

[First Reprint]

## 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)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Swift, Assemblymen Benson, Conaway, Assemblywomen Piperno, Eulner, Assemblyman Stanley, Assemblywomen Jimenez, Speight, Assemblyman Atkins, Senators Sarlo, Singleton, Pou, Bramnick, Corrado, O'Scanlon, Schepisi, Testa, Burgess, Codey, Ruiz and Durr**

**SYNOPSIS**

Replaces statutory terms regarding alcohol and substance use.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 15, 2023, with amendments.

(Sponsorship Updated As Of: 6/20/2023)

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted June 15, 2023.

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 <sup>1</sup>3. Section 3 of P.L.1982, c.81 (C.2A:4A-72) is amended to  
38 read as follows:

39 3. a. Where court intake services recommends diverting the  
40 juvenile, the reasons for the recommendation shall be submitted by  
41 intake services and approved by the court before the case is deemed  
42 diverted.

43 b. Where, in determining whether to recommend diversion,  
44 court intake services has reason to believe that a parent or guardian  
45 is a **【drug dependent】** person with a substance use disorder **【**, as  
46 defined in section 2 of the "New Jersey Controlled Dangerous  
47 Substances Act," P.L.1970, c. 226 (C.24:21-2) or an alcoholic as

1 defined by P.L.1975, c. 305 (C.26:2B-8)], the basis for this  
2 determination shall be stated in its recommendation to the court.

3 c. The county prosecutor shall receive a copy of each  
4 complaint filed pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-  
5 30) promptly after the filing of the complaint.

6 d. Within 5 days after receiving a complaint, the intake  
7 services officer shall advise the presiding judge and the prosecuting  
8 attorney of intake service's recommendation, as well as any other  
9 recommendations or objections received as to the complaint. In  
10 determining whether to divert, the court may hold a hearing to  
11 consider the recommendations and any objections submitted by  
12 court intake services in light of the factors provided in this section.  
13 The court shall give notice of the hearing to the juvenile, his parents  
14 or guardian, the prosecutor, arresting police officer and complainant  
15 or victim. Each party shall have the right to be heard on the matter.  
16 If the court finds that not enough information has been received to  
17 make a determination, a further hearing may be ordered. The court  
18 may dismiss the complaint upon a finding that the facts as alleged  
19 are not sufficient to establish jurisdiction, or that probable cause has  
20 not been shown that the juvenile committed a delinquent act.<sup>1</sup>

21 (cf: P.L.1982, c.81, s.3)

22  
23 <sup>1</sup>4. Section 2 of P.L.1982, c.80 (2A:4A-77) is amended to read  
24 as follows:

25 2. The purpose of the unit shall be to provide a continuous 24-  
26 hour on call service designed to attend and stabilize juvenile-family  
27 crises as defined pursuant to section 3 of P.L.1982, c.77 (C.2A:4A-  
28 22). The juvenile-family crisis intervention unit shall respond  
29 immediately to any referral, complaint or information made  
30 pursuant to section 5 or 6 of this act, except if, upon preliminary  
31 investigation, it appears that a juvenile-family crisis within the  
32 meaning of this act does not exist or that an immediate referral to  
33 another agency would be more appropriate.

34 Upon the receipt of any referral pursuant to section 5 and 6 of  
35 this act, the crisis intervention unit shall request information  
36 through the use of a form developed by the unit and approved by  
37 the Administrative Office of the Courts concerning the juvenile-  
38 family crisis. The form shall provide but shall not be limited to the  
39 following information:

40 a. The name, address, date of birth, and other appropriate  
41 personal data of the juvenile and parents or guardian;

42 b. Facts concerning the conduct of the juvenile or family which  
43 may contribute to the crisis, including evidence of [alcoholism]  
44 substance use disorder [as defined in section 2 of P.L.1975, c.305  
45 (C.26:2B-8), drug dependency as defined in section 2 of the "New  
46 Jersey Controlled Dangerous Substances Act," P.L.1970, c.226  
47 (C.24:21-2)] or that a juvenile is an "abused or neglected child" as

1 defined in P.L.1974, c.119 (C.9:6-8.21).<sup>1</sup>

2 (cf: P.L.1982, c.60, s.2.)

3  
4 <sup>15.</sup> Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to  
5 read as follows:

6 10. **【Alcoholic, drug-dependent parent】** Parent with a substance  
7 use disorder. a. When a petition is filed and as a result of any  
8 information supplied on the family situation by the crisis  
9 intervention unit, court intake services has reason to believe that the  
10 parent or guardian **【is an alcoholic, as defined by P.L.1975, c.305**  
11 **(C.26:2B-8), or a drug-dependent person, as defined by section 2 of**  
12 **the "New Jersey Controlled Dangerous Substances Act," P.L.1970,**  
13 **c.226 (C.24:21-2)】** has a substance use disorder, intake services  
14 shall state the basis for this determination and provide  
15 recommendations to the court.

16 b. When, as a result of any information supplied by the crisis  
17 intervention unit, court intake services has reason to believe that a  
18 juvenile is an "abused or neglected child," as defined in P.L.1974,  
19 c.119 (C.9:6-8.21), they shall handle the case pursuant to the  
20 procedure set forth in that law. The Division of Child Protection  
21 and Permanency shall, upon disposition of any case originated  
22 pursuant to this subsection, notify court intake services as to the  
23 nature of the disposition.

24 c. (1) When, as a result of any information supplied with regard  
25 to any juvenile by the crisis intervention unit or from any other  
26 source, court intake services has reason to believe that the juvenile  
27 may have an auditory or vision problem, intake services shall state  
28 the basis for this determination and provide recommendations to the  
29 court. Before arriving at its determination, intake services may  
30 request the court to order any appropriate school medical records of  
31 the juvenile. On the basis of this recommendation or on its own  
32 motion, the court may order any juvenile concerning whom a  
33 complaint is filed to be examined by a physician, optometrist,  
34 audiologist, or speech language pathologist.

35 (2) Any examination shall be made and the findings submitted  
36 to the court within 30 days of the date the order is entered, but this  
37 period may be extended by the court for good cause.

