submitting
40 proposals, to participate in the project for each subsequent year.

41 c. Each qualifying agency shall be evaluated for participation
42 as a partnering provider in the project based on the agency's
43 capacity to: serve eligible participants under NJ SNAP ETP;
44 identify and utilize non-federal resources qualifying for federal
45 SNAP ETP reimbursements pursuant to the federal "Food and
46 Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.);
47 present and implement a coherent program plan for NJ SNAP ETP
48 activities, as described in subsection d. of this section; and perform

1 effectively each of the functions specified in section 6 of P.L.2013,
2 c.45 (C.44:10-100).

3 d. Each qualifying agency's proposal shall include a program
4 plan describing how the agency's activities under the project would
5 fulfill the purposes of NJ SNAP ETP. The program plan shall
6 include, but not be limited to, the following information:

7 (1) the program goals and objectives, including the agency's
8 priorities for serving eligible participants in the State;

9 (2) the program design, including: strategies for targeting and
10 recruiting eligible participants; educational skills and training
11 activities; work-related activities; job preparation, placement, and
12 retention activities; strategies for coordinating with the county
13 welfare agencies and the Department of Labor and Workforce
14 Development; and strategies for providing support services,
15 including case management, early intervention, career counseling,
16 and referrals to additional programs and services;

17 (3) the program budget, including the overall resources to be
18 used to support the agency's NJ SNAP ETP activities, the specific
19 non-federal resources to be used to generate federal SNAP ETP
20 reimbursements, and the intended utilization of anticipated federal
21 SNAP ETP reimbursements;

22 (4) the extent to which community partners, including
23 subcontractors, will be involved in the agency's activities; and

24 (5) the agency's plans for performing each of the functions
25 specified in section 6 of P.L.2013, c.45 (C.44:10-100).

26 e. In selecting partnering providers for participation in the
27 project, the Department of Labor and Workforce Development shall
28 prioritize partnering providers that would:

29 (1) serve SNAP recipients with significant barriers to
30 employment, including, but not limited to: able-bodied adults
31 without dependents required to participate in employment and
32 training programs as a condition of receiving SNAP benefits;
33 individuals with a history of substance **[abuse]** use disorder or
34 other work limitations; ex-offenders; individuals with low literacy
35 or limited English proficiency; veterans who are not eligible for
36 other employment and training programs; and persons who are 16
37 through 24 years of age;

38 (2) serve unemployed or underemployed parents, including non-
39 custodial parents and parents who have exceeded their Work First
40 New Jersey TANF 60-month lifetime limit on cash assistance;

41 (3) provide training in both vocational and technical skills, as
42 well as "soft skills," including, but not limited to: workplace
43 preparation training, teamwork, problem solving, time management,
44 and conflict resolution;

45 (4) provide training that results in marketable credentials and
46 that prepares participants for employment or reemployment in
47 industries with projections of growth;

1 (5) conduct job development activities and identify how job
2 opportunities will be secured to maximize SNAP recipients'
3 permanent placement in employment providing compensation at the
4 level of a living wage and opportunities for wage progression; and

5 (6) demonstrate a proven history of successful job placement
6 and retention.

7 f. The Department of Labor and Workforce Development may
8 select partnering providers that would provide NJ SNAP ETP
9 services within any service area including, but not limited to: the
10 entire State; one or more regions encompassing several counties; or
11 a single county.

12 g. Upon selection of a partnering provider, the Department of
13 Labor and Workforce Development shall negotiate and execute a
14 memorandum of understanding with the partnering provider, the
15 department, and county welfare agencies, as applicable. The
16 memorandum of understanding shall define the extent and degree of
17 assistance and delineate the respective expectations, duties, and
18 relations among the department, the Department of Labor and
19 Workforce Development, the county welfare agencies, and the
20 partnering provider.

21 h. The Commissioner of Labor and Workforce Development
22 shall establish standards of performance for partnering providers
23 conducting project activities pursuant to P.L.2013, c.45 (C.44:10-95
24 et seq.), including, but not limited to, standards for performing the
25 programmatic functions and financial functions required pursuant to
26 section 6 of P.L.2013, c.45 (C.44:10-100). The memorandum of
27 understanding negotiated and executed pursuant to subsection g. of
28 this section shall include a performance-based system for
29 distributing federal SNAP ETP reimbursements to each partnering
30 provider based upon the partnering provider's achievement of the
31 standards of performance.

32 i. Upon finding that a partnering provider has not conducted its
33 project activities in accordance with the standards of performance
34 established in subsection h. of this section or that a partnering
35 provider has otherwise failed to comply with the requirements of
36 P.L.2013, c.45 (C.44:10-95 et seq.), the Commissioner of Labor and
37 Workforce Development may: take such action as is necessary to
38 correct the deficiencies of the provider; and terminate the partnering
39 provider's participation in the project if the provider fails to take
40 remedial action.

41 (cf: P.L.2019, c.253, s.4)

42

43 73. Section 26 of P.L.2007, c.244 (C.45:1-46) is amended to read
44 as follows:

45 26. Access to prescription information.

46 a. The division shall maintain procedures to ensure privacy and
47 confidentiality of patients and that patient information collected,
48 recorded, transmitted, and maintained is not disclosed, except as

1 permitted in this section, including, but not limited to, the use of a
2 password-protected system for maintaining this information and
3 permitting access thereto as authorized under sections 25 through
4 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), and a
5 requirement that a person as listed in subsection h. or i. of this
6 section provide affirmation of the person's intent to comply with the
7 provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45
8 through C.45:1-50) as a condition of accessing the information.

9 b. The prescription monitoring information submitted to the
10 division shall be confidential and not be subject to public disclosure
11 under P.L.1963, c.73 (C.47:1A-1 et seq.), or P.L.2001, c.404
12 (C.47:1A-5 et al.).

13 c. The division shall review the prescription monitoring
14 information provided by a pharmacy permit holder pursuant to
15 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
16 C.45:1-50). The review shall include, but not be limited to:

17 (1) a review to identify whether any person is obtaining a
18 prescription in a manner that may be indicative of misuse, abuse, or
19 diversion of a controlled dangerous substance. The director shall
20 establish guidelines regarding the terms "misuse," "abuse," and
21 "diversion" for the purposes of this review. When an evaluation of
22 the information indicates that a person may be obtaining a
23 prescription for the same or a similar controlled dangerous
24 substance from multiple practitioners or pharmacists during the
25 same time period, the division may provide prescription monitoring
26 information about the person to practitioners and pharmacists; and

27 (2) a review to identify whether a violation of law or regulation
28 or a breach of the applicable standards of practice by any person
29 may have occurred, including, but not limited to, diversion of a
30 controlled dangerous substance. If the division determines that
31 such a violation or breach may have occurred, the division shall
32 notify the appropriate law enforcement agency or professional
33 licensing board, and provide the prescription monitoring
34 information required for an investigation.

35 d. (Deleted by amendment, P.L.2015, c.74)

36 e. (Deleted by amendment, P.L.2015, c.74)

37 f. (Deleted by amendment, P.L.2015, c.74)

38 g. (Deleted by amendment, P.L.2015, c.74)

39 h. (1) A practitioner shall register to access prescription
40 monitoring information upon initial application for, or renewal of ,
41 the practitioner's CDS registration.

42 (2) The division shall provide to a pharmacist who is employed
43 by a current pharmacy permit holder online access to prescription
44 monitoring information for the purpose of providing health care to a
45 current patient or verifying information with respect to a patient or
46 a prescriber.

47 (3) The division shall provide to a practitioner who has a current
48 CDS registration online access to prescription monitoring

1 information for the purpose of providing health care to a current
2 patient or verifying information with respect to a patient or a
3 prescriber. The division shall also grant online access to
4 prescription monitoring information to as many licensed health care
5 professionals as are authorized by a practitioner to access that
6 information and for whom the practitioner is responsible for the use
7 or misuse of that information, subject to a limit on the number of
8 such health care professionals as deemed appropriate by the
9 division for that particular type and size of professional practice, in
10 order to minimize the burden to practitioners to the extent
11 practicable while protecting the confidentiality of the prescription
12 monitoring information obtained. The director shall establish, by
13 regulation, the terms and conditions under which a practitioner may
14 delegate that authorization, including procedures for authorization
15 and termination of authorization, provisions for maintaining
16 confidentiality, and such other matters as the division may deem
17 appropriate.

18 (4) The division shall provide online access to prescription
19 monitoring information to as many medical or dental residents as
20 are authorized by a faculty member of a medical or dental teaching
21 facility to access that information and for whom the practitioner is
22 responsible for the use or misuse of that information. The director
23 shall establish, by regulation, the terms and conditions under which
24 a faculty member of a medical or dental teaching facility may
25 delegate that authorization, including procedures for authorization
26 and termination of authorization, provisions for maintaining
27 confidentiality, provisions regarding the duration of a medical or
28 dental resident's authorization to access prescription monitoring
29 information, and such other matters as the division may deem
30 appropriate.

31 (5) (a) The division shall provide online access to prescription
32 monitoring information to :

33 (i) as many certified medical assistants as are authorized by a
34 practitioner to access that information and for whom the
35 practitioner is responsible for the use or misuse of that information ;

36 (ii) as many medical scribes working in a hospital's emergency
37 department as are authorized by a practitioner to access that
38 information and for whom the practitioner is responsible for the use
39 or misuse of that information; and

40 (iii) as many licensed athletic trainers working in a clinical
41 setting as are authorized by a practitioner to access that information
42 and for whom the practitioner is responsible for the use or misuse of
43 that information.

44 (b) The director shall establish, by regulation, the terms and
45 conditions under which a practitioner may delegate authorization
46 pursuant to subparagraph (a) of this paragraph , including
47 procedures for authorization and termination of authorization,
48 provisions for maintaining confidentiality, provisions regarding the

1 duration of a certified medical assistant's , medical scribe's, or
2 licensed athletic trainer's authorization to access prescription
3 monitoring information, and provisions addressing such other
4 matters as the division may deem appropriate.

5 (6) The division shall provide online access to prescription
6 monitoring information to as many registered dental assistants as
7 are authorized by a licensed dentist to access that information and
8 for whom the licensed dentist is responsible for the use or misuse of
9 that information. The director shall establish, by regulation, the
10 terms and conditions under which a licensed dentist may delegate
11 that authorization, including procedures for authorization and
12 termination of authorization, provisions for maintaining
13 confidentiality, provisions regarding the duration of a registered
14 dental assistant's authorization to access prescription monitoring
15 information, and such other matters as the division may deem
16 appropriate.

17 (7) A person listed in this subsection, as a condition of
18 accessing prescription monitoring information pursuant thereto,
19 shall certify that the request is for the purpose of providing health
20 care to a current patient or verifying information with respect to a
21 patient or practitioner. Such certification shall be furnished through
22 means of an online statement or alternate means authorized by the
23 director, in a form and manner prescribed by rule or regulation
24 adopted by the director. If the information is being accessed by an
25 authorized person using an electronic system authorized pursuant to
26 subsection q. of this section, the certification may be furnished
27 through the electronic system.

28 i. The division may provide online access to prescription
29 monitoring information, or may provide access to prescription
30 monitoring information through any other means deemed
31 appropriate by the director, to the following persons:

32 (1) authorized personnel of the division or a vendor or
33 contractor responsible for maintaining the Prescription Monitoring
34 Program;

35 (2) authorized personnel of the division responsible for
36 administration of the provisions of P.L.1970, c.226 (C.24:21-1 et
37 seq.);

38 (3) the State Medical Examiner, a county medical examiner, a
39 deputy or assistant county medical examiner, or a qualified
40 designated assistant thereof, who certifies that the request is for the
41 purpose of investigating a death pursuant to P.L.1967, c.234
42 (C.52:17B-78 et seq.);

43 (4) a controlled dangerous substance monitoring program in
44 another state with which the division has established an
45 interoperability agreement, or which participates with the division
46 in a system that facilitates the secure sharing of information
47 between states;

1 (5) a designated representative of the State Board of Medical
2 Examiners, New Jersey State Board of Dentistry, State Board of
3 Nursing, New Jersey State Board of Optometrists, State Board of
4 Pharmacy, State Board of Veterinary Medical Examiners, or any
5 other board in this State or another state that regulates the practice
6 of persons who are authorized to prescribe or dispense controlled
7 dangerous substances, as applicable, who certifies that the
8 representative is engaged in a bona fide specific investigation of a
9 designated practitioner or pharmacist whose professional practice
10 was or is regulated by that board;

11 (6) a State, federal, or municipal law enforcement officer who is
12 acting pursuant to a court order and certifies that the officer is
13 engaged in a bona fide specific investigation of a designated
14 practitioner, pharmacist, or patient. A law enforcement agency that
15 obtains prescription monitoring information shall comply with
16 security protocols established by the director by regulation;

17 (7) a designated representative of a state Medicaid or other
18 program who certifies that the representative is engaged in a bona
19 fide investigation of a designated practitioner, pharmacist, or
20 patient;

21 (8) a properly convened grand jury pursuant to a subpoena
22 properly issued for the records; and

23 (9) a licensed mental health practitioner providing treatment for
24 substance **[abuse]** use disorder to patients at a residential or
25 outpatient substance **[abuse]** use disorder treatment center licensed
26 by the Division of Mental Health and Addiction Services in the
27 Department of Human Services, who certifies that the request is for
28 the purpose of providing health care to a current patient or verifying
29 information with respect to a patient or practitioner, and who
30 furnishes the division with the written consent of the patient for the
31 mental health practitioner to obtain prescription monitoring
32 information about the patient. The director shall establish, by
33 regulation, the terms and conditions under which a mental health
34 practitioner may request and receive prescription monitoring
35 information. Nothing in sections 25 through 30 of P.L.2007, c.244
36 (C.45:1-45 through C.45:1-50) shall be construed to require or
37 obligate a mental health practitioner to access or check the
38 prescription monitoring information in the course of treatment
39 beyond that which may be required as part of the mental health
40 practitioner's professional practice.

41 j. A person listed in subsection i. of this section, as a condition
42 of obtaining prescription monitoring information pursuant thereto,
43 shall certify the reasons for seeking to obtain that information.
44 Such certification shall be furnished through means of an online
45 statement or alternate means authorized by the director, in a form
46 and manner prescribed by rule or regulation adopted by the director.

47 k. The division shall offer an online tutorial for those persons
48 listed in subsections h. and i. of this section, which shall, at a

1 minimum, include: how to access prescription monitoring
2 information; the rights of persons who are the subject of this
3 information; the responsibilities of persons who access this
4 information; a summary of the other provisions of sections 25
5 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and
6 the regulations adopted pursuant thereto, regarding the permitted
7 uses of that information and penalties for violations thereof; and a
8 summary of the requirements of the federal health privacy rule set
9 forth at 45 CFR Parts 160 and 164 and a hypertext link to the
10 federal Department of Health and Human Services website for
11 further information about the specific provisions of the privacy rule.

12 l. The division may request and receive prescription
13 monitoring information from prescription monitoring programs in
14 other states and may use that information for the purposes of
15 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
16 C.45:1-50). When sharing data with programs in another state, the
17 division shall not be required to obtain a memorandum of
18 understanding unless required by the other state.

19 m. The director may provide nonidentifying prescription drug
20 monitoring information to public or private entities for statistical,
21 research, or educational purposes, in accordance with the provisions
22 of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
23 C.45:1-50).

24 n. Nothing shall be construed to prohibit the division from
25 obtaining unsolicited automated reports from the program or
26 disseminating such reports to pharmacists, practitioners, mental
27 health care practitioners, and other licensed health care
28 professionals.

29 o. (1) A current patient of a practitioner may request from that
30 practitioner that patient's own prescription monitoring information
31 that has been submitted to the division pursuant to sections 25
32 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). A
33 parent or legal guardian of a child who is a current patient of a
34 practitioner may request from that practitioner the child's
35 prescription monitoring information that has been submitted to the
36 division pursuant to sections 25 through 30 of P.L.2007, c.244
37 (C.45:1-45 through C.45:1-50).

38 (2) Upon receipt of a request pursuant to paragraph (1) of this
39 subsection, a practitioner or health care professional authorized by
40 that practitioner may provide the current patient or parent or legal
41 guardian, as the case may be, with access to or a copy of the
42 prescription monitoring information pertaining to that patient or
43 child.

44 (3) The division shall establish a process by which a patient, or
45 the parent or legal guardian of a child who is a patient, may request
46 a pharmacy permit holder that submitted prescription monitoring
47 information concerning a prescription for controlled dangerous
48 substances for that patient or child to the division pursuant to

1 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
2 C.45:1-50) to correct information that the person believes to have
3 been inaccurately entered into that patient's or child's prescription
4 profile. Upon confirmation of the inaccuracy of any such entry into
5 a patient's or child's prescription profile, the pharmacy permit
6 holder shall be authorized to correct any such inaccuracies by
7 submitting corrected information to the division pursuant to
8 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
9 C.45:1-50). The process shall provide for review by the Board of
10 Pharmacy of any disputed request for correction, which
11 determination shall be appealable to the director.

12 p. The division shall take steps to ensure that appropriate
13 channels of communication exist to enable any licensed health care
14 professional, licensed pharmacist, mental health practitioner,
15 pharmacy permit holder, or other practitioner who has online access
16 to the Prescription Monitoring Program pursuant to this section to
17 seek or provide information to the division related to the provisions
18 of this section.

19 q. (1) The division may make prescription monitoring
20 information available on electronic systems that collect and display
21 health information, such as an electronic system that connects
22 hospital emergency departments for the purpose of transmitting and
23 obtaining patient health data from multiple sources , or an
24 electronic system that notifies practitioners of information
25 pertaining to the treatment of overdoses ; provided that the division
26 determines that any such electronic system has appropriate security
27 protections in place.

28 (2) Practitioners who are required to access prescription
29 monitoring information pursuant to section 8 of P.L.2015, c.74
30 (C.45:1-46.1) may discharge that responsibility by accessing one or
31 more authorized electronic systems into which the prescription
32 monitoring information maintained by the division has been
33 integrated.

34 (cf: P.L.2017, c.341, s.3)

35

36 74. Section 8 of P.L.2015, c.74 (C.45:1-46.1) is amended to read
37 as follows:

38 8. a. (1) Except as provided in subsection b. of this section, a
39 practitioner or other person who is authorized by a practitioner to
40 access prescription monitoring information pursuant to subsection
41 h. of section 26 of P.L.2007, c.244 (C.45:1-46) shall access
42 prescription monitoring information:

43 (a) the first time the practitioner or other person prescribes a
44 Schedule II controlled dangerous substance or any opioid to a new
45 patient for acute or chronic pain;

46 (b) the first time a practitioner or other person prescribes a
47 benzodiazepine drug that is a Schedule III or Schedule IV
48 controlled dangerous substance;

1 (c) if the practitioner or other person has a reasonable belief that
2 the person may be seeking a controlled dangerous substance, in
3 whole or in part, for any purpose other than the treatment of an
4 existing medical condition, such as for purposes of misuse, abuse,
5 or diversion, the first time the practitioner or other person
6 prescribes a non-opioid drug other than a benzodiazepine drug that
7 is a Schedule III or IV controlled dangerous substance; and

8 (d) on or after the date that the division first makes prescription
9 monitoring information available on an electronic system that
10 collects and displays health information, pursuant to subsection q.
11 of section 26 of P.L.2007, c.244 (C.45:1-46), any time the
12 practitioner or other person prescribes a Schedule II controlled
13 dangerous substance for acute or chronic pain to a patient receiving
14 care or treatment in the emergency department of a general hospital.

15 In addition, in any case in which a prescription is issued to a new
16 patient, either on or after the effective date of P.L.2017, c.341
17 (C.45:16-9.4c et al.), for a Schedule II controlled dangerous
18 substance or opioid drug that has been prescribed for acute or
19 chronic pain, or for a benzodiazepine drug that is a Schedule III or
20 IV controlled dangerous substance, the practitioner or other
21 authorized person shall access prescription monitoring information
22 on a quarterly basis during the period of time the patient continues
23 to receive such prescription.

24 (2) (a) A pharmacist shall not dispense a Schedule II controlled
25 dangerous substance, any opioid, or a benzodiazepine drug that is a
26 Schedule III or IV controlled dangerous substance to any person
27 without first accessing the prescription monitoring information, as
28 authorized pursuant to subsection h. of section 26 of P.L.2007,
29 c.244 (C.45:1-46), to determine if the person has received other
30 prescriptions that indicate misuse, abuse, or diversion, if the
31 pharmacist has a reasonable belief that the person may be seeking a
32 controlled dangerous substance, in whole or in part, for any purpose
33 other than the treatment of an existing medical condition, such as
34 for purposes of misuse, abuse, or diversion.

35 (b) A pharmacist shall not dispense a prescription to a person
36 other than the patient for whom the prescription is intended, unless
37 the person picking up the prescription provides personal
38 identification to the pharmacist, and the pharmacist, as required by
39 subsection b. of section 25 of P.L.2007, c.244 (C.45:1-45), inputs
40 that identifying information into the Prescription Monitoring
41 Program if the pharmacist has a reasonable belief that the person
42 may be seeking a controlled dangerous substance, in whole or in
43 part, for any reason other than delivering the substance to the
44 patient for the treatment of an existing medical condition. The
45 provisions of this subparagraph shall not take effect until the
46 director determines that the Prescription Monitoring Program has
47 the technical capacity to accept such information.

- 1 b. The provisions of subsection a. of this section shall not
- 2 apply to:
- 3 (1) a veterinarian;
- 4 (2) a practitioner or the practitioner's agent administering
- 5 methadone, or another controlled dangerous substance designated
- 6 by the director as appropriate for treatment of a patient with a
- 7 substance **[abuse]** use disorder, as interim treatment for a patient
- 8 on a waiting list for admission to an authorized substance **[abuse]**
- 9 use disorder treatment program;
- 10 (3) a practitioner administering a controlled dangerous
- 11 substance directly to a patient;
- 12 (4) a practitioner prescribing a controlled dangerous substance
- 13 to be dispensed by an institutional pharmacy, as defined in
- 14 N.J.A.C.13:39-9.2;
- 15 (5) a practitioner prescribing a controlled dangerous substance
- 16 in the emergency department of a general hospital, provided that the
- 17 quantity prescribed does not exceed a five-day supply of the
- 18 substance; however, the exemption provided by this paragraph shall
- 19 have no force or effect on or after the date on which the division
- 20 first makes prescription monitoring information available on an
- 21 electronic system that collects and displays health information,
- 22 pursuant to subsection q. of section 26 of P.L.2007, c.244 (C.45:1-
- 23 46);
- 24 (6) a practitioner prescribing a controlled dangerous substance
- 25 to a patient under the care of a hospice;
- 26 (7) a situation in which it is not reasonably possible for the
- 27 practitioner or pharmacist to access the Prescription Monitoring
- 28 Program in a timely manner, no other individual authorized to
- 29 access the Prescription Monitoring Program is reasonably available,
- 30 and the quantity of controlled dangerous substance prescribed or
- 31 dispensed does not exceed a five-day supply of the substance;
- 32 (8) a practitioner or pharmacist acting in compliance with
- 33 regulations promulgated by the director as to circumstances under
- 34 which consultation of the Prescription Monitoring Program would
- 35 result in a patient's inability to obtain a prescription in a timely
- 36 manner, thereby adversely impacting the medical condition of the
- 37 patient;
- 38 (9) a situation in which the Prescription Monitoring Program is
- 39 not operational as determined by the division or where it cannot be
- 40 accessed by the practitioner due to a temporary technological or
- 41 electrical failure, as set forth in regulation;
- 42 (10) a practitioner or pharmacist who has been granted a waiver
- 43 due to technological limitations that are not reasonably within the
- 44 control of the practitioner or pharmacist, or other exceptional
- 45 circumstances demonstrated by the practitioner or pharmacist,
- 46 pursuant to a process established in regulation, and in the discretion
- 47 of the director; or

(11) a practitioner who is prescribing a controlled dangerous substance to a patient immediately after the patient has undergone an operation in a general hospital or a licensed ambulatory care facility or treatment for acute trauma in a general hospital or a licensed ambulatory care facility, so long as that operation or treatment was not part of care or treatment in the emergency department of a general hospital as provided in subsection a. of this section, when no more than a five-day supply is prescribed.

(cf: P.L.2017, c.341, s.4)

75. Section 1 of P.L.2013, c.150 (C.45:1-54) is amended to read as follows:

1. The Legislature finds and declares that:

a. Being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. The major professional associations of mental health practitioners and researchers in the United States have recognized this fact for nearly 40 years;

b. The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The task force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts, and issued a report in 2009. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance **[abuse]** use disorder, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources;

c. The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states: "[T]he [American Psychological Association] advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth";

d. (1) The American Psychiatric Association published a position statement in March of 2000 in which it stated: "Psychotherapeutic modalities to convert or 'repair' homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of 'cures' are counterbalanced by anecdotal claims of psychological harm. In the last four decades,

1 'reparative' therapists have not produced any rigorous scientific
2 research to substantiate their claims of cure. Until there is such
3 research available, [the American Psychiatric Association]
4 recommends that ethical practitioners refrain from attempts to
5 change individuals' sexual orientation, keeping in mind the medical
6 dictum to first, do no harm;

7 (2) The potential risks of reparative therapy are great, including
8 depression, anxiety and self-destructive behavior, since therapist
9 alignment with societal prejudices against homosexuality may
10 reinforce self-hatred already experienced by the patient. Many
11 patients who have undergone reparative therapy relate that they
12 were inaccurately told that homosexuals are lonely, unhappy
13 individuals who never achieve acceptance or satisfaction. The
14 possibility that the person might achieve happiness and satisfying
15 interpersonal relationships as a gay man or lesbian is not presented,
16 nor are alternative approaches to dealing with the effects of societal
17 stigmatization discussed; and

18 (3) Therefore, the American Psychiatric Association opposes
19 any psychiatric treatment such as reparative or conversion therapy
20 which is based upon the assumption that homosexuality per se is a
21 mental disorder or based upon the a priori assumption that a patient
22 should change his or her sexual homosexual orientation";

23 e. The American School Counselor Association's position
24 statement on professional school counselors and lesbian, gay,
25 bisexual, transgender, and questioning (LGBTQ) youth states: "It is
26 not the role of the professional school counselor to attempt to
27 change a student's sexual orientation/gender identity but instead to
28 provide support to LGBTQ students to promote student
29 achievement and personal well-being. Recognizing that sexual
30 orientation is not an illness and does not require treatment,
31 professional school counselors may provide individual student
32 planning or responsive services to LGBTQ students to promote self-
33 acceptance, deal with social acceptance, understand issues related to
34 coming out, including issues that families may face when a student
35 goes through this process and identify appropriate community
36 resources";

37 f. The American Academy of Pediatrics in 1993 published an
38 article in its journal, Pediatrics, stating: "Therapy directed at
39 specifically changing sexual orientation is contraindicated, since it
40 can provoke guilt and anxiety while having little or no potential for
41 achieving changes in orientation";

42 g. The American Medical Association Council on Scientific
43 Affairs prepared a report in 1994 in which it stated: "Aversion
44 therapy (a behavioral or medical intervention which pairs unwanted
45 behavior, in this case, homosexual behavior, with unpleasant
46 sensations or aversive consequences) is no longer recommended for
47 gay men and lesbians. Through psychotherapy, gay men and

1 lesbians can become comfortable with their sexual orientation and
2 understand the societal response to it";

3 h. The National Association of Social Workers prepared a 1997
4 policy statement in which it stated: "Social stigmatization of
5 lesbian, gay, and bisexual people is widespread and is a primary
6 motivating factor in leading some people to seek sexual orientation
7 changes. Sexual orientation conversion therapies assume that
8 homosexual orientation is both pathological and freely chosen. No
9 data demonstrates that reparative or conversion therapies are
10 effective, and, in fact, they may be harmful";

11 i. The American Counseling Association Governing Council
12 issued a position statement in April of 1999, and in it the council
13 states: "We oppose 'the promotion of "reparative therapy" as a
14 "cure" for individuals who are homosexual";

15 j. (1) The American Psychoanalytic Association issued a position
16 statement in June 2012 on attempts to change sexual orientation,
17 gender, identity, or gender expression, and in it the association
18 states: "As with any societal prejudice, bias against individuals
19 based on actual or perceived sexual orientation, gender identity or
20 gender expression negatively affects mental health, contributing to
21 an enduring sense of stigma and pervasive self-criticism through the
22 internalization of such prejudice; and

23 (2) Psychoanalytic technique does not encompass purposeful
24 attempts to 'convert,' 'repair,' change or shift an individual's sexual
25 orientation, gender identity or gender expression. Such directed
26 efforts are against fundamental principles of psychoanalytic
27 treatment and often result in substantial psychological pain by
28 reinforcing damaging internalized attitudes";

29 k. The American Academy of Child and Adolescent Psychiatry
30 in 2012 published an article in its journal, Journal of the American
31 Academy of Child and Adolescent Psychiatry, stating: "Clinicians
32 should be aware that there is no evidence that sexual orientation can
33 be altered through therapy, and that attempts to do so may be
34 harmful. There is no empirical evidence adult homosexuality can
35 be prevented if gender nonconforming children are influenced to be
36 more gender conforming. Indeed, there is no medically valid basis
37 for attempting to prevent homosexuality, which is not an illness.
38 On the contrary, such efforts may encourage family rejection and
39 undermine self-esteem, connectedness and caring, important
40 protective factors against suicidal ideation and attempts. Given that
41 there is no evidence that efforts to alter sexual orientation are
42 effective, beneficial or necessary, and the possibility that they carry
43 the risk of significant harm, such interventions are contraindicated";

44 l. The Pan American Health Organization, a regional office of
45 the World Health Organization, issued a statement in May of 2012
46 and in it the organization states: "These supposed conversion
47 therapies constitute a violation of the ethical principles of health
48 care and violate human rights that are protected by international and

1 regional agreements." The organization also noted that reparative
2 therapies "lack medical justification and represent a serious threat to
3 the health and well-being of affected people";

4 m. Minors who experience family rejection based on their
5 sexual orientation face especially serious health risks. In one study,
6 lesbian, gay, and bisexual young adults who reported higher levels
7 of family rejection during adolescence were 8.4 times more likely to
8 report having attempted suicide, 5.9 times more likely to report high
9 levels of depression, 3.4 times more likely to use illegal drugs, and
10 3.4 times more likely to report having engaged in unprotected
11 sexual intercourse compared with peers from families that reported
12 no or low levels of family rejection. This is documented by Caitlin
13 Ryan et al. in their article entitled Family Rejection as a Predictor
14 of Negative Health Outcomes in White and Latino Lesbian, Gay,
15 and Bisexual Young Adults (2009) 123 Pediatrics 346; and

16 n. New Jersey has a compelling interest in protecting the
17 physical and psychological well-being of minors, including lesbian,
18 gay, bisexual, and transgender youth, and in protecting its minors
19 against exposure to serious harms caused by sexual orientation
20 change efforts.

21 (cf: P.L.2013, c.150, s.1)

22
23 76. Section 8 of P.L.1997, c.331 (C.45:2D-8) is amended to read
24 as follows:

25 8. a. No person shall engage in the practice of alcohol and drug
26 counseling as a licensed clinical alcohol and drug counselor unless
27 licensed under this act. No person shall engage in the practice of
28 alcohol and drug counseling as a certified alcohol and drug
29 counselor unless certified under this act. No person shall present,
30 call or represent himself as a licensed clinical alcohol and drug
31 counselor unless licensed under this act. No person shall present,
32 call or represent himself as a certified alcohol and drug counselor
33 unless certified under this act.

34 b. No person shall assume, represent himself as, or use the title
35 or designation "**alcoholism** alcohol use disorder counselor,"
36 "alcohol counselor," "drug counselor," "alcohol and drug
37 counselor," "**alcoholism** alcohol use disorder and drug
38 counselor," "licensed clinical alcohol and drug counselor,"
39 "certified alcohol and drug counselor," "substance **abuse** use
40 disorder counselor," "chemical dependency counselor," or
41 "chemical dependency supervisor," or any of the abbreviations for
42 the above titles, unless licensed or certified under this act, and
43 unless the title or designation corresponds to the license or
44 certification held by the person pursuant to this act.

45 c. No person shall engage in the independent practice of
46 alcohol and drug counseling for a fee unless the person is licensed
47 under this act as a licensed clinical alcohol and drug counselor or

1 the person is a certified alcohol and drug counselor practicing under
 2 the supervision of a licensed clinical alcohol and drug counselor.
 3 (cf: P.L.1997, c.331, s.8)

4
 5 77. Section 1 of P.L.2017, c.304 (C.45:9-37.34h) is amended to
 6 read as follows:

7 1. The State of New Jersey enacts and enters into the Physical
 8 Therapy Licensure Compact with all other jurisdictions that legally
 9 join in the compact in the form substantially as follows:

10 Section 1. Purpose.

11
 12 1. The purpose of this compact is to facilitate the practice of
 13 physical therapy with the goal of improving public access to
 14 physical therapy services. The practice of physical therapy occurs
 15 in the state where the patient is located at the time of the patient
 16 encounter. The compact preserves the regulatory authority of states
 17 to protect public health and safety through the current system of
 18 state licensure.

19 This compact is designed to achieve the following objectives:

- 20 a. increase public access to physical therapy services by
- 21 providing for the mutual recognition of other member state licenses;
- 22 b. enhance the states' ability to protect the public's health and
- 23 safety;
- 24 c. encourage the cooperation of member states in regulating
- 25 multi-state physical therapy practice;
- 26 d. support spouses of relocating military members;
- 27 e. enhance the exchange of licensure, investigative, and
- 28 disciplinary information between member states; and
- 29 f. allow a remote state to hold a provider of services with a
- 30 compact privilege in that state accountable to that state's practice
- 31 standards.

32
 33 Section 2. Definitions.

34 2. As used in this compact, except as otherwise provided, the
 35 following definitions shall apply:

36 "Active duty military" means full-time duty status in the active
 37 uniformed service of the United States, including members of the
 38 National Guard and Reserve on active duty orders pursuant to 10
 39 U.S.C. ss.1209 and 1211.

40 "Adverse action" means disciplinary action taken by a physical
 41 therapy licensing board based upon misconduct, unacceptable
 42 performance, or a combination of both.

43 "Alternative program" means a non-disciplinary monitoring or
 44 practice remediation process approved by a physical therapy
 45 licensing board. This includes, but is not limited to, substance
 46 **[abuse]** use disorder issues.

47 "Compact" means the Physical Therapy Licensure Compact.

1 "Compact privilege" means the authorization granted by a
2 remote state to allow a licensee from another member state to
3 practice as a physical therapist or work as a physical therapist
4 assistant in the remote state under its laws and rules. The practice
5 of physical therapy occurs in the member state where the patient is
6 located at the time of the patient encounter.

7 "Continuing competence" means a requirement, as a condition of
8 license renewal, to provide evidence of participation in, and
9 completion of, educational and professional activities relevant to
10 practice or area of work.

11 "Data system" means a repository of information about licensees,
12 including examination, licensure, investigative, compact privilege,
13 and adverse action.

14 "Encumbered license" means a license that a physical therapy
15 licensing board has limited in any way.

16 "Executive Board" means a group of directors elected or
17 appointed to act on behalf of, and within the powers granted to them
18 by, the commission.

19 "Home state" means the member state that is the licensee's
20 primary state of residence.

21 "Investigative information" means information, records, and
22 documents received or generated by a physical therapy licensing
23 board pursuant to an investigation.

24 "Jurisprudence requirement" means the assessment of an
25 individual's knowledge of the laws and rules governing the practice
26 of physical therapy in a state.

27 "Licensee" means an individual licensed by the State Board of
28 Physical Therapy Examiners or an individual who currently holds
29 an authorization from a member state to practice as a physical
30 therapist or to work as a physical therapist assistant.

31 "Member state" means a state that has enacted and entered into
32 the compact.

33 "Party state" means any member state in which a licensee holds a
34 current license or compact privilege or is applying for a license or
35 compact privilege.

36 "Physical therapist" means an individual who is licensed by a
37 state to practice physical therapy.

38 "Physical therapist assistant" means an individual who is
39 licensed or certified by a state and who assists the physical therapist
40 in selected components of physical therapy.

41 "Physical therapy," "physical therapy practice," and "the practice
42 of physical therapy" mean the care and services provided by or
43 under the direction and supervision of a licensed physical therapist.

44 "Physical Therapy Compact Commission" or "commission"
45 means the national administrative body whose membership consists
46 of all member states.

1 "Physical therapy licensing board" or "licensing board" means
2 the agency of a state that is responsible for the licensing and
3 regulation of physical therapists and physical therapist assistants.

4 "Remote state" means a member state other than the home state,
5 where a licensee is exercising or seeking to exercise the compact
6 privilege.

7 "Rule" means a regulation, principle, or directive promulgated by
8 the commission that has the force of law.

9 "State" means any state, commonwealth, district, or territory of
10 the United States of America that regulates the practice of physical
11 therapy.

12
13 Section 3. State Participation in the Compact.

14 3. a. To participate in the compact, a state must:

15 (1) participate fully in the commission's data system, including
16 using the commission's unique identifier as defined in rules;

17 (2) have a mechanism in place for receiving and investigating
18 complaints about licensees;

19 (3) notify the commission, in compliance with the terms of the
20 compact and rules, of any adverse action or the availability of
21 investigative information regarding a licensee;

22 (4) fully implement a criminal background check requirement,
23 within a time frame established by rule, by receiving the results of
24 the Federal Bureau of Investigation record search on criminal
25 background checks and use the results in making licensure
26 decisions in accordance with subsection b. of this section;

27 (5) comply with the rules of the commission;

28 (6) utilize a recognized national examination as a requirement
29 for licensure pursuant to the rules of the commission; and

30 (7) have continuing competence requirements as a condition for
31 license renewal.

32 b. Upon enactment of this compact, a member state shall have
33 the authority to obtain biometric-based information from each
34 physical therapy licensure applicant and submit this information to
35 the Federal Bureau of Investigation for a criminal background
36 check in accordance with 28 U.S.C. s.534 and 42 U.S.C. s.14616.

37 c. A member state shall grant the compact privilege to a
38 licensee holding a valid unencumbered license in another member
39 state in accordance with the terms of the compact and rules.

40 d. Member states may charge a fee for granting a compact
41 privilege.

42
43 Section 4. Compact Privilege.

44 4. a. To exercise the compact privilege under the terms and
45 provisions of the compact, the licensee shall:

46 (1) hold a license in the home state;

47 (2) have no encumbrance on any state license;

- 1 (3) be eligible for a compact privilege in any member state in
- 2 accordance with subsections d., g., and h. of this section;
- 3 (4) have not had any adverse action against any license or
- 4 compact privilege within the previous two years;
- 5 (5) notify the commission that the licensee is seeking the
- 6 compact privilege within a remote state;
- 7 (6) pay any applicable fees, including any state fee, for the
- 8 compact privilege;
- 9 (7) meet any jurisprudence requirements established by a remote
- 10 state in which the licensee is seeking a compact privilege; and
- 11 (8) report to the commission adverse action taken by any non-
- 12 member state within 30 days from the date the adverse action is
- 13 taken.
- 14 b. The compact privilege is valid until the expiration date of
- 15 the home license. The licensee must comply with the requirements
- 16 of subsection a. of this section to maintain the compact privilege in
- 17 the remote state.
- 18 c. A licensee providing physical therapy in a remote state
- 19 under the compact privilege shall function within the laws and
- 20 regulations of the remote state.
- 21 d. A licensee providing physical therapy in a remote state is
- 22 subject to that state's regulatory authority. A remote state may, in
- 23 accordance with due process and that state's laws, remove a
- 24 licensee's compact privilege in the remote state for a specific period
- 25 of time, impose fines, and/or take any other necessary actions to
- 26 protect the health and safety of its citizens. The licensee is not
- 27 eligible for a compact privilege in any state until the specific time
- 28 for removal has passed and all fines are paid.
- 29 e. If a home state license is encumbered, the licensee shall lose
- 30 the compact privilege in any remote state until the following occur:
- 31 (1) the home state license is no longer encumbered; and
- 32 (2) two years have elapsed from the date of the adverse action.
- 33 f. Once an encumbered license in the home state is restored to
- 34 good standing, the licensee must meet the requirements of
- 35 subsection a. of this section to obtain a compact privilege in any
- 36 remote state.
- 37 g. If a licensee's compact privilege in any remote state is
- 38 removed, the individual shall lose the compact privilege in any
- 39 remote state until the following occur:
- 40 (1) the specific period of time for which the compact privilege
- 41 was removed has ended;
- 42 (2) all fines have been paid; and
- 43 (3) two years have elapsed from the date of the adverse action.
- 44 h. Once the requirements of subsection g. of this section have
- 45 been met, the licensee must meet the requirements in subsection a.
- 46 of this section to obtain a compact privilege in a remote state.

1 Section 5. Active Duty Military Personnel or their Spouses.

2 5. A licensee who is active duty military or is the spouse of an
3 individual who is active duty military may designate one of the
4 following as the home state:

5 a. home of record;

6 b. permanent Change of Station; or

7 c. state of current residence if it is different than the permanent
8 Change of Station state or home of record.

9

10 Section 6. Adverse Actions.

11 6. a. A home state shall have exclusive power to impose adverse
12 action against a license issued by the home state.

13 b. A home state may take adverse action based on the
14 investigative information of a remote state.

15 c. Nothing in this compact shall override a member state's
16 decision that participation in an alternative program may be used in
17 lieu of adverse action and that the participation shall remain non-
18 public if required by the member state's laws, rules or regulations.
19 Member states must require licensees who enter any alternative
20 programs in lieu of discipline to agree not to practice in any other
21 member state during the term of the alternative program without
22 prior authorization from that other member state.

23 d. Any member state may investigate actual or alleged
24 violations of the laws, rules or regulations authorizing the practice
25 of physical therapy in any other member state in which a physical
26 therapist or physical therapist assistant holds a license or compact
27 privilege.

28 e. A remote state shall have the authority to:

29 (1) take adverse actions as set forth in subsection d. of section 4
30 of this compact against a licensee's compact privilege in the state;

31 (2) issue subpoenas for both hearings and investigations that
32 require the attendance and testimony of witnesses and the
33 production of evidence, and subpoenas issued by a physical therapy
34 licensing board in a party state for the attendance and testimony of
35 witnesses, or the production of evidence from another party state,
36 shall be enforced in the latter state by any court of competent
37 jurisdiction, according to the practice and procedure of that court
38 applicable to subpoenas issued in proceedings pending before it,
39 and the issuing authority shall pay any witness fees, travel
40 expenses, mileage, and other fees required by the service laws of
41 the state where the witnesses or evidence are located; and

42 (3) if otherwise permitted by state law, recover from the
43 licensee the costs of investigations and disposition of cases
44 resulting from any adverse action taken against that licensee.

45 f. (1) In addition to the authority granted to a member state by
46 its respective physical therapy practice act or other applicable state
47 law, a member state may participate with other member states in
48 joint investigations of licensees.

1 (2) Member states shall share any investigative, litigation, or
2 compliance materials in furtherance of any joint or individual
3 investigation initiated under the compact.

4
5 Section 7. Establishment of the Commission.

6 7. a. The compact member states hereby create and establish a
7 joint public agency known as the Physical Therapy Compact
8 Commission:

9 (1) The commission is an instrumentality of the member states.

10 (2) The venue is proper and judicial proceedings by or against
11 the commission shall be brought solely and exclusively in a court of
12 competent jurisdiction where the principal office of the commission
13 is located. The commission may waive venue and jurisdictional
14 defenses to the extent it adopts or consents to participate in
15 alternative dispute resolution proceedings.

16 (3) Nothing in this compact shall be construed as a waiver of
17 sovereign immunity.

18 b. (1) Each member state shall have and be limited to one
19 delegate selected by that member state's licensing board.

20 (2) The delegate shall be a current member of the licensing
21 board, who is a physical therapist, physical therapist assistant,
22 public member, or the board administrator.

23 (3) Any delegate may be removed or suspended from office as
24 provided by the law of the state from which the delegate is
25 appointed.

26 (4) The member state board shall fill any vacancy occurring in
27 the commission.

28 (5) Each delegate shall be entitled to one vote with regard to the
29 promulgation of rules and creation of bylaws and shall otherwise
30 have an opportunity to participate in the business and affairs of the
31 commission.

32 (6) A delegate shall vote in person or by such other means as
33 provided in the bylaws. The bylaws may provide for delegates'
34 participation in meetings by telephone or other means of
35 communication.

36 (7) The commission shall meet at least once during each
37 calendar year. Additional meetings shall be held as set forth in the
38 bylaws.

39 c. The commission shall have the following powers and duties:

40 (1) establish the fiscal year of the commission;

41 (2) establish bylaws;

42 (3) maintain its financial records in accordance with the bylaws;

43 (4) meet and take such actions as are consistent with the
44 provisions of this compact and the bylaws;

45 (5) promulgate uniform rules to facilitate and coordinate
46 implementation and administration of the compact. The rules shall
47 have the force and effect of law and shall be binding in all member
48 states;

1 (6) bring and prosecute legal proceedings or actions in the name
2 of the commission, provided that the standing of any state physical
3 therapy licensing board to sue or be sued under applicable law shall
4 not be affected;

5 (7) purchase and maintain insurance and bonds;

6 (8) borrow, accept, or contract for services of personnel,
7 including, but not limited to, employees of a member state;

8 (9) hire employees, elect or appoint officers, fix compensation,
9 define duties, grant such individuals appropriate authority to carry
10 out the purposes of the compact, and to establish the commission's
11 personnel policies and programs relating to conflicts of interest,
12 qualifications of personnel, and other related personnel matters;

13 (10) accept any and all appropriate donations and grants of
14 money, equipment, supplies, materials and services, and to receive,
15 utilize and dispose of the same; provided that at all times the
16 commission shall avoid any appearance of impropriety or conflict
17 of interest;

18 (11) lease, purchase, accept appropriate gifts or donations of, or
19 otherwise to own, hold, improve or use, any property, real, personal
20 or mixed; provided that at all times the commission shall avoid any
21 appearance of impropriety;

22 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or
23 otherwise dispose of any property real, personal, or mixed;

24 (13) establish a budget and make expenditures;

25 (14) borrow money;

26 (15) appoint committees, including standing committees
27 comprising of members, state regulators, state legislators or their
28 representatives, and consumer representatives, and such other
29 interested persons as may be designated in this compact and the
30 bylaws;

31 (16) provide and receive information from, and cooperate with,
32 law enforcement agencies;

33 (17) establish and elect an executive board; and

34 (18) perform such other functions as may be necessary or
35 appropriate to achieve the purposes of the compact consistent with
36 the state regulation of physical therapy licensure and practice.

37 d. The executive board shall have the power to act on behalf of
38 the commission according to the terms of this compact.

39 (1) The executive board shall be comprised of nine members:

40 (a) seven voting members who are elected by the commission
41 from the current membership of the commission;

42 (b) one ex-officio, nonvoting member from the recognized
43 national physical therapy professional association; and

44 (c) one ex-officio, nonvoting member from the recognized
45 membership organization of the physical therapy licensing boards.

46 (2) The ex-officio members will be selected by their respective
47 organizations.

- 1 (3) The commission may remove any member of the executive
2 board as provided in bylaws.
- 3 (4) The executive board shall meet at least annually.
- 4 (5) The executive board shall have the following duties and
5 responsibilities:
 - 6 (a) recommend to the entire commission changes to the rules or
7 bylaws, changes to this compact, fees paid by compact member
8 states such as annual dues, and any commission compact fee
9 charged to licensees for the compact privilege;
 - 10 (b) ensure compact administration services are appropriately
11 provided, contractual or otherwise;
 - 12 (c) prepare and recommend the budget;
 - 13 (d) maintain financial records on behalf of the commission;
 - 14 (e) monitor compact compliance of member states and provide
15 compliance reports to the commission;
 - 16 (f) establish additional committees as necessary; and
 - 17 (g) other duties as provided in rules or bylaws.
- 18 e. (1) All meetings shall be open to the public, and a public
19 notice of meetings shall be given in the same manner as required
20 under the rulemaking provisions in section 9 of this compact.
- 21 (2) The commission or the executive board or other committees
22 of the commission may convene in a closed, non-public meeting if
23 the commission or executive board or other committees of the
24 commission must discuss:
 - 25 (a) non-compliance of a member state with its obligations under
26 the compact;
 - 27 (b) the employment, compensation, discipline or other matters,
28 practices or procedures related to specific employees or other
29 matters related to the commission's internal personnel practices and
30 procedures;
 - 31 (c) current, threatened, or reasonably anticipated litigation;
 - 32 (d) negotiation of contracts for the purchase, lease, or sale of
33 goods, services, or real estate;
 - 34 (e) accusing any person of a crime or formally censuring any
35 person;
 - 36 (f) disclosure of trade secrets or commercial or financial
37 information that is privileged or confidential;
 - 38 (g) disclosure of information of a personal nature where
39 disclosure would constitute a clearly unwarranted invasion of
40 personal privacy;
 - 41 (h) disclosure of investigative records compiled for law
42 enforcement purposes;
 - 43 (i) disclosure of information related to any investigative reports
44 prepared by or on behalf of or for use of the commission or other
45 committee charged with responsibility of investigation or
46 determination of compliance issues pursuant to the compact; or
 - 47 (j) matters specifically exempted from disclosure by federal or
48 member state statute.

1 (3) If a meeting, or portion of a meeting, is closed pursuant to
2 any subparagraph of paragraph (2) of this subsection, the
3 commission's legal counsel or designee shall certify that the
4 meeting may be closed and shall reference each relevant exempting
5 provision.

6 (4) The commission shall keep minutes that fully and clearly
7 describe all matters discussed in a meeting and shall provide a full
8 and accurate summary of actions taken, and the reasons therefor,
9 including a description of the views expressed. All documents
10 considered in connection with an action shall be identified in the
11 minutes. All minutes and documents of a closed meeting shall
12 remain under seal, subject to release by a majority vote of the
13 commission or order of a court of competent jurisdiction.

14 f. (1) The commission shall pay, or provide for the payment of,
15 the reasonable expenses of its establishment, organization, and
16 ongoing activities.

17 (2) The commission may accept any and all appropriate revenue
18 sources, donations, and grants of money, equipment, supplies,
19 materials, and services.

20 (3) The commission may levy on and collect an annual
21 assessment from each member state or impose fees on other parties
22 to cover the cost of the operations and activities of the commission
23 and its staff, which must be in a total amount sufficient to cover its
24 annual budget as approved each year for which revenue is not
25 provided by other sources. The aggregate annual assessment
26 amount shall be allocated based upon a formula to be determined by
27 the commission, which shall promulgate a rule binding upon all
28 member states.

29 (4) The commission shall not incur obligations of any kind prior
30 to securing the funds adequate to meet the same; nor shall the
31 commission pledge the credit of any of the member states, except
32 by and with the authority of the member state.

33 (5) The commission shall keep accurate accounts of all receipts
34 and disbursements. The receipts and disbursements of the
35 commission shall be subject to the audit and accounting procedures
36 established under its bylaws. However, all receipts and
37 disbursements of funds handled by the commission shall be audited
38 yearly by a certified or licensed public accountant, and the report of
39 the audit shall be included in and become part of the annual report
40 of the commission.

41 g. (1) The members, officers, executive director, employees and
42 representatives of the commission shall be immune from suit and
43 liability, either personally or in their official capacity, for any claim
44 for damage to or loss of property or personal injury or other civil
45 liability caused by or arising out of any actual or alleged act, error
46 or omission that occurred, or that the person against whom the
47 claim is made had a reasonable basis for believing occurred within
48 the scope of commission employment, duties or responsibilities;

1 provided that nothing in this paragraph shall be construed to protect
2 any such person from suit or liability for any damage, loss, injury,
3 or liability caused by the intentional or willful or wanton
4 misconduct of that person.

5 (2) The commission shall defend any member, officer, executive
6 director, employee or representative of the commission in any civil
7 action seeking to impose liability arising out of any actual or
8 alleged act, error, or omission that occurred within the scope of
9 commission employment, duties, or responsibilities, or that the
10 person against whom the claim is made had a reasonable basis for
11 believing occurred within the scope of commission employment,
12 duties, or responsibilities; provided that nothing herein shall be
13 construed to prohibit that person from retaining his or her own
14 counsel; and provided further, that the actual or alleged act, error,
15 or omission did not result from that person's intentional or willful or
16 wanton misconduct.

17 (3) The commission shall indemnify and hold harmless any
18 member, officer, executive director, employee, or representative of
19 the commission for the amount of any settlement or judgment
20 obtained against that person arising out of any actual or alleged act,
21 error or omission that occurred within the scope of commission
22 employment, duties, or responsibilities, or that person had a
23 reasonable basis for believing occurred within the scope of
24 commission employment, duties, or responsibilities, provided that
25 the actual or alleged act, error, or omission did not result from the
26 intentional or willful or wanton misconduct of that person.

27

28 Section 8. Data System.

29 8. a. The commission shall provide for the development,
30 maintenance, and utilization of a coordinated database and reporting
31 system containing licensure, adverse action, and investigative
32 information on all licensed individuals in member states.

33 b. Notwithstanding any other provision of state law to the
34 contrary, a member state shall submit a uniform data set to the data
35 system on all individuals to whom this compact is applicable as
36 required by the rules of the commission, including:

37 (1) identifying information;

38 (2) licensure data;

39 (3) adverse actions against a license or compact privilege;

40 (4) non-confidential information related to alternative program
41 participation;

42 (5) any denial of application for licensure, and the reason or
43 reasons for the denial; and

44 (6) other information that may facilitate the administration of
45 this compact, as determined by the rules of the commission.

46 c. Investigative information pertaining to a licensee in any
47 member state will only be available to other party states.

1 d. The commission shall promptly notify all member states of
2 any adverse action taken against a licensee or an individual
3 applying for a license. Adverse action information pertaining to a
4 licensee in any member state will be available to any other member
5 state.

6 e. Member states contributing information to the data system
7 may designate information that may not be shared with the public
8 without the express permission of the contributing state.

9 f. Any information submitted to the data system that is
10 subsequently required to be expunged by the laws of the member
11 state contributing the information shall be removed from the data
12 system.

13

14 Section 9. Rulemaking.

15 9. a. The commission shall exercise its rulemaking powers
16 pursuant to the criteria set forth in this section and the rules adopted
17 thereunder. Rules and amendments shall become binding as of the
18 date specified in each rule or amendment.

19 b. If a majority of the legislatures of the member states reject a
20 rule, by enactment of a statute or resolution in the same manner
21 used to adopt the compact within four years of the date of adoption
22 of the rule, then the rule shall have no further force and effect in
23 any member state.

24 c. Rules or amendments to the rules shall be adopted at a
25 regular or special meeting of the commission.

26 d. Prior to promulgation and adoption of a final rule or rules by
27 the commission, and at least 30 days in advance of the meeting at
28 which the rule will be considered and voted upon, the commission
29 shall file a Notice of Proposed Rulemaking:

30 (1) on the website of the commission or other publicly
31 accessible platform; and

32 (2) on the website of each member state physical therapy
33 licensing board or other publicly accessible platform or the
34 publication in which each state would otherwise publish proposed
35 rules.

36 e. The Notice of Proposed Rulemaking shall include:

37 (1) the proposed time, date, and location of the meeting in
38 which the rule will be considered and voted upon;

39 (2) the text of the proposed rule or amendment and the reason
40 for the proposed rule;

41 (3) a request for comments on the proposed rule from any
42 interested person; and

43 (4) the manner in which interested persons may submit notice to
44 the commission of their intention to attend the public hearing and
45 any written comments.

46 f. Prior to adoption of a proposed rule, the commission shall
47 allow persons to submit written data, facts, opinions, and
48 arguments, which shall be made available to the public.

1 g. The commission shall grant an opportunity for a public
2 hearing before it adopts a rule or amendment if a hearing is
3 requested by:

- 4 (1) at least 25 persons;
5 (2) a state or federal governmental subdivision or agency; or
6 (3) an association having at least 25 members.

7 h. If a hearing is held on the proposed rule or amendment, the
8 commission shall publish the place, time, and date of the scheduled
9 public hearing. If the hearing is held via electronic means, the
10 commission shall publish the mechanism for access to the electronic
11 hearing.

12 (1) All persons wishing to be heard at the hearing shall notify
13 the executive director of the commission or other designated
14 member in writing of their desire to appear and testify at the hearing
15 not less than five business days before the scheduled date of the
16 hearing.

17 (2) Hearings shall be conducted in a manner providing each
18 person who wishes to comment a fair and reasonable opportunity to
19 comment orally or in writing.

20 (3) All hearings will be recorded. A copy of the recording will
21 be made available on request.

22 (4) Nothing in this section shall be construed as requiring a
23 separate hearing on each rule. Rules may be grouped for the
24 convenience of the commission at hearings required by this section.

25 i. Following the scheduled hearing date, or by the close of
26 business on the scheduled hearing date if the hearing was not held,
27 the commission shall consider all written and oral comments
28 received.

29 j. If no written notice of intent to attend the public hearing by
30 interested parties is received, the commission may proceed with
31 promulgation of the proposed rule without a public hearing.

32 k. The commission shall, by majority vote of all members, take
33 final action on the proposed rule and shall determine the effective
34 date of the rule, if any, based on the rulemaking record and the full
35 text of the rule.

36 l. Upon determination that an emergency exists, the
37 commission may consider and adopt an emergency rule without
38 prior notice, opportunity for comment, or hearing, provided that the
39 usual rulemaking procedures provided in the compact and in this
40 section shall be retroactively applied to the rule as soon as
41 reasonably possible, in no event later than 90 days after the
42 effective date of the rule. For the purposes of this provision, an
43 emergency rule is one that must be adopted immediately in order to:

- 44 (1) meet an imminent threat to public health, safety, or welfare;
45 (2) prevent a loss of commission or member state funds;
46 (3) meet a deadline for the promulgation of an administrative
47 rule that is established by federal law or rule; or
48 (4) protect public health and safety.

1 m. The commission or an authorized committee of the
2 commission may direct revisions to a previously adopted rule or
3 amendment for purposes of correcting typographical errors, errors
4 in format, errors in consistency, or grammatical errors. Public
5 notice of any revisions shall be posted on the website of the
6 commission. The revision shall be subject to challenge by any
7 person for a period of 30 days after posting. The revision may be
8 challenged only on grounds that the revision results in a material
9 change to a rule. A challenge shall be made in writing, and
10 delivered to the chair of the commission prior to the end of the
11 notice period. If no challenge is made, the revision will take effect
12 without further action. If the revision is challenged, the revision
13 may not take effect without the approval of the commission.
14

15 Section 10. Oversight, Dispute Resolution, and Enforcement.

16 10. a. The executive, legislative, and judicial branches of state
17 government in each member state shall enforce this compact and
18 take all actions necessary and appropriate to effectuate the
19 compact's purposes and intent. The provisions of this compact and
20 the rules promulgated hereunder shall have standing as statutory
21 law. All courts shall take judicial notice of the compact and the
22 rules in any judicial or administrative proceeding in a member state
23 pertaining to the subject matter of this compact which may affect
24 the powers, responsibilities or actions of the commission. The
25 commission shall be entitled to receive service of process in any
26 judicial or administrative proceeding, and shall have standing to
27 intervene in such a proceeding for all purposes. Failure to provide
28 service of process to the commission shall render a judgment or
29 order void as to the commission, this compact, or promulgated
30 rules.

31 b. If the commission determines that a member state has
32 defaulted in the performance of its obligations or responsibilities
33 under this compact or the promulgated rules, the commission shall:

34 (1) provide written notice to the defaulting state and other
35 member states of the nature of the default, the proposed means of
36 curing the default and any other action to be taken by the
37 commission; and

38 (2) provide remedial training and specific technical assistance
39 regarding the default.

40 If a state in default fails to cure the default, the defaulting state
41 may be terminated from the compact upon an affirmative vote of a
42 majority of the member states, and all rights, privileges and benefits
43 conferred by this compact may be terminated on the effective date
44 of termination. A cure of the default does not relieve the offending
45 state of obligations or liabilities incurred during the period of
46 default.

47 Termination of membership in the compact shall be imposed
48 only after all other means of securing compliance have been

1 exhausted. Notice of intent to suspend or terminate shall be given
2 by the commission to the governor, the majority and minority
3 leaders of the defaulting state's legislature, and each of the member
4 states. A state that has been terminated is responsible for all
5 assessments, obligations, and liabilities incurred through the
6 effective date of termination, including obligations that extend
7 beyond the effective date of termination.

8 The commission shall not bear any costs related to a state that is
9 found to be in default or that has been terminated from the compact,
10 unless agreed upon in writing between the commission and the
11 defaulting state. The defaulting state may appeal the action of the
12 commission by petitioning the U.S. District Court for the District of
13 Columbia or the federal district where the commission has its
14 principal offices. The prevailing member shall be awarded all costs
15 of litigation, including reasonable attorney's fees.

16 c. Upon request by a member state, the commission shall
17 attempt to resolve disputes related to the compact that arise among
18 member states and between member and non-member states. The
19 commission shall promulgate a rule providing for both mediation
20 and binding dispute resolution for disputes as appropriate.

21 d. The commission, in the reasonable exercise of its discretion,
22 shall enforce the provisions and rules of this compact. By majority
23 vote, the commission may initiate legal action in the United States
24 District Court for the District of Columbia or the federal district
25 where the commission has its principal offices against a member
26 state in default to enforce compliance with the provisions of the
27 compact and its promulgated rules and bylaws. The relief sought
28 may include both injunctive relief and damages. In the event
29 judicial enforcement is necessary, the prevailing member shall be
30 awarded all costs of litigation, including reasonable attorney's fees.
31 The remedies herein shall not be the exclusive remedies of the
32 commission. The commission may pursue any other remedies
33 available under federal or state law.

34
35 Section 11. Date of Implementation of the Commission and
36 Associated Rules, Withdrawal, and Amendment.

37 11. a. The compact shall come into effect on the date on which
38 the compact statute is enacted into law in the tenth member state.
39 The provisions, which become effective at that time, shall be
40 limited to the powers granted to the commission relating to
41 assembly and the promulgation of rules. Thereafter, the
42 commission shall meet and exercise rulemaking powers necessary
43 to the implementation and administration of the compact.

44 b. Any state that joins the compact subsequent to the
45 commission's initial adoption of the rules shall be subject to the
46 rules as they exist on the date on which the compact becomes law in
47 that state. Any rule that has been previously adopted by the

1 commission shall have the full force and effect of law on the day
2 the compact becomes law in that state.

3 c. Any member state may withdraw from this compact by
4 enacting a statute repealing the same.

5 (1) A member state's withdrawal shall not take effect until six
6 months after enactment of the repealing statute.

7 (2) Withdrawal shall not affect the continuing requirement of
8 the withdrawing state's physical therapy licensing board to comply
9 with the investigative and adverse action reporting requirements of
10 this act prior to the effective date of withdrawal.

11 d. Nothing contained in this compact shall be construed to
12 invalidate or prevent any physical therapy licensure agreement or
13 other cooperative arrangement between a member state and a non-
14 member state that does not conflict with the provisions of this
15 compact.

16 e. This compact may be amended by the member states. No
17 amendment to this compact shall become effective and binding
18 upon any member state until it is enacted into the laws of all
19 member states.

20

21 Section 12. Construction and Severability.

22 12. This compact shall be liberally construed so as to effectuate
23 the purposes thereof. The provisions of this compact shall be
24 severable and if any phrase, clause, sentence or provision of this
25 compact is declared to be contrary to the constitution of any party
26 state or of the United States or the applicability thereof to any
27 government, agency, person or circumstance is held invalid, the
28 validity of the remainder of this compact and the applicability
29 thereof to any government, agency, person or circumstance shall not
30 be affected thereby. If this compact shall be held contrary to the
31 constitution of any party state, the compact shall remain in full
32 force and effect as to the remaining party states and in full force and
33 effect as to the party state affected as to all severable matters.

34 (cf: P.L.2017, c.304, s.1)

35

36 78. Section 1 of P.L.1997, c.156 (C.45:9-42.41a) is amended to
37 read as follows:

38 1. A clinical laboratory shall present or cause to be presented a
39 claim, bill or demand for payment for clinical laboratory services
40 directly to the recipient of the services , except that the claim, bill
41 or demand for payment may be presented to any of the following:

42 a. An immediate family member of the recipient of the services
43 or other person legally responsible for the debts or care of the
44 recipient of the services;

45 b. A third party payer including a health insurer, a health,
46 hospital or medical services corporation, a State approved or
47 federally qualified health maintenance organization in which the
48 recipient of the services is enrolled, a governmental agency or its

1 specified agent which provides health care benefits on behalf of the
2 recipient of the services, and an employer of the recipient of the
3 services who is responsible for payment of the services, provided
4 that billing these payers is consistent with the terms of any
5 applicable contract between the payer and the recipient of the
6 services;

7 c. A hospital or skilled nursing facility in which the recipient of
8 the services is or has been an inpatient or outpatient;

9 d. A substance **[abuse]** use disorder program in which the
10 recipient of the services is or has been a participant; and

11 e. A nonprofit clinic or other health care provider whose
12 purpose is the promotion of public health, from which the recipient
13 of the services has received health care.

14 Upon the request of the health care provider who requested the
15 clinical laboratory services, a clinical laboratory shall notify the
16 health care provider of the amount of the claim, bill or demand for
17 payment that was presented to the recipient or the recipient's
18 responsible third party pursuant to this section.

19 Notwithstanding the provisions of this section to the contrary, in
20 the case of a clinical laboratory which performs services at the
21 request of another clinical laboratory, the clinical laboratory may
22 present the claim, bill or demand for payment to the requesting
23 clinical laboratory.

24 Notwithstanding the provisions of this section to the contrary,
25 nothing in this section shall affect a contractual agreement between
26 a clinical laboratory and a third party payer regarding presentation
27 of a claim, bill or demand for payment directly to that third party
28 payer.

29 (cf: P.L.1997, c.156, s.1)

30
31 79. Section 5 of P.L.2019, c.394 (C.52:4B-76) is amended to
32 read as follows:

33 5. a. A family justice center is authorized to share information, as
34 well as recommendations, concerning the center's operations and
35 utilization by victims and their family members, which does not
36 include any personal identifiers of those victims and family
37 members, with Alliance for Hope International, the national,
38 nonprofit organization that assists with the development and
39 operation of new and existing family justice centers and serves as a
40 national membership organization for all centers, when requested
41 by that organization. The information which may be shared
42 includes, but is not limited to:

43 (1) the number of victims who received assistance, the number
44 of children and other family members of victims who received
45 assistance, and the number of victims, children, and other family
46 members who received assistance multiple times;

47 (2) the reasons that victims and their family members requested
48 assistance;

1 (3) the filing, conviction, and dismissal rates for criminal, and
2 disorderly persons and petty disorderly persons cases handled at the
3 center;

4 (4) subjective and objective measurements of the impacts of
5 centrally located multi-agency services related to the safety,
6 empowerment, and mental and emotional well-being of victims and
7 their family members, and comparison data from victims and family
8 members, if available, on their access to services outside the family
9 justice center model; and

10 (5) barriers, if any, to receiving available services at a family
11 justice center, including actual or perceived barriers based on
12 immigration status, criminal history, substance **[abuse]** use disorder
13 or mental health issues, or privacy concerns, and potential means to
14 mitigate any identified barriers to accessing services and for
15 improving the utilization rate of services.

16 b. Alliance for HOPE International may file a report, utilizing
17 any information collected pursuant to subsection a. of this section,
18 with the Governor, the Division on Women in the Department of
19 Children and Families, and pursuant to section 2 of P.L.1991, c.164
20 (C.52:14-19.1), the Legislature annually or upon request by the
21 Attorney General. The report may include recommendations for
22 expanding or improving the Statewide operation of family justice
23 centers, as well as suggested executive or legislative action, if
24 necessary, to accomplish any recommendations.

25 (cf: P.L.2019, c.394, s.5)

26
27 80. Section 3 of P.L.2021, c.398 (C.52:13GG-3) is amended to
28 read as follows:

29 3. There is established a New Jersey Legislative Youth Council
30 for the purpose of providing a forum for the youth of this State to
31 participate in the democratic process; to advise the Legislature and
32 its committees, commissions, and task forces on the perspectives,
33 opinions, needs, development, and welfare of the youth of the State;
34 and to advise the Legislature and its committees, commissions and
35 task forces on the most effective and efficient policies, programs,
36 and services that the State could provide for the youth of this State.
37 The council shall research, analyze, discuss, and make specific
38 recommendations in the areas of civics education; drugs and
39 substance **[abuse]** use disorder; emotional and physical health;
40 employment and economic opportunities; environmental protection;
41 gun violence and school safety; homelessness and poverty; mental
42 health; safe environment for youth; sexual harassment and violence;
43 youth services; and youth bias and hate crimes.

44 In each two-year term of the New Jersey Legislature, the council
45 shall submit, in writing, a series of policy recommendations to the
46 President of the Senate, the Speaker of the General Assembly, the
47 Minority Leader of the Senate, and the Minority Leader of the

1 General Assembly. The series of policy recommendations shall be
2 made available online to the public.

3 The council may express its position publicly on legislation
4 pending before the New Jersey Legislature that is directly relevant
5 to the youth of this State.

6 (cf: P.L.2021, c.398, s.3)

7

8 81. Section 1 of P.L.2021, c.455 (C.52:17B-71.11) is amended to
9 read as follows:

10 1. a. The Attorney General, in consultation with the
11 Commissioner of Human Services, shall develop a pilot program to
12 promote and encourage law enforcement officers Statewide to
13 complete training that applies the Crisis Intervention Team model,
14 which program may include support for and coordination between
15 the Police Training Commission in the Division of Criminal Justice
16 in the Department of Law and Public Safety and the Division of
17 Mental Health and Addiction Services in the Department of Human
18 Services to increase the frequency of, number of locations, and
19 geographic accessibility to training courses offered that apply the
20 Crisis Intervention Team model.

21 b. The Police Training Commission shall develop and
22 implement or incorporate into an existing training course, in
23 consultation with a crisis intervention training center, a curriculum
24 that applies the Crisis Intervention Team model to persons
25 experiencing an economic crisis or struggling with a substance
26 **[abuse]** use disorder who come into contact with law enforcement
27 first responders.

28 c. As used in this section:

29 "Crisis Intervention Team model" means the best practice jail
30 diversion model originally developed by the Memphis Tennessee
31 Police Department and implemented in New Jersey as a county
32 based collaboration of professionals committed to improving the
33 law enforcement and mental health systems' response to persons
34 experiencing a psychiatric crisis who come into contact with law
35 enforcement first responders.

36 "Crisis intervention training center" means a program or entity
37 that has operated as a crisis intervention support center in the State
38 for a period of at least five years and that has experience in assisting
39 political subdivisions in New Jersey in developing and
40 implementing the Crisis Intervention Team model.

41 (cf: P.L.2021, c.455, s.1)

42

43 82. Section 2 of P.L.1995, c.330 (C.52:17B-182) is amended to
44 read as follows:

45 2. The Legislature finds and declares that there is a present
46 need to provide for certain juvenile and young adult offenders a
47 special program of incarceration stressing a highly structured
48 routine of discipline, regimentation, exercise and work therapy,

1 together with substance **【abuse】** use disorder and self-improvement
2 counseling, education and an intensive program of aftercare
3 supervision.

4 The Legislature further finds and declares that such a program
5 would:

6 a. Develop positive attitude and behavior traits which will
7 foster the work ethic and contribute to the maturity of the
8 participants by utilizing proven techniques of regimentation and
9 structured discipline;

10 b. Foster self-control, self-respect, teamwork and improved
11 work habits for such offenders so as to enable these offenders to
12 return to society as law-abiding citizens;

13 c. Provide young adult and juvenile offenders with a
14 rehabilitative experience which will positively influence their
15 behavior and help thwart future criminal activity;

16 d. Allow for a more creative use of correctional resources than
17 the simple custody of prisoners;

18 e. Reduce corrections costs by shortening stays of
19 incarceration;

20 f. Increase an offender's potential for rehabilitation and
21 decrease recidivism by providing a structured, integrated and
22 comprehensive treatment program which includes both an
23 institutional regimen and an intensively supervised aftercare
24 component in the community;

25 g. Provide meaningful and productive work opportunities and
26 vocational training to enhance and expand offenders' marketable
27 skills; and

28 h. Help to alleviate overcrowding in prisons and juvenile
29 facilities.

30 (cf: P.L.1995, c.330, s.2)

31

32 83. Section 5 of P.L.1995, c.330 (C.52:17B-185) is amended to
33 read as follows:

34 5. The SRP shall include the following components:

35 a. Stage I: A comprehensive, residential program consisting of
36 appropriate:

37 (1) Highly structured routines of discipline;

38 (2) Physical exercise;

39 (3) Work;

40 (4) Substance **【abuse】** use disorder counseling;

41 (5) Education and vocational training;

42 (6) Psychological counseling; and

43 (7) Self-improvement and personal growth counseling stressing
44 moral values and cognitive reasoning.

45 b. Stage II: An intensive after-care program which includes
46 work opportunities and vocational training. Offenders shall remain

1 on parole during this period and shall be subject to reincarceration
2 for parole violations.