38 (3) Copies of any reports of findings submitted to the court shall  
39 be available to counsel for all parties prior to an adjudication of  
40 whether or not the juvenile is delinquent.<sup>1</sup>

41 (cf: P.L.2012, c.16, s.2)

42  
43 <sup>16.</sup> N.J.S.2C:35-2 is amended to read as follows:

44 2C:35-2. As used in this chapter:

45 "Administer" means the direct application of a controlled  
46 dangerous substance or controlled substance analog, whether by  
47 injection, inhalation, ingestion, or any other means, to the body of a  
48 patient or research subject by: (1) a practitioner, or, in **【his】** the

1 practitioner's presence, by **【his】** the practitioner's lawfully  
2 authorized agent, or (2) the patient or research subject at the lawful  
3 direction and in the presence of the practitioner.

4 "Agent" means an authorized person who acts on behalf of or at  
5 the direction of a manufacturer, distributor, or dispenser but does  
6 not include a common or contract carrier, public warehouseman, or  
7 employee thereof.

8 "Controlled dangerous substance" means a drug, substance, or  
9 immediate precursor in Schedules I through V, marijuana and  
10 hashish as defined in this section, any substance the distribution of  
11 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of  
12 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194  
13 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in  
14 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or  
15 substance which, when ingested, is metabolized or otherwise  
16 becomes a controlled dangerous substance in the human body.  
17 When any statute refers to controlled dangerous substances, or to a  
18 specific controlled dangerous substance, it shall also be deemed to  
19 refer to any drug or substance which, when ingested, is metabolized  
20 or otherwise becomes a controlled dangerous substance or the  
21 specific controlled dangerous substance, and to any substance that  
22 is an immediate precursor of a controlled dangerous substance or  
23 the specific controlled dangerous substance. The term shall not  
24 include distilled spirits, wine, malt beverages, as those terms are  
25 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,  
26 or cannabis and cannabis as defined in section 3 of P.L.2021, c.16  
27 (C.24:6I-33). The term, wherever it appears in any law or  
28 administrative regulation of this State, shall include controlled  
29 substance analogs.

30 "Controlled substance analog" means a substance that has a  
31 chemical structure substantially similar to that of a controlled  
32 dangerous substance and that was specifically designed to produce  
33 an effect substantially similar to that of a controlled dangerous  
34 substance. The term shall not include a substance manufactured or  
35 distributed in conformance with the provisions of an approved new  
36 drug application or an exemption for investigational use within the  
37 meaning of section 505 of the "Federal Food, Drug and Cosmetic  
38 Act," 52 Stat. 1052 (21 U.S.C. s.355).

39 "Counterfeit substance" means a controlled dangerous substance  
40 or controlled substance analog which, or the container or labeling of  
41 which, without authorization, bears the trademark, trade name, or  
42 other identifying mark, imprint, number, or device, or any likeness  
43 thereof, of a manufacturer, distributor, or dispenser other than the  
44 person or persons who in fact manufactured, distributed, or  
45 dispensed the substance and which thereby falsely purports or is  
46 represented to be the product of, or to have been distributed by,  
47 such other manufacturer, distributor, or dispenser.

1 "Deliver" or "delivery" means the actual, constructive, or  
2 attempted transfer from one person to another of a controlled  
3 dangerous substance or controlled substance analog, whether or not  
4 there is an agency relationship.

5 "Dispense" means to deliver a controlled dangerous substance or  
6 controlled substance analog to an ultimate user or research subject  
7 by or pursuant to the lawful order of a practitioner, including the  
8 prescribing, administering, packaging, labeling, or compounding  
9 necessary to prepare the substance for that delivery. "Dispenser"  
10 means a practitioner who dispenses.

11 "Distribute" means to deliver other than by administering or  
12 dispensing a controlled dangerous substance or controlled substance  
13 analog. "Distributor" means a person who distributes.

14 "Drugs" means (1) substances recognized in the official United  
15 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
16 United States, or official National Formulary, or any supplement to  
17 any of them; and (2) substances intended for use in the diagnosis,  
18 cure, mitigation, treatment, or prevention of disease in man or other  
19 animals; and (3) substances, other than food, intended to affect the  
20 structure or any function of the body of man or other animals; and  
21 (4) substances intended for use as a component of any substance  
22 specified in (1), (2), and (3) of this definition; but does not include  
23 devices or their components, parts, or accessories. The term "drug"  
24 also does not include: hemp and hemp products cultivated, handled,  
25 processed, transported, or sold pursuant to the "New Jersey Hemp  
26 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined  
27 in section 3 of P.L.2021, c.16 (C.24:6I-31 et al.) which is cultivated  
28 and produced for use in a cannabis item, as defined in that section,  
29 in accordance with the "New Jersey Cannabis Regulatory,  
30 Enforcement Assistance, and Marketplace Modernization Act,"  
31 P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in  
32 that section 3 (C.24:6I-33) which is extracted for use in a cannabis  
33 item, as defined in that section, in accordance with that act.

34 **["Drug or alcohol dependent person" means a person who as a**  
35 **result of using a controlled dangerous substance or controlled**  
36 **substance analog or alcohol has been in a state of psychic or**  
37 **physical dependence, or both, arising from the use of that controlled**  
38 **dangerous substance or controlled substance analog or alcohol on a**  
39 **continuous or repetitive basis. Drug or alcohol dependence is**  
40 **characterized by behavioral and other responses, including but not**  
41 **limited to a strong compulsion to take the substance on a recurring**  
42 **basis in order to experience its psychic effects, or to avoid the**  
43 **discomfort of its absence.】**

44 "Hashish" means the resin extracted from any part of the plant  
45 Cannabis sativa L. and any compound, manufacture, salt,  
46 derivative, mixture, or preparation of such resin. "Hashish" shall  
47 not mean: hemp and hemp products cultivated, handled, processed,  
48 transported, or sold pursuant to the "New Jersey Hemp Farming

1 Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined  
2 in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for  
3 use in a cannabis item, as defined in that section, in accordance with  
4 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
5 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

6 "Immediate precursor" means a substance which the Division of  
7 Consumer Affairs in the Department of Law and Public Safety has  
8 found to be and by regulation designates as being the principal  
9 compound commonly used or produced primarily for use, and  
10 which is an immediate chemical intermediary used or likely to be  
11 used in the manufacture of a controlled dangerous substance or  
12 controlled substance analog, the control of which is necessary to  
13 prevent, curtail, or limit such manufacture.

14 "Manufacture" means the production, preparation, propagation,  
15 compounding, conversion, or processing of a controlled dangerous  
16 substance or controlled substance analog, either directly or by  
17 extraction from substances of natural origin, or independently by  
18 means of chemical synthesis, or by a combination of extraction and  
19 chemical synthesis, and includes any packaging or repackaging of  
20 the substance or labeling or relabeling of its container, except that  
21 this term does not include the preparation or compounding of a  
22 controlled dangerous substance or controlled substance analog by  
23 an individual for **[his]** the individual's own use or the preparation,  
24 compounding, packaging, or labeling of a controlled dangerous  
25 substance: (1) by a practitioner as an incident to **[his]** the  
26 practitioner administering or dispensing **[of]** a controlled  
27 dangerous substance or controlled substance analog in the course of  
28 **[his]** the practitioner's professional practice, or (2) by a  
29 practitioner, or under **[his]** the practitioner's supervision, for the  
30 purpose of, or as an incident to, research, teaching, or chemical  
31 analysis and not for sale.

32 "Marijuana" means all parts of the plant Cannabis sativa L.,  
33 whether growing or not; the seeds thereof, and every compound,  
34 manufacture, salt, derivative, mixture, or preparation of the plant or  
35 its seeds, except those containing resin extracted from the plant.  
36 "Marijuana" shall not mean: hemp and hemp products cultivated,  
37 handled, processed, transported, or sold pursuant to the "New Jersey  
38 Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis  
39 as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is  
40 cultivated and produced for use in a cannabis item, as defined in  
41 that section, in accordance with the "New Jersey Cannabis  
42 Regulatory, Enforcement Assistance, and Marketplace  
43 Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

44 "Narcotic drug" means any of the following, whether produced  
45 directly or indirectly by extraction from substances of vegetable  
46 origin, or independently by means of chemical synthesis, or by a  
47 combination of extraction and chemical synthesis:

48 (1) Opium, coca leaves, and opiates;



1 (2) A compound, manufacture, salt, derivative, or preparation of  
2 opium, coca leaves, or opiates;

3 (3) A substance, and any compound, manufacture, salt,  
4 derivative, or preparation thereof, which is chemically identical  
5 with any of the substances referred to in (1) and (3) of this  
6 definition, except that the words "narcotic drug" as used in this act  
7 shall not include decocainized coca leaves or extracts of coca  
8 leaves, which extracts do not contain cocaine or ecogine.

9 "Opiate" means any dangerous substance having **[an addiction]**  
10 substance use disorder-forming or **[addiction]** substance use  
11 disorder-sustaining liability similar to morphine or being capable of  
12 conversion into a drug having such **[addiction]** substance use  
13 disorder-forming or **[addiction]** substance use disorder-sustaining  
14 liability. **[It]** "Opiate" does not include, unless specifically  
15 designated as controlled pursuant to the provisions of section 3 of  
16 P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-  
17 methoxy-n-methylmorphinan and its salts (dextromethorphan). **[It**  
18 **does include]** "Opiate" includes its racemic and levorotatory forms.

19 "Opium poppy" means the plant of the species *Papaver*  
20 *somniferum* L., except the seeds thereof.

21 "Person" means any corporation, association, partnership, trust,  
22 other institution or entity, or one or more individuals.

23 "Person with a substance use disorder" means a person who as a  
24 result of using a controlled dangerous substance or controlled  
25 substance analog or alcohol has been in a state of psychic or  
26 physical dependence, or both, arising from the use of that controlled  
27 dangerous substance or controlled substance analog or alcohol on a  
28 continuous or repetitive basis. Substance use disorder is  
29 characterized by behavioral and other responses, including, but not  
30 limited to, a strong compulsion to take the substance on a recurring  
31 basis in order to experience its psychic effects, or to avoid the  
32 discomfort of its absence.

33 "Plant" means an organism having leaves and a readily  
34 observable root formation, including, but not limited to, a cutting  
35 having roots, a rootball or root hairs.

36 "Poppy straw" means all parts, except the seeds, of the opium  
37 poppy, after mowing.

38 "Practitioner" means a physician, dentist, veterinarian, scientific  
39 investigator, laboratory, pharmacy, hospital, or other person  
40 licensed, registered, or otherwise permitted to distribute, dispense,  
41 conduct research with respect to, or administer a controlled  
42 dangerous substance or controlled substance analog in the course of  
43 professional practice or research in this State. As used in this  
44 definition:

45 (1) "Physician" means a physician authorized by law to practice  
46 medicine in this or any other state and any other person authorized  
47 by law to treat sick and injured human beings in this or any other  
48 state.

- 1 (2) "Veterinarian" means a veterinarian authorized by law to  
2 practice veterinary medicine in this State.
- 3 (3) "Dentist" means a dentist authorized by law to practice  
4 dentistry in this State.
- 5 (4) "Hospital" means any federal institution, or any institution  
6 for the care and treatment of the sick and injured, operated or  
7 approved by the appropriate State department as proper to be  
8 entrusted with the custody and professional use of controlled  
9 dangerous substances or controlled substance analogs.
- 10 (5) "Laboratory" means a laboratory to be entrusted with the  
11 custody of narcotic drugs and the use of controlled dangerous  
12 substances or controlled substance analogs for scientific,  
13 experimental, and medical purposes and for purposes of instruction  
14 approved by the Department of Health.
- 15 "Prescription legend drug" means any drug which under federal  
16 or State law requires dispensing by prescription or order of a  
17 licensed physician, veterinarian, or dentist and is required to bear  
18 the statement "Rx only" or similar wording indicating that such  
19 drug may be sold or dispensed only upon the prescription of a  
20 licensed medical practitioner and is not a controlled dangerous  
21 substance or stramonium preparation.
- 22 "Production" includes the manufacture, planting, cultivation,  
23 growing, or harvesting of a controlled dangerous substance or  
24 controlled substance analog.
- 25 **["Immediate precursor" means a substance which the Division of**  
26 **Consumer Affairs in the Department of Law and Public Safety has**  
27 **found to be and by regulation designates as being the principal**  
28 **compound commonly used or produced primarily for use, and**  
29 **which is an immediate chemical intermediary used or likely to be**  
30 **used in the manufacture of a controlled dangerous substance or**  
31 **controlled substance analog, the control of which is necessary to**  
32 **prevent, curtail, or limit such manufacture.】**
- 33 "Residential treatment facility" means any facility licensed and  
34 approved by the Department of Human Services and which is  
35 approved by any county probation department for the inpatient  
36 treatment and rehabilitation of **【drug or alcohol dependent】** persons  
37 with a substance use disorder.
- 38 "Schedules I, II, III, IV, and V" are the schedules set forth in  
39 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-  
40 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified  
41 by any regulations issued by the Director of the Division of  
42 Consumer Affairs in the Department of Law and Public Safety  
43 pursuant to the director's authority as provided in section 3 of  
44 P.L.1970, c.226 (C.24:21-3).
- 45 "State" means the State of New Jersey.
- 46 "Stramonium preparation" means a substance prepared from any  
47 part of the stramonium plant in the form of a powder, pipe mixture,  
48 cigarette, or any other form with or without other ingredients.