3 (cf: P.L.1995, c.330, s.5)

4

5 84. Section 1 of P.L.2019, c.365 (C.52:17B-242.1) is amended to
6 read as follows:

7 1. The Legislature finds and declares that:

8 a. In New Jersey, community violence is a public health crisis
9 that disproportionately impacts underserved communities of color
10 and firearm violence specifically is a major component of that
11 violence;

12 b. Each year, New Jersey suffers more than 1,000 interpersonal
13 shootings and, in 2016, African American and Latino men
14 constituted 90 percent of the total firearm homicide victims in the
15 State;

16 c. A few New Jersey cities suffer the vast majority of
17 homicides in this State, most of which are committed with a
18 firearm, and in 2015, more than half of the State's total homicides
19 occurred in the cities of Camden, Jersey City, Newark, Paterson,
20 and Trenton;

21 d. This violence results in enormous trauma, lifelong health
22 impairments, immeasurable human suffering, and significant
23 economic costs;

24 e. The direct costs of firearm violence in New Jersey are over
25 \$1.2 billion per year including healthcare expenses, law
26 enforcement and criminal justice expenses, costs to employers, and
27 lost income, and when reduced quality of life attributable to pain
28 and suffering is considered, the overall economic cost of firearm
29 violence is \$3.3 billion per year;

30 f. The vast majority of victims and perpetrators of violence are
31 young men of color who are at heightened risk for exposure to
32 violence because of a number of risk factors, including lack of
33 educational and economic opportunity, unaddressed mental health
34 needs, substance **[abuse]** use disorder issues, unstable housing
35 situations, and previous exposure to violence;

36 g. Research indicates that in most cities in the United States
37 less than a half percent of a given city's population is responsible
38 for the vast majority of violence and effectively intervening with
39 this high risk population is essential to addressing and preventing
40 interpersonal violence;

41 h. Historically, community-based violence intervention
42 strategies have demonstrated remarkable success at reducing
43 shootings and other incidents involving the use of firearms in
44 heavily impacted communities and when properly implemented and
45 consistently funded, these programs produce impressive life-saving
46 and cost-saving results in a short period of time;

1 i. Large reductions in violence have been seen in cities that
2 centrally coordinate multiple violence reduction strategies,
3 including New York City; and

4 j. Providing consistent funding and support to the evidence-
5 based violence reduction initiatives is an essential part of New
6 Jersey's comprehensive response to interpersonal firearm violence
7 and given the extremely high cost of firearm violence, public
8 investment in these solutions is very likely to generate significant
9 savings for New Jersey taxpayers.

10 (cf: P.L.2019, c.365, s.1)

11
12 85. Section 2 of P.L.2019, c.309 (C.52:27D-25mm) is amended
13 to read as follows:

14 2. a. The division, in conjunction with the university, shall
15 establish and maintain, on a 24-hour daily basis, a toll-free "New
16 Jersey Fire and EMS Crisis Intervention Services" telephone
17 hotline. The hotline shall receive and respond to calls from fire and
18 emergency services personnel who experience depression, anxiety,
19 stress, or any other psychological or emotional disorder or
20 condition. The operators of the hotline shall identify and refer
21 callers to further debriefing and counseling services.

22 b. The operators of the hotline shall be trained by the division
23 and the university, and, to the greatest extent possible, shall be
24 persons who are: (1) familiar with the post-trauma disorders and
25 psychological and emotional disorders and conditions that are
26 frequently experienced by fire and emergency services personnel; or
27 (2) trained to provide counseling services involving marriage and
28 family life, substance **[abuse]** use disorder, personal stress
29 management, and other emotional or psychological disorders or
30 conditions that may adversely affect fire and emergency services
31 personnel.

32 c. The division and the university shall provide for the
33 confidentiality of the names of the fire and emergency services
34 personnel calling, the information discussed by a caller and
35 operator, and any referrals for further debriefing or counseling.
36 However, the division, after consultation with the university, may,
37 by rule and regulation, establish guidelines for monitoring any fire
38 or emergency services caller who exhibits signs of a severe
39 emotional or psychological disorder or condition which the operator
40 handling the call reasonably believes may result in harm to the
41 caller or any other person.

42 (cf: P.L.2019, c.309, s.2)

43
44 86. Section 5 of P.L.1990, c.83 (C.52:27D-43.29) is amended to
45 read as follows:

46 5. The centers shall provide:

47 a. Outreach to the Hispanic community to inform the community
48 of the center's resources;

- 1 b. Basic English language skills and bilingual and bicultural
- 2 resources;
- 3 c. Training in assertiveness, survival and coping skills;
- 4 d. Educational evaluation services by a qualified bilingual
- 5 counselor employed by the center, which services include
- 6 screening, assessment and referral to basic educational, vocational
- 7 training and other educational programs;
- 8 e. Job counseling services which are specifically designed to
- 9 prepare women to enter or reenter the work force by assisting them
- 10 in acquiring knowledge of their talents and skills in relation to
- 11 existing traditional and nontraditional job opportunities and to those
- 12 which are emerging as a result of new employment trends;
- 13 f. Self-help programs and mentoring projects, including
- 14 workshops, group discussions, and dissemination of information
- 15 about existing federal, State and local employment, education,
- 16 health, and other community services which provide assistance in
- 17 overcoming barriers to employment. These programs shall include
- 18 outreach and information about other programs which are
- 19 determined to be of interest and benefit to working parents, women
- 20 newly entering or reentering the work force after a prolonged
- 21 absence from it, those in need of financial management services,
- 22 including information and assistance with respect to credit,
- 23 insurance, taxes, loans and related financial matters, and women
- 24 who need information about a diversity of housing problems;
- 25 g. Career information services, job training including
- 26 internships, and job placement services which assist participants in
- 27 gaining admission to existing public and private job training
- 28 programs and in gaining job opportunities by cooperating,
- 29 whenever possible, with appropriate State and local government
- 30 agencies and private employers. These training and placement
- 31 services shall foster the development of partnerships with industry,
- 32 particularly those concerns which are associated with urban
- 33 enterprise zones, and the enhancement of the neighborhood and
- 34 communities which surround the centers. To the extent possible,
- 35 the training and placement services shall consult with the area
- 36 private industry councils established pursuant to the provisions of
- 37 the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C.
- 38 s. 1501 et seq.), and the Division of Employment Services in the
- 39 Department of Labor in order to help identify local job
- 40 opportunities or areas of expansion in private industry;
- 41 h. Information and referral services concerning: legal issues
- 42 such as domestic violence, sexual assault, family support and sex
- 43 discrimination; health care issues such as family planning,
- 44 substance **[abuse]** use disorder, nutrition and mental health; public
- 45 assistance programs; and child care services.
- 46 Each center may purchase services from or contract with
- 47 individuals, county or municipal governments, school districts,

1 county colleges or county vocational schools to carry out the
2 provisions of this section.

3 (cf: P.L.1990, c.83, s.5)

4

5 87. Section 9 of P.L.2019, c.288 (C.52:27EE-28.2) is amended to
6 read as follows:

7 9. The corrections ombudsperson shall conduct inspections of
8 State correctional facilities in accordance with the provisions of this
9 section.

10 a. The ombudsperson shall conduct regular inspections of all
11 department facilities and issue public reports of all inspections.

12 b. Except for ongoing criminal investigations, Prison Rape
13 Elimination Act (PREA) investigations, or other information,
14 records, or investigations deemed confidential by the Special
15 Investigations Division of the department, and with the exception of
16 Special Investigations Division evidence rooms, the ombudsperson
17 may inspect, examine, or assess all aspects of a facility's operations
18 and conditions including, but not limited to:

- 19 (1) staff recruitment, training, supervision, and discipline;
- 20 (2) inmate deaths or serious injuries;
- 21 (3) incidences of physical and sexual assault;
- 22 (4) medical and mental-health care;
- 23 (5) use of force;
- 24 (6) inmate violence;
- 25 (7) conditions of confinement;
- 26 (8) inmate disciplinary processes;
- 27 (9) inmate grievance processes;
- 28 (10) **substance-abuse** substance use disorder treatment;
- 29 (11) educational, vocational, and other programming;
- 30 (12) family visitation and communication practices; and
- 31 (13) rehabilitation, reentry, and integration practices.

32 c. Except as provided in subsection b. of this section, the
33 ombudsperson shall utilize a range of methods to gather and
34 substantiate facts, including observations, interviews with inmates,
35 inmate surveys, document and record reviews, reports, statistics,
36 and performance-based outcome measures.

37 d. Facility and other governmental officials are authorized and
38 shall be required to cooperate fully and promptly with inspections.

39 e. Except as provided in subsection b. of this section, the
40 ombudsperson shall be vested with the authority to conduct both
41 scheduled and unannounced inspections of any part or all of the
42 facility at any time. The ombudsperson shall adopt procedures to
43 ensure that unannounced inspections are conducted in a reasonable
44 manner.

45 f. Facility administrators shall be provided an opportunity to
46 review reports and provide feedback about them to the
47 ombudsperson before their dissemination to the public, but the

1 release of the reports is not subject to approval from any entity or
2 person outside the office.

3 g. Reports shall apply legal requirements, best correctional
4 practices, and other criteria to objectively and accurately review and
5 assess a facility's policies, procedures, programs, and practices;
6 identify systemic problems and the reasons for them; and proffer
7 possible solutions to those problems.

8 h. Subject to reasonable privacy and security requirements, or
9 as may be necessary to protect the safety or privacy of persons or
10 the safe, secure, and orderly operation of State correctional
11 facilities, as determined by the department or the Special
12 Investigations Division, the ombudsperson's reports shall be public,
13 accessible through the Internet, and distributed to the media,
14 Legislature, Attorney General, and Governor.

15 i. Facility administrators shall publicly respond to monitoring
16 reports; develop and implement in a timely fashion action plans to
17 rectify problems identified in those reports; and to semi-annually
18 inform the public of their progress in implementing these action
19 plans.

20 j. The ombudsperson shall continue to assess and report on
21 previously identified problems and the progress made in resolving
22 them until the problems are resolved.

23 (cf: P.L.2019, c.288, s.9)

24

25 88. Section 2 of P.L.2021, c.16 (C.24:6I-32) is amended to read
26 as follows:

27 2. The Legislature finds and declares that:

28 a. It is the intent of the people of New Jersey to adopt a new
29 approach to our marijuana policies by controlling and legalizing a
30 form of marijuana, to be referred to as cannabis, in a similar fashion
31 to the regulation of alcohol for adults;

32 b. It is the intent of the people of New Jersey that the
33 provisions of this act will prevent the sale or distribution of
34 cannabis to persons under 21 years of age;

35 c. This act is designed to eliminate the problems caused by the
36 unregulated manufacturing, distribution, and use of illegal
37 marijuana within New Jersey;

38 d. This act will divert funds from marijuana sales from going to
39 illegal enterprises, gangs, and cartels;

40 e. Black New Jerseyans are nearly three times more likely to be
41 arrested for marijuana possession than white New Jerseyans, despite
42 similar usage rates;

43 f. New Jersey spends approximately \$127 million per year on
44 marijuana possession enforcement costs;

45 g. Controlling and legalizing cannabis for adults in a similar
46 fashion to alcohol will free up precious resources to allow our
47 criminal justice system to focus on serious criminal activities and
48 public safety issues;

1 h. Controlling and legalizing cannabis for adults in a similar
2 fashion to alcohol will strike a blow at the illegal enterprises that
3 profit from New Jersey's current, unregulated illegal marijuana
4 market;

5 i. New Jersey must strengthen its support for evidence-based,
6 drug use prevention programs that work to educate New Jerseyans,
7 particularly young New Jerseyans, about the harms of **【drug abuse】**
8 substance use disorder;

9 j. New Jersey must enhance State-supported programming that
10 provides appropriate, evidence-based treatment for those who suffer
11 from the illness of **【drug addiction】** substance use disorder;

12 k. Controlling and regulating the manufacturing, distribution,
13 and sales of cannabis will strengthen our ability to keep it along
14 with illegal marijuana away from minors;

15 l. A controlled system of cannabis manufacturing, distribution,
16 and sales must be designed in a way that enhances public health and
17 minimizes harm to New Jersey communities and families;

18 m. The legalized cannabis marketplace in New Jersey must be
19 regulated so as to prevent persons younger than 21 years of age
20 from accessing or purchasing cannabis;

21 n. A marijuana arrest in New Jersey can have a debilitating
22 impact on a person's future, including consequences for one's job
23 prospects, housing access, financial health, familial integrity,
24 immigration status, and educational opportunities; and

25 o. New Jersey cannot afford to sacrifice public safety and
26 individuals' civil rights by continuing its ineffective and wasteful
27 past marijuana enforcement policies.

28 (cf: P.L.2021, c.16, s.2)

29
30 89. R.S.30:1-12 is amended to read as follows:

31 30:1-12. a. The Legislature finds that the Commissioner of
32 Human Services is obligated by State and federal law to assure that
33 programs that serve eligible, low-income, handicapped, elderly,
34 abused, and disabled persons are provided in an accessible,
35 efficient, cost-effective and high quality manner. In order to meet
36 these ends, the commissioner must have sufficient authority to
37 require institutions and agencies that are under his direct or indirect
38 supervision to meet State and federal mandates. This authority is
39 especially necessary given the manner in which certain services are
40 provided by county or local agencies, but are funded in whole or
41 part by the State. The Legislature finds that the commissioner must
42 have the authority to establish rules, regulations and directives,
43 including incentives and sanctions, to assure that these institutions
44 and agencies are providing services in a manner consistent with
45 these mandates.

46 b. The commissioner shall have power to determine all matters
47 relating to the unified and continuous development of the
48 institutions and noninstitutional agencies within his jurisdiction. He

1 shall determine all matters of policy and shall have power to
2 regulate the administration of the institutions or noninstitutional
3 agencies within his jurisdiction, correct and adjust the same so that
4 each shall function as an integral part of a general system. The
5 rules, regulations, orders and directions issued by the commissioner
6 pursuant thereto, for this purpose shall be accepted and enforced by
7 the executive having charge of any institution or group of
8 institutions or noninstitutional agencies or any phase of the work
9 within the jurisdiction of the department.

10 In order to implement the public policy of this State concerning
11 the provision of charitable, hospital, relief and training institutions
12 established for diagnosis, care, treatment, training, rehabilitation
13 and welfare of persons in need thereof, for research and for training
14 of personnel, and in order that the personnel, buildings, land, and
15 other facilities provided be most effectively used to these ends and
16 to advance the public interest, the commissioner is hereby
17 empowered to classify and designate from time to time the specific
18 functions to be performed at and by any of the aforesaid institutions
19 under his jurisdiction and to designate, by general classification of
20 disease or disability, age or sex, the classes of persons who may be
21 admitted to, or served by, these institutions or agencies.

22 In addition to and in conjunction with its general facilities and
23 services for persons with mental illness, developmental disabilities,
24 or tuberculosis, the department may at its discretion establish and
25 maintain specialized facilities and services for the residential care,
26 treatment and rehabilitation of persons who are suffering from
27 chronic mental or neurological disorders, including, but not limited
28 to **alcoholism** alcohol use disorder, **drug addiction** substance
29 use disorder, epilepsy and cerebral palsy.

30 The commissioner shall have the power to regulate the
31 administration of agencies under his supervision including, but not
32 limited to, municipal and county agencies that administer public
33 assistance. The commissioner may issue rules, regulations, orders
34 and directions to assure that programs administered by the agencies
35 are financially and programmatically efficient and effective, and to
36 establish incentives and impose sanctions to assure the appropriate
37 operation of programs and compliance with State and federal laws
38 and regulations.

39 In addition, the commissioner shall have the authority to:

40 (1) review and approve county and municipal budgets for public
41 assistance; and

42 (2) take appropriate interim action, including withholding State
43 and federal administrative funds, or take over and operate county or
44 municipal public assistance operations in situations in which the
45 commissioner determines that the public assistance agency is failing
46 to substantially follow federal or State law, thereby placing clients,
47 who are dependent on public assistance benefits to survive in a
48 humane and healthy manner, at serious risk. In this situation, the

1 commissioner shall have the authority to bill the county for the cost
2 of such operations and for necessary changes to assure that services
3 are provided to accomplish federal and State mandates in an
4 effective and efficient manner.

5 No rule, regulation, order or direction shall abridge the authority
6 of a county or municipality to establish wages and terms and
7 conditions of employment for its employees through collective
8 negotiation with an authorized employee organization pursuant to
9 P.L.1984, c.14 (C.44:7-6.1 et seq.).

10 The commissioner shall have the power to promulgate
11 regulations to assure that services in State and county psychiatric
12 facilities are provided in an efficient and accessible manner and are
13 of the highest quality. Regulations shall include, but shall not be
14 limited to, the transfer of patients between facilities; the
15 maintenance of quality in order to obtain certification by the United
16 States Department of Health and Human Services; the review of the
17 facility's budget; and the establishment of sanctions to assure the
18 appropriate operation of facilities in compliance with State and
19 federal laws and regulations.

20 The commissioner shall have the power to promulgate
21 regulations to assure that county adjusters effectively and
22 efficiently conduct investigations, notify legally responsible persons
23 of amounts to be assessed against them, petition the courts,
24 represent patients in psychiatric facilities, and as necessary reopen
25 the question of payment for maintenance of persons residing in
26 psychiatric facilities. Regulations may include minimum standards
27 for determining payment of care by legally responsible persons; a
28 uniform reporting system of findings, conclusions and
29 recommendations; and the establishment of sanctions to assure
30 compliance with State laws and regulations.

31 c. The commissioner shall have the power to conduct an
32 investigation into the financial ability to pay, directly or indirectly,
33 of any person receiving services from the department, or his
34 chargeable relatives. This authority shall include the power to issue
35 subpoenas to compel testimony and the production of documents.
36 The commissioner may contract with a public or private entity to
37 perform the functions set forth in this subsection, subject to terms
38 and conditions required by the commissioner.

39 (cf: P.L.2010, c.50, s.19)
40

41 90. Section 1 of P.L.1964, c.226 (C.30:6C-1) is amended to read
42 as follows:

43 1. It is declared to be the public policy of this State that the
44 human suffering and social and economic loss caused by **【drug**
45 **addiction】** substance use disorder are matters of grave concern to
46 the people of the State and it is imperative that a comprehensive
47 program be established and implemented through the facilities of
48 the State, the several counties, the Federal Government and local

1 and private agencies to prevent **【drug addiction】** substance use
2 disorder and to provide diagnosis, treatment, care and rehabilitation
3 for **【drug addicts】** persons who have substance use disorder to the
4 end that these unfortunate individuals may be restored to good
5 health and again become useful citizens in the community.
6 (cf: P.L.1964, c.226, s.1)

7
8 91. Section 2 of P.L.2016, c.70 (C.30:8-16.13) is amended to
9 read as follows:

10 2. a. The chief executive officer, warden, or keeper of any county
11 correctional institution shall ensure that each incarcerated person
12 under the institution's custody continues to receive any medications
13 prescribed by a physician prior to the person's incarceration for the
14 treatment of chronic conditions. The provision of the prescribed
15 medications shall be continued during admittance to a correctional
16 facility, while placed in that facility, and during transfers to other
17 facilities.

18 b. Medications provided pursuant to subsection a. of this
19 section shall continue to be administered to the incarcerated person
20 in a county correctional facility for a minimum of 30 days from the
21 date the person is committed to the custody of a facility. The
22 facility receiving these persons shall resume appropriate and
23 commensurate management of the chronic condition including, but
24 not limited to, the use of appropriate therapeutic treatments and
25 medications or their generic substitution in accordance with State
26 law and regulations established by the Commissioner of
27 Corrections. Nothing in this subsection shall prohibit an examining
28 physician from changing a course of treatment or prescription
29 within the 30 day period to ensure that the incarcerated person
30 receives clinically appropriate medical care.

31 c. The chief executive officer, warden, or keeper of any county
32 correctional institution shall establish a system to ensure that all
33 necessary medications are given to incarcerated persons in a timely
34 manner while in the custody of a county correctional facility.
35 Necessary medications shall include those medications which, if
36 missed, may cause serious illness, death, or other harmful effects.
37 The system shall include, but shall not be limited to, the following:

38 (1) a screening staff for each facility, which shall include any
39 medical professional currently employed by the facility who shall
40 be trained to determine the medications for which timely
41 continuation is an urgent matter;

42 (2) a method for determining which medications shall be
43 deemed necessary;

44 (3) a method for contacting the prescribing physician;

45 (4) a method for validating the prescription;

46 (5) a method for checking that all medications brought into a
47 facility are labeled to ensure that the container contains the correct
48 medication;

1 (6) a method for providing necessary medications to an
2 incarcerated person who has been taken into custody without a
3 supply of the medication;

4 (7) a method for notifying in advance a facility receiving a
5 transferred incarcerated person, that the person has been prescribed
6 a necessary medication and the continuation of the medication is an
7 urgent matter; and

8 (8) a method for maintaining a supply of the most common
9 necessary medications at each facility or an on-call physician, or
10 other medical professional capable of prescribing medications,
11 available to prescribe medications, and with the ability to fill
12 prescriptions.

13 d. The chief executive officer, warden, or keeper of any county
14 correctional institution shall not be required under the provisions of
15 this section to supply an incarcerated person with any medication
16 which has no currently accepted medical use in treatment in the
17 United States as a matter of federal law.

18 e. The requirement to administer medication pursuant to this
19 section shall not apply to synthetic opioid **【drug addiction】**
20 substance use disorder detoxifiers, unless the facility employs a
21 medical professional who is trained to administer this type of
22 medication.

23 f. To the extent possible, a generic substitution of a
24 prescription drug shall be given to an incarcerated person who is
25 provided with medication under the provisions of this section.

26 (cf: P.L.2016, c.70, s.2)

27
28 92. Section 1 of P.L.2016, J.R.12 (C.36:2-283) is amended to
29 read as follows:

30 1. November 19th of each year, or the Thursday one week
31 before Thanksgiving if the 19th falls on a Friday, Saturday, or
32 Sunday, is designated as the "Night of Conversation" in which
33 families are encouraged to talk about **【drug addiction】** substance
34 use disorder and **【alcoholism】** alcohol use disorder.

35 (cf: P.L.2016, J.R.12, s.1)

36
37 93. Section 1 of P.L.1974, c.120 (C.40:9B-3) is amended to read
38 as follows:

39 1. The Legislature hereby recognizes that it is the declared
40 public policy of this State that the social and personal anguish of
41 **【drug addiction】** substance use disorder is a grave public concern,
42 and that priority should be given to the establishment of a
43 comprehensive program to be achieved through the coordinated
44 efforts and resources both of public and private agencies to prevent
45 and control **【drug addiction】** substance use disorder and to provide
46 diagnosis, treatment care and rehabilitation for **【drug addicts】**
47 persons who have substance use disorder. The Legislature further
48 recognizes that the costs incurred in treating and rehabilitating the

1 **【addict】** person who has substance use disorder and in counseling
2 the potential **【addict】** person who has substance use disorder have
3 become increasingly expensive, and that current financial
4 exigencies are creating additional burdens for private, nonprofit
5 agencies performing this important public service, while also
6 rendering the cost of establishing new treatment centers prohibitive
7 for local units of government. Therefore, the Legislature hereby
8 finds that because private, nonprofit agencies are providing services
9 which are in furtherance of a policy in an area of grave public
10 concern, it is in the public interest to authorize counties and
11 municipalities to appropriate funds for the purpose of helping to
12 defray expenses incurred by such private agencies in the provision
13 of **【narcotic and drug abuse】** substance use treatment facilities and
14 programs to community residents.

15 (cf: P.L.1974, c.120, s.1)

16
17 94. Section 2 of P.L.1982, c.80 (2A:4A-77) is amended to read
18 as follows:

19 2. The purpose of the unit shall be to provide a continuous 24-
20 hour on call service designed to attend and stabilize juvenile-family
21 crises as defined pursuant to section 3 of P.L.1982, c.77 (C.2A:4A-
22 22). The juvenile-family crisis intervention unit shall respond
23 immediately to any referral, complaint or information made
24 pursuant to section 5 or 6 of this act, except if, upon preliminary
25 investigation, it appears that a juvenile-family crisis within the
26 meaning of this act does not exist or that an immediate referral to
27 another agency would be more appropriate.

28 Upon the receipt of any referral pursuant to section 5 and 6 of
29 this act, the crisis intervention unit shall request information
30 through the use of a form developed by the unit and approved by
31 the Administrative Office of the Courts concerning the juvenile-
32 family crisis. The form shall provide but shall not be limited to the
33 following information:

34 a. The name, address, date of birth, and other appropriate
35 personal data of the juvenile and parents or guardian;

36 b. Facts concerning the conduct of the juvenile or family which
37 may contribute to the crisis, including evidence of **【alcoholism】**
38 substance use disorder **【as defined in section 2 of P.L.1975, c.305**
39 **(C.26:2B-8), drug dependency as defined in section 2 of the "New**
40 **Jersey Controlled Dangerous Substances Act," P.L.1970, c.226**
41 **(C.24:21-2)】** or that a juvenile is an "abused or neglected child" as
42 defined in P.L.1974, c.119 (C.9:6-8.21).

43 (cf: P.L.1982, c.60, s.2.)

44
45 95. R.S.3B:1-2 is amended to read as follows:

46 3B:1-2. "Incapacitated individual" means an individual who is
47 impaired by reason of mental illness or intellectual disability to the

1 extent that the individual lacks sufficient capacity to govern himself
2 and manage his affairs.

3 The term incapacitated individual is also used to designate an
4 individual who is impaired by reason of physical illness or
5 disability, chronic use of drugs, chronic **【alcoholism】** alcohol use
6 disorder, or other cause (except minority) to the extent that the
7 individual lacks sufficient capacity to govern himself and manage
8 the individual's affairs.

9 The terms incapacity and incapacitated refer to the state or
10 condition of an incapacitated individual as hereinbefore defined.

11 "Intellectual disability" means a significant subaverage general
12 intellectual functioning existing concurrently with deficits in
13 adaptive behavior which are manifested during the development
14 period.

15 "Issue" of an individual means a descendant as defined in
16 N.J.S.3B:1-1.

17 "Joint tenants with the right of survivorship" means co-owners of
18 property held under circumstances that entitle one or more to the
19 whole of the property on the death of the other or others, but
20 excludes forms of co-ownership in which the underlying ownership
21 of each party is in proportion to that party's contribution.

22 "Local administration" means administration by a personal
23 representative appointed in this State.

24 "Local fiduciary" means any fiduciary who has received letters
25 in this State and excludes foreign fiduciaries who acquire the power
26 of local fiduciary pursuant to this title.

27 "Minor" means an individual who is under 18 years of age.

28 "Nonresident decedent" means a decedent who was domiciled in
29 another jurisdiction at the time of his death.

30 "Parent" means any person entitled to take or who would be
31 entitled to take if the child, natural or adopted, died without a will,
32 by intestate succession from the child whose relationship is in
33 question and excludes any person who is a stepparent, resource
34 family parent, or grandparent.

35 "Per capita." If a governing instrument requires property to be
36 distributed "per capita," the property is divided to provide equal
37 shares for each of the takers, without regard to their shares or the
38 right of representation.

39 "Payor" means a trustee, insurer, business entity, employer,
40 government, governmental agency or subdivision, or any other
41 person authorized or obligated by law or a governing instrument to
42 make payments.

43 "Person" means an individual or an organization.

44 "Per Stirpes." If a governing instrument requires property to be
45 distributed "per stirpes," the property is divided into as many equal
46 shares as there are: (1) surviving children of the designated
47 ancestor; and (2) deceased children who left surviving descendants.
48 Each surviving child is allocated one share. The share of each

1 deceased child with surviving descendants is divided in the same
2 manner, with subdivision repeating at each succeeding generation
3 until the property is fully allocated among surviving descendants.

4 "Personal representative" includes executor, administrator,
5 successor personal representative, special administrator, and
6 persons who perform substantially the same function under the law
7 governing their status. "General personal representative" excludes
8 special administrator.

9 "Representation; Per Capita at Each Generation." If an applicable
10 statute or a governing instrument requires property to be distributed
11 "by representation" or "per capita at each generation," the property
12 is divided into as many equal shares as there are: (1) surviving
13 descendants in the generation nearest to the designated ancestor
14 which contains one or more surviving descendants; and (2)
15 deceased descendants in the same generation who left surviving
16 descendants, if any. Each surviving descendant in the nearest
17 generation is allocated one share. The remaining shares, if any, are
18 combined and then divided in the same manner among the surviving
19 descendants of the deceased descendants, as if the surviving
20 descendants who were allocated a share and their surviving
21 descendants had predeceased the designated ancestor.

22 "Resident creditor" means a person domiciled in, or doing
23 business in this State, who is, or could be, a claimant against an
24 estate.

25 "Security" includes any note, stock, treasury stock, bond,
26 mortgage, financing statement, debenture, evidence of indebtedness,
27 certificate of interest or participation in an oil, gas, or mining title
28 or lease or in payments out of production under the title or lease,
29 collateral, trust certificate, transferable share, voting trust certificate
30 or, in general, any interest or instrument commonly known as a
31 security or as a security interest or any certificate of interest or
32 participation, any temporary or interim certificate, receipt or
33 certificate of deposit for, or any warrant or right to subscribe to or
34 purchase, any of the foregoing.

35 "Stepchild" means a child of the surviving, deceased, or former
36 spouse who is not a child of the decedent.

37 "Successor personal representative" means a personal
38 representative, other than a special administrator, who is appointed
39 to succeed a previously appointed personal representative.

40 "Successors" means those persons, other than creditors, who are
41 entitled to real and personal property of a decedent under a
42 decedent's will or the laws governing intestate succession.

43 "Testamentary trustee" means a trustee designated by will or
44 appointed to exercise a trust created by will.

45 "Testator" includes an individual and means male or female.

46 "Trust" includes any express trust, private or charitable, with
47 additions thereto, wherever and however created. It also includes a
48 trust created by judgment under which the trust is to be

1 administered in the manner of an express trust. "Trust" excludes
2 other constructive trusts, and it excludes resulting trusts,
3 guardianships, personal representatives, trust accounts created
4 under the "Multiple-party Deposit Account Act," P.L.1979, c.491
5 (C.17:16I-1 et seq.), gifts to minors under the "New Jersey Uniform
6 Gifts to Minors Act," P.L.1963, c.177 (C.46:38-13 et seq.), or the
7 "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et
8 seq., business trusts providing for certificates to be issued to
9 beneficiaries, common trusts, security arrangements, liquidation
10 trusts, and trusts for the primary purpose of paying debts, dividends,
11 interest, salaries, wages, profits, pensions or employee benefits of
12 any kind, and any arrangement under which a person is nominee or
13 escrowee for another.

14 "Trustee" includes an original, additional or successor trustee,
15 whether or not appointed or confirmed by court.

16 "Ward" means an individual for whom a guardian is appointed or
17 an individual under the protection of the court.

18 "Will" means the last will and testament of a testator or testatrix
19 and includes any codicil and any testamentary instrument that
20 merely appoints an executor, revokes or revises another will,
21 nominates a guardian, or expressly excludes or limits the right of a
22 person or class to succeed to property of the decedent passing by
23 intestate succession.

24 (cf: P.L.2013, c.103, s.21)

25
26 96. R.S.3B:12-28 is amended to read as follows:

27 3B:12-28. Return to competency; restoration of estate.

28 The Superior Court may, on summary action filed by the person
29 adjudicated incapacitated or the guardian, adjudicate that the
30 incapacitated person has returned to full or partial competency and
31 restore to that person his civil rights and estate as it exists at the
32 time of the return to competency if the court is satisfied that the
33 person has recovered his sound reason and is fit to govern himself
34 and manage his affairs, or, in the case of an incapacitated person
35 determined to be incapacitated by reason of chronic **【alcoholism】**
36 alcohol use disorder, that the person has reformed and become
37 habitually sober and has continued so for one year next preceding
38 the commencement of the action, and in the case of an incapacitated
39 person determined to be incapacitated by reason of chronic use of
40 drugs that the person has reformed and has not been a chronic user
41 of drugs for one year next preceding the commencement of the
42 action.

43 (cf: P.L.2005, c.304, s.16)

44
45 97. R.S.3B:12-39 is amended to read as follows:

46 3B:12-39. Delegation of parent's, custodian's, or guardian's
47 powers regarding child's or minor ward's care, custody or property;
48 limitations.

1 a. A parent, other than where sole or full legal and physical
2 custody of the parent's minor child has been awarded to another by
3 a court of competent jurisdiction, with the consent of the other
4 parent, unless the other parent is deceased, incapacitated, or
5 unavailable, or a custodian of a minor child who is not that child's
6 parent, with the consent of a parent with whom the custodian shares
7 legal custody, unless that parent is deceased, incapacitated, or
8 unavailable, or a guardian of a minor child or a minor ward may:

9 by a properly executed power of attorney, delegate to another
10 person any of the parent's, custodian's, or guardian's powers
11 regarding care, custody, or property of the minor child or minor
12 ward.

13 b. A delegation made under this section shall: (1) expire one
14 year from the effective date of the properly executed power of
15 attorney, provided, however, that the parent, custodian, or guardian
16 shall be permitted to renew the delegation for additional one-year
17 periods using the same process as applies to the original delegation,
18 and may be extended for an additional six months in exigent
19 circumstances; and

20 (2) may become effective upon proper execution of the power of
21 attorney or upon another activating event specified in a properly
22 executed power of attorney.

23 c. A parent, custodian, or guardian may revoke a delegation
24 made under this section by notifying the attorney-in-fact named in
25 the power of attorney orally, in writing, or by any other act
26 evidencing a specific intent to revoke the power of attorney.

27 d. A parent, custodian, or guardian may delegate under this
28 section only such powers as the parent, custodian, or guardian
29 possesses.

30 e. A delegation made under this section shall not deprive the
31 parent, custodian, or guardian of the parent's, custodian's, or
32 guardian's existing powers regarding care, custody, or property of
33 the minor child or minor ward, but the parent, custodian, or
34 guardian shall exercise such powers, insofar as the parent,
35 custodian, or guardian is able, concurrently with the attorney-in-fact
36 named in the power of attorney. In the event of a disagreement
37 between a parent, custodian, or guardian and the attorney-in-fact
38 regarding the care, custody, or property of the minor child or minor
39 ward, the decision of the parent, custodian, or guardian shall
40 control.

41 f. Nothing in this section shall be construed to involuntarily
42 deprive any parent of parental rights.

43 g. As used in this section:

44 "Activating event" means an event stated in the delegation that
45 empowers the attorney-in-fact to assume the duties of the office.
46 Activating events include, but are not limited to: the execution of a
47 power of attorney pursuant to this section; the parent's, custodian's,
48 or guardian's attending physician concludes that the parent,

1 custodian, or guardian is incapacitated; the parent's, custodian's, or
2 guardian's attending physician concludes that the parent, custodian,
3 or guardian is debilitated; the parent, custodian, or guardian is
4 subject to immigration administrative action; the parent, custodian,
5 or guardian is subject to criminal proceedings; the parent,
6 custodian, or guardian is in military service; or the death of the
7 parent, custodian, or guardian in circumstances in which no
8 testamentary guardianship or other more permanent care
9 arrangement has been made for the minor child or minor ward,
10 provided, however, that in no case shall a power of attorney
11 activated by the death of a parent, guardian, or custodian extend
12 beyond the year that the power of attorney is in effect.

13 "Attending physician" means the physician who has primary
14 responsibility for the treatment and care for the parent, custodian, or
15 guardian making the delegation. When more than one physician
16 shares this responsibility, or when a physician is acting on the
17 primary physician's behalf, any such physician may act as the
18 attending physician pursuant to this section. When no physician has
19 this responsibility, a physician who is familiar with the parent's,
20 custodian's, or legal guardian's medical condition may act as the
21 attending physician.

22 "Attorney-in-fact" means the person to whom a parent,
23 custodian, or guardian delegates powers under a properly executed
24 power of attorney pursuant to this section.

25 "Consent" means written consent of a non-delegating parent as
26 evidenced by that person's signature on the power of attorney, in the
27 presence of two witnesses.

28 "Criminal proceeding" means any incarceration on criminal
29 charges, including pending charges, or a criminal sentence that
30 separates a parent, custodian, or guardian from a minor child or
31 minor ward.

32 "Custodian" means a person, other than a parent, who has been
33 granted legal and physical custody of a minor child by a court of
34 competent jurisdiction.

35 "Debilitated" means the parent, custodian, or guardian has a
36 chronic and substantial inability, as a result of a physically
37 debilitating illness, disease, or injury, to care for the parent's,
38 custodian's, or guardian's minor child or minor ward.

39 "Exigent circumstances" means circumstances that render the
40 parent, custodian, or guardian who makes a delegation unable to
41 execute a renewal of the delegation for reasons including, but not
42 limited to, that the parent, custodian, or guardian is debilitated or
43 incapacitated, and that would cause imminent harm or threatened
44 harm to the well-being of the parent's, custodian's, or guardian's
45 minor child or minor ward without such renewal.

46 "Guardian" means a person who has qualified as a guardian of
47 the person of a minor pursuant to court appointment, including, but

1 not limited to, a kinship legal guardian, but does not mean a person
2 who is serving only as a guardian ad litem.

3 "Immigration administrative action" means any immigration
4 proceeding, enforcement action, detention, removal, or deportation
5 that separates a parent, custodian, or guardian from a minor child or
6 minor ward.