1     "Stramonium plant" means the plant Datura Stramonium Linne,  
2     including Datura Tatula Linne.

3     "Ultimate user" means a person who lawfully possesses a  
4     controlled dangerous substance or controlled substance analog for  
5     **【his】** the person's own use or for the use of a member of **【his】** the  
6     person's household or for administration to an animal owned by  
7     **【him】** the person or by a member of **【his】** the person's household.

8     **【**"Prescription legend drug" means any drug which under federal  
9     or State law requires dispensing by prescription or order of a  
10    licensed physician, veterinarian, or dentist and is required to bear  
11    the statement "Rx only" or similar wording indicating that such  
12    drug may be sold or dispensed only upon the prescription of a  
13    licensed medical practitioner and is not a controlled dangerous  
14    substance or stramonium preparation.

15    "Stramonium preparation" means a substance prepared from any  
16    part of the stramonium plant in the form of a powder, pipe mixture,  
17    cigarette, or any other form with or without other ingredients.

18    "Stramonium plant" means the plant Datura Stramonium Linne,  
19    including Datura Tatula Linne.】<sup>1</sup>

20    (cf: P.L.2021, c.16, s.54)

21  
22    <sup>1</sup>**【3.】 7.**<sup>1</sup> N.J.S.2C:35-14 is amended to read as follows:

23    2C:35-14. Rehabilitation Program for **【Drug- and Alcohol-**  
24    **Dependent】** Persons with a Substance Use Disorder Subject to a  
25    Presumption of Incarceration or a Mandatory Minimum Period of  
26    Parole Ineligibility; Criteria for Imposing Special Probation;  
27    Ineligible Offenders; Commitment to Residential Treatment  
28    Facilities or Participation in a Nonresidential Treatment Program;  
29    Presumption of Revocation; Brief Incarceration in Lieu of  
30    Permanent Revocation.

31    a. Any person who is ineligible for probation due to a  
32    conviction for a crime which is subject to a presumption of  
33    incarceration or a mandatory minimum period of parole ineligibility  
34    may be sentenced to a term of special probation in accordance with  
35    this section, and may not apply for **【drug and alcohol treatment】**  
36    treatment for substance use disorder pursuant to N.J.S.2C:45-1.  
37    Nothing in this section shall be construed to prohibit a person who  
38    is eligible for probation in accordance with N.J.S.2C:45-1 due to a  
39    conviction for an offense which is not subject to a presumption of  
40    incarceration or a mandatory minimum period of parole ineligibility  
41    from applying for **【drug or alcohol treatment】** treatment for  
42    substance use disorder as a condition of probation pursuant to  
43    N.J.S.2C:45-1; provided, however, that a person in need of  
44    treatment as defined in subsection f. of section 2 of P.L.2012, c.23  
45    (C.2C:35-14.2) shall be sentenced in accordance with that section.  
46    Notwithstanding the presumption of incarceration pursuant to the  
47    provisions of subsection d. of N.J.S.2C:44-1, whenever a **【drug- or**

1 alcohol-dependent] person with a substance use disorder who is  
2 subject to sentencing under this section is convicted of or  
3 adjudicated delinquent for an offense, other than one described in  
4 subsection b. of this section, the court, upon notice to the  
5 prosecutor, may, on motion of the person, or on the court's own  
6 motion, place the person on special probation, which shall be for a  
7 term of five years, provided that the court finds on the record that:

8 (1) the person has undergone a professional diagnostic  
9 assessment to determine whether and to what extent the person [is  
10 drug- or alcohol-dependent] has a substance use disorder and would  
11 benefit from treatment; and

12 (2) the person [is a drug- or alcohol-dependent person] has a  
13 substance use disorder within the meaning of N.J.S.2C:35-2 and  
14 was [drug- or alcohol-dependent] with a substance use disorder at  
15 the time of the commission of the present offense; and

16 (3) the present offense was committed while the person was  
17 under the influence of a controlled dangerous substance, controlled  
18 substance analog or alcohol or was committed to acquire property  
19 or monies in order to support the person's [drug or alcohol  
20 dependency] substance use disorder; and

21 (4) substance use <sup>1</sup>[disorders] disorder<sup>1</sup> treatment and  
22 monitoring will serve to benefit the person by addressing the  
23 person's [drug or alcohol dependency] substance use disorder and  
24 will thereby reduce the likelihood that the person will thereafter  
25 commit another offense; and

26 (5) the person did not possess a firearm at the time of the  
27 present offense and did not possess a firearm at the time of any  
28 pending criminal charge; and

29 (6) the person has not been previously convicted on two or more  
30 separate occasions of crimes of the first or second degree, other  
31 than those listed in paragraph (7); or the person has not been  
32 previously convicted on two or more separate occasions, where one  
33 of the offenses is a crime of the third degree, other than crimes  
34 defined in N.J.S.2C:35-10, and one of the offenses is a crime of the  
35 first or second degree; and

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

41 (8) a suitable treatment facility licensed and approved by the  
42 Division of Mental Health and Addiction Services in the  
43 Department of Human Services is able and has agreed to provide  
44 appropriate treatment services in accordance with the requirements  
45 of this section; and

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

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

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

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

36 (1) a crime of the first degree;

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

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

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

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

1       d. Except as otherwise provided in subsection j. of this section,  
2 a person convicted of or adjudicated delinquent for a crime of the  
3 second degree or of a violation of section 1 of P.L.1987, c.101  
4 (C.2C:35-7), or who previously has been convicted of or  
5 adjudicated delinquent for an offense under subsection a. of  
6 N.J.S.2C:35-5 or a similar offense under any other law of this State,  
7 any other state or the United States, who is placed on special  
8 probation under this section shall be committed to the custody of a  
9 residential substance use <sup>1</sup>~~['disorders']~~ disorder<sup>1</sup> treatment facility  
10 licensed and approved by the Division of Mental Health and  
11 Addiction Services in the Department of Human Services. Subject  
12 to the authority of the court to temporarily suspend imposition of all  
13 or any portion of the term of commitment to a residential treatment  
14 facility pursuant to subsection j. of this section, the person shall be  
15 committed to the residential treatment facility immediately, unless  
16 the facility cannot accommodate the person, in which case the  
17 person shall be incarcerated to await commitment to the residential  
18 treatment facility. The term of such commitment shall be for a  
19 minimum of six months, or until the court, upon recommendation of  
20 the treatment provider, determines that the person has successfully  
21 completed the residential treatment program, whichever is later,  
22 except that no person shall remain in the custody of a residential  
23 treatment facility pursuant to this section for a period in excess of  
24 five years. Upon successful completion of the required residential  
25 treatment program, the person shall complete the period of special  
26 probation, as authorized by subsection a. of this section, with credit  
27 for time served for any imprisonment served as a condition of  
28 probation and credit for each day during which the person  
29 satisfactorily complied with the terms and conditions of special  
30 probation while committed pursuant to this section to a residential  
31 treatment facility. Except as otherwise provided in subsection l. of  
32 this section, the person shall not be eligible for early discharge of  
33 special probation pursuant to N.J.S.2C:45-2, or any other provision  
34 of the law. The court, in determining the number of credits for time  
35 spent in residential treatment, shall consider the recommendations  
36 of the treatment provider. A person placed into a residential  
37 treatment facility pursuant to this section shall be deemed to be  
38 subject to official detention for the purposes of N.J.S.2C:29-5  
39 (escape).

40       e. The probation department or other appropriate agency  
41 designated by the court to monitor or supervise the person's special  
42 probation shall report periodically to the court as to the person's  
43 progress in treatment and compliance with court-imposed terms and  
44 conditions. The treatment provider shall promptly report to the  
45 probation department or other appropriate agency all significant  
46 failures by the person to comply with any court-imposed term or  
47 condition of special probation or any requirements of the course of  
48 treatment, including but not limited to a positive drug or alcohol

1 test, which shall only constitute a violation for a person using  
2 medication-assisted treatment as defined in paragraph (7) of  
3 subsection f. of this section if the positive test is unrelated to the  
4 person's medication-assisted treatment, or the unexcused failure to  
5 attend any session or activity, and shall immediately report any act  
6 that would constitute an escape. The probation department or other  
7 appropriate agency shall immediately notify the court and the  
8 prosecutor in the event that the person refuses to submit to a  
9 periodic drug or alcohol test or for any reason terminates the  
10 person's participation in the course of treatment, or commits any act  
11 that would constitute an escape.

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

16 (2) Upon a second or subsequent violation of any term or  
17 condition of the special probation authorized by this section or of  
18 any requirements of the course of treatment, the court shall, subject  
19 only to the provisions of subsection g. of this section, permanently  
20 revoke the person's special probation unless the court finds on the  
21 record that there is a substantial likelihood that the person will  
22 successfully complete the treatment program if permitted to  
23 continue on special probation, and the court is clearly convinced,  
24 considering the nature and seriousness of the violations, that no  
25 danger to the community will result from permitting the person to  
26 continue on special probation pursuant to this section. The court's  
27 determination to permit the person to continue on special probation  
28 following a second or subsequent violation pursuant to this  
29 paragraph may be appealed by the prosecution.

30 (3) In making its determination whether to revoke special  
31 probation, and whether to overcome the presumption of revocation  
32 established in paragraph (2) of this subsection, the court shall  
33 consider the nature and seriousness of the present infraction and any  
34 past infractions in relation to the person's overall progress in the  
35 course of treatment, and shall also consider the recommendations of  
36 the treatment provider. The court shall give added weight to the  
37 treatment provider's recommendation that the person's special  
38 probation be permanently revoked, or to the treatment provider's  
39 opinion that the person is not amenable to treatment or is not likely  
40 to complete the treatment program successfully.

41 (4) If the court permanently revokes the person's special  
42 probation pursuant to this subsection, the court shall impose any  
43 sentence that might have been imposed, or that would have been  
44 required to be imposed, originally for the offense for which the  
45 person was convicted or adjudicated delinquent. The court shall  
46 conduct a de novo review of any aggravating and mitigating factors  
47 present at the time of both original sentencing and resentencing. If  
48 the court determines or is required pursuant to any other provision

1 of this chapter or any other law to impose a term of imprisonment,  
2 the person shall receive credit for any time served in custody  
3 pursuant to N.J.S.2C:45-1 or while awaiting placement in a  
4 treatment facility pursuant to this section, and for each day during  
5 which the person satisfactorily complied with the terms and  
6 conditions of special probation while committed pursuant to this  
7 section to a residential treatment facility. The court, in determining  
8 the number of credits for time spent in a residential treatment  
9 facility, shall consider the recommendations of the treatment  
10 provider.

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

17 (6) Notwithstanding any other provision of this subsection, if  
18 the person at any time refuses to undergo urine testing for drug or  
19 alcohol usage as provided in subsection a. of this section, the court  
20 shall, subject only to the provisions of subsection g. of this section,  
21 permanently revoke the person's special probation.  
22 Notwithstanding any other provision of this section, if the person at  
23 any time while committed to the custody of a residential treatment  
24 facility pursuant to this section commits an act that would constitute  
25 an escape, the court shall forthwith permanently revoke the person's  
26 special probation.