7 "Incapacitated" means the parent, custodian, or guardian is
8 impaired by reason of mental illness, intellectual disability, physical
9 illness or disability, chronic use of drugs, chronic **alcoholism**
10 alcohol use disorder, or other cause, except minority, to the extent
11 that the person lacks sufficient capacity to manage the affairs of and
12 provide care for the parent's, custodian's, or guardian's minor child
13 or minor ward, and a consequent inability to make these decisions.

14 "Military service" means duty by any person in the active
15 military service of the United States or the active military service of
16 the State, including in the National Guard or State Guard, that
17 separates a parent, custodian, or guardian from a minor child or
18 minor ward.

19 "Minor child" means a child under the age of 18 years but
20 excludes a child residing in a placement funded or approved by the
21 Division of Child Protection and Permanency in the Department of
22 Children and Families pursuant to either a voluntary placement
23 agreement or court order.

24 "Minor ward" means a minor child for whom a guardian is
25 appointed.

26 "Parent" means the biological or adoptive parent of a minor
27 child.

28 "Unavailable" means: a parent who has not been involved in
29 raising or financially supporting the child for two years or a third of
30 the life of the child, whichever is less, immediately preceding the
31 delegation made pursuant to this section; a parent whose identity or
32 whereabouts are unknown; or a parent who cannot be reached after
33 diligent efforts.

34 h. A delegation made under this section may, but need not, be
35 in the following form:

36 POWER OF ATTORNEY AND DELEGATION OF AUTHORITY
37 BY PARENT, CUSTODIAN, OR GUARDIAN CONCERNING
38 MINOR CHILD(REN) OR MINOR WARD(S) PURSUANT TO
39 N.J.S. 3B:12-39

40 This power of attorney is made between (name(s), of parent(s),
41 custodian(s), or guardian(s)), residing at (address(es) of parent(s),
42 custodian(s), or guardian(s)) and reachable at (telephone number(s)
43 of parent(s), custodian(s), or guardian(s)) and (name of alternative
44 caregiver), referred to here as "attorney-in-fact," residing at (home
45 address of alternative caregiver) and reachable at (telephone
46 number of alternative caregiver).

47 If a parent is signing, the other parent must generally also sign
48 below to show consent. Similarly, if a custodian who shares legal

1 custody with a parent is signing, the parent who shares legal
2 custody must generally also sign below to show consent. If such
3 parent does not sign below, please check off reason(s) to explain
4 why:

5 ☐ Such parent is deceased.

6 ☐ By order of a court of competent jurisdiction, such parent
7 retains neither legal nor physical custody of child(ren).

8 ☐ Such parent is mentally or physically unable to give consent.

9 ☐ Such parent has not been involved in raising or financially
10 supporting child(ren) for two years or a third of the life of the
11 child(ren), whichever is less, immediately preceding the date of the
12 latest signature below.

13 ☐ Identity or whereabouts of such parent are unknown to me.

14 ☐ Despite diligent efforts described below, I was unable to reach
15 such parent.

16 Diligent efforts included:

17 _____
18 _____
19 _____
20 _____
21 _____
22 _____

23 ☐ Other: _____
24 _____
25 _____
26 _____
27 _____

28 I/we appoint said attorney-in-fact, pursuant to N.J.S.3B:12-39, and
29 delegate to said attorney-in-fact the following powers, all of which
30 I/we possess, concerning the care, custody, and/or property of
31 my/our minor child/minor ward, (name of minor child/minor ward),
32 born on _____ day of _____, 20____ (add other minor children's or
33 minor wards' names and birthdates as appropriate)

34 ☐ Care-Giving. The attorney-in-fact shall have temporary care-
35 giving authority for the minor child(ren)/minor ward(s), until such
36 time as the minor child(ren)/minor ward(s) is/are returned to my/our
37 physical custody, or his/her/their custody status is altered by a
38 federal, state, or local agency; or changed by a court of law.

39 ☐ Well-Being. The attorney-in-fact shall have the power to
40 provide for the physical and mental well-being of the minor
41 child(ren)/minor ward(s), including, but not limited to, providing
42 food and shelter.

43 ☐ Education. The attorney-in-fact shall have the authority to
44 enroll the minor child(ren)/minor ward(s) in the appropriate
45 educational institutions; obtain access to his/her/their school
46 records; authorize his/her/their participation in school activities; and
47 make any and all decisions related to his/her/their education,
48 including, but not limited to, those related to special education.

1 ___Health Care. The attorney-in-fact shall have the authority, to the
2 same extent that a parent/custodian/guardian would have the
3 authority, to make medical, dental, and mental health decisions; to
4 sign documents, waivers, and releases required by a hospital or
5 physician; to access medical, dental, or mental health records
6 concerning the minor child(ren)/minor ward(s); to authorize the
7 minor child(ren)/ minor ward(s)' admission to or discharge from
8 any hospital or medical care facility; to consult with any health care
9 provider; to consent to the provision, withholding, modification, or
10 withdrawal of any health care procedure; and to make other
11 decisions related to the health care needs of the minor
12 child(ren)/minor ward(s).

13 ___Travel. The attorney-in-fact shall have the authority to make
14 travel arrangements on behalf of the minor child(ren)/ minor
15 ward(s) for destinations both inside and outside of the United States
16 by air and/or ground transportation; to accompany the minor
17 child(ren)/minor ward(s) on any such trips; and to make any and all
18 related arrangements on behalf of the minor child(ren)/minor
19 ward(s), including, but not limited to, hotel accommodations.

20 ___Financial Interests. The attorney-in-fact may handle any and
21 all financial affairs and any and all personal and legal matters
22 concerning the minor child(ren)/minor ward(s).

23 ___All Other Powers. The attorney-in-fact shall have the authority
24 to handle and engage in any and all other matters relating to the
25 care, custody, and property of the minor child(ren)/minor ward(s)
26 which are permitted pursuant to applicable State law.

27 By this delegation, I/we provide that the attorney-in-fact's
28 authority shall take effect upon the following "activating event(s)"
29 (check all that apply):

30 ___The execution of this document on the latest date below; or

31 ___My attending physician concludes that I am incapacitated, and
32 thus unable to care for my minor child(ren)/minor ward(s); or

33 ___My attending physician concludes that I am physically
34 debilitated, and thus unable to care for my minor child(ren)/minor
35 ward(s); or

36 ___I am detained in immigration detention, removed, or deported;
37 or

38 ___I am incarcerated based on criminal charges, including pending
39 charges, or conviction; or

40 ___I am deployed in military service; or

41 ___Upon my death, if I have made no more permanent care
42 arrangements for my minor child or minor ward; or

43 ___Other (specify reason).

44 In the event that the person designated above is unable or unwilling
45 to act as attorney-in-fact to my minor child(ren)/minor ward(s), I
46 hereby name (name, address, and telephone number of alternate
47 attorney-in-fact), as alternate attorney-in-fact of my minor
48 child(ren)/minor ward(s).

1 I/we understand that this delegation will expire one year from the
2 execution of this document on the latest date below, and that the
3 authority of the attorney-in-fact, if any, will cease, unless by that
4 date (i) I renew this delegation, by the same process applicable to
5 the original delegation; (ii) a court of competent jurisdiction
6 appoints a custodian, guardian, or standby guardian for the minor
7 child(ren)/minor ward(s); or (iii) exigent circumstances make it
8 impossible for me to renew this delegation, and I have not made
9 alternative care arrangements for my minor child(ren)/minor
10 ward(s).

11 I/we hereby authorize that the attorney-in-fact as set forth above
12 shall be provided with a copy of my/our attending physician's
13 statement(s), if applicable.

14 In the event that an activating event occurs and a power of attorney
15 is activated pursuant to this statement, I declare that it is my
16 intention to retain full parental rights to the extent consistent with
17 my condition and circumstances and, further, that I retain the
18 authority to revoke the power of attorney consistent with my rights
19 herein at any time.

20 Parent's/Custodian's/Guardian's Signature:

21 Date:

22 Signature of other parent or of parent who shares legal custody with
23 a custodian who signed above:

24 Date:

25 Witness's Signature:

26 Address:

27 Date:

28 Witness's Signature:

29 Address:

30 Date:

31 (cf: P.L.2021, c.192, s.1)

32

33 98. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
34 as follows:

35 3. As used in P.L.1995, c.76 (C.3B:12-67 et seq.):

36 "Activating event" means an event stated in the petition or decree
37 that empowers the standby guardian to assume the duties of the
38 office. Activating events include, but are not limited to: the
39 appointment of a standby guardian by a court of competent
40 jurisdiction; the parent's, custodian's, or guardian's attending
41 physician concludes that the parent, custodian, or guardian is
42 incapacitated; the parent's, custodian's, or guardian's attending
43 physician concludes that the parent, custodian, or guardian is
44 debilitated; the parent, custodian, or guardian is subject to
45 immigration administrative action; the parent, custodian, or
46 guardian is subject to criminal proceedings; the parent, custodian,
47 or guardian is in military service; or the death of the parent,
48 custodian, or guardian in circumstances in which no testamentary

1 guardianship or other more permanent care arrangement has been
2 made for the minor child or minor ward; provided, however, that in
3 no case shall a power of attorney triggered by the death of a parent,
4 guardian, or custodian extend beyond the year that the power of
5 attorney is in effect.

6 "Appointed standby guardian" means a person appointed
7 pursuant to section 6 of P.L.1995, c.76 (C.3B:12-72) to assume the
8 duties of guardian over the person and, when applicable, the
9 property of a minor child or minor ward upon an activating event.

10 "Attending physician" means the physician who has primary
11 responsibility for the treatment and care for the petitioning parent,
12 custodian, or guardian. When more than one physician shares this
13 responsibility, or when a physician is acting on the primary
14 physician's behalf, any such physician may act as the attending
15 physician pursuant to this act. When no physician has this
16 responsibility, a physician who is familiar with the petitioner's
17 medical condition may act as the attending physician pursuant to
18 P.L.1995, c.76 (C.3B:12-67 et seq.).

19 "Criminal proceeding" means any incarceration on criminal
20 charges, including pending charges, or a criminal sentence that
21 separates a parent, custodian, or guardian from a minor child or
22 minor ward.

23 "Custodian" means a person, other than a parent, who has been
24 granted legal and physical custody of a minor child by a court of
25 competent jurisdiction.

26 "Debilitated" means the parent, custodian, or guardian has a
27 chronic and substantial inability, as a result of a physically
28 debilitating illness, disease, or injury, to care for the parent's,
29 custodian's, or guardian's minor child or minor ward.

30 "Guardian" means a person who has qualified as a guardian of
31 the person of a minor pursuant to court appointment, including, but
32 not limited to, a kinship legal guardian, but does not mean a person
33 who is serving only as a guardian ad litem.

34 "Immigration administrative action" means any immigration
35 proceeding, enforcement action, detention, removal, or deportation
36 that separates a parent, custodian, or guardian from a minor child or
37 ward.

38 "Incapacitated" means the parent, custodian, or guardian is
39 impaired by reason of mental illness, intellectual disability, physical
40 illness or disability, chronic use of drugs, chronic **[alcoholism]**
41 alcohol use disorder, or other cause, except minority, to the extent
42 that the person lacks sufficient capacity to manage the affairs of and
43 provide care for the parent's, custodian's, or guardian's minor child
44 or minor ward.

45 "Military service" means duty by any person in the active
46 military service of the United States or the active military service of
47 the State, including in the National Guard or State Guard, that

1 separates a parent, custodian, or guardian from a minor child or
2 minor ward.

3 "Minor child" means a child under the age of 18 years but
4 excludes a child residing in a placement funded or approved by the
5 Division of Child Protection and Permanency in the Department of
6 Children and Families pursuant to either a voluntary placement
7 agreement or court order.

8 "Minor ward" means a minor for whom a guardian is appointed.
9 (cf: P.L.2021, c.192, s.3)

10

11 99. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to read
12 as follows:

13 3. a. No person shall operate a vessel on the waters of this State
14 while under the influence of intoxicating liquor, a narcotic,
15 hallucinogenic, or habit-producing drug or with a blood alcohol
16 concentration of 0.08% or more by weight of alcohol. No person
17 shall permit another who is under the influence of intoxicating
18 liquor, a narcotic, hallucinogenic or habit-producing drug, or who
19 has a blood alcohol concentration of 0.08% by weight of alcohol, to
20 operate any vessel owned by the person or in his custody or control.

21 As used in this section, "vessel" means a power vessel as defined
22 by section 2 of P.L.1995, c.401 (C.12:7-71) or a vessel which is 12
23 feet or greater in length.

24 A person who violates this section shall be subject to the
25 following:

26 (1) For a first offense:

27 (i) if the person's blood alcohol concentration is 0.08% or
28 higher but less than 0.10%, or the person operates a vessel while
29 under the influence of intoxicating liquor, or the person permits
30 another person who is under the influence of intoxicating liquor to
31 operate a vessel owned by him or in his custody or control or
32 permits another person with a blood alcohol concentration of 0.08%
33 or higher but less than 0.10% to operate a vessel, to a fine of not
34 less than \$250 nor more than \$400; and to the revocation of the
35 privilege to operate a vessel on the waters of this State for a period
36 of one year from the date of conviction and to the forfeiting of the
37 privilege to operate a motor vehicle over the highways of this State
38 for a period of three months;

39 (ii) if the person's blood alcohol concentration is 0.10% or
40 higher, or the person operates a vessel while under the influence of
41 a narcotic, hallucinogenic or habit-producing drug, or the person
42 permits another person who is under the influence of a narcotic,
43 hallucinogenic or habit-producing drug to operate a vessel owned
44 by him or in his custody or control, or permits another person with a
45 blood alcohol concentration of 0.10% or more to operate a vessel, to
46 a fine of not less than \$300 nor more than \$500; and to the
47 revocation of the privilege to operate a vessel on the waters of this
48 State for a period of one year from the date of conviction and to the

1 forfeiting of the privilege to operate a motor vehicle over the
2 highways of this State for a period of not less than seven months
3 nor more than one year.

4 (2) For a second offense, to a fine of not less than \$500 nor
5 more than \$1,000; to the performance of community service for a
6 period of 30 days, in the form and on the terms as the court deems
7 appropriate under the circumstances; and to imprisonment for a
8 term of not less than 48 hours nor more than 90 days, which shall
9 not be suspended or served on probation; and to the revocation of
10 the privilege to operate a vessel on the waters of this State for a
11 period of two years after the date of conviction and to the forfeiting
12 of the privilege to operate a motor vehicle over the highways of this
13 State for a period of two years.

14 (3) For a third or subsequent offense, to a fine of \$1,000; to
15 imprisonment for a term of not less than 180 days, except that the
16 court may lower this term for each day not exceeding 90 days
17 during which the person performs community service, in the form
18 and on the terms as the court deems appropriate under the
19 circumstances; and to the revocation of the privilege to operate a
20 vessel on the waters of this State for a period of 10 years from the
21 date of conviction and to the forfeiting of the privilege to operate a
22 motor vehicle over the highways of this State for a period of 10
23 years.

24 Upon conviction of a violation of this section, the court shall
25 collect forthwith the New Jersey driver's license or licenses of the
26 person so convicted and forward such license or licenses to the
27 Chief Administrator of the New Jersey Motor Vehicle Commission.
28 In the event that a person convicted under this section is the holder
29 of any out-of-State motor vehicle driver's or vessel operator's
30 license, the court shall not collect the license but shall notify
31 forthwith the Chief Administrator of the New Jersey Motor Vehicle
32 Commission, who shall, in turn, notify appropriate officials in the
33 licensing jurisdiction. The court shall, however, revoke the
34 nonresident's driving privilege to operate a motor vehicle and the
35 nonresident's privilege to operate a vessel in this State.

36 b. A person who has been convicted of a previous violation of
37 this section need not be charged as a second or subsequent offender
38 in the complaint made against him in order to render him liable to
39 the punishment imposed by this section against a second or
40 subsequent offender. If a second offense occurs more than 10 years
41 after the first offense, the court shall treat a second conviction as a
42 first offense for sentencing purposes and, if a third offense occurs
43 more than 10 years after the second offense, the court shall treat a
44 third conviction as a second offense for sentencing purposes.

45 c. If a court imposes a term of imprisonment under this section,
46 the person may be sentenced to the county jail, to the workhouse of
47 the county where the offense was committed, or to an inpatient
48 rehabilitation program approved by the Chief Administrator of the

1 New Jersey Motor Vehicle Commission and the Director of the
2 Division of **【Alcoholism and Drug Abuse】** Alcohol Use Disorder
3 and Substance Use Disorder in the Department of Health **【and**
4 **Senior Services】**.

5 d. In the case of any person who at the time of the imposition
6 of sentence is less than 17 years of age, the period of the suspension
7 of driving privileges authorized herein, including a suspension of
8 the privilege of operating a motorized bicycle, shall commence on
9 the day the sentence is imposed and shall run for a period as fixed
10 by the court of not less than three months after the day the person
11 reaches the age of 17 years. If the driving or vessel operating
12 privilege of any person is under revocation, suspension, or
13 postponement for a violation of any provision of this title or Title
14 39 of the Revised Statutes at the time of any conviction of any
15 offense defined in this section, the revocation, suspension, or
16 postponement period imposed herein shall commence as of the date
17 of termination of the existing revocation, suspension or
18 postponement. A second offense shall result in the suspension or
19 postponement of the person's privilege to operate a motor vehicle
20 for six months. A third or subsequent offense shall result in the
21 suspension or postponement of the person's privilege to operate a
22 motor vehicle for two years. The court before whom any person is
23 convicted of or adjudicated delinquent for a violation shall collect
24 forthwith the New Jersey driver's license or licenses of the person
25 and forward such license or licenses to the Chief Administrator of
26 the New Jersey Motor Vehicle Commission along with a report
27 indicating the first and last day of the suspension or postponement
28 period imposed by the court pursuant to this section. If the court is
29 for any reason unable to collect the license or licenses of the person,
30 the court shall cause a report of the conviction or adjudication of
31 delinquency to be filed with the chief administrator. That report
32 shall include the complete name, address, date of birth, eye color,
33 and sex of the person and shall indicate the first and last day of the
34 suspension or postponement period imposed by the court pursuant
35 to this section. The court shall inform the person orally and in
36 writing that if the person is convicted of personally operating a
37 motor vehicle or a vessel during the period of license suspension or
38 postponement imposed pursuant to this section, the person shall,
39 upon conviction, be subject to the penalties set forth in R.S.39:3-40
40 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is
41 appropriate. A person shall be required to acknowledge receipt of
42 the written notice in writing. Failure to receive a written notice or
43 failure to acknowledge in writing the receipt of a written notice
44 shall not be a defense to a subsequent charge of a violation of
45 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the
46 person is the holder of a driver's or vessel operator's license from
47 another jurisdiction, the court shall not collect the license but shall
48 notify forthwith the chief administrator who shall notify the

1 appropriate officials in the licensing jurisdiction. The court shall,
2 however, in accordance with the provisions of this section, revoke
3 the person's non-resident driving or vessel operating privilege,
4 whichever is appropriate, in this State.

5 e. In addition to any other requirements provided by law, a
6 person convicted under this section shall satisfy the screening,
7 evaluation, referral program and fee requirements of the Division of
8 **【Alcoholism's】** Alcohol Use Disorder's Intoxicated Driving
9 Programs Unit. A fee of \$80 shall be payable to the Alcohol
10 Education, Rehabilitation and Enforcement Fund established under
11 section 3 of P.L.1983, c.531 (C.26:2B-32), by the convicted person
12 in order to defray the costs of the screening, evaluation and referral
13 by the Intoxicated Driving Programs Unit. Failure to satisfy this
14 requirement shall result in the immediate forfeiture of the privilege
15 to operate a vessel on the waters of this State or the continuation of
16 revocation until the requirements are satisfied.

17 f. In addition to any other requirements provided by law, a
18 person convicted under this section shall be required after
19 conviction to complete a boat safety course from the list approved
20 by the Superintendent of State Police pursuant to section 1 of
21 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the
22 restoration of the privilege to operate a vessel which may have been
23 revoked or suspended for a violation of the provisions of this
24 section. Failure to satisfy this requirement shall result in the
25 immediate revocation of the privilege to operate a vessel on the
26 waters of this State, or the continuation of revocation until the
27 requirements of this subsection are satisfied.

28 (cf: P.L.2004, c.80, s.1)

29
30 100. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to read
31 as follows:

32 9. a. A court shall revoke the privilege of a person to operate a
33 power vessel or a vessel which is 12 feet or greater in length, if
34 after being arrested for a violation of section 3 of P.L.1952, c.157
35 (C.12:7-46), the person refuses to submit to the chemical test
36 provided for in section 7 of P.L.1986, c.39 (C.12:7-55) when
37 requested to do so. The revocation shall be for one year unless the
38 refusal was in connection with a second offense under section 3 of
39 P.L.1952, c.157 (C.12:7-46), in which case the revocation period
40 shall be for two years. If the refusal was in connection with a third
41 or subsequent offense under section 3 of P.L.1952, c.157 (C.12:7-
42 46), the revocation shall be for 10 years. The court also shall
43 revoke the privilege of a person to operate a motor vehicle over the
44 highways of this State for a period of: not less than seven months
45 or more than one year for a first offense; two years for a second
46 offense; and 10 years for a third or subsequent offense. The court
47 shall also fine a person convicted under this section: not less than
48 \$300 nor more than \$500 for a first offense; not less than \$500 or

1 more than \$1,000 for a second offense; and \$1,000 for a third or
2 subsequent offense.

3 b. The court shall determine by a preponderance of the
4 evidence whether the arresting officer had probable cause to believe
5 that the person had been operating or was in actual physical control
6 of the vessel while under the influence of intoxicating liquor, or a
7 narcotic, hallucinogenic or habit-producing drug, whether the
8 person was placed under arrest, and whether the person refused to
9 submit to the test upon request of the officer. If these elements of
10 the violation are not established, no conviction shall issue.

11 c. In addition to any other requirements provided by law, a
12 person whose privilege to operate a vessel is revoked for refusing to
13 submit to a chemical test shall satisfy the screening, evaluation,
14 referral and program requirements of the Bureau of Alcohol
15 Countermeasures in the Division of **Alcoholism** Alcohol Use
16 Disorder in the Department of Health **and Senior Services**. A fee
17 of \$40 shall be payable to the Alcohol Education, Rehabilitation
18 and Enforcement Fund established under section 3 of P.L.1983,
19 c.531 (C.26:2B-32), by the convicted person in order to defray the
20 costs of the screening, evaluation and referral by the Bureau of
21 Alcohol Countermeasures and the cost of an education or
22 rehabilitation program. Failure to satisfy this requirement shall
23 result in the immediate revocation of the privilege to operate a
24 vessel on the waters of this State or the continuation of revocation
25 until the requirements are satisfied. The revocation for a first
26 offense may be concurrent with or consecutive to a revocation
27 imposed for a conviction under the provisions of section 3 of
28 P.L.1952, c.157 (C.12:7-46) arising out of the same incident; the
29 revocation for a second or subsequent offense shall be consecutive
30 to a revocation imposed for a conviction under the provisions of
31 section 3 of P.L.1952, c.157 (C.12:7-46).

32 d. In addition to any other requirements provided by law, a
33 person convicted under this section shall be required after
34 conviction to complete a boat safety course from the list approved
35 by the Superintendent of State Police pursuant to section 1 of
36 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the
37 restoration of the privilege to operate a vessel which may have been
38 revoked or suspended for a violation of the provisions of this
39 section. Failure to satisfy this requirement shall result in the
40 immediate revocation of the privilege to operate a vessel on the
41 waters of this State, or the continuation of revocation until the
42 requirements of this subsection are satisfied.

43 (cf: P.L.2004, c.80, s.4)

44

45 101. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to
46 read as follows:

1 2. The following words as used in P.L.1975, c.305 (C.26:2B-7
2 et seq.) shall, unless the context requires otherwise, have the
3 following meanings:
4 "Administrator" means the person in charge of the operation of a
5 facility, or his designee.
6 "Admitted" means accepted for treatment at a facility.
7 **["Alcoholic" means a person with an alcohol use disorder, as**
8 **defined in this section.]**
9 "Authorized persons" means persons who serve as volunteer first
10 aid or ambulance squad members, para-professional medical
11 personnel, and rehabilitated persons with alcohol use disorder.
12 "Commissioner" means the Commissioner of Health.
13 "Department" means the Department of Health.
14 "Director" means the Director of the Division of **【Alcoholism】**
15 Alcohol Use Disorder.
16 "Division" means the Division of **【Alcoholism】** Alcohol Use
17 Disorder.
18 "Facility" means any public, private place, or portion thereof
19 providing services especially designed for the treatment of
20 intoxicated persons or persons with alcohol use disorder; including,
21 but not limited to intoxication treatment centers, inpatient treatment
22 facilities, outpatient facilities, and residential aftercare facilities.
23 "Incapacitated" means the condition of a person who is: a. as a
24 result of the use of alcohol, unconscious or has judgment so
25 impaired that the person is incapable of realizing and making a
26 rational decision with respect to the person's need for treatment, b.
27 in need of substantial medical attention, or c. likely to suffer
28 substantial physical harm.
29 "Independent physician" means a physician other than one
30 holding an office or appointment in any department, board or
31 agency of the State or in any public facility.
32 "Intoxicated person" means a person whose mental or physical
33 functioning is substantially impaired as a result of the use of
34 alcoholic beverages.
35 "Patient" means any person admitted to a facility.
36 "Person with **【an】** alcohol use disorder" means any person who
37 chronically, habitually, or periodically consumes alcoholic
38 beverages to the extent that: a. such use substantially injures the
39 person's health or substantially interferes with the person's social or
40 economic functioning in the community on a continuing basis, or b.
41 the person has lost the power of self-control with respect to the use
42 of such beverages.
43 "Private facility" means a facility other than one operated by the
44 federal government, the State of New Jersey, or any political
45 subdivision thereof.
46 "Public facility" means a facility operated by the State of New
47 Jersey or any political subdivision thereof.

1 "Treatment" means services and programs for the care or
2 rehabilitation of intoxicated persons and persons with alcohol use
3 disorder, including, but not limited to, medical, psychiatric,
4 psychological, vocational, educational, recreational, and social
5 services and programs.

6 (cf: P.L.2017, c.131, s.70)

7
8 102. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to
9 read as follows:

10 3. There is hereby established in the Department of Health a
11 Division of **Alcoholism** Alcohol Use Disorder under the direction
12 of a division director. The director shall be an individual with
13 training and experience in such areas as public administration or
14 public health or rehabilitation and training in the social sciences or
15 a qualified professional with training or experience in the treatment
16 of behavioral disorders or medical-social problems, or in the
17 organization or administration of treatment services for persons
18 with behavioral disorders or medical-social problems.

19 There shall be an assistant to the director, who shall have
20 experience in the field of alcohol use disorder.

21 The director and the director's assistant shall be appointed by the
22 commissioner, with the consent of the public health council.

23 The commissioner shall appoint and may remove such officers
24 and employees of the division as the commissioner may deem
25 necessary. There shall be an administrator of each facility operated
26 by the department pursuant to this act. Each such administrator
27 shall be a person qualified by training and experience to operate a
28 facility for the treatment of persons with alcohol use disorder or
29 intoxicated persons. The commissioner may establish such other
30 positions in the division and employ such consultants as the
31 commissioner may deem appropriate. Except as otherwise provided
32 by law, all offices and positions in the division shall be subject to
33 the provisions of Title 11A, Civil Service; provided, however, that
34 the provisions of said title shall not apply to the director,
35 physicians, and psychiatrists who have full medical-psychiatric, as
36 opposed to administrative, responsibility; and provided, further, and
37 notwithstanding the preceding proviso or any other provision of
38 law, that all offices and positions, which as a condition of receiving
39 federal grants for programs and activities to which federal standards
40 for a merit system of personnel administration relate and make
41 necessary the application of provisions of the Civil Service law,
42 shall be subject to the provisions of Title 11A, Civil Service, if such
43 federal standards are uniform in all states.

44 (cf: P.L.2017, c.131, s.71)

45
46 103. Section 2 of P.L.1984, c.243 (C.26:2B-9.1) is amended to
47 read as follows:

1 2. The Bureau of Alcohol Countermeasures in the Division of
2 Motor Vehicles in the Department of Law and Public Safety is
3 transferred to the Division of **【Alcoholism】** Alcohol Use Disorder
4 in the Department of Health, pursuant to the provisions of the "State
5 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).
6 (cf: P.L.1984, c.243, s.2)
7

8 104. Section 2 of P.L.2001, c.48 (C.26:2B-9.2) is amended to
9 read as follows:

10 2. a. There is created within the Department of Health **【and**
11 **Senior Services】** a special nonlapsing revolving fund to be known
12 as the "Alcohol Treatment Programs Fund." The fund shall consist
13 of such monies as are deposited pursuant to section 12 of P.L.1994,
14 c.57 (C.34:1B-21.12), any other monies as may be appropriated to
15 the fund by the Legislature or otherwise provided to the fund, and
16 interest or other income derived from the investment of monies in
17 the fund.

18 b. Except as provided in subsection c. of this section, monies in
19 the fund shall be used exclusively for making grants, approved by
20 the Director of the Division of Addiction Services in the
21 Department of Health **【and Senior Services】**, to programs that
22 provide treatment for **【alcoholism,】** alcohol **【abuse】** use disorder
23 and other conditions related to the excessive consumption of
24 alcoholic beverages among persons convicted of violating the
25 State's drunk driving laws and others.

26 c. An amount not to exceed \$150,000 in Fiscal Year 2002 and
27 five percent of the total annual revenue allocated to the fund in each
28 fiscal year thereafter may be expended from the fund to defray
29 actual expenses incurred by the department in the administration of
30 the fund subject to approval by the Director of the Division of
31 Budget and Accounting.
32 (cf: P.L.2001, c.48, s.2)
33

34 105. Section 8 of P.L.1975, c.305 (C.26:2B-14) is amended to
35 read as follows:

36 8. The department shall issue for a term of 2 years, and may
37 renew for like terms, a license, subject to revocation by it for cause,
38 to any person, partnership, corporation, society, association or other
39 agency or entity of any kind, other than a licensed general hospital,
40 a department, agency, or institution of the Federal Government, the
41 State or any political subdivision thereof, deemed by it to be
42 responsible and suitable to establish and maintain a facility and to
43 meet applicable licensure standards and requirements. In the case
44 of a department, agency or institution of the State or any political
45 subdivision thereof, the department shall grant approval to establish
46 and maintain a facility for a term of 2 years, and may renew such
47 approval for like terms, subject to revocation by it for cause.

1 The department shall in the cases of public facilities, private
2 facilities which contract on a fee-for-service basis with the State,
3 and private facilities which accept for treatment persons assisted
4 pursuant to section 10, promulgate rules and regulations
5 establishing licensure and approval standards and requirements
6 including, but not limited to:

- 7 a. the need for a facility in the community;
- 8 b. the financial and other qualifications of the applicant;
- 9 c. the proper operation of facilities;
- 10 d. the health and safety standards to be met by a facility;
- 11 e. the quality and nature of the treatment to be afforded patients
12 at a facility;
- 13 f. licensing fees, and procedures for making and approving
14 license and approval applications.

15 In the case of private facilities that neither contract on a fee-for-
16 service basis with the State nor accept for treatment persons assisted
17 by police officers pursuant to section 10, the department shall
18 promulgate rules and regulations establishing licensure standards
19 and requirements but such standards and requirements shall concern
20 only:

- 21 a. the health and safety standards to be met by a facility;
- 22 b. misrepresentations as to the treatment to be afforded patients
23 at a facility;
- 24 c. licensing fees, and
- 25 d. procedures for making and approving license applications.

26 All facilities shall be individually licensed or approved.
27 Different kinds of licenses or approvals may be granted for different
28 kinds of facilities.

29 Each facility shall file with the department from time to time, on
30 request, such data, statistics, schedules or information as the
31 department may reasonably require for the purposes of this section,
32 and any licensee or other person operating a private facility who
33 fails to furnish any such data, statistics, schedules or information as
34 requested, or who files fraudulent returns thereof, shall be punished
35 by a fine of not more than \$500.00.

36 The department, after holding a hearing, may refuse to grant,
37 suspend, revoke, limit or restrict the applicability of or refuse to
38 renew any license or approval for any failure to meet the
39 requirements of its rules and regulations or standards concerning
40 such facilities. However, in the case of private facilities which
41 neither contract on a fee-for-service basis with the State nor accept
42 for treatment persons assisted by police officers pursuant to section
43 10, the department, after holding a hearing may refuse to grant,
44 suspend, revoke, limit or restrict the applicability of or refuse to
45 renew any license for the following reasons only:

- 46 a. for failure to meet the requirements of its rules and
47 regulations concerning the health and safety standards of such
48 facilities or

1 b. if there is a reasonable basis for the department to conclude
2 that there is a discrepancy between representations by a facility as
3 to the treatment services to be afforded patients and the treatment
4 services actually rendered or to be rendered.

5 The department may temporarily suspend a license or approval in
6 an emergency without holding a prior hearing; provided, however,
7 that upon request of an aggrieved party, a hearing shall be held as
8 soon after the license or approval is suspended as possible. Any
9 party aggrieved by a final decision of the department pursuant to
10 this section may petition for judicial review thereof.

11 No person, partnership, corporation, society, association, or other
12 agency or entity of any kind, other than a licensed general hospital,
13 a department, agency or institution of the Federal Government, the
14 State or any political subdivision thereof, shall operate a facility
15 without a license and no department, agency or institution of the
16 State or any political subdivision thereof shall operate a facility
17 without approval from the department pursuant to this section. The
18 Superior Court shall have jurisdiction in equity upon petition of the
19 department to restrain any violation of the provisions of this section
20 and to take such other action as equity and justice may require to
21 enforce its provisions. Whoever knowingly establishes or maintains
22 a private facility without a license granted pursuant to this section
23 shall, for a first offense, be punished by a fine of not more than
24 \$500.00 and for each subsequent offense by a fine of not more than
25 \$1,000.00 or imprisonment for not more than **[2]** two years, or
26 both.

27 Each facility shall be subject to visitation and inspection by the
28 department and the department shall inspect each facility prior to
29 granting or renewing a license or approval. The department may
30 examine the books and accounts of any facility if it deems such
31 examination necessary for the purposes of this section. The
32 department is hereby authorized to make a complaint to a judge of
33 any court of record, who may thereupon issue a warrant to any
34 officers or employees of the department authorizing them to enter
35 and inspect at reasonable times, and to examine the books and
36 accounts of, any private facility refusing to consent to such
37 inspection or examination by the department which the department
38 has reason to believe is operating in violation of the provisions of
39 this act. Refusal by the operator or owner to allow such entry and
40 inspection pursuant to such a warrant shall for a first offense be
41 punishable by a fine of not more than \$100.00 and for each
42 subsequent offense by a fine of not more than \$1,000.00 or
43 imprisonment for not more than **[2]** two years, or both.

44 The director may require public facilities, private facilities which
45 contract on a fee-for-service basis with the State, and private
46 facilities which accept for treatment persons assisted pursuant to
47 section 10 to admit as an inpatient or outpatient any person to be
48 afforded treatment pursuant to this act. The department shall

1 promulgate rules and regulations governing the extent to which the
2 department may require other private facilities to admit as an
3 inpatient or outpatient any person to be afforded treatment pursuant
4 to this act; provided, however, that no licensed general hospital
5 shall refuse treatment for intoxication or **alcoholism** alcohol use
6 disorder.

7 (cf: P.L.1975, c.305, s.8)

8
9 106. Section 22 of P.L.1975, c.305 (C.26:2B-28) is amended to
10 read as follows:

11 22. All books, papers, records, documents, and equipment in the
12 custody of or maintained for the use of the Department of Health
13 pursuant to sections 1 through 5, inclusive, of P.L.1948, c.453 are
14 hereby transferred to the custody and control of the division
15 created by this act.

16 All moneys heretofore appropriated for the Department of Health
17 for activities authorized by said sections 1 through 5, inclusive, of
18 P.L.1948, c. 453 and remaining unexpended on the effective date of
19 this act are hereby transferred to, and shall remain immediately
20 available for expenditure by, the division created by this act.

21 All duly existing contracts, leases, and obligations of the
22 Department of Health entered into pursuant to said sections 1
23 through 5, inclusive, of P.L.1948, c. 453 shall remain in effect and
24 shall be performed by the division created by this act. This act shall
25 not affect any renewal provisions or option to renew contained in
26 any such lease in existence on the effective date of this act.
27 Without limiting the generality of the foregoing, all approvals of
28 plans, projects, and Federal and State financial aid applications
29 heretofore granted shall remain in full force and effect; provided,
30 however, that nothing in this section shall prevent said division
31 from withdrawing such approval if such action is otherwise in
32 accordance with law.