27 (7) An action for a violation under this section may be brought  
28 by a probation officer or prosecutor or on the court's own motion.  
29 Failure to complete successfully the required treatment program  
30 shall constitute a violation of the person's special probation. In the  
31 case of the temporary or continued management of a person's [drug  
32 or alcohol dependency] substance use disorder by means of  
33 medication-assisted treatment as defined herein, whenever  
34 supported by a report from the treatment provider of existing  
35 satisfactory progress and reasonably predictable long-term success  
36 with or without further medication-assisted treatment, the person's  
37 use of the medication-assisted treatment, even if continuing, shall  
38 not be the basis to constitute a failure to complete successfully the  
39 treatment program. A person who fails to comply with the terms of  
40 the person's special probation pursuant to this section and is  
41 thereafter sentenced to imprisonment in accordance with this  
42 subsection shall thereafter be ineligible for entry into the Intensive  
43 Supervision Program, provided however that this provision shall not  
44 affect the person's eligibility for entry into the Intensive  
45 Supervision Program for a subsequent conviction.

46 As used in this section, the term "medication-assisted treatment"  
47 means the use of any medications approved by the federal Food and  
48 Drug Administration to treat substance use disorders, including



1 extended-release naltrexone, methadone, and buprenorphine, in  
2 combination with counseling and behavioral therapies, to provide a  
3 whole-patient approach to the treatment of substance use disorders.

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

31 h. The court, as a condition of its order, and after considering  
32 the person's financial resources, shall require the person to pay that  
33 portion of the costs associated with the person's participation in any  
34 residential or nonresidential treatment program imposed pursuant to  
35 this section which, in the opinion of the court, is consistent with the  
36 person's ability to pay, taking into account the court's authority to  
37 order payment or reimbursement to be made over time and in  
38 installments.

39 i. The court shall impose, as a condition of the special  
40 probation, any fine, penalty, fee or restitution applicable to the  
41 offense for which the person was convicted or adjudicated  
42 delinquent.

43 j. Where the court finds that a person has satisfied all of the  
44 eligibility criteria for special probation and would otherwise be  
45 required to be committed to the custody of a residential substance  
46 use disorders treatment facility pursuant to the provisions of  
47 subsection d. of this section, the court may temporarily suspend  
48 imposition of all or any portion of the term of commitment to a

1 residential treatment facility and may instead order the person to  
2 enter a nonresidential treatment program, provided that the court  
3 finds on the record that:

4 (1) the person conducting the diagnostic assessment required  
5 pursuant to paragraph (1) of subsection a. of this section has  
6 recommended in writing that the proposed course of nonresidential  
7 treatment services is clinically appropriate and adequate to address  
8 the person's treatment needs; and

9 (2) no danger to the community would result from the person  
10 participating in the proposed course of nonresidential treatment  
11 services; and

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

14 If the prosecutor objects to the court's decision to suspend the  
15 commitment of the person to a residential treatment facility  
16 pursuant to this subsection, the sentence of special probation  
17 imposed pursuant to this section shall not become final for **1[ten]**  
18 10<sup>1</sup> days in order to permit the appeal by the prosecution of the  
19 court's decision.

20 After a period of six months of nonresidential treatment, if the  
21 court, considering all available information including but not  
22 limited to the recommendation of the treatment provider, finds that  
23 the person has made satisfactory progress in treatment and that  
24 there is a substantial likelihood that the person will successfully  
25 complete the nonresidential treatment program and period of special  
26 probation, the court, on notice to the prosecutor, may permanently  
27 suspend the commitment of the person to the custody of a  
28 residential treatment program, in which event the special  
29 monitoring provisions set forth in subsection k. of this section shall  
30 no longer apply.

31 Nothing in this subsection shall be construed to limit the  
32 authority of the court at any time during the term of special  
33 probation to order the person to be committed to a residential or  
34 nonresidential treatment facility if the court determines that such  
35 treatment is clinically appropriate and necessary to address the  
36 person's present treatment needs.

37 k. (1) When the court temporarily suspends the commitment of  
38 the person to a residential treatment facility pursuant to subsection  
39 j. of this section, the court shall, in addition to ordering  
40 participation in a prescribed course of nonresidential treatment and  
41 any other appropriate terms or conditions authorized or required by  
42 law, order the person to undergo urine testing for drug or alcohol  
43 use not less than once per week unless otherwise ordered by the  
44 court. The court-ordered testing shall be conducted by the  
45 probation department or the treatment provider. The results of all  
46 tests shall be reported promptly to the court and to the prosecutor.  
47 If the person is involved with a program that is providing the person  
48 medication-assisted treatment as defined in paragraph (7) of

1 subsection f. of this section, only a positive urine test for drug or  
2 alcohol use unrelated to the medication-assisted treatment shall  
3 constitute a violation of the terms and conditions of special  
4 probation. In addition, the court shall impose appropriate curfews  
5 or other restrictions on the person's movements, and may order the  
6 person to wear electronic monitoring devices to enforce such  
7 curfews or other restrictions as a condition of special probation.

8 (2) The probation department or other appropriate agency shall  
9 immediately notify the court and the prosecutor in the event that the  
10 person fails or refuses to submit to a drug or alcohol test, knowingly  
11 defrauds the administration of a drug 'or alcohol' test, terminates  
12 the person's participation in the course of treatment, or commits any  
13 act that would constitute absconding from parole. If the person at  
14 any time while entered in a nonresidential treatment program  
15 pursuant to subsection j. of this section knowingly defrauds the  
16 administration of a drug 'or alcohol' test, goes into hiding, or  
17 leaves the State with a purpose of avoiding supervision, the court  
18 shall permanently revoke the person's special probation.