33 All gifts and special grants made to the Department of Health
34 under sections 1 through 5 of P.L.1948, c. 453 and remaining
35 unexpended on the effective date of this act shall be available for
36 expenditure by the division created by this act in accordance with
37 the conditions of the gift or grant without specific appropriation.

38 All hospital and clinic facilities established pursuant to section 3
39 of P.L.1948, c. 453 shall remain subject to the control and
40 supervision of the department.

41 All officers and employees of the Department of Health engaged
42 in activities authorized by sections 1 through 5, inclusive, of
43 P.L.1948, c. 453 who immediately prior to the effective date of this
44 act hold permanent appointment in positions classified under Title
45 11 of the Revised Statutes, or have tenure in their positions by
46 reason of law are hereby transferred to the Division of
47 **Alcoholism** Alcohol Use Disorder created by this act, every such
48 transfer to be without impairment of civil service status, seniority,

1 retirement, and other rights of the employee, without interruption
2 of service, and without reduction in compensation and salary grade,
3 notwithstanding any change in his title or duties made as a result of
4 such transfer; subject, however, to the provisions of Title 11, and
5 the rules and regulations established thereunder. All such officers
6 and employees who immediately prior to the effective date do not
7 hold permanent appointment in such positions, or do not hold such
8 tenure, are hereby transferred to the Division of **【Alcoholism】**
9 Alcohol Use Disorder created by this act without impairment of
10 seniority, retirement and other rights, without interruption of
11 service, and without reduction in compensation and salary grade.
12 Nothing in this section shall be construed to confer upon an officer
13 or employee any rights not held prior to the transfer or to prohibit
14 any subsequent reduction in compensation or salary grade not
15 prohibited prior to the transfer.

16 (cf: P.L.1975, c.305, s.22)

17
18 107. Section 26 of P.L.1975, c.305 (C.26:2B-31) is amended to
19 read as follows:

20 26. This act shall be known and may be cited as the
21 "**【Alcoholism】** Alcohol Use Disorder Treatment and Rehabilitation
22 Act."

23 (cf: P.L.1975, c.305, s.26)

24
25 108. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to
26 read as follows:

27 4. a. The governing body of each county, in conjunction with the
28 county agency or individual designated by the county with the
29 responsibility for planning services and programs for the care or
30 rehabilitation of persons with alcohol use disorder and persons with
31 a substance use disorder involving drugs, shall submit to the Deputy
32 Commissioner for the Division of Mental Health and Addiction
33 Services and the Governor's Council on **【Alcoholism and Drug**
34 **Abuse】** Alcohol Use Disorder and Substance Use Disorder an
35 annual comprehensive plan for the provision of community services
36 to meet the needs of persons with alcohol use disorder and persons
37 with a substance use disorder involving drugs.

38 b. The annual comprehensive plan shall address the needs of
39 urban areas with a population of 100,000 or over and shall
40 demonstrate linkage with existing resources which serve persons
41 with alcohol use disorder and persons with a substance use disorder
42 and their families. Special attention in the plan shall be given to
43 alcohol use disorder and substance use disorder and youth;
44 intoxicated drivers and drivers with substance use disorder; women
45 and alcohol use disorder and substance use disorder; persons with
46 disabilities and alcohol use disorder and substance use disorder;
47 alcohol use disorder and substance use disorder on the job; alcohol
48 use disorder and substance use disorder and crime; public

1 information; and educational programs as defined in subsection c.
2 of this section. Each county shall identify, within its annual
3 comprehensive plan, the Intoxicated Driver Resource Center which
4 shall service its population, as is required under subsection (f) of
5 R.S.39:4-50. The plan may involve the provision of programs and
6 services by the county, by an agreement with a State agency, by
7 private organizations, including volunteer groups, or by some
8 specified combination of the above.

9 If the State in any year fails to deposit the amount of tax receipts
10 as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a
11 county may reduce or eliminate, or both, the operation of existing
12 programs currently being funded from the proceeds deposited in the
13 Alcohol Education, Rehabilitation and Enforcement Fund.

14 c. Programs established with the funding for education from
15 the fund shall include all courses in the public schools required
16 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
17 students included in the annual comprehensive plan for each county,
18 and in-service training programs for teachers and administrative
19 support staff including nurses, guidance counselors, child study
20 team members, and librarians. All moneys dedicated to education
21 from the fund shall be allocated through the designated county
22 alcohol use disorder and substance use disorder agency and all
23 programs shall be consistent with the annual comprehensive county
24 plan submitted to the Deputy Commissioner for the Division of
25 Mental Health and Addiction Services and the Governor's Council
26 on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
27 Substance Use Disorder pursuant to this section. Moneys dedicated
28 to education from the fund shall be first allocated in an amount not
29 to exceed 20 percent of the annual education allotment for the in-
30 service training programs, which shall be conducted in each county
31 through the office of the county alcohol use disorder and substance
32 use disorder coordinator in consultation with the county
33 superintendent of schools, local boards of education, local councils
34 on alcohol use disorder and substance use disorder and institutions
35 of higher learning, including the Rutgers University Center of
36 Alcohol Studies. The remaining money in the education allotment
37 shall be assigned to offset the costs of programs such as those
38 which assist employees, provide intervention for staff members,
39 assist and provide intervention for students and focus on research
40 and education concerning youth and alcohol use disorder and
41 substance use disorder. These funds shall not replace any funds
42 being currently spent on education and training by the county.

43 d. The governing body of each county, in conjunction with the
44 county agency, or individual, designated by the county with
45 responsibility for services and programs for the care or
46 rehabilitation of persons with alcohol use disorder and persons with
47 substance use disorder, shall establish a Local Advisory Committee
48 on Alcohol Use Disorder and Substance Use Disorder to assist the

15 Within 60 days of the effective date of P.L.1989, c.51
16 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcohol Use
17 Disorder and Substance Use Disorder shall organize and elect a
18 chairman from among its members.

34
35 109. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to
36 read as follows:

40 County Allotment = Population of County x Total Funds
41 Appropriated

$$\begin{aligned}
& \text{Population of State} \\
& \text{Per Capita Income of State (3 yr. average)} \\
& \times \left(.5 \times \frac{\text{Per Capita Income of County (3 yr. average)}}{\text{Need in County}} \right) \\
& + .5 \times \text{Need in County}
\end{aligned}$$

1 Need in State)
2 in which Need in County and Need in State are estimates of the
3 prevalence of **alcoholism** alcohol use disorder according to the
4 current New Jersey Behavioral Health Services Plan. The funds
5 dedicated for the provision of educational programs from the
6 Alcohol Education, Rehabilitation and Enforcement Fund shall be
7 allocated to the counties on the basis of this formula.

8 b. As a condition for receiving the allotment calculated in
9 subsection a. of this section, a county shall contribute a sum not less
10 than 25**[%]** percent of that county's allotment to fund community
11 services for **alcoholics** persons with alcohol use disorder pursuant
12 to the county's annual comprehensive plan. Those **alcoholism**
13 alcohol use disorder education, prevention and treatment programs
14 already existing in a county may be combined under the county plan
15 which establishes the annual comprehensive plan to be approved by
16 the Deputy Commissioner for the Division of **Alcoholism and**
17 **Drug Abuse** Alcohol Use Disorder and Substance Use Disorder in
18 the Department of Health. In determining the sum of money to be
19 contributed by each county, the required 25**[%]** percent minimum
20 county contribution may include any moneys currently appropriated
21 by the county to meet the needs of the **alcoholism** alcohol use
22 disorder programs.

23 (cf: P.L.1990, c.41, s.6)

24

25 110. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to
26 read as follows:

27 2. a. The Commissioner of Health shall establish an
28 "**alcoholism** Alcohol Use Disorder and **Drug Abuse** Substance
29 Use Disorder Program for the Deaf, Hard of Hearing and
30 Disabled".

31 b. Pursuant to Reorganization Plan No. 002-2004, the
32 Commissioner of Human Services shall continue to operate the
33 program established pursuant to subsection a. of this section
34 through the Division of Mental Health and Addiction Services in
35 the Department of Human Services, in consultation with the
36 Governor's Council on **Alcoholism and Drug Abuse** Alcohol Use
37 Disorder and Substance Use Disorder.

38 (cf: P.L.2013, c.253, s.4)

39

40 111. Section 1 of P.L.1989, c.51 (C.26:2BB-1) is amended to
41 read as follows:

42 1. The Legislature finds and declares that: **alcoholism and drug**
43 **abuse** alcohol use disorder and substance use disorder are major
44 health problems facing the residents of this State; aspects of these
45 problems extend into many areas under various State departments;
46 placement in, but not of, the State Department of the Treasury is the
47 most appropriate and logical location for focusing a coordinated

1 planning and review effort to ameliorate these problems and for
2 establishing a Governor's Council on **【Alcoholism and Drug**
3 **Abuse】** Alcohol Use Disorder and Substance Use Disorder as an
4 independent coordinating, planning, research and review body
5 regarding all aspects of **【alcoholism and drug abuse】** alcohol use
6 disorder and substance use disorder; and a merger of the Division of
7 **【Alcoholism】** Alcohol Use Disorder and the Division of Narcotic
8 and Drug Abuse Control within the State Department of Health will
9 enhance the effectiveness of the State's role in formulating
10 comprehensive and integrated public policy and providing effective
11 treatment, prevention and public awareness efforts against
12 **【alcoholism and drug abuse】** alcohol use disorder and substance
13 use disorder.

14 The Legislature further finds and declares that: as the
15 cooperation and active participation of all communities in the State
16 is necessary to achieve the goal of reducing **【alcoholism and drug**
17 **abuse】** alcohol use disorder and substance use disorder, there
18 should be established within the Governor's Council on
19 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
20 Substance Use Disorder, an Alliance to Prevent **【Alcoholism and**
21 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder, to
22 unite the communities of this State in a coordinated and
23 comprehensive effort; and that the full resources of this State
24 including counties, municipalities and residents of the State must be
25 mobilized in a persistent and sustained manner in order to achieve a
26 response capable of meaningfully addressing not only the symptoms
27 but the root causes of this pervasive problem.

28 (cf: P.L.1989, c.51, s.1)

29

30 112. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to
31 read as follows:

32 2. There is created a 26-member council in, but not of, the
33 Department of the Treasury which shall be designated as the
34 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
35 Disorder and Substance Use Disorder. For the purposes of
36 complying with the provisions of Article V, Section IV, paragraph 1
37 of the New Jersey Constitution, the Governor's Council on
38 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
39 Substance Use Disorder is allocated to the Department of the
40 Treasury, but, notwithstanding the allocation, the office shall be
41 independent of any supervision or control by the department or by
42 any board or officer thereof.

43 The council shall consist of 12 ex officio members and 14 public
44 members.

45 a. The ex officio members of the council shall be: the Attorney
46 General, the Commissioners of Labor and Workforce Development,
47 Education, Human Services, Health, Children and Families,

1 Community Affairs, Personnel and Corrections, the chair of the
2 executive board of the New Jersey Presidents' Council, the
3 Administrative Director of the Administrative Office of the Courts
4 and the Adjutant General. An ex officio member may designate an
5 officer or employee of the department or office which he heads to
6 serve as his alternate and exercise his functions and duties as a
7 member of the Governor's Council on **Alcoholism and Drug**
8 **Abuse** Alcohol Use Disorder and Substance Use Disorder.

9 b. The 14 public members shall be residents of the State who
10 are selected for their knowledge, competence, experience or interest
11 in connection with alcohol or substance use disorder. They shall be
12 appointed as follows: two shall be appointed by the President of the
13 Senate, two shall be appointed by the Speaker of the General
14 Assembly and 10 shall be appointed by the Governor, with the
15 advice and consent of the Senate. At least two of the public
16 members appointed by the Governor shall be persons rehabilitated
17 from alcohol use disorder and at least two of the public members
18 appointed by the Governor shall be persons rehabilitated from
19 substance use disorders involving drugs.

20 c. The term of office of each public member shall be three
21 years; except that of the first members appointed, four shall be
22 appointed for a term of one year, five shall be appointed for a term
23 of two years and five shall be appointed for a term of three years.
24 Each member shall serve until his successor has been appointed and
25 qualified, and vacancies shall be filled in the same manner as the
26 original appointments for the remainder of the unexpired term. A
27 public member is eligible for reappointment to the council.

28 d. The chairman of the council shall be appointed by the
29 Governor from among the public members of the council and shall
30 serve at the pleasure of the Governor during the Governor's term of
31 office and until the appointment and qualification of the chairman's
32 successor. The members of the council shall elect a vice-chairman
33 from among the members of the council. The Governor may
34 remove any public member for cause, upon notice and opportunity
35 to be heard.

36 e. The council shall meet at least monthly and at such other
37 times as designated by the chairman. Fourteen members of the
38 council shall constitute a quorum. The council may establish any
39 advisory committees it deems advisable and feasible.

40 f. The chairman shall be the request officer for the council
41 within the meaning of such term as defined in section 6 of article 3
42 of P.L.1944, c.112 (C.52:27B-15).

43 g. The public members of the council shall receive no
44 compensation for their services, but shall be reimbursed for their
45 expenses incurred in the discharge of their duties within the limits
46 of funds appropriated or otherwise made available for this purpose.
47 (cf: P.L.2017, c.131, s.99)

1 113. Section 3 of P.L.1989, c.51 (C.26:2BB-3) is amended to
2 read as follows:

3 3. a. The Governor's Council on **【Alcoholism and Drug Abuse】**
4 Alcohol Use Disorder and Substance Use Disorder shall be
5 administered by an executive director who shall be appointed by the
6 Governor, with the advice and consent of the Senate, and shall serve
7 at the pleasure of the Governor during the Governor's term of office
8 and until the appointment and qualification of the executive
9 director's successor.

10 b. The executive director shall be a person qualified by training
11 and experience to perform the duties of the council.

12 c. The executive director shall have the authority to employ a
13 deputy executive director, who shall be in the unclassified service
14 of the Civil Service, and such staff as are necessary to accomplish
15 the work of the council within the limits of available appropriations.
16 The executive director may delegate to subordinate officers or
17 employees of the council any of his powers which he deems
18 desirable to be exercised under his supervision and control. All
19 employees of the council except the executive director and the
20 deputy executive director shall be in the career service of the Civil
21 Service.

22 d. The executive director shall attend all meetings of the
23 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
24 Disorder and Substance Use Disorder.

25 (cf: P.L.1989, c.51, s.3)
26

27 114. Section 4 of P.L.1989, c.51 (C.26:2BB-4) is amended to
28 read as follows:

29 4. The Governor's Council on **【Alcoholism and Drug Abuse】**
30 Alcohol Use Disorder and Substance Use Disorder is authorized and
31 empowered to:

32 a. Review and coordinate all State departments' efforts in regard
33 to the planning and provision of treatment, prevention, research,
34 evaluation, and education services for, and public awareness of,
35 **【alcoholism and drug abuse】** alcohol use disorder and substance
36 use disorder;

37 b. Prepare by July 1 of each year, the State government
38 component of the Comprehensive Statewide **【Alcoholism and Drug**
39 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master
40 Plan for the treatment, prevention, research, evaluation, education
41 and public awareness of **【alcoholism and drug abuse】** alcohol use
42 disorder and substance use disorder in this State, which plan shall
43 include an emphasis on prevention, community awareness, and
44 family and youth services;

45 c. Review each County Annual Alliance Plan and the
46 recommendations of the Division of **【Alcoholism and Drug Abuse】**
47 Alcohol Use Disorder and Substance Use Disorder in the
48 Department of Health for awarding the Alliance grants and, by

1 October 1 of each year, return the plan to the Local Advisory
2 Committee on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder
3 and Substance Use Disorder with the council's proposed
4 recommendations for awarding Alliance grants;

5 d. Submit to the Governor and the Legislature by December 1
6 of each year the Comprehensive Statewide **【Alcoholism and Drug**
7 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master
8 Plan which shall include recommended appropriate allocations to
9 State departments, local governments and local agencies and service
10 providers of all State and federal funds for the treatment,
11 prevention, research, evaluation, education and public awareness of
12 **【alcoholism and drug abuse】** alcohol use disorder and substance
13 use disorder in accordance with the regular budget cycle, and shall
14 incorporate and unify all State, county, local and private **【alcohol**
15 **and drug abuse】** alcohol use disorder and substance use disorder
16 initiatives;

17 e. Distribute grants, upon the recommendation of the executive
18 director of the council, by August 1 of each year to counties and
19 municipalities for alcohol and drug abuse programs established
20 under the Alliance to Prevent **【Alcoholism and Drug Abuse】**
21 Alcohol Use Disorder and Substance Use Disorder;

22 f. Evaluate the existing funding mechanisms for **【alcoholism**
23 **and drug abuse】** alcohol use disorder and substance use disorder
24 services and recommend to the Governor and the Legislature any
25 changes which may improve the coordination of services to citizens
26 in this State;

27 g. Encourage the development or expansion of employee
28 assistance programs for employees in both government and the
29 private sector;

30 h. Evaluate the need for, and feasibility of, including other
31 addictions, such as smoking and gambling, within the scope and
32 responsibility of the council;

33 i. Collect from any State, county, local governmental entity or
34 any other appropriate source data, reports, statistics or other
35 materials which are necessary to carry out the council's functions;
36 and

37 j. Pursuant to the "Administrative Procedure Act," P.L.1968,
38 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to
39 carry out the purposes of this act.

40 The council shall not accept or receive moneys from any source
41 other than moneys deposited in, and appropriated from, the "Drug
42 Enforcement and Demand Reduction Fund" established pursuant to
43 N.J.S.2C:35-15 and any moneys appropriated by law for operating
44 expenses of the council or appropriated pursuant to section 19 of
45 P.L.1989, c.51.

46 (cf: P.L.1989, c.51, s.4)

1 115. Section 5 of P.L.1989, c.51 (C.26:2BB-5) is amended to
2 read as follows:

3 5. There is established in the Department of Health a Division of
4 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
5 Substance Use Disorder.

6 The division shall be administered by a Deputy Commissioner of
7 Health. The deputy commissioner shall be a person qualified by
8 training and experience to perform the duties of his office. The
9 deputy commissioner shall be appointed by the commissioner with
10 the approval of the Governor and shall serve at the pleasure of the
11 commissioner during the commissioner's term of office and until the
12 appointment and qualification of the deputy commissioner's
13 successor. The deputy commissioner shall receive a salary which
14 shall be provided by law.

15 The Commissioner of Health shall report annually to the
16 Governor and the Legislature on the activities of the division and
17 include in that annual report an assessment of the adequacy of the
18 current delivery of treatment services in the State and of the need
19 for additional treatment services.

20 (cf: P.L.1989, c.51, s.5)

21

22 116. Section 6 of P.L.1989, c.51 (C.26:2BB-6) is amended to read
23 as follows:

24 6. All the functions, powers and duties of the Director of the
25 Division of **【Alcoholism】** Alcohol Use Disorder and the Director of
26 the Division of Narcotic and Drug Abuse Control are transferred to
27 and vested in the Deputy Commissioner of Health for the Division
28 of **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
29 Substance Use Disorder, pursuant to the "State Agency Transfer
30 Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

31 (cf: P.L.1989, c.51, s.6)

32

33 117. Section 7 of P.L.1989, c.51 (C.26:2BB-7) is amended to
34 read as follows:

35 7. a. There is created an Alliance to Prevent **【Alcoholism and**
36 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder
37 hereinafter referred to as the "Alliance," in the Governor's Council
38 on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
39 Substance Use Disorder. The purpose of the Alliance is to create a
40 network comprised of all the communities in New Jersey which is
41 dedicated to a comprehensive and coordinated effort against
42 **【alcoholism and drug abuse】** alcohol use disorder and substance
43 use disorder. The Alliance shall be a mechanism both for
44 implementing policies to reduce **【alcoholism and drug abuse】**
45 alcohol use disorder and substance use disorder at the municipal
46 level, and for providing funds, including moneys from mandatory
47 penalties on drug offenders, to member communities to support
48 appropriate county and municipal-based **【alcoholism and drug**

1 abuse】 alcohol use disorder and substance use disorder education
2 and public awareness activities.

3 b. The Governor's Council on **【Alcoholism and Drug Abuse】**
4 Alcohol Use Disorder and Substance Use Disorder shall adopt rules
5 and regulations for participation in, and the operation of, the
6 Alliance and for the awarding of grants to municipalities and
7 counties from funds appropriated for such purposes pursuant to
8 P.L.1989, c.51 (C.26:2BB-1 et al.), section 5 of P.L.1993, c.216
9 (C.54:43-1.3) and funds derived from the "Drug Enforcement and
10 Demand Reduction Fund" established pursuant to N.J.S.2C:35-15,
11 for the purpose of developing:

12 (1) Organized and coordinated efforts involving schools, law
13 enforcement, business groups and other community organizations
14 for the purpose of reducing **【alcoholism and drug abuse】** alcohol
15 use disorder and substance use disorder;

16 (2) In cooperation with local school districts, comprehensive
17 and effective **【alcoholism and drug abuse】** alcohol use disorder and
18 substance use disorder education programs in grades kindergarten
19 through 12;

20 (3) In cooperation with local school districts, procedures for the
21 intervention, treatment, and discipline of students **【abusing】** using
22 alcohol or drugs;

23 (4) Comprehensive **【alcoholism and drug abuse】** alcohol use
24 disorder and substance use disorder education, support and outreach
25 efforts for parents in the community; and

26 (5) Comprehensive **【alcoholism and drug abuse】** alcohol use
27 disorder and substance use disorder community awareness
28 programs.

29 c. Funds disbursed under this section shall not supplant local
30 funds that would have otherwise been made available for
31 **【alcoholism and drug abuse】** alcohol use disorder and substance
32 use disorder initiatives. Communities shall provide matching funds
33 when and to the extent required by the regulations adopted pursuant
34 to this section.

35 d. The county agency or individual designated by the
36 governing body of each county pursuant to subsection a. of section
37 4 of P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the
38 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
39 Disorder and Substance Use Disorder moneys made available
40 pursuant to this section. The designated county agency or individual
41 shall establish a separate fund for the receipt and disbursement of
42 these moneys.

43 (cf: P.L.1993, c.216, s.4)

44
45 118. Section 8 of P.L.1989, c.51 (C.26:2BB-8) is amended to
46 read as follows:

1 8. a. Each Local Advisory Committee on **【Alcoholism and Drug**
2 **Abuse】** Alcohol Use Disorder and Substance Use Disorder,
3 established pursuant to section 4 of P.L.1983, c.531 (C.26:2B-33),
4 shall establish a County Alliance Steering Subcommittee in
5 conjunction with regulations adopted by the Governor's Council on
6 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
7 Substance Use Disorder. The members of the subcommittee shall
8 include, but not be limited to, private citizens and representatives of
9 the:

- 10 (1) Local Advisory Committee on **【Alcoholism and Drug**
11 **Abuse】** Alcohol Use Disorder and Substance Use Disorder;
12 (2) County Human Services Advisory Council;
13 (3) County Superintendent of Schools;
14 (4) Existing county council on **【alcoholism】** alcohol use
15 disorder, if any;
16 (5) County Prosecutor's office;
17 (6) Family part of the Chancery Division of the Superior Court;
18 (7) Youth Services Commission;
19 (8) County School Board Association;
20 (9) County health agency;
21 (10) County mental health agency;
22 (11) Local businesses;
23 (12) County affiliate of the New Jersey Education Association;
24 and
25 (13) Other service providers.

26 b. The functions of the County Alliance Steering Subcommittee
27 shall include:

- 28 (1) Development and submission of a County Annual Alliance
29 Plan for the expenditure of funds derived from the "Drug
30 Enforcement and Demand Reduction Fund," N.J.S. 2C:35-15;
31 (2) Development of programs and fiscal guidelines consistent
32 with directives of the Governor's Council on **【Alcoholism and Drug**
33 **Abuse】** Alcohol Use Disorder and Substance Use Disorder for the
34 awarding of funds to counties and municipalities for drug and
35 alcohol Alliance activities;
36 (3) Identification of a network of community leadership for the
37 expansion, replication and development of successful community
38 model programs throughout the county; and
39 (4) Coordination of projects among and within municipalities to
40 assure cost effectiveness and avoid fragmentation and duplication.

41 c. The County Alliance Steering Subcommittee shall ensure that
42 the funds dedicated to education pursuant to section 2 of P.L.1983,
43 c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

44 d. The Local Advisory Committee on **【Alcoholism and Drug**
45 **Abuse】** Alcohol Use Disorder and Substance Use Disorder shall
46 review and approve the County Annual Alliance Plan and submit
47 this plan by July 1 of each year to the Division of **【Alcoholism and**

1 Drug Abuse】 Alcohol Use Disorder and Substance Use Disorder in
2 the Department of Health and to the Governor's Council on
3 【Alcoholism and Drug Abuse】 Alcohol Use Disorder and
4 Substance Use Disorder.

5 e. After the County Annual Alliance Plan is returned by the
6 Governor's Council on 【Alcoholism and Drug Abuse】 Alcohol Use
7 Disorder and Substance Use Disorder to the Local Advisory
8 Committee on 【Alcoholism and Drug Abuse】 Alcohol Use Disorder
9 and Substance Use Disorder with the council's proposed
10 recommendations for awarding the Alliance grants, pursuant to
11 subsection c. of section 4 of this amendatory and supplementary act,
12 the committee, in conjunction with the council, may revise its plan
13 in accordance with the council's proposed recommendations.

14 The revised plan shall be completed in such time that it can be
15 included in the council's recommendations to the Governor and the
16 Legislature that are due on December 1 of each year.

17 (cf: P.L.1989, c.51, s.8)

18

19 119. Section 9 of P.L.1989, c.51 (C.26:2BB-9) is amended to
20 read as follows:

21 9. The governing body of each municipality may appoint a
22 Municipal Alliance Committee, or join with one or more
23 municipalities to appoint a Municipal Alliance Committee.
24 Membership on the Municipal Alliance Committee may include the
25 chief of police; the president of the school board; the superintendent
26 of schools; a student assistance coordinator; a representative of the
27 parent-teacher association; a representative of the local bargaining
28 unit for teachers; a representative of the Chamber of Commerce; a
29 municipal court judge; representatives of local civic associations;
30 representatives of local religious groups; and private citizens.

31 The Municipal Alliance Committee, in consultation with the
32 Local Advisory Committee on 【Alcoholism and Drug Abuse】
33 Alcohol Use Disorder and Substance Use Disorder, shall identify
34 【alcoholism】 alcohol use disorder and drug prevention, education
35 and community needs. The committee also shall implement the
36 Alliance programs formulated pursuant to section 8 of P.L.1989,
37 c.51 (C.26:2BB-8). The governing body of a municipality may
38 match any funds it receives from the Alliance.

39 (cf: P.L.1989, c.51, s.9)

40

41 120. Section 10 of P.L.1989, c.51 (C.26:2BB-10) is amended to
42 read as follows:

43 10. Pursuant to the "Administrative Procedure Act," P.L.1968,
44 c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt
45 rules and regulations necessary to establish the Division of
46 【Alcoholism and Drug Abuse】 Alcohol Use Disorder and
47 Substance Use Disorder pursuant to this act.

48 (cf: P.L.1989, c.51, s.10)

1 121. Section 17 of P.L.1989, c.51 (C.26:2BB-13) is amended to
2 read as follows:

3 17. Two years after the date of enactment of this amendatory and
4 supplementary act, the Governor shall contract with an independent
5 evaluator who shall review and evaluate the effectiveness of the
6 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
7 Disorder and Substance Use Disorder in, but not of, the Department
8 of the Treasury and the Division on **【Alcoholism and Drug Abuse】**
9 Alcohol Use Disorder and Substance Use Disorder in the
10 Department of Health. Within one year after being appointed, the
11 evaluator shall make recommendations to the Governor and the
12 Legislature regarding the continuation of the council and the
13 organization of the division as they are structured pursuant to
14 P.L.1989, c.51 (C. 26:2BB-1 et al.).
15 (cf: P.L.1989, c.51, s.17)

16

17 122. Section 18 of P.L.1989, c.51 (C.26:2BB-14) is amended to
18 read as follows:

19 18. The funding mechanisms, including the awarding of grants
20 for drug abuse services by the Department of Health, that are in
21 effect on the date of enactment of P.L.1989, c.51 (C.26:2BB-1 et
22 al.) for **【alcoholism】** alcohol use disorder services and **【drug**
23 **abuse】** substance use disorder services, exclusively, shall continue
24 until such time as recommendations of the Governor's Council on
25 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
26 Substance Use Disorder pursuant to P.L.1989, c.51 (C.26:2BB-1 et
27 al.) are approved by the Commissioner of Health and enacted into
28 law.
29 (cf: P.L.1989, c.51, s.18)

30

31 123. Section 2 of P.L.1977, c.332 (C.26:2F-2.1) is amended to
32 read as follows:

33 2. The Legislature finds and declares that there exists in New
34 Jersey a serious and increasing incidence of various communicable
35 and chronic diseases such as cancer, hypertension, heart disease,
36 diabetes, venereal disease, **【alcoholism】** alcohol use disorder and
37 **【drug abuse】** substance use disorder which requires a continuing
38 commitment of public health personnel and resources; and that
39 there has been in recent years a diminished financial support for
40 agencies engaged in providing primary prevention programs.

41 The Legislature also recognizes that there exists a framework for
42 the provision of such services at the municipal, regional and county
43 levels but that changing socio-economic, environmental and
44 technological conditions warrant a redirection of the ways of
45 addressing these health problems. The Legislature finds that there
46 should be provided funds to support certain public health priority
47 activities.

48 (cf: P.L.1977, c.332, s.2)

1 124. Section 4 of P.L.1996, c.29 (C.26:2H-18.58a) is amended to
2 read as follows:

3 4. The Commissioner of Health shall transfer to the Division of
4 **【Alcoholism, Drug Abuse and Addiction】** Alcohol Use Disorder
5 and Substance Use Disorder Services in the Department of Health
6 from the Health Care Subsidy Fund, \$10 million in Fiscal Year
7 1997 and \$20 million in Fiscal Year 1998 and each fiscal year
8 thereafter, or such sums as are made available pursuant to section 5
9 of P.L.1996, c.29 (C.52:18A-2a), whichever amount is less,
10 according to a schedule to be determined by the Commissioner of
11 Health, to fund community-based **【drug abuse】** substance use
12 disorder treatment programs in the following order of priority:
13 residential, inpatient, intensive day and outpatient treatment.
14 (cf: P.L.1996, c.29, s.4)

15
16 125. Section 1 of P.L.1997, c.215 (C.30:4-123.47a) is amended
17 to read as follows:

18 1. There is hereby established a Parole Advisory Board in, but
19 not of, the State Parole Board. Notwithstanding the allocation of the
20 board within the State Parole Board, the State Parole Board or any
21 employee thereof shall not exercise any control over the Parole
22 Advisory Board. The advisory board shall consist of 23 members.
23 It shall include in its membership the Chairman of the State Parole
24 Board or his designee, who shall serve ex officio; one member
25 representing each of the following organizations and groups, who
26 shall be appointed by the Governor: the Department of Corrections,
27 the Department of Health **【and Senior Services】**, the Department of
28 Law and Public Safety, Office of the Governor, the Administrative
29 Office of the Courts, the Victims of Crime Compensation Board,
30 the New Jersey Chapter of the American Correctional Association,
31 the County Prosecutors Association of New Jersey, the Sheriffs'
32 Association of New Jersey, the New Jersey Wardens Association,
33 the New Jersey State Association of Chiefs of Police, the American
34 Parole and Probation Association, Governor's Council on
35 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
36 Substance Use Disorder, the community at large, treatment
37 providers, victims' rights groups and former inmates who have
38 successfully completed parole. Two members of the Senate, who
39 shall not be of the same political party and who shall serve during
40 their terms of office, shall be appointed by the President of the
41 Senate. Two members of the General Assembly, who shall not be
42 of the same political party and who shall serve during their terms of
43 office, shall be appointed by the Speaker of the General Assembly.

44 Members of the advisory board shall be appointed with the
45 advice and consent of the Senate, and serve a term of three years,
46 except for the initial gubernatorial appointees, six of whom shall
47 serve for two years and six of whom shall serve for four years.
48 Each member shall serve for the term of appointment and until a

1 successor is appointed. A member may be reappointed to the
2 advisory board. A member appointed to fill a vacancy occurring in
3 the membership of the advisory board for any reason other than the
4 expiration of the term shall serve a term of appointment for the
5 unexpired term only. All vacancies shall be filled in the same
6 manner as the original appointments. Any appointed member of the
7 advisory board, except the legislative members, may be removed
8 from the advisory board by the Governor, for cause, after a hearing,
9 and may be suspended by the Governor pending the completion of
10 the hearing. Legislative members may be removed for cause by the
11 leader of their respective houses. Motions and resolutions may be
12 adopted by the advisory board at a board meeting by an affirmative
13 vote of not less than 12 members.

14 Members of the advisory board shall serve without compensation
15 but shall be entitled to reimbursement for actual expenses of serving
16 on the board, to the extent that funds are available for this purpose.

17 The advisory board shall organize as soon as possible after the
18 appointment of its members. The members shall select a chair from
19 among their number.

20 (cf: P.L.2001, c.79, s.3)

21

22 126. Section 2 of P.L.1956, c.214 (C.30:8-16.2) is amended to
23 read as follows:

24 2. It shall be lawful for any board of chosen freeholders in this
25 State to erect and maintain as a part of its jail, workhouse or
26 penitentiary, a suitable building, buildings or additions for the
27 treatment, while confined in such jail, workhouse or penitentiary, of
28 inmates having a history of **【alcoholism】** alcohol use disorder; such
29 board shall have power to appropriate and expend the moneys
30 necessary in its judgment for such purpose.

31 (cf: P.L.1956, c.214, s.2)

32

33 127. Section 1 of P.L.1956, c.213 (C.30:9-12.16) is amended to
34 read as follows:

35 1. The board of chosen freeholders of any county, by resolution,
36 may provide for the establishment of an institution for the medical
37 treatment of **【alcoholics】** persons with alcohol use disorder and for
38 the prevention of **【alcoholism】** alcohol use disorder as a separate
39 institution or as an institution connected with a county hospital.

40 (cf: P.L.1956, c.213, s.1)

41

42 128. Section 5 of P.L.1956, c.213 (C.30:9-12.20) is amended to
43 read as follows:

44 5. Admission to said institution or the use of the said facilities
45 shall also be provided by the board of managers when ordered by a
46 Superior Court judge or by a judge of a municipal court situated in
47 the county where such judge shall have jurisdiction of the person to
48 be admitted or provided with the use of said facilities by reason of

1 the pendency before him of a criminal charge against such person
2 and where said judge shall be satisfied that the person suffers from
3 acute **【alcoholism】** alcohol use disorder. Any such order so made
4 by a judge may provide for the commitment, of the person so
5 charged, to the said institution as a part or the whole of a sentence
6 imposed. In the event of any such commitment, the said board of
7 managers shall detain the person committed for the term prescribed
8 in accordance with the terms and conditions of such order. Unless
9 otherwise provided by the State Department of Human Services or
10 by the rules of court the said board of managers shall provide the
11 necessary forms for use in connection with commitments to the said
12 institution.

13 (cf: P.L.1991, c.91, s.331)

14
15 129. Section 6 of P.L.1956, c.213 (C.30:9-12.21) is amended to
16 read as follows:

17 6. Commitments to the said institution may also be made by any
18 such judge or magistrate upon a determination, after notice and
19 hearing that a person is suffering from acute **【alcoholism】** alcohol
20 use disorder. Application for such a commitment may be made to
21 the said court or judge by a person having an interest therein by
22 reason of relationship or marriage or by a police officer, sheriff,
23 municipal or county director of welfare or person charged with the
24 care and relief of the poor where the person charged as suffering
25 from acute **【alcoholism】** alcohol use disorder may reside. Every
26 such application shall be supported by a certificate in writing, under
27 oath, executed by 2 physicians who are permanent residents and
28 duly licensed to practice medicine in this State. Each such
29 certificate shall set forth the date of the making of the examination
30 which shall be within 10 days of the date of the making of the
31 application to the said judge or magistrate and shall set forth the
32 facts and circumstances on which the opinions of such physicians
33 are based and shall include a precise personal description sufficient
34 to identify the person so examined and of the facts relating thereto
35 and shall further certify that the condition of the person examined is
36 such as to require care and treatment in an institution for acute
37 **【alcoholics】** persons with alcohol use disorder. Every such
38 application shall be heard in a summary manner, without a jury,
39 and the said judge or magistrate shall, by order, fix the time for the
40 hearing which shall be not less than 10 days after the service of a
41 notice of hearing upon the person so charged. The person charged
42 shall be entitled to counsel and any order of commitment made
43 upon such application shall be subject to review by the Superior
44 Court in a proceeding in lieu of prerogative writ. The judge or
45 magistrate may require the testimony at the hearing to be taken and
46 transcribed by a court reporter and the expense thereof shall be
47 paid by the county treasurer of the county, on order of the board of
48 chosen freeholders, in the same manner as other court expenses

1 chargeable to a county are paid. In connection with any such
2 commitment the judge or magistrate shall determine the indigency
3 or nonindigency of the person committed and make an appropriate
4 order for the payment to the institution of the cost of maintaining
5 the person committed in such institution. Pending any such
6 application the judge or magistrate may order the temporary
7 detention of the person charged to be suffering from acute
8 **【alcoholism】** alcohol use disorder in such institution for
9 observation and treatment where it appears that such temporary
10 detention is needed for the welfare and safety of the said person.
11 No commitment or temporary commitment upon any such
12 application shall continue for more than 90 days and the
13 commitment may be terminated sooner if the judge or magistrate
14 shall so order, upon application of the board of managers, and the
15 certificate of a physician on the staff of the said institution that
16 maximum treatment has been given to the person committed.
17 (cf: P.L.1956, c.213, s.6)

18
19 130. Section 1 of P.L.1945, c.94 (C.33:4-1) is amended to read
20 as follows:

21 1. The Commissioner of Alcoholic Beverage Control, the
22 Commissioner of Institutions and Agencies, the Commissioner of
23 Education and the Director of Health, are hereby constituted a
24 commission, to be known as the Commission on **【Alcoholism】**
25 Alcohol Use Disorder and Promotion of Temperance, and
26 empowered to prepare and administer a program for the
27 rehabilitation of **【alcoholics】** persons with alcohol use disorder and
28 the promotion and furtherance of temperance and temperance
29 education in this State; to utilize such facilities in this State,
30 including equipment, and professional and other personnel, as may
31 be made available for said purposes; and to expend such sums for
32 said purposes as may, from time to time, be appropriated therefor
33 by the Legislature.

34 (cf: P.L.1945, c.94, s.1)

35
36 131. R.S.39:4-50 is amended to read as follows:

37 39:4-50. (a) A person who operates a motor vehicle while under
38 the influence of intoxicating liquor, narcotic, hallucinogenic or
39 habit-producing drug, or operates a motor vehicle with a blood
40 alcohol concentration of 0.08% or more by weight of alcohol in the
41 defendant's blood or permits another person who is under the
42 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
43 producing drug to operate a motor vehicle the person owns or which
44 is in the person's custody or control or permits another to operate a
45 motor vehicle with a blood alcohol concentration of 0.08% or more
46 by weight of alcohol in the defendant's blood shall be subject:

47 (1) For the first offense:

1 (i) if the person's blood alcohol concentration is 0.08% or
2 higher but less than 0.10%, or the person operates a motor vehicle
3 while under the influence of intoxicating liquor, or the person
4 permits another person who is under the influence of intoxicating
5 liquor to operate a motor vehicle owned by him or in his custody or
6 control or permits another person with a blood alcohol
7 concentration of 0.08% or higher but less than 0.10% to operate a
8 motor vehicle, to a fine of not less than \$250 nor more than \$400
9 and a period of detainment of not less than 12 hours nor more than
10 48 hours spent during two consecutive days of not less than six
11 hours each day and served as prescribed by the program
12 requirements of the Intoxicated Driver Resource Centers established
13 under subsection (f) of this section and, in the discretion of the
14 court, a term of imprisonment of not more than 30 days. In addition,
15 the court shall order the person to forfeit the right to operate a
16 motor vehicle over the highways of this State until the person
17 installs an ignition interlock device in one motor vehicle the person
18 owns, leases, or principally operates, whichever the person most
19 often operates, for the purpose of complying with the provisions of
20 P.L.1999, c.417 (C.39:4-50.16 et al.);

21 (ii) if the person's blood alcohol concentration is 0.10% or
22 higher, or the person operates a motor vehicle while under the
23 influence of a narcotic, hallucinogenic or habit-producing drug, or
24 the person permits another person who is under the influence of a
25 narcotic, hallucinogenic or habit-producing drug to operate a motor
26 vehicle owned by him or in his custody or control, or permits
27 another person with a blood alcohol concentration of 0.10% or more
28 to operate a motor vehicle, to a fine of not less than \$300 nor more
29 than \$500 and a period of detainment of not less than 12 hours nor
30 more than 48 hours spent during two consecutive days of not less
31 than six hours each day and served as prescribed by the program
32 requirements of the Intoxicated Driver Resource Centers established
33 under subsection (f) of this section and, in the discretion of the
34 court, a term of imprisonment of not more than 30 days;

35 in the case of a person who is convicted of operating a motor
36 vehicle while under the influence of a narcotic, hallucinogenic or
37 habit-producing drug or permitting another person who is under the
38 influence of a narcotic, hallucinogenic or habit-producing drug to
39 operate a motor vehicle owned by the person or under the person's
40 custody or control, the person shall forfeit the right to operate a
41 motor vehicle over the highways of this State for a period of not
42 less than seven months nor more than one year;

43 in the case of a person whose blood alcohol concentration is
44 0.10% or higher but less than 0.15%, the person shall forfeit the
45 right to operate a motor vehicle over the highways of this State until
46 the person installs an ignition interlock device in one motor vehicle
47 the person owns, leases, or principally operates, whichever the

1 person most often operates, for the purpose of complying with the
2 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

3 in the case of a person whose blood alcohol concentration is
4 0.15% or higher, the person shall forfeit the right to operate a motor
5 vehicle over the highways of this State for a period of not less than
6 four months or more than six months following installation of an
7 ignition interlock device in one motor vehicle the person owns,
8 leases, or principally operates, whichever the person most often
9 operates, for the purpose of complying with the provisions of
10 P.L.1999, c.417 (C.39:4-50.16 et al.);

11 (iii) (Deleted by amendment, P.L.2019, c.248)

12 (2) For a second violation, a person shall be subject to a fine of
13 not less than \$500 nor more than \$1,000, and shall be ordered by
14 the court to perform community service for a period of 30 days,
15 which shall be of such form and on terms the court shall deem
16 appropriate under the circumstances, and shall be sentenced to
17 imprisonment for a term of not less than 48 consecutive hours,
18 which shall not be suspended or served on probation, or more than
19 90 days, and shall forfeit the right to operate a motor vehicle over
20 the highways of this State for a period of not less than one year or
21 more than two years upon conviction.

22 After the expiration of the license forfeiture period, the person
23 may make application to the Chief Administrator of the New Jersey
24 Motor Vehicle Commission for a license to operate a motor vehicle,
25 which application may be granted at the discretion of the chief
26 administrator, consistent with subsection (b) of this section. For a
27 second violation, a person also shall be required to install an
28 ignition interlock device under the provisions of P.L.1999, c.417
29 (C.39:4-50.16 et al.).

30 (3) For a third or subsequent violation, a person shall be subject
31 to a fine of \$1,000, and shall be sentenced to imprisonment for a
32 term of not less than 180 days in a county jail or workhouse, except
33 that the court may lower such term for each day, not exceeding 90
34 days, served participating in a drug or alcohol inpatient
35 rehabilitation program approved by the Intoxicated Driver Resource
36 Center and shall thereafter forfeit the right to operate a motor
37 vehicle over the highways of this State for eight years.

38 For a third or subsequent violation, a person also shall be
39 required to install an ignition interlock device under the provisions
40 of P.L.1999, c.417 (C.39:4-50.16 et al.).

41 As used in this section, the phrase "narcotic, hallucinogenic or
42 habit-producing drug" includes an inhalant or other substance
43 containing a chemical capable of releasing any toxic vapors or
44 fumes for the purpose of inducing a condition of intoxication, such
45 as any glue, cement or any other substance containing one or more
46 of the following chemical compounds: acetone and acetate, amyl
47 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
48 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,

1 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
2 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
3 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
4 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
5 any other chemical substance capable of causing a condition of
6 intoxication, inebriation, excitement, stupefaction or the dulling of
7 the brain or nervous system as a result of the inhalation of the
8 fumes or vapors of such chemical substance.

9 Whenever an operator of a motor vehicle has been involved in an
10 accident resulting in death, bodily injury or property damage, a
11 police officer shall consider that fact along with all other facts and
12 circumstances in determining whether there are reasonable grounds
13 to believe that person was operating a motor vehicle in violation of
14 this section.

15 A conviction of a violation of a law of a substantially similar
16 nature in another jurisdiction, regardless of whether that jurisdiction
17 is a signatory to the Interstate Driver License Compact pursuant to
18 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
19 conviction under this subsection unless the defendant can
20 demonstrate by clear and convincing evidence that the conviction in
21 the other jurisdiction was based exclusively upon a violation of a
22 proscribed blood alcohol concentration of less than 0.08%.

23 If the driving privilege of any person is under revocation or
24 suspension for a violation of any provision of this Title or Title 2C
25 of the New Jersey Statutes at the time of any conviction for a
26 violation of this section, the revocation or suspension period
27 imposed shall commence as of the date of termination of the
28 existing revocation or suspension period. In the case of any person
29 who at the time of the imposition of sentence is less than 17 years
30 of age, the forfeiture, suspension or revocation of the driving
31 privilege imposed by the court under this section shall commence
32 immediately, run through the offender's seventeenth birthday and
33 continue from that date for the period set by the court pursuant to
34 paragraphs (1) through (3) of this subsection. A court that imposes
35 a term of imprisonment for a first or second offense under this
36 section may sentence the person so convicted to the county jail, to
37 the workhouse of the county wherein the offense was committed, to
38 an inpatient rehabilitation program or to an Intoxicated Driver
39 Resource Center or other facility approved by the chief of the
40 Intoxicated Driving Program Unit in the Division of Mental Health
41 and Addiction Services in the Department of Health. For a third or
42 subsequent offense a person shall not serve a term of imprisonment
43 at an Intoxicated Driver Resource Center as provided in subsection
44 (f).

45 A person who has been convicted of a previous violation of this
46 section need not be charged as a second or subsequent offender in
47 the complaint made against him in order to render him liable to the
48 punishment imposed by this section on a second or subsequent

1 offender, but if the second offense occurs more than 10 years after
2 the first offense, the court shall treat the second conviction as a first
3 offense for sentencing purposes and if a third offense occurs more
4 than 10 years after the second offense, the court shall treat the third
5 conviction as a second offense for sentencing purposes.

6 (b) A person convicted under this section must satisfy the
7 screening, evaluation, referral, program and fee requirements of the
8 Division of Mental Health and Addiction Services' Intoxicated
9 Driving Program Unit, and of the Intoxicated Driver Resource
10 Centers and a program of alcohol and drug education and highway
11 safety, as prescribed by the chief administrator. The sentencing
12 court shall inform the person convicted that failure to satisfy such
13 requirements shall result in a mandatory two-day term of
14 imprisonment in a county jail and a driver license revocation or
15 suspension and continuation of revocation or suspension until such
16 requirements are satisfied, unless stayed by court order in
17 accordance with the Rules Governing the Courts of the State of
18 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
19 forward to the Division of Mental Health and Addiction Services'
20 Intoxicated Driving Program Unit a copy of a person's conviction
21 record. A fee of \$100 shall be payable to the Alcohol Education,
22 Rehabilitation and Enforcement Fund established pursuant to
23 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
24 Intoxicated Driving Program Unit.

25 (c) Upon conviction of a violation of this section, the court shall
26 collect forthwith the New Jersey driver's license or licenses of the
27 person so convicted and forward such license or licenses to the
28 chief administrator. The court shall inform the person convicted
29 that if he is convicted of personally operating a motor vehicle
30 during the period of license suspension imposed pursuant to
31 subsection (a) of this section, he shall, upon conviction, be subject
32 to the penalties established in R.S.39:3-40. The person convicted
33 shall be informed orally and in writing. A person shall be required
34 to acknowledge receipt of that written notice in writing. Failure to
35 receive a written notice or failure to acknowledge in writing the
36 receipt of a written notice shall not be a defense to a subsequent
37 charge of a violation of R.S.39:3-40. In the event that a person
38 convicted under this section is the holder of any out-of-State
39 driver's license, the court shall not collect the license but shall
40 notify forthwith the chief administrator, who shall, in turn, notify
41 appropriate officials in the licensing jurisdiction. The court shall,
42 however, revoke the nonresident's driving privilege to operate a
43 motor vehicle in this State, in accordance with this section. Upon
44 conviction of a violation of this section, the court shall notify the
45 person convicted, orally and in writing, of the penalties for a
46 second, third or subsequent violation of this section. A person shall
47 be required to acknowledge receipt of that written notice in writing.
48 Failure to receive a written notice or failure to acknowledge in

1 writing the receipt of a written notice shall not be a defense to a
2 subsequent charge of a violation of this section.

3 (d) The chief administrator shall promulgate rules and
4 regulations pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
6 of alcohol education and highway safety, as prescribed by this act.

7 (e) Any person accused of a violation of this section who is
8 liable to punishment imposed by this section as a second or
9 subsequent offender shall be entitled to the same rights of discovery
10 as allowed defendants pursuant to the Rules Governing the Courts
11 of the State of New Jersey.

12 (f) The counties, in cooperation with the Division of Mental
13 Health and Addiction Services and the commission, but subject to
14 the approval of the Division of Mental Health and Addiction
15 Services, shall designate and establish on a county or regional basis
16 Intoxicated Driver Resource Centers. These centers shall have the
17 capability of serving as community treatment referral centers and as
18 court monitors of a person's compliance with the ordered treatment,
19 service alternative or community service. All centers established
20 pursuant to this subsection shall be administered by a counselor
21 certified by the Addiction Professionals Certification Board of New
22 Jersey or other professional with a minimum of five years'
23 experience in the treatment of **【alcoholism】** alcohol use disorder.
24 All centers shall be required to develop individualized treatment
25 plans for all persons attending the centers; provided that the
26 duration of any ordered treatment or referral shall not exceed one
27 year. It shall be the center's responsibility to establish networks
28 with the community alcohol and drug education, treatment and
29 rehabilitation resources and to receive monthly reports from the
30 referral agencies regarding a person's participation and compliance
31 with the program. Nothing in this subsection shall bar these centers
32 from developing their own education and treatment programs;
33 provided that they are approved by the Division of Mental Health
34 and Addiction Services.

35 Upon a person's failure to report to the initial screening or any
36 subsequent ordered referral, the Intoxicated Driver Resource Center
37 shall promptly notify the sentencing court of the person's failure to
38 comply.

39 Required detention periods at the Intoxicated Driver Resource
40 Centers shall be determined according to the individual treatment
41 classification assigned by the Intoxicated Driving Program Unit.
42 Upon attendance at an Intoxicated Driver Resource Center, a person
43 shall be required to pay a per diem fee of \$75 for the first offender
44 program or a per diem fee of \$100 for the second offender program,
45 as appropriate. Any increases in the per diem fees after the first full
46 year shall be determined pursuant to rules and regulations adopted
47 by the Commissioner of Health in consultation with the Governor's
48 Council on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder

1 and Substance Use Disorder pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3 The centers shall conduct a program of alcohol and drug
4 education and highway safety, as prescribed by the chief
5 administrator.

6 The Commissioner of Health shall adopt rules and regulations
7 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.), in order to effectuate the purposes of this
9 subsection.

10 (g) (Deleted by amendment, P.L.2019, c.248)

11 (h) A court also may order a person convicted pursuant to
12 subsection (a) of this section, to participate in a supervised
13 visitation program as either a condition of probation or a form of
14 community service, giving preference to those who were under the
15 age of 21 at the time of the offense. Prior to ordering a person to
16 participate in such a program, the court may consult with any
17 person who may provide useful information on the defendant's
18 physical, emotional and mental suitability for the visit to ensure that
19 it will not cause any injury to the defendant. The court also may
20 order that the defendant participate in a counseling session under
21 the supervision of the Intoxicated Driving Program Unit prior to
22 participating in the supervised visitation program. The supervised
23 visitation program shall be at one or more of the following facilities
24 which have agreed to participate in the program under the
25 supervision of the facility's personnel and the probation department:

26 (1) a trauma center, critical care center or acute care hospital
27 having basic emergency services, which receives victims of motor
28 vehicle accidents for the purpose of observing appropriate victims
29 of drunk drivers and victims who are, themselves, drunk drivers;

30 (2) a facility which cares for advanced **alcoholics or drug**
31 **abusers** persons with alcohol or substance use disorder, to observe
32 persons in the advanced stages of **alcoholism and drug abuse**
33 alcohol use disorder and substance use disorder; or

34 (3) if approved by a county medical examiner, the office of the
35 county medical examiner or a public morgue to observe appropriate
36 victims of vehicle accidents involving drunk drivers.

37 As used in this section, "appropriate victim" means a victim
38 whose condition is determined by the facility's supervisory
39 personnel and the probation officer to be appropriate for
40 demonstrating the results of accidents involving drunk drivers
41 without being unnecessarily gruesome or traumatic to the
42 defendant.

43 If at any time before or during a visitation the facility's
44 supervisory personnel and the probation officer determine that the
45 visitation may be or is traumatic or otherwise inappropriate for that
46 defendant, the visitation shall be terminated without prejudice to the
47 defendant. The program may include a personal conference after
48 the visitation, which may include the sentencing judge or the judge

1 who coordinates the program for the court, the defendant,
2 defendant's counsel, and, if available, the defendant's parents to
3 discuss the visitation and its effect on the defendant's future
4 conduct. If a personal conference is not practicable because of the
5 defendant's absence from the jurisdiction, conflicting time
6 schedules, or any other reason, the court shall require the defendant
7 to submit a written report concerning the visitation experience and
8 its impact on the defendant. The county, a court, any facility visited
9 pursuant to the program, any agents, employees, or independent
10 contractors of the court, county, or facility visited pursuant to the
11 program, and any person supervising a defendant during the
12 visitation, are not liable for any civil damages resulting from injury
13 to the defendant, or for civil damages associated with the visitation
14 which are caused by the defendant, except for willful or grossly
15 negligent acts intended to, or reasonably expected to result in, that
16 injury or damage.

17 The Supreme Court may adopt court rules or directives to
18 effectuate the purposes of this subsection.

19 (i) In addition to any other fine, fee, or other charge imposed
20 pursuant to law, the court shall assess a person convicted of a
21 violation of the provisions of this section a surcharge of \$125, of
22 which amount \$50 shall be payable to the municipality in which the
23 conviction was obtained, \$50 shall be payable to the Treasurer of
24 the State of New Jersey for deposit into the General Fund, and \$25
25 which shall be payable as follows: in a matter where the summons
26 was issued by a municipality's law enforcement agency, to that
27 municipality to be used for the cost of equipping police vehicles
28 with mobile video recording systems pursuant to the provisions of
29 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
30 summons was issued by a county's law enforcement agency, to that
31 county; and in a matter where the summons was issued by a State
32 law enforcement agency, to the General Fund.

33 (cf: P.L.2019, c.248, s.2)

34
35 132. Section 8 of P.L.1997, c.331, s.8 (C.45:2D-8) is amended to
36 read as follows:

37 8. a. No person shall engage in the practice of alcohol and drug
38 counseling as a licensed clinical alcohol and drug counselor unless
39 licensed under this act. No person shall engage in the practice of
40 alcohol and drug counseling as a certified alcohol and drug
41 counselor unless certified under this act. No person shall present,
42 call or represent himself as a licensed clinical alcohol and drug
43 counselor unless licensed under this act. No person shall present,
44 call or represent himself as a certified alcohol and drug counselor
45 unless certified under this act.

46 b. No person shall assume, represent himself as, or use the title
47 or designation "**【alcoholism】** alcohol use disorder counselor,"
48 "alcohol counselor," "drug counselor," "alcohol and drug

1 counselor," "[alcoholism and drug] alcohol use disorder and
2 substance use disorder counselor," "licensed clinical alcohol and
3 drug counselor," "certified alcohol and drug counselor," "substance
4 [abuse] use counselor," "chemical dependency counselor," or
5 "chemical dependency supervisor," or any of the abbreviations for
6 the above titles, unless licensed or certified under this act, and
7 unless the title or designation corresponds to the license or
8 certification held by the person pursuant to this act.

9 c. No person shall engage in the independent practice of
10 alcohol and drug counseling for a fee unless the person is licensed
11 under this act as a licensed clinical alcohol and drug counselor or
12 the person is a certified alcohol and drug counselor practicing under
13 the supervision of a licensed clinical alcohol and drug counselor.
14 (cf: P.L.1997, c.331, s.8)

15
16 133. Section 16 of P.L.1997, c.331 (C.45:2D-16) is amended to
17 read as follows:

18 16. a. On or before the 730th day following the effective date of
19 this act, upon application to the board on the form and in the
20 manner the committee prescribes and the board approves, any
21 person certified in New Jersey by the Alcohol and Drug Counselor
22 Certification Board of New Jersey, Inc. as an [alcoholism] alcohol
23 use disorder counselor on the enactment date of this act who
24 demonstrates to the board that he has successfully completed 30
25 classroom hours in drug education may acquire a certificate as a
26 certified alcohol and drug counselor without meeting the
27 requirements set forth in section 5 of this act.

28 b. On or before the 730th day following the effective date of
29 this act, upon application to the board on the form and in the
30 manner the committee prescribes and the board approves, any
31 person certified in New Jersey by the Alcohol and Drug Counselor
32 Certification Board of New Jersey, Inc. as a drug counselor on the
33 enactment date of this act who demonstrates to the board that he has
34 successfully completed 50 classroom hours in alcohol education
35 may acquire a certificate as a certified alcohol and drug counselor
36 without meeting the requirements set forth in section 5 of this act.

37 c. On or before the 730th day following the effective date of
38 this act, upon application to the board on the form and in the
39 manner the committee prescribes and the board approves, any
40 person who has practiced as an alcohol and drug counselor for at
41 least five years and is certified in New Jersey by the Alcohol and
42 Drug Counselor Certification Board of New Jersey, Inc. as an
43 alcohol and drug counselor on the enactment date of this act may be
44 licensed as a licensed clinical alcohol and drug counselor without
45 meeting the requirements set forth in section 4 of this act.

46 (cf: P.L.1997, c.331, s.16)

1 134. Section 15 of P.L.1993, c.340 (C.45:8B-48) is amended to
2 read as follows:

3 15. Nothing in this act shall be construed to apply to:

4 a. The activities and services of qualified members of other
5 professions, including physicians, psychologists, registered nurses,
6 marriage and family therapists, attorneys, social workers or any
7 other professionals licensed by the State, when acting within the
8 scope of their profession and doing work of a nature consistent with
9 their training, provided they do not hold themselves out to the
10 public as possessing a license issued pursuant to this act or
11 represent themselves by any professional title regulated by this act.

12 b. The activities, services and use of an official title on the part
13 of a person employed as a counselor or rehabilitation counselor by
14 any federal, State, county, or municipal agency; or public or private
15 educational institution, but only when these persons are performing
16 counseling, rehabilitation counseling or activities related to
17 counseling or rehabilitation counseling within the scope of their
18 employment.

19 c. The activities and services of a student, intern or trainee in
20 counseling or rehabilitation counseling pursuing a course of study
21 in counseling or rehabilitation counseling in a regionally accredited
22 institution of higher education or training institution, if these
23 activities are performed under supervision and constitute a part of
24 the supervised course of study, and if the person is clearly
25 designated a "Counselor intern" or a "Rehabilitation counselor
26 intern".

27 d. The activities and services in this State of a nonresident
28 person rendered on not more than 30 days during any calendar year,
29 if that person is duly authorized to perform those activities and
30 services under the laws of his residence.

31 e. The activities and services of a rabbi, priest, minister,
32 Christian Science practitioner or clergyman of any religious
33 denomination or sect, if those activities and services are within the
34 scope of the performance of his regular or specialized ministerial
35 duties and for which no separate charge is made, or when these
36 activities are performed with or without charge, for or under
37 auspices or sponsorship, individually or in conjunction with others,
38 of an established and legally cognizable church, denomination, or
39 sect, and when the person rendering the service remains accountable
40 to the established authority thereof.

41 f. The activities, services, titles and descriptions of persons
42 employed as professionals or volunteers in the practice of
43 counseling or rehabilitation counseling for public or private
44 nonprofit organizations or charities.

45 g. The activities and services of persons employed as peer
46 counselors in organizations devoted to prevention of **alcoholism**
47 and drug abuse **alcohol use disorder and substance use disorder**, or

1 relief of emotional effects of rape or other crimes, and telephone
2 "hotline" organizations.

3 (cf: P.L.1997, c.155, s.13)

4
5 135. Section 5 of P.L.1961, c.49 (C.52:14-17.29) is amended to
6 read as follows:

7 5. (A) The contract or contracts purchased by the commission
8 pursuant to subsection b. of section 4 of P.L.1961, c.49 (C.52:14-
9 17.28) shall provide separate coverages or policies as follows:

10 (1) Basic benefits which shall include:

11 (a) Hospital benefits, including outpatient;

12 (b) Surgical benefits;

13 (c) Inpatient medical benefits;

14 (d) Obstetrical benefits; and

15 (e) Services rendered by an extended care facility or by a home
16 health agency and for specified medical care visits by a physician
17 during an eligible period of such services, without regard to
18 whether the patient has been hospitalized, to the extent and subject
19 to the conditions and limitations agreed to by the commission and
20 the carrier or carriers.

21 Basic benefits shall be substantially equivalent to those available
22 on a group remittance basis to employees of the State and their
23 dependents under the subscription contracts of the New Jersey
24 "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall
25 include benefits for:

26 (i) Additional days of inpatient medical service;

27 (ii) Surgery elsewhere than in a hospital;

28 (iii) X-ray, radioactive isotope therapy and pathology services;

29 (iv) Physical therapy services;

30 (v) Radium or radon therapy services;

31 and the extended basic benefits shall be subject to the same
32 conditions and limitations, applicable to such benefits, as are set
33 forth in "Extended Outpatient Hospital Benefits Rider," Form 1500,
34 71(9-66), and in "Extended Benefit Rider" (as amended), Form MS
35 7050J(9-66) issued by the New Jersey "Blue Cross" and "Blue
36 Shield" Plans, respectively, and as the same may be amended or
37 superseded, subject to filing by the Commissioner of Banking and
38 Insurance; and

39 (2) Major medical expense benefits which shall provide benefit
40 payments for reasonable and necessary eligible medical expenses
41 for hospitalization, surgery, medical treatment and other related
42 services and supplies to the extent they are not covered by basic
43 benefits. The commission may, by regulation, determine what types
44 of services and supplies shall be included as "eligible medical
45 services" under the major medical expense benefits coverage as
46 well as those which shall be excluded from or limited under such
47 coverage. Benefit payments for major medical expense benefits
48 shall be equal to a percentage of the reasonable charges for eligible

1 medical services incurred by a covered employee or an employee's
2 covered dependent, during a calendar year as exceed a deductible
3 for such calendar year of \$100.00 subject to the maximums
4 hereinafter provided and to the other terms and conditions
5 authorized by this act. The percentage shall be 80% of the first
6 \$2,000.00 of charges for eligible medical services incurred
7 subsequent to satisfaction of the deductible and 100% thereafter.
8 There shall be a separate deductible for each calendar year for (a)
9 each enrolled employee and (b) all enrolled dependents of such
10 employee. Not more than \$1,000,000.00 shall be paid for major
11 medical expense benefits with respect to any one person for the
12 entire period of such person's coverage under the plan, whether
13 continuous or interrupted except that this maximum may be
14 reapplied to a covered person in amounts not to exceed \$2,000.00 a
15 year. Maximums of \$10,000.00 per calendar year and \$20,000.00
16 for the entire period of the person's coverage under the plan shall
17 apply to eligible expenses incurred because of mental illness or
18 functional nervous disorders, and such may be reapplied to a
19 covered person, except as provided in P.L.1999, c.441 (C.52:14-
20 17.29d et al.). The same provisions shall apply for retired
21 employees and their dependents. Under the conditions agreed upon
22 by the commission and the carriers as set forth in the contract, the
23 deductible for a calendar year may be satisfied in whole or in part
24 by eligible charges incurred during the last three months of the prior
25 calendar year.

26 Any service determined by regulation of the commission to be an
27 "eligible medical service" under the major medical expense benefits
28 coverage which is performed by a duly licensed practicing
29 psychologist within the lawful scope of his practice shall be
30 recognized for reimbursement under the same conditions as would
31 apply were such service performed by a physician.

32 (B) The contract or contracts purchased by the commission
33 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
34 17.28) shall include coverage for services and benefits that are at a
35 level that is equal to or exceeds the level of services and benefits set
36 forth in this subsection, provided that such services and benefits
37 shall include only those that are eligible medical services and not
38 those deemed experimental, investigative or otherwise not eligible
39 medical services. The determination of whether services or benefits
40 are eligible medical services shall be made by the commission
41 consistent with the best interests of the State and participating
42 employers, employees, and dependents. The following list of
43 services is not intended to be exclusive or to require that any limits
44 or exclusions be exceeded.

45 Covered services shall include:

46 (1) Physician services, including:

47 (a) Inpatient services, including:

48 (i) medical care including consultations;

- 1 (ii) surgical services and services related thereto; and
- 2 (iii) obstetrical services including normal delivery, cesarean
- 3 section, and abortion.
- 4 (b) Outpatient/out-of-hospital services, including:
- 5 (i) office visits for covered services and care;
- 6 (ii) allergy testing and related diagnostic/therapy services;
- 7 (iii) dialysis center care;
- 8 (iv) maternity care;
- 9 (v) well child care;
- 10 (vi) child immunizations/lead screening;
- 11 (vii) routine adult physicals including pap, mammography, and
- 12 prostate examinations; and
- 13 (viii) annual routine obstetrical/gynecological exam.
- 14 (2) Hospital services, both inpatient and outpatient, including:
- 15 (a) room and board;
- 16 (b) intensive care and other required levels of care;
- 17 (c) semi-private room;
- 18 (d) therapy and diagnostic services;
- 19 (e) surgical services or facilities and treatment related thereto;
- 20 (f) nursing care;
- 21 (g) necessary supplies, medicines, and equipment for care; and
- 22 (h) maternity care and related services.
- 23 (3) Other facility and services, including:
- 24 (a) approved treatment centers for medical
- 25 emergency/accidental injury;
- 26 (b) approved surgical center;
- 27 (c) hospice;
- 28 (d) chemotherapy;
- 29 (e) diagnostic x-ray and lab tests;
- 30 (f) ambulance;
- 31 (g) durable medical equipment;
- 32 (h) prosthetic devices;
- 33 (i) foot orthotics;
- 34 (j) diabetic supplies and education; and
- 35 (k) oxygen and oxygen administration.
- 36 (4) All services for which coverage is required pursuant to
- 37 P.L.1961, c.49 (C.52:14-17.25 et seq.), as amended and
- 38 supplemented. Benefits under the contract or contracts purchased as
- 39 authorized by the State Health Benefits Program shall include those
- 40 for mental health services subject to limits and exclusions
- 41 consistent with the provisions of the New Jersey State Health
- 42 Benefits Program Act.
- 43 (C) The contract or contracts purchased by the commission
- 44 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
- 45 17.28) shall include the following provisions regarding
- 46 reimbursements and payments:
- 47 (1) In the successor plan, the co-payment for doctor's office
- 48 visits shall be \$10 per visit with a maximum out-of-pocket of \$400

1 per individual and \$1,000 per family for in-network services for
2 each calendar year. The out-of-network deductible shall be \$100 per
3 individual and \$250 per family for each calendar year, and the
4 participant shall receive reimbursement for out-of-network charges
5 at the rate of 80【%】 percent of reasonable and customary charges,
6 provided that the out-of-pocket maximum shall not exceed \$2,000
7 per individual and \$5,000 per family for each calendar year.

8 (2) In the State managed care plan that is required to be included
9 in a contract entered into pursuant to subsection c. of section 4 of
10 P.L.1961, c.49 (C.52:14-17.28), the co-payment for doctor's office
11 visits shall be \$15 per visit. The participant shall receive
12 reimbursement for out-of-network charges at the rate of 70% of
13 reasonable and customary charges. The in-network and out-of-
14 network limits, exclusions, maximums, and deductibles shall be
15 substantially equivalent to those in the NJ PLUS plan in effect on
16 June 30, 2007, with adjustments to that plan pursuant to a binding
17 collective negotiations agreement or pursuant to action by the
18 commission, in its sole discretion, to apply such adjustments to
19 State employees for whom there is no majority representative for
20 collective negotiations purposes.

21 (3) "Reasonable and customary charges" means charges based
22 upon the 90th percentile of the usual, customary, and reasonable
23 (UCR) fee schedule determined by the Health Insurance
24 Association of America or a similar nationally recognized database
25 of prevailing health care charges.

26 (D) Benefits under the contract or contracts purchased as
27 authorized by this act may be subject to such limitations,
28 exclusions, or waiting periods as the commission finds to be
29 necessary or desirable to avoid inequity, unnecessary utilization,
30 duplication of services or benefits otherwise available, including
31 coverage afforded under the laws of the United States, such as the
32 federal Medicare program, or for other reasons.

33 Benefits under the contract or contracts purchased as authorized
34 by this act shall include those for the treatment of 【alcoholism】
35 alcohol use disorder where such treatment is prescribed by a
36 physician and shall also include treatment while confined in or as
37 an outpatient of a licensed hospital or residential treatment program
38 which meets minimum standards of care equivalent to those
39 prescribed by the Joint Commission on Hospital Accreditation. No
40 benefits shall be provided beyond those stipulated in the contracts
41 held by the State Health Benefits Commission.

42 (E) The rates charged for any contract purchased under the
43 authority of this act shall reasonably and equitably reflect the cost
44 of the benefits provided based on principles which in the judgment
45 of the commission are actuarially sound. The rates charged shall be
46 determined by the carrier on accepted group rating principles with
47 due regard to the experience, both past and contemplated, under the
48 contract. The commission shall have the right to particularize

1 subgroups for experience purposes and rates. No increase in rates
2 shall be retroactive.

3 (F) The initial term of any contract purchased by the
4 commission under the authority of this act shall be for such period
5 to which the commission and the carrier may agree, but permission
6 may be made for automatic renewal in the absence of notice of
7 termination by the commission. Subsequent terms for which any
8 contract may be renewed as herein provided shall each be limited to
9 a period not to exceed one year.

10 (G) A contract purchased by the commission pursuant to
11 subsection b. of section 4 of P.L.1961, c.49 (C.52:14-17.28) shall
12 contain a provision that if basic benefits or major medical expense
13 benefits of an employee or of an eligible dependent under the
14 contract, after having been in effect for at least one month in the
15 case of basic benefits or at least three months in the case of major
16 medical expense benefits, is terminated, other than by voluntary
17 cancellation of enrollment, there shall be a 31-day period following
18 the effective date of termination during which such employee or
19 dependent may exercise the option to convert, without evidence of
20 good health, to converted coverage issued by the carriers on a direct
21 payment basis. Such converted coverage shall include benefits of
22 the type classified as "basic benefits" or "major medical expense
23 benefits" in subsection (A) hereof and shall be equivalent to the
24 benefits which had been provided when the person was covered as
25 an employee. The provision shall further stipulate that the employee
26 or dependent exercising the option to convert shall pay the full
27 periodic charges for the converted coverage which shall be subject
28 to such terms and conditions as are normally prescribed by the
29 carrier for this type of coverage.

30 (H) The commission may purchase a contract or contracts to
31 provide drug prescription and other health care benefits or authorize
32 the purchase of a contract or contracts to provide drug prescription
33 and other health care benefits as may be required to implement a
34 duly executed collective negotiations agreement or as may be
35 required to implement a determination by a public employer to
36 provide such benefit or benefits to employees not included in
37 collective negotiations units.

38 (I) The commission shall take action as necessary, in
39 cooperation with the School Employees' Health Benefits
40 Commission established pursuant to section 33 of P.L.2007, c.103
41 (C.52:14-17.46.3), to effectuate the purposes of the School
42 Employees' Health Benefits Program Act as provided in sections 31
43 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-
44 17.46.11) and to enable the School Employees' Health Benefits
45 Commission to begin providing coverage to participants pursuant to
46 the School Employees' Health Benefits Program Act as of July 1,
47 2008.

1 (J) Beginning January 1, 2012, the State Health Benefits Plan
2 Design Committee shall provide to employees the option to select
3 one of at least three levels of coverage each for family, individual,
4 individual and spouse, and individual and dependent, or equivalent
5 categories, for each plan offered by the program differentiated by
6 out of pocket costs to employees including co-payments and
7 deductibles. Notwithstanding any other provision of law to the
8 contrary, the committee shall have the sole discretion to set the
9 amounts for maximums, co-pays, deductibles, and other such
10 participant costs for all plans in the program. The committee shall
11 also provide for a high deductible health plan that conforms with
12 Internal Revenue Code Section 223.

13 There shall be appropriated annually for each State fiscal year,
14 through the annual appropriations act, such amounts as shall be
15 necessary as funding by the State as an employer, or as otherwise
16 required, with regard to employees or retirees who have enrolled in
17 a high deductible health plan that conforms with Internal Revenue
18 Code Section 223.