19 1. If the court finds that the person has made exemplary  
20 progress in the course of treatment, the court may, upon  
21 recommendation of the person's supervising probation officer or on  
22 the court's own motion, and upon notice to the prosecutor, grant  
23 early discharge from a term of special probation provided that the  
24 person: (1) has satisfactorily completed the treatment program  
25 ordered by the court; (2) has served at least two years of special  
26 probation; (3) within the preceding 12 months, did not commit a  
27 substantial violation of any term or condition of special probation,  
28 including but not limited to a positive urine test, which shall only  
29 constitute a violation for a person using medication-assisted  
30 treatment as defined in paragraph (7) of subsection f. of this section  
31 if the positive test is unrelated to the person's medication-assisted  
32 treatment; and (4) is not likely to relapse or commit an offense if  
33 probation supervision and related services are discontinued.

34 m. (1) The Superior Court may order the expungement of all  
35 records and information relating to all prior arrests, detentions,  
36 convictions, and proceedings for any offense enumerated in Title  
37 2C of the New Jersey Statutes upon successful discharge from a  
38 term of special probation as provided in this section, regardless of  
39 whether the person was sentenced to special probation under this  
40 section, section 2 of P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-  
41 1, if the person satisfactorily completed a substance **[abuse]** use  
42 disorder treatment program as ordered by the court and was not  
43 convicted of any crime, or adjudged a disorderly person or petty  
44 disorderly person, during the term of special probation. The  
45 provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14 shall not apply  
46 to an expungement pursuant to this paragraph and no fee shall be  
47 charged to a person eligible for relief pursuant to this paragraph.  
48 The court shall grant the relief requested unless it finds that the

1 need for the availability of the records outweighs the desirability of  
2 having the person freed from any disabilities associated with their  
3 availability, or it finds that the person is otherwise ineligible for  
4 expungement pursuant to paragraph (2) of this subsection. An  
5 expungement under this paragraph shall proceed in accordance with  
6 rules and procedures developed by the Supreme Court.

7 (2) A person shall not be eligible for expungement under  
8 paragraph (1) of this subsection if the records include a conviction  
9 for any offense barred from expungement pursuant to subsection b.  
10 or c. of N.J.S.2C:52-2. It shall be the obligation of the prosecutor to  
11 notify the court of any disqualifying convictions or any other  
12 factors related to public safety that should be considered by the  
13 court when deciding to grant an expungement under paragraph (1)  
14 of this subsection.

15 (3) The Superior Court shall provide a copy of the expungement  
16 order granted pursuant to paragraph (1) of this subsection to the  
17 prosecutor and to the person and, if the person was represented by  
18 the Public Defender, to the Public Defender. The person or, if the  
19 person was represented by the Public Defender, the Public Defender  
20 on behalf of the person, shall promptly distribute copies of the  
21 expungement order to appropriate agencies who have custody and  
22 control of the records specified in the order so that the agencies may  
23 comply with the requirements of N.J.S.2C:52-15.

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

29 (5) A person who, prior to the effective date of P.L.2015, c.261,  
30 was successfully discharged from a term of special probation as  
31 provided in this section, regardless of whether the person was  
32 sentenced to special probation under this section, section 2 of  
33 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, may seek an  
34 expungement of all records and information relating to all arrests,  
35 detentions, convictions, and proceedings for any offense  
36 enumerated in Title 2C of the New Jersey Statutes that existed at  
37 the time of discharge from special probation by presenting an  
38 application to the Superior Court in the county in which the person  
39 was sentenced to special probation, which contains a duly verified  
40 petition as provided in N.J.S.2C:52-7 for each crime or offense  
41 sought to be expunged. The petition for expungement shall proceed  
42 pursuant to N.J.S.2C:52-1 et seq. except that the requirements  
43 related to the expiration of the time periods specified in  
44 N.J.S.2C:52-2 through section 1 of P.L.1980, c.163 (C.2C:52-4.1)  
45 shall not apply. A person who was convicted of any offense barred  
46 from expungement pursuant to subsection b. or c. of N.J.S.2C:52-2,  
47 or who has been convicted of any crime or offense since the date of  
48 discharge from special probation shall not be eligible to apply for

1 an expungement under this paragraph. In addition, no application  
2 for expungement shall be considered until any pending charges are  
3 disposed. It shall be the obligation of the prosecutor to notify the  
4 court of any disqualifying convictions or any other factors related to  
5 public safety that should be considered by the court when deciding  
6 to grant an expungement under this paragraph. The Superior Court  
7 shall consider the person's verified petition and may order the  
8 expungement of all records and information relating to all arrests,  
9 detentions, convictions, and proceedings of the person that existed  
10 at the time of discharge from special probation as appropriate. The  
11 court shall grant the relief requested unless it finds that the need for  
12 the availability of the records outweighs the desirability of having  
13 the person freed from any disabilities associated with their  
14 availability, or it finds that the person is otherwise ineligible for  
15 expungement pursuant to this paragraph. No fee shall be charged to  
16 a person eligible for relief pursuant to this paragraph.

17 (6) (a) A person who is not eligible for expungement relief  
18 pursuant to paragraph (1) or (5) of this subsection because of a  
19 conviction occurring prior to, on, or after the effective date of  
20 P.L.2021, c.460, for any offense set forth in paragraph (2) of  
21 subsection a. of N.J.S.2C:24-4, involving endangering the welfare  
22 of a child, which is barred from expungement pursuant to  
23 subsection b. of N.J.S.2C:52-2 and therefore renders the person  
24 ineligible under those paragraphs, may be eligible to seek  
25 expungement relief pursuant to this paragraph. The person shall  
26 have been successfully discharged from a term of special probation  
27 as provided in this section, regardless of whether the person was  
28 sentenced to special probation under this section, section 2 of  
29 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, for a period of at  
30 least 10 years prior to seeking an expungement of all records and  
31 information relating to all arrests, detentions, convictions, and  
32 proceedings for any offense enumerated in Title 2C of the New  
33 Jersey Statutes that existed at the time of discharge from special  
34 probation. The person shall present an application to the Superior  
35 Court in the county in which the person was sentenced to special  
36 probation, which contains a duly verified petition as provided in  
37 N.J.S.2C:52-7 for each crime or offense sought to be expunged.  
38 The petition for expungement shall proceed pursuant to  
39 N.J.S.2C:52-1 et seq. A person shall not be eligible to apply for an  
40 expungement under this paragraph if that person was convicted of  
41 any offense barred from expungement pursuant to subsection b. or  
42 c. of N.J.S.2C:52-2, other than a conviction for endangering the  
43 welfare of a child under paragraph (2) of subsection a. of  
44 N.J.S.2C:24-4, which crime is also determined by the court, based  
45 upon a review by the prosecutor in accordance with subparagraph  
46 (b) of this paragraph, to have been nonviolent with respect to the  
47 facts and elements of the criminal act, or if that person has been  
48 convicted of any crime or offense since the date of discharge from