19 (cf: P.L.2011, c.78, s.47)

20

21 136. Section 36 of P.L.2007, c.103 (C.52:14-17.46.6) is amended
22 to read as follows:

23 36. a. Notwithstanding the provisions of any other law to the
24 contrary, the commission shall not enter into a contract under the
25 School Employees' Health Benefits Program Act, sections 31
26 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-
27 17.46.11), for the benefits provided pursuant to the act, unless the
28 level of benefits provided under the contract entered into is equal to
29 or exceeds the level of benefits provided in this section, or as
30 modified pursuant to section 40 of that act (C.52:14-17.46.10). Only
31 benefits for medically necessary services that are not deemed
32 experimental, investigative or otherwise not eligible medical
33 services shall be provided. The determination that services are not
34 "eligible medical services" shall be made by the commission
35 consistent with the best interests of the State, participating
36 employers and those persons covered hereunder. Benefits for
37 services provided pursuant to the School Employees' Health
38 Benefits Act shall be subject to limits or exclusions consistent with
39 those that apply to benefits provided pursuant to the New Jersey
40 State Health Benefits Program Act. The services provided pursuant
41 to this section shall include all services, subject to applicable limits
42 and exclusions, provided through the State Health Benefits Program
43 as of July 1, 2007. The list of services in subsection b. of this
44 section is not intended to be exclusive or to require that any limits
45 or exclusions be exceeded.

46 b. The services covered hereunder by the School Employees'
47 Health Benefits Program shall include:

48 (1) Physician services, including:

- 1 (a) Inpatient services, including:
- 2 (i) medical care including consultations;
- 3 (ii) surgical services and services related thereto; and
- 4 (iii) obstetrical services including normal delivery, cesarean
- 5 section, and abortion.
- 6 (b) Outpatient/out-of-hospital services, including:
- 7 (i) office visits for covered services and care;
- 8 (ii) allergy testing and related diagnostic/therapy services;
- 9 (iii) dialysis center care;
- 10 (iv) maternity care;
- 11 (v) well child care;
- 12 (vi) child immunizations/lead screening;
- 13 (vii) routine adult physicals including pap, mammography, and
- 14 prostate examinations; and
- 15 (viii) annual routine obstetrical/gynecological exam.
- 16 (2) Hospital services, both inpatient and outpatient, including:
- 17 (a) room and board;
- 18 (b) intensive care and other required levels of care;
- 19 (c) semi-private room;
- 20 (d) therapy and diagnostic services;
- 21 (e) surgical services or facilities and treatment related thereto;
- 22 (f) nursing care;
- 23 (g) necessary supplies, medicines, and equipment for care; and
- 24 (h) maternity care and related services.
- 25 (3) Other facility and services, including:
- 26 (a) approved treatment centers for medical
- 27 emergency/accidental injury;
- 28 (b) approved surgical center;
- 29 (c) hospice;
- 30 (d) chemotherapy;
- 31 (e) diagnostic x-ray and lab tests;
- 32 (f) ambulance;
- 33 (g) durable medical equipment;
- 34 (h) prosthetic devices;
- 35 (i) foot orthotics;
- 36 (j) diabetic supplies and education; and
- 37 (k) oxygen and oxygen administration.
- 38 c. Benefits under the contract or contracts purchased as
- 39 authorized by the School Employees' Health Benefits Program Act
- 40 shall include those for the treatment of **[alcoholism]** alcohol use
- 41 disorder where such treatment is prescribed by a physician and shall
- 42 also include treatment while confined in or as an outpatient of a
- 43 licensed hospital or residential treatment program which meets
- 44 minimum standards of care equivalent to those prescribed by the
- 45 Joint Commission on Hospital Accreditation. No benefits shall be
- 46 provided beyond those stipulated in the contracts held by the School
- 47 Employees' Health Benefits Commission.

1 d. Benefits under the contract or contracts purchased as
2 authorized by the School Employees' Health Benefits Program Act
3 shall include those for mental health services subject to limits and
4 exclusions consistent with those that apply to benefits for such
5 services pursuant to the New Jersey State Health Benefits Program
6 Act. Coverage for biologically-based mental illness, as defined in
7 section 1 of P.L.1999, c.441 (C.52:14-17.29d), shall be provided in
8 accordance with section 2 of P.L.1999, c.441 (C.52:14-17.29e).

9 e. Coverage provided under the School Employees' Health
10 Benefits Program Act shall include coverage for all services for
11 which coverage is mandated in the State Health Benefits Program
12 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.).

13 f. (1) As used in this subsection:

14 (a) "brand name" means the proprietary or trade name assigned
15 to a drug product by the manufacturer or distributor of the drug
16 product.

17 (b) "carrier" means an insurance company, hospital, medical, or
18 health service corporation, preferred provider organization, or
19 health maintenance organization under agreement or contract with
20 the commission to administer the School Employee Prescription
21 Drug Plan.

22 (c) "School Employee Prescription Drug Plan" means the plan
23 for providing payment for eligible prescription drug expenses of
24 members of the School Employees' Health Benefits Program and
25 their eligible dependents.

26 (d) "generic drug products" means prescription drug products
27 and insulin approved and designated by the United States Food and
28 Drug Administration as therapeutic equivalents for reference listed
29 drug products. The term includes drug products listed in the New
30 Jersey Generic Formulary by the Drug Utilization Review Council
31 pursuant to P.L.1977, c.240 (C.24:6E-1 et al.).

32 (e) "mail-order pharmacy" means the mail order program
33 available through the carrier.

34 (f) "preferred brands" means brand name prescription drug
35 products and insulin determined by the carrier to be a more cost
36 effective alternative for prescription drug products and insulin with
37 comparable therapeutic efficacy within a therapeutic class, as
38 defined or recognized in the United States Pharmacopeia or the
39 American Hospital Formulary Service Drug Information, or by the
40 American Society of Health Systems Pharmacists. A drug product
41 for which there is no other therapeutically equivalent drug product
42 shall be a preferred brand. Determinations of preferred brands by
43 the carrier shall be subject to review and modification by the
44 commission.

45 (g) "retail pharmacy" means a pharmacy, drug store or other
46 retail establishment in this State at which prescription drugs are
47 dispensed by a registered pharmacist under the laws of this State, or
48 a pharmacy, drug store or other retail establishment in another state

1 at which prescription drug products are dispensed by a registered
2 pharmacist under the laws of that state if expenses for prescription
3 drug products dispensed at the pharmacy, drug store, or other retail
4 establishment are eligible for payment under the School Employee
5 Prescription Drug Plan.

6 (h) "other brands" means prescription drug products which are
7 not preferred brands or generic drug products. A new drug product
8 approved by the United States Food and Drug Administration which
9 is not a generic drug product shall be included in this category until
10 the carrier makes a determination concerning inclusion of the drug
11 product in the list of preferred brands.

12 (2) (a) Employers that participate in the School Employees'
13 Health Benefits Program may offer to their employees and eligible
14 dependents:

15 (i) enrollment in the School Employee Prescription Drug Plan,
16 or

17 (ii) enrollment in another free-standing prescription drug plan,
18 or

19 (iii) election of prescription drug coverage under their health
20 care coverage through the School Employees' Health Benefits
21 Program plan or as otherwise determined by the commission.

22 (b) A co-payment shall be required for each prescription drug
23 expense if the employer chooses to participate in the School
24 Employee Prescription Drug Plan. The initial amounts of the co-
25 payments shall be the same as those in effect on July 1, 2007 for the
26 employee prescription drug plan offered through the State Health
27 Benefits Program.

28 (c) If the employer elects to offer a free-standing prescription
29 drug plan, the employee's share of the cost for this prescription drug
30 plan may be determined by means of a binding collective
31 negotiations agreement, including any agreements in force at the
32 time the employer commences participation in the School
33 Employees' Health Benefits Program.

34 (d) If an employee declines the employer's offering of a free-
35 standing prescription drug plan, no reimbursement for prescription
36 drugs shall be provided under the health care coverage through the
37 School Employees' Health Benefits Program plan in which the
38 employee is enrolled.

39 (e) Prescription drug classifications that are not eligible for
40 coverage under the employer's prescription drug plan shall also not
41 be eligible for coverage under the health care coverage through the
42 School Employees' Health Benefits Program plan except as
43 federally or State mandated.

44 (f) If the employer elects to not offer a free-standing
45 prescription drug plan, then the employer shall offer prescription
46 drug coverage under the health care coverage through the School
47 Employees' Health Benefits Program plan or as determined by the
48 commission. Any plan that has in-network and out-of-network

1 coverage shall cover prescription drugs at 90% in-network and at
2 the out-of-network rate applicable to health care coverage in the
3 plan. The out-of-pocket amounts paid towards prescription drugs
4 shall be combined with out-of-pocket medical payments to reach all
5 out-of-pocket maximums.

6 (g) Health care coverages through the School Employees' Health
7 Benefits Program that only have in-network benefits shall include a
8 prescription card with co-payment amounts the same as those in
9 effect on July 1, 2007 for such coverages offered through the State
10 Health Benefits Program.

11 (h) In the fifth year following the initial appointment of all of its
12 members, the commission shall, as part of the fifth year audit and
13 review undertaken pursuant to section 40 of that act (C.52:14-
14 17.46.10), review the prescription drug program established in this
15 subsection and may make changes in the program pursuant to the
16 terms of section 40 by majority vote of the full authorized
17 membership of the commission.

18 g. Beginning January 1, 2012, the School Employees' Health
19 Benefits Plan Design Committee shall provide to employees the
20 option to select one of at least three levels of coverage each for
21 family, individual, individual and spouse, and individual and
22 dependent, or equivalent categories, for each plan offered by the
23 program differentiated by out of pocket costs to employees
24 including co-payments and deductibles. Notwithstanding any other
25 provision of law to the contrary, the committee shall have the sole
26 discretion to set the amounts for maximums, co-pays, deductibles,
27 and other such participant costs for all plans in the program. The
28 committee shall also provide for a high deductible health plan that
29 conforms with Internal Revenue Code Section 223.

30 There shall be appropriated annually for each State fiscal year,
31 through the annual appropriations act, such amounts as shall be
32 necessary as funding by the State with regard to retirees who have
33 enrolled in a high deductible health plan that conforms with Internal
34 Revenue Code Section 223.

35 (cf: P.L.2011, c.78, s.48)

36

37 137. Section 6 of P.L.1991, c.51 (C.52:27D-400) is amended to
38 read as follows:

39 6. Community action programs shall have, but not be limited to,
40 the following goals:

41 a. Securing and retaining employment, attaining adequate
42 education and obtaining decent and affordable housing for
43 community residents;

44 b. Assisting community residents in improving the allocation of
45 available income;

46 c. Promoting family planning, consistent with personal and
47 family goals;

1 d. Securing services for the prevention of narcotic **【addiction】**
2 use and **【alcoholism】** alcohol use disorder and for the rehabilitation
3 of persons **【addicted to alcohol, narcotics and other addictive**
4 **substances】** who have alcohol use disorder or substance use
5 disorder;

6 e. Obtaining emergency assistance to meet individual and family
7 needs including health, housing, employment and energy assistance
8 services; and

9 f. Increasing the participation of community residents in
10 community affairs.

11 (cf: P.L.1991, c.51, s.6)

12

13 138. Section 1 of P.L.1948, c.259 (C.54:4-3.30) is amended to
14 read as follows:

15 1. a. The dwelling house and the lot or curtilage whereon the
16 same is erected, of any citizen and resident of this State, now or
17 hereafter honorably discharged or released under honorable
18 circumstances, from active service in any branch of the Armed
19 Forces of the United States, who has been or shall be declared by
20 the United States Department of Veterans' Affairs or its successor to
21 have a service-connected disability from paraplegia, sarcoidosis,
22 osteochondritis resulting in permanent loss of the use of both legs,
23 or permanent paralysis of both legs and lower parts of the body, or
24 from hemiplegia and has permanent paralysis of one leg and one
25 arm or either side of the body, resulting from injury to the spinal
26 cord, skeletal structure, or brain or from disease of the spinal cord
27 not resulting from any form of syphilis; or from total blindness; or
28 from amputation of both arms or both legs, or both hands or both
29 feet, or the combination of a hand and a foot; or from other service-
30 connected disability declared by the United States Veterans
31 Administration or its successor to be a total or 100**【%】** percent
32 permanent disability, and not so evaluated solely because of
33 hospitalization or surgery and recuperation, sustained through
34 enemy action, or accident, or resulting from disease contracted
35 while in such active service, shall be exempt from taxation, on
36 proper claim made therefor, and such exemption shall be in addition
37 to any other exemption of such person's real and personal property
38 which now is or hereafter shall be prescribed or allowed by the
39 Constitution or by law but no taxpayer shall be allowed more than
40 one exemption under this act.

41 b. (1) The surviving spouse of any such citizen and resident of
42 this State, who at the time of death was entitled to the exemption
43 provided under this act, shall be entitled, on proper claim made
44 therefor, to the same exemption as the deceased had, during the
45 surviving spouse's widowhood or widowerhood, as the case may be,
46 and while a resident of this State, for the time that the surviving
47 spouse is the legal owner thereof and actually occupies the said
48 dwelling house or any other dwelling house thereafter acquired.

1 (2) The surviving spouse of any citizen and resident of this State
2 who was honorably discharged and, after the citizen and resident's
3 death, is declared to have suffered a service-connected disability as
4 provided in subsection a. of this section, shall be entitled, on proper
5 claim made therefor, to the same exemption the deceased would
6 have become eligible for. The exemption shall continue during the
7 surviving spouse's widowhood or widowerhood, as the case may be,
8 and while a resident of this State, for the time that the surviving
9 spouse is the legal owner thereof and actually occupies the dwelling
10 house or any other dwelling house thereafter acquired.

11 c. The surviving spouse of any citizen and resident of this
12 State, who died in active service in any branch of the Armed Forces
13 of the United States, shall be entitled, on proper claim made
14 therefor, to an exemption from taxation on the dwelling house and
15 lot or curtilage whereon the same is erected, during the surviving
16 spouse's widowhood or widowerhood, as the case may be, and
17 while a resident of this State, for the time that the surviving spouse
18 is the legal owner thereof and actually occupies the said dwelling or
19 any other dwelling house thereafter acquired.

20 d. The surviving spouse of any citizen and resident of this State
21 who died prior to January 10, 1972, that being the effective date of
22 P.L.1971, c.398, and whose circumstances were such that, had said
23 law become effective during the deceased's lifetime, the deceased
24 would have become eligible for the exemption granted under this
25 section as amended by said law, shall be entitled, on proper claim
26 made therefor, to the same exemption as the deceased would have
27 become eligible for upon the dwelling house and lot or curtilage
28 occupied by the deceased at the time of death, during the surviving
29 spouse's widowhood or widowerhood, as the case may be, and
30 while a resident of this State, for the time that the surviving spouse
31 is the legal owner thereof and actually occupies the said dwelling
32 house on the premises to be exempted.

33 e. Nothing in this act shall be intended to include paraplegia or
34 hemiplegia resulting from locomotor ataxia or other forms of
35 syphilis of the central nervous system, or from chronic
36 **【alcoholism】** alcohol use disorder, or to include other forms of
37 disease resulting from the veteran's own misconduct which may
38 produce signs and symptoms similar to those resulting from
39 paraplegia, osteochondritis, or hemiplegia.

40 (cf: P.L.2019, c.413, s.1)

41

42 139. Section 5 of P.L.1993, c.216 (C.54:43-1.3) is amended to
43 read as follows:

44 5. Any amounts collected pursuant to the "Alcoholic Beverage
45 Tax Law," R.S.54:41-1 et seq., from a restricted brewery license
46 issued pursuant to subsection 1c. of R.S.33:1-10 shall be credited to
47 the Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol
48 Use Disorder and Substance Use Disorder to be allocated

1 exclusively to the Alliance to Prevent Alcoholism and Drug Abuse
2 for the purpose of awarding grants to municipalities and counties as
3 provided in subsection b. of section 7 of P.L.1989, c.51 (C.26:2BB-
4 7).

5 (cf: P.L.1993, c.216, s.5)

6

7 140. Section 1 of P.L.1956, c.214 (C.30:8-16.1) is amended to
8 read as follows:

9 1. It shall be lawful for the board of chosen freeholders of any
10 county in this State to establish and maintain facilities to provide
11 services for therapy for **【drug addicts or users】** persons with
12 substance use disorder while confined to the jail, workhouse or
13 penitentiary of any such county. It shall also be lawful for such
14 board to provide therapy for such **【drug addicts or users】** persons
15 with substance use disorder after discharge from the jail, workhouse
16 or penitentiary. Such facilities may be provided as a part of the jail,
17 workhouse or penitentiary, and at such other locations as the board
18 shall determine. It shall also be lawful for such board to contract
19 with any municipality or any other county to provide such needed
20 facilities and services, and to pay the whole or any part of the cost
21 of such facilities under such contract. Each board of chosen
22 freeholders is authorized to appropriate and expend the moneys
23 necessary to carry out the purposes of this act.

24 (cf: P.L.1956, c.214, s.1)

25

26 141. Section 1 of P.L.1964, c.254 (C.40:9B-1) is amended to
27 read as follows:

28 1. The board of chosen freeholders of any county or the
29 governing body of any municipality may establish and maintain a
30 narcotic treatment program for the operation or the support of
31 centers for the diagnosis and treatment of **【narcotic addicts】**
32 persons with substance use disorder. Such program may be carried
33 on by the establishment and operation of separate facilities or by
34 conducting the same in connection with an existing county or
35 municipal institution or by contract with a licensed hospital or the
36 governing body of another municipality.

37 (cf: P.L.1964, c.254, s.1)

38

39 142. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
40 read as follows:

41 2. As used in P.L.1961, c.49 (C.52:14-17.26 et seq.):

42 (a) The term "State" means the State of New Jersey.

43 (b) The term "commission" means the State Health Benefits
44 Commission, created by section 3 of P.L.1961, c.49 (C.52:14-
45 17.27).

46 (c) (1) The term "employee" means an appointive or elective
47 officer, a full-time employee of the State of New Jersey, or a full-
48 time employee of an employer other than the State who appears on

1 a regular payroll and receives a salary or wages for an average of
2 the number of hours per week as prescribed by the governing body
3 of the participating employer which number of hours worked shall
4 be considered full-time, determined by resolution, and not less than
5 20.

6 (2) After the effective date of P.L.2010, c.2, the term
7 "employee" means: (i) a full-time appointive or elective officer
8 whose hours of work are fixed at 35 or more per week, a full-time
9 employee of the State, or a full-time employee of an employer other
10 than the State who appears on a regular payroll and receives a
11 salary or wages for an average of the number of hours per week as
12 prescribed by the governing body of the participating employer
13 which number of hours worked shall be considered full-time,
14 determined by resolution, and not less than 25; (ii) an appointive or
15 elective officer, an employee of the State, or an employee of an
16 employer other than the State who has or is eligible for health
17 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et
18 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1
19 et seq.) on that effective date and continuously thereafter, provided
20 the officer or employee is covered by the definition in paragraph (1)
21 of this subsection; or (iii) every commissioner appointed to the New
22 Jersey Maritime Pilot and Docking Pilot Commission pursuant to
23 R.S.12:8-1. Any hour or part thereof, during which an employee
24 does not work due to the employee's participation in a voluntary or
25 mandatory furlough program shall not be deducted in determining if
26 a person's hours of work are fixed at fewer than 35 or 32 per week,
27 as appropriate, for the purpose of eligibility for health benefits
28 coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.),
29 provided the employee continues to pay contributions for coverage
30 during the period of furlough. If the pay of a furloughed employee
31 is insufficient to withhold the entirety of the employee's
32 contribution, then the employee shall remit the portion of the
33 contribution not withheld from the employee's pay to the Division
34 of Pensions and Benefits in the Department of the Treasury in a
35 manner determined by the division, except that no deduction for the
36 payment of such contributions shall be made from the
37 unemployment compensation benefits of the employee. For the
38 purposes of this act, an employee of Rutgers, The State University
39 of New Jersey, shall be deemed to be an employee of the State, and
40 an employee of the New Jersey Institute of Technology shall be
41 considered to be an employee of the State during such time as the
42 Trustees of the Institute are party to a contractual agreement with
43 the State Treasurer for the provision of educational services. The
44 term "employee" shall further mean, for purposes of this act, a
45 former employee of the South Jersey Port Corporation, who is
46 employed by a subsidiary corporation or other corporation, which
47 has been established by the Delaware River Port Authority pursuant
48 to subdivision (m) of Article I of the compact creating the Delaware

1 River Port Authority (R.S.32:3-2), as defined in section 3 of
2 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued
3 membership in the Public Employees' Retirement System pursuant
4 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

5 For the purposes of this act the term "employee" shall not
6 include persons employed on a short-term, seasonal, intermittent or
7 emergency basis, persons compensated on a fee basis, persons
8 having less than two months of continuous service or persons whose
9 compensation from the State is limited to reimbursement of
10 necessary expenses actually incurred in the discharge of their
11 official duties, provided, however, that the term "employee" shall
12 include persons employed on an intermittent basis to whom the
13 State has agreed to provide coverage under P.L.1961, c.49
14 (C.52:14-17.25 et seq.) in accordance with a binding collective
15 negotiations agreement. An employee paid on a 10-month basis,
16 pursuant to an annual contract, will be deemed to have satisfied the
17 two-month waiting period if the employee begins employment at
18 the beginning of the contract year. The term "employee" shall also
19 not include retired persons who are otherwise eligible for benefits
20 under this act but who, although they meet the age or disability
21 eligibility requirement of Medicare, are not covered by Medicare
22 Hospital Insurance, also known as Medicare Part A, and Medicare
23 Medical Insurance, also known as Medicare Part B. A
24 determination by the commission that a person is an eligible
25 employee within the meaning of this act shall be final and shall be
26 binding on all parties.

27 (d) (1) The term "dependents" means an employee's spouse,
28 partner in a civil union couple or an employee's domestic partner as
29 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the
30 employee's unmarried children under the age of 23 years who live
31 with the employee in a regular parent-child relationship. "Children"
32 shall include stepchildren, legally adopted children and children
33 placed by the Division of Child Protection and Permanency in the
34 Department of Children and Families, provided they are reported
35 for coverage and are wholly dependent upon the employee for
36 support and maintenance. A spouse, partner in a civil union couple,
37 domestic partner or child enlisting or inducted into military service
38 shall not be considered a dependent during the military service.
39 The term "dependents" shall not include spouses, partners in a civil
40 union couple or domestic partners of retired persons who are
41 otherwise eligible for the benefits under this act but who, although
42 they meet the age or disability eligibility requirement of Medicare,
43 are not covered by Medicare Hospital Insurance, also known as
44 Medicare Part A, and Medicare Medical Insurance, also known as
45 Medicare Part B.

46 (2) Notwithstanding the provisions of paragraph (1) of this
47 subsection to the contrary and subject to the provisions of paragraph
48 (3) of this subsection, for the purposes of an employer other than

1 the State that is participating in the State Health Benefits Program
2 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
3 "dependents" means an employee's spouse or partner in a civil
4 union couple and the employee's unmarried children under the age
5 of 23 years who live with the employee in a regular parent-child
6 relationship. "Children" shall include stepchildren, legally adopted
7 children and children placed by the Division of Child Protection
8 and Permanency in the Department of Children and Families
9 provided they are reported for coverage and are wholly dependent
10 upon the employee for support and maintenance. A spouse, partner
11 in a civil union couple or child enlisting or inducted into military
12 service shall not be considered a dependent during the military
13 service. The term "dependents" shall not include spouses or
14 partners in a civil union couple of retired persons who are otherwise
15 eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.)
16 but who, although they meet the age or disability eligibility
17 requirement of Medicare, are not covered by Medicare Hospital
18 Insurance, also known as Medicare Part A, and Medicare Medical
19 Insurance, also known as Medicare Part B.

20 (3) An employer other than the State that is participating in the
21 State Health Benefits Program pursuant to section 3 of P.L.1964,
22 c.125 (C.52:14-17.34) may adopt a resolution providing that the
23 term "dependents" as defined in paragraph (2) of this subsection
24 shall include domestic partners as provided in paragraph (1) of this
25 subsection.

26 (e) The term "carrier" means a voluntary association,
27 corporation or other organization, including a health maintenance
28 organization as defined in section 2 of the "Health Maintenance
29 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully
30 engaged in providing or paying for or reimbursing the cost of
31 personal health services, including hospitalization, medical and
32 surgical services, under insurance policies or contracts, membership
33 or subscription contracts, or the like, in consideration of premiums
34 or other periodic charges payable to the carrier.

35 (f) The term "hospital" means (1) an institution operated
36 pursuant to law which is primarily engaged in providing on its own
37 premises, for compensation from its patients, medical diagnostic
38 and major surgical facilities for the care and treatment of sick and
39 injured persons on an inpatient basis, and which provides such
40 facilities under the supervision of a staff of physicians and with 24-
41 hour-a-day nursing service by registered graduate nurses, or (2) an
42 institution not meeting all of the requirements of (1) but which is
43 accredited as a hospital by the Joint Commission on Accreditation
44 of Hospitals. In no event shall the term "hospital" include a
45 convalescent nursing home or any institution or part thereof which
46 is used principally as a convalescent facility, residential center for
47 the treatment and education of children with mental disorders, rest

1 facility, nursing facility or facility for the aged or for the care of
2 **【drug addicts or alcoholics】** persons with substance use disorder.

3 (g) The term "State-managed care plan" means a health care
4 plan under which comprehensive health care services and supplies
5 are provided to eligible employees, retirees, and dependents: (1)
6 through a group of doctors and other providers employed by the
7 plan; or (2) through an individual practice association, preferred
8 provider organization, or point of service plan under which services
9 and supplies are furnished to plan participants through a network of
10 doctors and other providers under contracts or agreements with the
11 plan on a prepayment or reimbursement basis and which may
12 provide for payment or reimbursement for services and supplies
13 obtained outside the network. The plan may be provided on an
14 insured basis through contracts with carriers or on a self-insured
15 basis, and may be operated and administered by the State or by
16 carriers under contracts with the State.

17 (h) The term "Medicare" means the program established by the
18 "Health Insurance for the Aged Act," Title XVIII of the "Social
19 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
20 or its successor plan or plans.

21 (i) The term "traditional plan" means a health care plan which
22 provides basic benefits, extended basic benefits and major medical
23 expense benefits as set forth in section 5 of P.L.1961, c.49
24 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
25 dependents for expenses for covered health care services and
26 supplies through payments to providers or reimbursements to
27 participants.

28 (j) The term "successor plan" means a State-managed care plan
29 that shall replace the traditional plan and that shall provide benefits
30 as set forth in subsection (B) of section 5 of P.L.1961, c.49
31 (C.52:14-17.29) with provisions regarding reimbursements and
32 payments as set forth in paragraph (1) of subsection (C) of section 5
33 of P.L.1961, c.49 (C.52:14-17.29).

34 (cf: P.L.2021, c.418, s.4)

35

36 143. Section 32 of P.L.2007, c.103 (C.52:14-17.46.2) is amended
37 to read as follows:

38 32. As used in the School Employees' Health Benefits Program
39 Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1
40 through C.52:14-17.46.11):

41 a. The term "State" means the State of New Jersey.

42 b. The term "commission" means the School Employees'
43 Health Benefits Commission, created by section 33 of P.L.2007,
44 c.103 (C.52:14-17.46.3).

45 c. The term "employer" means local school district, regional
46 school district, county vocational school district, county special
47 services school district, jointure commission, educational services
48 commission, State-operated school district, charter school, county

1 college, any officer, board, or commission under the authority of
2 the Commissioner of Education or of the State Board of Education,
3 and any other public entity which is established pursuant to
4 authority provided by Title 18A of the New Jersey Statutes, but
5 excluding the State public institutions of higher education and
6 excluding those public entities where the employer is the State of
7 New Jersey.

8 d. (1) The term "employee" means a person employed in any full
9 time capacity by an employer, and shall include persons defined as
10 a school employee by the regulations of the State Health Benefits
11 Commission in effect on the effective date of the School
12 Employees' Health Benefits Program Act. "Full-time" shall have the
13 same meaning as in the regulation of the State Health Benefits
14 Commission regarding local coverage in effect on the effective date
15 of the School Employees' Health Benefits Program Act.

16 (2) After the effective date of P.L.2010, c.2, the term
17 "employee" means (a) a person employed in any full-time capacity
18 by an employer who appears on a regular payroll and receives a
19 salary or wages for an average of the number of hours per week as
20 prescribed by the governing body of the participating employer
21 which number of hours worked shall be considered full-time,
22 determined by resolution, and not less than 25, and shall include
23 persons defined as a school employee by the regulations of the State
24 Health Benefits Commission in effect on the effective date of the
25 School Employees' Health Benefits Program Act, or (b) a person
26 employed in any full-time capacity by an employer who has or is
27 eligible for health benefits coverage provided under P.L.1961, c.49
28 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103
29 (C.52:14-17.46.1 et seq.) on that effective date and continuously
30 thereafter provided the person is covered by the definition in
31 paragraph (1) of this subsection. The term "employee" shall not
32 include persons employed on a short-term, seasonal, intermittent, or
33 emergency basis, persons compensated on a fee basis, persons
34 having less than two months of continuous service or persons whose
35 compensation is limited to reimbursement of necessary expenses
36 actually incurred in the discharge of their official duties. An
37 employee paid on a 10-month basis, pursuant to an annual contract,
38 shall be deemed to have satisfied the two-month waiting period if
39 the employee begins employment at the beginning of the contract
40 year. The term "employee" shall also not include retired persons
41 who are otherwise eligible for benefits under the School Employees'
42 Health Benefits Program but who, although they meet the age or
43 disability eligibility requirement of Medicare, are not covered by
44 Medicare Hospital Insurance, also known as Medicare Part A, and
45 Medicare Medical Insurance, also known as Medicare Part B. A
46 determination by the commission that a person is an eligible
47 employee for the purposes of the School Employees' Health
48 Benefits Program shall be final and binding on all parties.

1 e. The term "dependents" means an employee's spouse,
2 domestic partner, or partner in a civil union couple, and unmarried
3 children under the age of 23 years who live in a regular parent/child
4 relationship. "Children" shall include stepchildren, legally adopted
5 children and children placed by the Division of Youth and Family
6 Services in the Department of Children and Families, provided they
7 are reported for coverage and are wholly dependent upon the
8 employee for support and maintenance. A spouse, domestic partner,
9 partner in a civil union couple, or child enlisting or inducted into
10 military service shall not be considered a dependent during the
11 military service. The term "dependents" shall not include spouses,
12 domestic partners, or partners in a civil union couple, of retired
13 persons who are otherwise eligible for the benefits under the School
14 Employees' Health Benefits Program but who, although they meet
15 the age or disability eligibility requirement of Medicare, are not
16 covered by Medicare Hospital Insurance, also known as Medicare
17 Part A, and Medicare Medical Insurance, also known as Medicare
18 Part B.

19 f. The term "carrier" means a voluntary association,
20 corporation or other organization, including but not limited to a
21 health maintenance organization as defined in section 2 of the
22 "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-
23 2), which is lawfully engaged in providing or paying for or
24 reimbursing the cost of, personal health services, including
25 hospitalization, medical and surgical services under insurance
26 policies or contracts, membership or subscription contracts, or the
27 like, in consideration of premiums or other periodic charges payable
28 to the carrier.

29 g. The term "hospital" means:

30 (1) an institution operated pursuant to law which is primarily
31 engaged in providing on its own premises, for compensation from
32 its patients, medical diagnostic and major surgical facilities for the
33 care and treatment of sick and injured persons on an inpatient basis,
34 and which provides such facilities under the supervision of a staff
35 of physicians and with 24 hour a day nursing service by registered
36 graduate nurses, or

37 (2) an institution not meeting all of the requirements of
38 paragraph (1) but which is accredited as a hospital by the Joint
39 Commission on Accreditation of Hospitals. In no event shall the
40 term "hospital" include a convalescent nursing home or any
41 institution or part thereof which is used principally as a
42 convalescent facility, residential center for the treatment and
43 education of children with mental disorders, rest facility, nursing
44 facility or facility for the aged or for the care of **【drug addicts or**
45 **alcoholics】** persons with substance use disorder.

46 h. The term "Medicare" means the program established by the
47 "Health Insurance for the Aged Act," Title XVIII of the "Social

1 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
2 or its successor plan or plans.

3 i. The term "managed care plan" means a health care plan
4 under which comprehensive health care services and supplies are
5 provided to eligible employees, retirees, and dependents: (1)
6 through a group of doctors and other providers employed by the
7 plan; or (2) through an individual practice association, preferred
8 provider organization, or point of service plan under which services
9 and supplies are furnished to plan participants through a network of
10 doctors and other providers under contracts or agreements with the
11 plan on a prepayment or reimbursement basis and which may
12 provide for payment or reimbursement for services and supplies
13 obtained outside the network. The plan may be provided on an
14 insured basis through contracts with carriers or on a self-insured
15 basis, and may be operated and administered by the State or by
16 carriers under contracts with the State.

17 j. The term "successor plan" means a managed care plan that
18 shall replace the "traditional plan," as defined in section 2 of
19 P.L.1961, c.49 (C.52:14-17.26), and that shall provide benefits as
20 set forth in section 36 of P.L.2007, c.103 (C.52:14-17.46.6), and
21 provide out-of-network benefits to participants with a payment by
22 the plan of 80% of reasonable and customary charges as set forth in
23 section 37 of P.L.2007, c.103 (C.52:14-17.46.7) and as may be
24 adjusted in accordance with section 40 of P.L.2007, c.103 (C.52:14-
25 17.46.10).

26 (cf: P.L.2010, c.2, s.10)

27

28 144. Section 3 of P.L.1982, c.81 (2A:4A-72) is amended to read
29 as follows:

30 3. a. Where court intake services recommends diverting the
31 juvenile, the reasons for the recommendation shall be submitted by
32 intake services and approved by the court before the case is deemed
33 diverted.

34 b. Where, in determining whether to recommend diversion,
35 court intake services has reason to believe that a parent or guardian
36 is a **【drug dependent】** person with a substance use disorder, as
37 defined in section 2 of the "New Jersey Controlled Dangerous
38 Substances Act," P.L.1970, c. 226 (C.24:21-2) or **【an alcoholic】** a
39 person with alcohol use disorder as defined by P.L.1975, c. 305
40 (C.26:2B-8), the basis for this determination shall be stated in its
41 recommendation to the court.

42 c. The county prosecutor shall receive a copy of each complaint
43 filed pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30)
44 promptly after the filing of the complaint.

45 d. Within 5 days after receiving a complaint, the intake services
46 officer shall advise the presiding judge and the prosecuting attorney
47 of intake service's recommendation, as well as any other
48 recommendations or objections received as to the complaint. In

1 determining whether to divert, the court may hold a hearing to
2 consider the recommendations and any objections submitted by
3 court intake services in light of the factors provided in this section.
4 The court shall give notice of the hearing to the juvenile, his parents
5 or guardian, the prosecutor, arresting police officer and complainant
6 or victim. Each party shall have the right to be heard on the matter.
7 If the court finds that not enough information has been received to
8 make a determination, a further hearing may be ordered. The court
9 may dismiss the complaint upon a finding that the facts as alleged
10 are not sufficient to establish jurisdiction, or that probable cause has
11 not been shown that the juvenile committed a delinquent act.
12 (cf: P.L.1982, c.81, s.3)

13
14 145. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to
15 read as follows:

16 10. **【Alcoholic, drug-dependent parent.】** a. When a petition is
17 filed and as a result of any information supplied on the family
18 situation by the crisis intervention unit, court intake services has
19 reason to believe that the parent or guardian is **【an alcoholic】** a
20 person with alcohol use disorder, as defined by P.L.1975, c.305
21 (C.26:2B-8), or a **【drug-dependent】** person**【**, as defined by section
22 2 of the "New Jersey Controlled Dangerous Substances Act,"
23 P.L.1970, c.226 (C.24:21-2)**】** with a substance use disorder, intake
24 services shall state the basis for this determination and provide
25 recommendations to the court.

26 b. When, as a result of any information supplied by the crisis
27 intervention unit, court intake services has reason to believe that a
28 juvenile is an "abused or neglected child," as defined in P.L.1974,
29 c.119 (C.9:6-8.21), they shall handle the case pursuant to the
30 procedure set forth in that law. The Division of Child Protection
31 and Permanency shall, upon disposition of any case originated
32 pursuant to this subsection, notify court intake services as to the
33 nature of the disposition.

34 c. (1) When, as a result of any information supplied with regard
35 to any juvenile by the crisis intervention unit or from any other
36 source, court intake services has reason to believe that the juvenile
37 may have an auditory or vision problem, intake services shall state
38 the basis for this determination and provide recommendations to the
39 court. Before arriving at its determination, intake services may
40 request the court to order any appropriate school medical records of
41 the juvenile. On the basis of this recommendation or on its own
42 motion, the court may order any juvenile concerning whom a
43 complaint is filed to be examined by a physician, optometrist,
44 audiologist, or speech language pathologist.

45 (2) Any examination shall be made and the findings submitted
46 to the court within 30 days of the date the order is entered, but this
47 period may be extended by the court for good cause.

(3) Copies of any reports of findings submitted to the court shall be available to counsel for all parties prior to an adjudication of whether or not the juvenile is delinquent.

(cf: P.L.2012, c.16, s.2)

146. R.S.2C:58-3 is amended to read as follows:

2C:58-3. a. Permit to purchase a handgun.

(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer.

The provisions of this paragraph shall not apply if the transaction is:

(a) between members of an immediate family as defined in subsection n. of this section;

(b) between law enforcement officers;

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun. In addition:

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

b. Firearms purchaser identification card.

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun,

1 unless the purchaser, assignee, donee, receiver or holder is licensed
2 as a dealer under this chapter or possesses a valid firearms
3 purchaser identification card, and first exhibits the card to the seller,
4 donor, transferor or assignor, and unless the purchaser, assignee,
5 donee, receiver or holder signs a written certification, on a form
6 prescribed by the superintendent, which shall indicate that he
7 presently complies with the requirements of subsection c. of this
8 section and shall contain his name, address and firearms purchaser
9 identification card number or dealer's registration number. The
10 certification shall be retained by the seller, as provided in paragraph
11 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
12 who is not a dealer, it may be filed with the chief of police of the
13 municipality in which he resides or with the superintendent.

14 (2) A person who is not a licensed retail dealer and sells, gives,
15 transfers, assigns, or otherwise disposes of, or receives, purchases
16 or otherwise acquires an antique cannon or a rifle or shotgun
17 pursuant to this section shall conduct the transaction through a
18 licensed retail dealer.

19 The provisions of this paragraph shall not apply if the transaction
20 is:

21 (a) between members of an immediate family as defined in
22 subsection n. of this section;

23 (b) between law enforcement officers;

24 (c) between collectors of firearms or ammunition as curios or
25 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
26 in their possession a valid Collector of Curios and Relics License
27 issued by the Bureau of Alcohol, Tobacco, Firearms, and
28 Explosives; or

29 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
30 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

31 (3) Prior to a transaction conducted pursuant to this subsection,
32 the retail dealer shall complete a National Instant Criminal
33 Background Check of the person acquiring an antique cannon or a
34 rifle or shotgun. In addition:

35 (a) the retail dealer shall submit to the Superintendent of State
36 Police, on a form approved by the superintendent, information
37 identifying and confirming the background check;

38 (b) every retail dealer shall maintain a record of transactions
39 conducted pursuant to this section which shall be maintained at the
40 address set forth on the retail dealer's license for inspection by a law
41 enforcement officer during reasonable hours;

42 (c) a retail dealer may charge a fee for a transaction conducted
43 pursuant to this subsection; and

44 (d) any record produced pursuant to this subsection shall not be
45 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
46 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

47 c. Who may obtain. No person of good character and good
48 repute in the community in which he lives, and who is not subject to

1 any of the disabilities set forth in this section or other sections of
2 this chapter, shall be denied a permit to purchase a handgun or a
3 firearms purchaser identification card, except as hereinafter set
4 forth. No handgun purchase permit or firearms purchaser
5 identification card shall be issued:

6 (1) To any person who has been convicted of any crime, or a
7 disorderly persons offense involving an act of domestic violence as
8 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
9 not armed with or possessing a weapon at the time of the offense;

10 (2) To any **【drug-dependent】** person **【as defined in section 2 of**
11 **P.L.1970, c.226 (C.24:21-2)】** with a substance use disorder, to any
12 person who is confined for a mental disorder to a hospital, mental
13 institution or sanitarium, or to any person who is presently an
14 habitual drunkard;

15 (3) To any person who suffers from a physical defect or disease
16 which would make it unsafe for him to handle firearms, to any
17 person who has ever been confined for a mental disorder, or to any
18 **【alcoholic】** person with alcohol use disorder unless any of the
19 foregoing persons produces a certificate of a medical doctor or
20 psychiatrist licensed in New Jersey, or other satisfactory proof, that
21 he is no longer suffering from that particular disability in a manner
22 that would interfere with or handicap him in the handling of
23 firearms; to any person who knowingly falsifies any information on
24 the application form for a handgun purchase permit or firearms
25 purchaser identification card;

26 (4) To any person under the age of 18 years for a firearms
27 purchaser identification card and to any person under the age of 21
28 years for a permit to purchase a handgun;

29 (5) To any person where the issuance would not be in the interest
30 of the public health, safety or welfare;

31 (6) To any person who is subject to a restraining order issued
32 pursuant to the "Prevention of Domestic Violence Act of 1991",
33 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
34 possessing any firearm;

35 (7) To any person who as a juvenile was adjudicated delinquent
36 for an offense which, if committed by an adult, would constitute a
37 crime and the offense involved the unlawful use or possession of a
38 weapon, explosive or destructive device or is enumerated in
39 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

40 (8) To any person whose firearm is seized pursuant to the
41 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
42 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

43 (9) To any person named on the consolidated Terrorist Watchlist
44 maintained by the Terrorist Screening Center administered by the
45 Federal Bureau of Investigation;

46 (10) To any person who is subject to a court order prohibiting the
47 custody, control, ownership, purchase, possession, or receipt of a
48 firearm or ammunition issued pursuant to the "Extreme Risk

1 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);
2 or

3 (11) To any person who is subject to a court order prohibiting the
4 custody, control, ownership, purchase, possession, or receipt of a
5 firearm or ammunition issued pursuant to P.L.2021, c.327
6 (C.2C:12-14 et al.).

7 In order to obtain a permit to purchase a handgun or a firearms
8 purchaser identification card, the applicant shall demonstrate that,
9 within four years prior to the date of the application, the applicant
10 satisfactorily completed a course of instruction approved by the
11 superintendent in the lawful and safe handling and storage of
12 firearms. The applicant shall be required to demonstrate
13 completion of a course of instruction only once prior to obtaining
14 either a firearms purchaser identification card or the applicant's first
15 permit to purchase a handgun.

16 The applicant shall not be required to demonstrate completion of
17 a course of instruction in order to obtain any subsequent permit to
18 purchase a handgun, to replace an existing firearms purchaser
19 identification card, or to renew a firearms purchaser identification
20 card.

21 An applicant who is a law enforcement officer who has satisfied
22 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
23 enforcement officer who has satisfied the requirements of
24 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
25 discharged as a member of the United States Armed Forces or
26 National Guard who received substantially equivalent training shall
27 not be required to complete the course of instruction required
28 pursuant to the provisions of this subsection.

29 A person who obtained a permit to purchase a handgun or a
30 firearms purchaser identification card prior to the effective date of
31 P.L.2022, c.58 shall not be required to complete a course of
32 instruction pursuant to this subsection.

33 d. Issuance. The chief of police of an organized full-time
34 police department of the municipality where the applicant resides or
35 the superintendent, in all other cases, shall upon application, issue
36 to any person qualified under the provisions of subsection c. of this
37 section a permit to purchase a handgun or a firearms purchaser
38 identification card.

39 A firearms purchaser identification card issued following the
40 effective date of P.L.2022, c.58 shall display a color photograph
41 and a thumb print of the card holder. A person who obtained a
42 firearms purchaser identification card prior to the effective date of
43 P.L.2022, c.58 shall not be required to obtain a firearm purchaser
44 identification card that displays a color photograph and a thumb
45 print. The superintendent shall establish guidelines as necessary to
46 effectuate the issuance of firearms purchaser identification cards
47 that display a color photograph and a thumb print of the card
48 holder.

1 Any person aggrieved by the denial of a permit or identification
2 card may request a hearing in the Superior Court of the county in
3 which he resides if he is a resident of New Jersey or in the Superior
4 Court of the county in which his application was filed if he is a
5 nonresident. The request for a hearing shall be made in writing
6 within 30 days of the denial of the application for a permit or
7 identification card. The applicant shall serve a copy of his request
8 for a hearing upon the chief of police of the municipality in which
9 he resides, if he is a resident of New Jersey, and upon the
10 superintendent in all cases. The hearing shall be held and a record
11 made thereof within 30 days of the receipt of the application for a
12 hearing by the judge of the Superior Court. No formal pleading and
13 no filing fee shall be required as a preliminary to a hearing.
14 Appeals from the results of a hearing shall be in accordance with
15 law.

16 e. Applications. Applications for permits to purchase a
17 handgun and for firearms purchaser identification cards shall be in
18 the form prescribed by the superintendent and shall set forth the
19 name, residence, place of business, age, date of birth, occupation,
20 sex and physical description, including distinguishing physical
21 characteristics, if any, of the applicant, and shall state whether the
22 applicant is a citizen, whether he is **【an alcoholic, habitual**
23 **drunkard, drug-dependent】** a person 【as defined in section 2 of
24 P.L.1970, c.226 (C.24:21-2)】 with a substance use disorder,
25 whether he has ever been confined or committed to a mental
26 institution or hospital for treatment or observation of a mental or
27 psychiatric condition on a temporary, interim or permanent basis,
28 giving the name and location of the institution or hospital and the
29 dates of confinement or commitment, whether he has been attended,
30 treated or observed by any doctor or psychiatrist or at any hospital
31 or mental institution on an inpatient or outpatient basis for any
32 mental or psychiatric condition, giving the name and location of the
33 doctor, psychiatrist, hospital or institution and the dates of the
34 occurrence, whether he presently or ever has been a member of any
35 organization which advocates or approves the commission of acts of
36 force and violence to overthrow the Government of the United
37 States or of this State, or which seeks to deny others their rights
38 under the Constitution of either the United States or the State of
39 New Jersey, whether he has ever been convicted of a crime or
40 disorderly persons offense, whether the person is subject to a
41 restraining order issued pursuant to the "Prevention of Domestic
42 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)
43 prohibiting the person from possessing any firearm, whether the
44 person is subject to a protective order issued pursuant to the
45 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
46 (C.2C:58-20 et al.), whether the person is subject to a protective
47 order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.)
48 prohibiting the person from possessing any firearm, and other

1 information as the superintendent shall deem necessary for the
2 proper enforcement of this chapter. For the purpose of complying
3 with this subsection, the applicant shall waive any statutory or other
4 right of confidentiality relating to institutional confinement. The
5 application shall be signed by the applicant and shall contain as
6 references the names and addresses of two reputable citizens
7 personally acquainted with him.

8 Application blanks shall be obtainable from the superintendent,
9 from any other officer authorized to grant a permit or identification
10 card, and from licensed retail dealers, or shall be made available
11 through an online process established or made available by the
12 superintendent.

13 The chief police officer or the superintendent shall obtain the
14 fingerprints of the applicant and shall have them compared with any
15 and all records of fingerprints in the municipality and county in
16 which the applicant resides and also the records of the State Bureau
17 of Identification and the Federal Bureau of Investigation, provided
18 that an applicant for a handgun purchase permit who possesses a
19 valid firearms purchaser identification card, or who has previously
20 obtained a handgun purchase permit from the same licensing
21 authority for which he was previously fingerprinted, and who
22 provides other reasonably satisfactory proof of his identity, need not
23 be fingerprinted again; however, the chief police officer or the
24 superintendent shall proceed to investigate the application to
25 determine whether or not the applicant has become subject to any of
26 the disabilities set forth in this chapter.

27 f. Granting of permit or identification card; fee; term; renewal;
28 revocation. The application for the permit to purchase a handgun
29 together with a fee of \$2, or the application for the firearms
30 purchaser identification card together with a fee of \$5, shall be
31 delivered or forwarded to the licensing authority who shall
32 investigate the same and, unless good cause for the denial thereof
33 appears, shall grant the permit or the identification card, or both, if
34 application has been made therefor, within 30 days from the date of
35 receipt of the application for residents of this State and within 45
36 days for nonresident applicants. A permit to purchase a handgun
37 shall be valid for a period of 90 days from the date of issuance and
38 may be renewed by the issuing authority for good cause for an
39 additional 90 days. A firearms purchaser identification card issued
40 or renewed after the effective date of P.L.2022, c.58 shall expire
41 during the tenth calendar year following its date of issuance and on
42 the same calendar day as the person's date of birth.

43 If the date of birth of the firearms purchaser identification card
44 holder does not correspond to a calendar day of the tenth calendar
45 year, the card shall expire on the last day of the birth month of the
46 card holder.

47 A firearms purchaser identification card issued pursuant to this
48 section may be renewed upon filing of a renewal application and

1 payment of the required fee, provided that the holder is not subject
2 to any of the disabilities set forth in subsection c. of this section and
3 complies with all other applicable requirements as set forth in
4 statute and regulation.

5 A firearms purchaser identification card issued prior to the
6 effective date of P.L.2022, c.58 shall not expire.

7 A firearms purchaser identification card shall be void if the
8 holder becomes subject to any of the disabilities set forth in
9 subsection c. of this section, whereupon the card shall be returned
10 within five days by the holder to the superintendent, who shall then
11 advise the licensing authority. Failure of the holder to return the
12 firearms purchaser identification card to the superintendent within
13 the five days shall be an offense under subsection a. of N.J.S.2C:39-
14 10. Any firearms purchaser identification card may be revoked by
15 the Superior Court of the county wherein the card was issued, after
16 hearing upon notice, upon a finding that the holder thereof no
17 longer qualifies for the issuance of the permit. The county
18 prosecutor of any county, the chief police officer of any
19 municipality or any citizen may apply to the court at any time for
20 the revocation of the card.

21 There shall be no conditions or requirements added to the form
22 or content of the application, or required by the licensing authority
23 for the issuance or renewal of a permit or identification card, other
24 than those that are specifically set forth in this chapter.

25 g. Disposition of fees. All fees for permits shall be paid to the
26 State Treasury if the permit is issued by the superintendent, to the
27 municipality if issued by the chief of police, and to the county
28 treasurer if issued by the judge of the Superior Court.

29 h. Form of permit; quadruplicate; disposition of copies. (1)
30 Except as otherwise provided in paragraph (2) of this subsection,
31 the permit shall be in the form prescribed by the superintendent and
32 shall be issued to the applicant in quadruplicate. Prior to the time
33 he receives the handgun from the seller, the applicant shall deliver
34 to the seller the permit in quadruplicate and the seller shall
35 complete all of the information required on the form. Within five
36 days of the date of the sale, the seller shall forward the original
37 copy to the superintendent and the second copy to the chief of
38 police of the municipality in which the purchaser resides, except
39 that in a municipality having no chief of police, the copy shall be
40 forwarded to the superintendent. The third copy shall then be
41 returned to the purchaser with the pistol or revolver and the fourth
42 copy shall be kept by the seller as a permanent record.

43 (2) The requirements of this subsection concerning the delivery
44 and form of permit and disposition of copies shall not be applicable
45 when these functions may be completed by utilizing an electronic
46 system as described in paragraph (2) of subsection b. of
47 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

1 i. Restriction on number of firearms person may purchase.
2 Only one handgun shall be purchased or delivered on each permit
3 and no more than one handgun shall be purchased within any 30-
4 day period, but this limitation shall not apply to:

5 (1) a federal, State, or local law enforcement officer or agency
6 purchasing handguns for use by officers in the actual performance
7 of their law enforcement duties;

8 (2) a collector of handguns as curios or relics as defined in Title
9 18, United States Code, section 921 (a) (13) who has in his
10 possession a valid Collector of Curios and Relics License issued by
11 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

12 (3) transfers of handguns among licensed retail dealers,
13 registered wholesale dealers and registered manufacturers;

14 (4) transfers of handguns from any person to a licensed retail
15 dealer or a registered wholesale dealer or registered manufacturer;

16 (5) any transaction where the person has purchased a handgun
17 from a licensed retail dealer and has returned that handgun to the
18 dealer in exchange for another handgun within 30 days of the
19 original transaction, provided the retail dealer reports the exchange
20 transaction to the superintendent; or

21 (6) any transaction where the superintendent issues an exemption
22 from the prohibition in this subsection pursuant to the provisions of
23 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

24 The provisions of this subsection shall not be construed to afford
25 or authorize any other exemption from the regulatory provisions
26 governing firearms set forth in chapter 39 and chapter 58 of Title
27 2C of the New Jersey Statutes;

28 A person shall not be restricted as to the number of rifles or
29 shotguns he may purchase, provided he possesses a valid firearms
30 purchaser identification card and provided further that he signs the
31 certification required in subsection b. of this section for each
32 transaction.

33 j. Firearms passing to heirs or legatees. Notwithstanding any
34 other provision of this section concerning the transfer, receipt or
35 acquisition of a firearm, a permit to purchase or a firearms
36 purchaser identification card shall not be required for the passing of
37 a firearm upon the death of an owner thereof to his heir or legatee,
38 whether the same be by testamentary bequest or by the laws of
39 intestacy. The person who shall so receive, or acquire the firearm
40 shall, however, be subject to all other provisions of this chapter. If
41 the heir or legatee of the firearm does not qualify to possess or carry
42 it, he may retain ownership of the firearm for the purpose of sale for
43 a period not exceeding 180 days, or for a further limited period as
44 may be approved by the chief law enforcement officer of the
45 municipality in which the heir or legatee resides or the
46 superintendent, provided that the firearm is in the custody of the
47 chief law enforcement officer of the municipality or the
48 superintendent during that period.

1 k. Sawed-off shotguns. Nothing in this section shall be
2 construed to authorize the purchase or possession of any sawed-off
3 shotgun.

4 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
5 the sale or purchase of a visual distress signalling device approved
6 by the United States Coast Guard, solely for possession on a private
7 or commercial aircraft or any boat; provided, however, that no
8 person under the age of 18 years shall purchase nor shall any person
9 sell to a person under the age of 18 years a visual distress signalling
10 device.

11 m. The provisions of subsections a. and b. of this section and
12 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
13 apply to the purchase of firearms by a law enforcement agency for
14 use by law enforcement officers in the actual performance of the
15 current or former judge's duties, which purchase may be made
16 directly from a manufacturer or from a licensed dealer located in
17 this State or any other state.

18 n. For the purposes of this section, "immediate family" means a
19 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
20 (C.26:8A-3), partner in a civil union couple as defined in section 2
21 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
22 sibling, stepsibling, child, stepchild, and grandchild, as related by
23 blood or by law.

24 o. Registration of handguns owned by new residents. Any
25 person who becomes a resident of this State following the effective
26 date of P.L.2022, c.52 and who transports into this State a firearm
27 that the person owned or acquired while residing in another state
28 shall apply for a firearm purchaser identification card within 60
29 days of becoming a New Jersey resident, and shall register any
30 handgun so transported into this State within 60 days as provided in
31 this subsection.

32 A person who registers a handgun pursuant to this subsection
33 shall complete a registration statement, which shall be in a form
34 prescribed by the superintendent. The information provided in the
35 registration statement shall include, but shall not be limited to, the
36 name and address of the person and the make, model, and serial
37 number of the handgun being registered. Each registration
38 statement shall be signed by the person, and the signature shall
39 constitute a representation of the accuracy of the information
40 contained in the registration statement.

41 The registration statement shall be submitted to the law
42 enforcement agency of the municipality in which the person resides
43 or, if the municipality does not have a municipal law enforcement
44 agency, any State Police station.

45 Within 60 days prior to the effective date of P.L.2022, c.52, the
46 superintendent shall prepare the form of registration statement as
47 described in this subsection and shall provide a suitable supply of

1 statements to each organized full-time municipal police department
2 and each State Police station.

3 A person who fails to apply for a firearm purchaser identification
4 card or register a handgun as required pursuant to this subsection
5 shall be granted 30 days to comply with the provisions of this
6 subsection. If the person does not comply within 30 days, the
7 person shall be liable to a civil penalty of \$250 for a first offense
8 and shall be guilty of a disorderly persons offense for a second or
9 subsequent offense.

10 If a person is in possession of multiple firearms or handguns in
11 violation of this subsection, the person shall be guilty of one
12 offense under this subsection provided the violation is a single
13 event.

14 The civil penalty shall be collected pursuant to the "Penalty
15 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
16 a summary proceeding before the municipal court having
17 jurisdiction. A law enforcement officer having enforcement
18 authority in that municipality may issue a summons for a violation,
19 and may serve and execute all process with respect to the
20 enforcement of this subsection consistent with the Rules of Court.
21 (cf: P.L.2022, c.58, s.1)

22

23 147. Section 1 of P.L.1987, c.387 (C.18A:40A-8) is amended to
24 read as follows:

25 1. The Legislature finds and declares that:

26 a. A significant number of young people are unfortunately
27 already involved in the **【abuse】** use of alcohol and other drugs;

28 b. Research indicates that particular groups of youngsters, such
29 as the children of **【alcoholic】** parents who are persons with alcohol
30 use disorder, may in fact face an increased risk of developing
31 alcohol and other substance **【abuse】** use problems and that early
32 intervention services can be critical in their prevention, detection,
33 and treatment; and,

34 c. School-based initiatives have proven particularly effective in
35 identifying and assisting students at a high risk of developing
36 alcohol and other drug disturbances and in reducing absenteeism,
37 decreasing the consumption of alcohol and other drugs, and in
38 lessening the problems associated with **【such addictions】** with
39 alcohol and substance use disorder.

40 (cf: P.L.1987, c.387, s.1)

41

42 148. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to
43 read as follows:

44 3. An Alcohol Education, Rehabilitation and Enforcement Fund
45 is established as a nonlapsing, revolving fund in a separate account
46 in the Department of Health. The fund shall be credited from July
47 1, 1990 through June 30, 1991, with 27.6**【%】** percent of the tax
48 revenues, and from July 1, 1991 through June 30, 1992, with

1 53.3【%】 percent of the tax revenues, collected pursuant to section 3
2 of P.L.1980, c.62 (C.54:32C-3), the amount thereof to be dedicated
3 75【%】 percent to rehabilitation, 15【%】 percent to enforcement and
4 10【%】 percent to education, and the fund thereafter shall be
5 annually credited with the amount of tax revenues collected from
6 the alcoholic beverage tax as is provided in section 2 of P.L.1990,
7 c.41 (C.54:43-1.1), which amount shall be dedicated 75【%】 percent
8 to rehabilitation, 15【%】 percent to enforcement and 10【%】 percent
9 to education. Interest received on moneys in the fund shall be
10 credited to the fund. Pursuant to the formula set forth in section 5 of
11 this act, moneys appropriated pursuant to law shall only be
12 distributed to the counties by the Department of Health, without the
13 assessment of administrative costs, to develop and implement an
14 annual comprehensive plan for the treatment of 【alcoholics and
15 drug abusers】 persons with alcohol use or substance use disorder
16 and for expenditures according to the dedications provided herein.
17 (cf: P.L.1990, c.41, s.4)
18

19 149. Section 3 of P.L.1953, c.122 (C.30:4-177.14) is amended to
20 read as follows:

21 3. The institute shall admit, retain and provide care and treatment
22 for individuals suffering from diseases and disfunctions of the brain
23 and nervous system, including acute 【alcoholics, drug addicts】
24 persons with alcohol use or substance use disorder, cerebral palsy
25 cases and juvenile psychotics, and who require hospital care, and
26 without which their health and welfare and that of others in the
27 community will be jeopardized, subject to availability of facilities
28 for hospitalization and treatment thereof.

29 (cf: P.L.1953, c.122, s.3)
30

31 150. Section 3 of P.L.1956, c.213 (C.30:9-12.18) is amended to
32 read as follows:

33 3. Where any such institution is provided for, the board of
34 managers, subject to the approval of the board of chosen
35 freeholders, may:

36 (a) arrange for, establish and maintain, a clinic or clinics for
37 consultation concerning diagnosis, guidance, and treatment of
38 【alcoholics】 persons with alcohol use disorder to the end that they
39 may be rehabilitated as useful members of society;

40 (b) arrange and provide for the temporary hospitalization of
41 alcoholics;

42 (c) provide for the necessary facilities for the rendering of such
43 hospitalization of 【alcoholics】 persons with alcohol use disorder
44 and for the said clinics by the purchase or construction of such
45 facilities or by the leasing thereof; and

1 (d) to provide such facilities by contract or arrangement with
 2 other hospitals, institutions, or organizations and by co-operation
 3 with the medical profession and interested groups and individuals.
 4 (cf: P.L.1956, c.213, s.3)

6 151. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to
 7 read as follows:

8 2. As used in this act:

9 "Narcotic and substance use disorder treatment center" means
 10 any establishment, facility or institution, public or private, whether
 11 operated for profit or not, which primarily offers, or purports to
 12 offer, maintain, or operate facilities for the residential or outpatient
 13 diagnosis, care, treatment, or rehabilitation of two or more
 14 nonrelated individuals, who are patients as defined herein,
 15 excluding, however, any hospital or mental hospital otherwise
 16 licensed by Title 30 of the Revised Statutes.

17 "Patient" means a person who **[is addicted to]** has a substance
 18 use disorder, or otherwise has a physical or mental impairment from
 19 the use of narcotic drugs and who requires continuing care of a
 20 narcotic and substance use disorder treatment center.

21 "Narcotic drug" means any narcotic, drug, or dangerous
 22 controlled substance, as defined in any law of the State of New
 23 Jersey or of the United States.

24 "Commissioner" means the Commissioner of Health.
 25 (cf: P.L.2017, c.131, s.88)

27 152. N.J.S.2C:35-2 is amended to read as follows:

28 2C:35-2. As used in this chapter:

29 "Administer" means the direct application of a controlled
 30 dangerous substance or controlled substance analog, whether by
 31 injection, inhalation, ingestion, or any other means, to the body of a
 32 patient or research subject by: (1) a practitioner, or, in his presence,
 33 by his lawfully authorized agent, or (2) the patient or research
 34 subject at the lawful direction and in the presence of the
 35 practitioner.

36 "Agent" means an authorized person who acts on behalf of or at
 37 the direction of a manufacturer, distributor, or dispenser but does
 38 not include a common or contract carrier, public warehouseman, or
 39 employee thereof.

40 "Controlled dangerous substance" means a drug, substance, or
 41 immediate precursor in Schedules I through V, marijuana and
 42 hashish as defined in this section, any substance the distribution of
 43 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of
 44 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194
 45 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in
 46 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or
 47 substance which, when ingested, is metabolized or otherwise
 48 becomes a controlled dangerous substance in the human body.

1 When any statute refers to controlled dangerous substances, or to a
2 specific controlled dangerous substance, it shall also be deemed to
3 refer to any drug or substance which, when ingested, is metabolized
4 or otherwise becomes a controlled dangerous substance or the
5 specific controlled dangerous substance, and to any substance that
6 is an immediate precursor of a controlled dangerous substance or
7 the specific controlled dangerous substance. The term shall not
8 include distilled spirits, wine, malt beverages, as those terms are
9 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,
10 or cannabis and cannabis as defined in section 3 of P.L.2021, c.16
11 (C.24:6I-33). The term, wherever it appears in any law or
12 administrative regulation of this State, shall include controlled
13 substance analogs.

14 "Controlled substance analog" means a substance that has a
15 chemical structure substantially similar to that of a controlled
16 dangerous substance and that was specifically designed to produce
17 an effect substantially similar to that of a controlled dangerous
18 substance. The term shall not include a substance manufactured or
19 distributed in conformance with the provisions of an approved new
20 drug application or an exemption for investigational use within the
21 meaning of section 505 of the "Federal Food, Drug and Cosmetic
22 Act," 52 Stat. 1052 (21 U.S.C. s.355).

23 "Counterfeit substance" means a controlled dangerous substance
24 or controlled substance analog which, or the container or labeling of
25 which, without authorization, bears the trademark, trade name, or
26 other identifying mark, imprint, number, or device, or any likeness
27 thereof, of a manufacturer, distributor, or dispenser other than the
28 person or persons who in fact manufactured, distributed, or
29 dispensed the substance and which thereby falsely purports or is
30 represented to be the product of, or to have been distributed by,
31 such other manufacturer, distributor, or dispenser.

32 "Deliver" or "delivery" means the actual, constructive, or
33 attempted transfer from one person to another of a controlled
34 dangerous substance or controlled substance analog, whether or not
35 there is an agency relationship.

36 "Dispense" means to deliver a controlled dangerous substance or
37 controlled substance analog to an ultimate user or research subject
38 by or pursuant to the lawful order of a practitioner, including the
39 prescribing, administering, packaging, labeling, or compounding
40 necessary to prepare the substance for that delivery. "Dispenser"
41 means a practitioner who dispenses.

42 "Distribute" means to deliver other than by administering or
43 dispensing a controlled dangerous substance or controlled substance
44 analog. "Distributor" means a person who distributes.

45 "Drugs" means (1) substances recognized in the official United
46 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
47 United States, or official National Formulary, or any supplement to
48 any of them; and (2) substances intended for use in the diagnosis,

1 cure, mitigation, treatment, or prevention of disease in man or other
2 animals; and (3) substances, other than food, intended to affect the
3 structure or any function of the body of man or other animals; and
4 (4) substances intended for use as a component of any substance
5 specified in (1), (2), and (3) of this definition; but does not include
6 devices or their components, parts, or accessories. The term "drug"
7 also does not include: hemp and hemp products cultivated, handled,
8 processed, transported, or sold pursuant to the "New Jersey Hemp
9 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined
10 in section 3 of P.L.2021, c.16 (C.24:6I-31 et al.) which is cultivated
11 and produced for use in a cannabis item, as defined in that section,
12 in accordance with the "New Jersey Cannabis Regulatory,
13 Enforcement Assistance, and Marketplace Modernization Act,"
14 P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in
15 that section 3 (C.24:6I-33) which is extracted for use in a cannabis
16 item, as defined in that section, in accordance with that act.

17 **["Drug or alcohol dependent person"]** "Person with a substance
18 use disorder" means a person who as a result of using a controlled
19 dangerous substance or controlled substance analog or alcohol has
20 been in a state of psychic or physical dependence, or both, arising
21 from the use of that controlled dangerous substance or controlled
22 substance analog or alcohol on a continuous or repetitive basis.
23 Drug or alcohol dependence is characterized by behavioral and
24 other responses, including but not limited to a strong compulsion to
25 take the substance on a recurring basis in order to experience its
26 psychic effects, or to avoid the discomfort of its absence.

27 "Hashish" means the resin extracted from any part of the plant
28 Cannabis sativa L. and any compound, manufacture, salt,
29 derivative, mixture, or preparation of such resin. "Hashish" shall
30 not mean: hemp and hemp products cultivated, handled, processed,
31 transported, or sold pursuant to the "New Jersey Hemp Farming
32 Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined
33 in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for
34 use in a cannabis item, as defined in that section, in accordance with
35 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and
36 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

37 "Manufacture" means the production, preparation, propagation,
38 compounding, conversion, or processing of a controlled dangerous
39 substance or controlled substance analog, either directly or by
40 extraction from substances of natural origin, or independently by
41 means of chemical synthesis, or by a combination of extraction and
42 chemical synthesis, and includes any packaging or repackaging of
43 the substance or labeling or relabeling of its container, except that
44 this term does not include the preparation or compounding of a
45 controlled dangerous substance or controlled substance analog by
46 an individual for his own use or the preparation, compounding,
47 packaging, or labeling of a controlled dangerous substance: (1) by
48 a practitioner as an incident to his administering or dispensing of a

1 controlled dangerous substance or controlled substance analog in
2 the course of his professional practice, or (2) by a practitioner, or
3 under his supervision, for the purpose of, or as an incident to,
4 research, teaching, or chemical analysis and not for sale.

5 "Marijuana" means all parts of the plant *Cannabis sativa* L.,
6 whether growing or not; the seeds thereof, and every compound,
7 manufacture, salt, derivative, mixture, or preparation of the plant or
8 its seeds, except those containing resin extracted from the plant.

9 "Marijuana" shall not mean: hemp and hemp products cultivated,
10 handled, processed, transported, or sold pursuant to the "New Jersey
11 Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis
12 as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is
13 cultivated and produced for use in a cannabis item, as defined in
14 that section, in accordance with the "New Jersey Cannabis
15 Regulatory, Enforcement Assistance, and Marketplace
16 Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

17 "Narcotic drug" means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable
19 origin, or independently by means of chemical synthesis, or by a
20 combination of extraction and chemical synthesis:

21 (1) Opium, coca leaves, and opiates;

22 (2) A compound, manufacture, salt, derivative, or preparation of
23 opium, coca leaves, or opiates;

24 (3) A substance, and any compound, manufacture, salt,
25 derivative, or preparation thereof, which is chemically identical
26 with any of the substances referred to in (1) and (3) of this
27 definition, except that the words "narcotic drug" as used in this act
28 shall not include decocainized coca leaves or extracts of coca
29 leaves, which extracts do not contain cocaine or ecogine.

30 "Opiate" means any dangerous substance having an addiction-
31 forming or addiction-sustaining liability similar to morphine or
32 being capable of conversion into a drug having such addiction-
33 forming or addiction-sustaining liability. It does not include, unless
34 specifically designated as controlled pursuant to the provisions of
35 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer
36 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
37 It does include its racemic and levorotatory forms.

38 "Opium poppy" means the plant of the species *Papaver*
39 *somniferum* L., except the seeds thereof.

40 "Person" means any corporation, association, partnership, trust,
41 other institution or entity, or one or more individuals.

42 "Plant" means an organism having leaves and a readily
43 observable root formation, including, but not limited to, a cutting
44 having roots, a rootball or root hairs.

45 "Poppy straw" means all parts, except the seeds, of the opium
46 poppy, after mowing.

47 "Practitioner" means a physician, dentist, veterinarian, scientific
48 investigator, laboratory, pharmacy, hospital, or other person

1 licensed, registered, or otherwise permitted to distribute, dispense,
2 conduct research with respect to, or administer a controlled
3 dangerous substance or controlled substance analog in the course of
4 professional practice or research in this State. As used in this
5 definition:

6 (1) "Physician" means a physician authorized by law to practice
7 medicine in this or any other state and any other person authorized
8 by law to treat sick and injured human beings in this or any other
9 state.

10 (2) "Veterinarian" means a veterinarian authorized by law to
11 practice veterinary medicine in this State.

12 (3) "Dentist" means a dentist authorized by law to practice
13 dentistry in this State.

14 (4) "Hospital" means any federal institution, or any institution
15 for the care and treatment of the sick and injured, operated or
16 approved by the appropriate State department as proper to be
17 entrusted with the custody and professional use of controlled
18 dangerous substances or controlled substance analogs.

19 (5) "Laboratory" means a laboratory to be entrusted with the
20 custody of narcotic drugs and the use of controlled dangerous
21 substances or controlled substance analogs for scientific,
22 experimental, and medical purposes and for purposes of instruction
23 approved by the Department of Health.

24 "Production" includes the manufacture, planting, cultivation,
25 growing, or harvesting of a controlled dangerous substance or
26 controlled substance analog.

27 "Immediate precursor" means a substance which the Division of
28 Consumer Affairs in the Department of Law and Public Safety has
29 found to be and by regulation designates as being the principal
30 compound commonly used or produced primarily for use, and
31 which is an immediate chemical intermediary used or likely to be
32 used in the manufacture of a controlled dangerous substance or
33 controlled substance analog, the control of which is necessary to
34 prevent, curtail, or limit such manufacture.

35 "Residential treatment facility" means any facility licensed and
36 approved by the Department of Human Services and which is
37 approved by any county probation department for the inpatient
38 treatment and rehabilitation of **【drug or alcohol dependent】** persons
39 with a substance use disorder.

40 "Schedules I, II, III, IV, and V" are the schedules set forth in
41 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-
42 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified
43 by any regulations issued by the Director of the Division of
44 Consumer Affairs in the Department of Law and Public Safety
45 pursuant to the director's authority as provided in section 3 of
46 P.L.1970, c.226 (C.24:21-3).

47 "State" means the State of New Jersey.

1 "Ultimate user" means a person who lawfully possesses a
2 controlled dangerous substance or controlled substance analog for
3 his own use or for the use of a member of his household or for
4 administration to an animal owned by him or by a member of his
5 household.

6 "Prescription legend drug" means any drug which under federal
7 or State law requires dispensing by prescription or order of a
8 licensed physician, veterinarian, or dentist and is required to bear
9 the statement "Rx only" or similar wording indicating that such
10 drug may be sold or dispensed only upon the prescription of a
11 licensed medical practitioner and is not a controlled dangerous
12 substance or stramonium preparation.

13 "Stramonium preparation" means a substance prepared from any
14 part of the stramonium plant in the form of a powder, pipe mixture,
15 cigarette, or any other form with or without other ingredients.

16 "Stramonium plant" means the plant *Datura Stramonium* Linne,
17 including *Datura Tatula* Linne.

18 (cf: P.L.2021, c.16, s.54)

19

20 153. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill replaces statutory terms regarding alcohol and
26 substance use. Specifically, the bill replaces the statutory terms
27 "alcoholism" and "alcoholic" with the terms "alcohol use disorder"
28 and "person with alcohol use disorder." The bill also replaces other
29 statutory terms such as "substance abuse," "drug addiction," and
30 "drug addict" with the terms "substance use disorder" and "person
31 with substance use disorder."