1 special probation. In addition, no application for expungement  
2 shall be considered until any pending charges are disposed. It shall  
3 be the obligation of the prosecutor to notify the court of any  
4 disqualifying convictions, any conviction for endangering the  
5 welfare of a child reviewed by the prosecutor and found to be  
6 violent, or any other factors related to public safety that should be  
7 considered by the court when deciding to grant an expungement  
8 under this paragraph. The Superior Court shall consider the  
9 person's verified petition and may order the expungement of all  
10 records and information relating to all arrests, detentions,  
11 convictions, and proceedings of the person that existed at the time  
12 of discharge from special probation as appropriate. The court shall  
13 grant the relief requested unless it finds that the need for the  
14 availability of the records outweighs the desirability of having the  
15 person freed from any disabilities associated with their availability,  
16 or it finds that the person is otherwise ineligible for expungement  
17 pursuant to this paragraph. No fee shall be charged to a person  
18 eligible for relief pursuant to this paragraph.

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

27 any act of "abuse," as defined in R.S.9:6-1, that is specifically  
28 listed in part (c) of the definition, employing or permitting a child to  
29 be employed in any occupation, employment or vocation dangerous  
30 to the morals of such child; part (e) of the definition, the performing  
31 of any indecent, immoral or unlawful act or deed, in the presence of  
32 a child, that may tend to debauch or endanger or degrade the morals  
33 of the child; part (f) of the definition, permitting or allowing any  
34 other person to perform any indecent, immoral or unlawful act in  
35 the presence of the child that may tend to debauch or endanger the  
36 morals of such child; or part (g) of the definition, using excessive  
37 physical restraint on the child under circumstances which do not  
38 indicate that the child's behavior is harmful to himself, others or  
39 property;

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

41 any act resulting in an "abused or neglected child," as defined by  
42 subsection c. of section 1 of P.L.1974, c.119 (C.9:6-8.21), that is  
43 specifically listed in paragraph (1) of the definition, inflicting or  
44 allowing to be inflicted upon such child physical injury by other  
45 than accidental means which causes or creates a substantial risk of  
46 death, or serious or protracted disfigurement, or protracted  
47 impairment of physical or emotional health or protracted loss or  
48 impairment of the function of any bodily organ; paragraph (2) of the

1 definition, creating or allowing to be created a substantial or  
2 ongoing risk of physical injury to such child by other than  
3 accidental means which would be likely to cause death or serious or  
4 protracted disfigurement, or protracted loss or impairment of the  
5 function of any bodily organ; paragraph (3) of the definition,  
6 committing or allowing to be committed an act of sexual abuse  
7 against the child; subparagraph (b) of paragraph (4) of the  
8 definition, solely as to a child whose physical, mental, or emotional  
9 condition has been impaired or is in imminent danger of becoming  
10 impaired as the result of the failure of the child's parent or guardian  
11 to exercise a minimum degree of care in providing the child with  
12 proper supervision or guardianship, by unreasonably inflicting or  
13 allowing to be inflicted excessive corporal punishment, or the  
14 substantial risk thereof; paragraph (6) of the definition, for a child  
15 upon whom excessive physical restraint has been used under  
16 circumstances which do not indicate that the child's behavior is  
17 harmful to himself, others, or property; or paragraph (7) of the  
18 definition, for a child who is in an institution and, pursuant to  
19 subparagraph (a) of that paragraph, has been placed there  
20 inappropriately for a continued period of time with the knowledge  
21 that the placement has resulted or may continue to result in harm to  
22 the child's mental or physical well-being or, pursuant to  
23 subparagraph (b) of that paragraph, who has been willfully isolated  
24 from ordinary social contact under circumstances which indicate  
25 emotional or social deprivation.

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

27  
28 <sup>1</sup>**[4.]** 8.<sup>1</sup> N.J.S.2C:35-15 is amended to read as follows:

29 2C:35-15. a. (1) In addition to any disposition authorized by  
30 this title, every person convicted of a violation of any offense  
31 defined in this chapter or chapter 36 of this title shall be assessed  
32 for each offense a penalty fixed at:

33 (a) \$3,000 in the case of a crime of the first degree;

34 (b) \$2,000 in the case of a crime of the second degree;

35 (c) \$1,000 in the case of a crime of the third degree;

36 (d) \$750 in the case of a crime of the fourth degree;

37 (e) \$500 in the case of a disorderly persons or petty disorderly  
38 persons offense.

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

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

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

3 Every person placed in supervisory treatment pursuant to the  
4 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
5 any offense defined in this chapter or chapter 36 of this title shall be  
6 assessed the penalty prescribed in this section and applicable to the  
7 degree of the offense charged, except that the court shall not impose  
8 more than one such penalty regardless of the number of offenses  
9 charged. If the person is charged with more than one offense, the  
10 court shall impose as a condition of supervisory treatment the  
11 penalty applicable to the highest degree offense for which the  
12 person is charged.

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

16 b. All penalties provided for in this section shall be collected as  
17 provided for collection of fines and restitutions in section 3 of  
18 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
19 Department of the Treasury as provided in subsection c. of this  
20 section.

21 c. All moneys collected pursuant to this section shall be  
22 forwarded to the Department of the Treasury to be deposited in a  
23 nonlapsing revolving fund to be known as the "Drug Enforcement  
24 and Demand Reduction Fund." Moneys in the fund shall be  
25 appropriated by the Legislature on an annual basis for the purposes  
26 of funding in the following order of priority: (1) the Alliance to  
27 Prevent Alcoholism and Drug Abuse and its administration by the  
28 Governor's Council on **Alcoholism** <sup>1</sup>**Alcohol Use Disorder**  
29 **and** <sup>1</sup> **Drug Abuse** Substance Use Disorder; (2) the  
30 **Alcoholism** <sup>1</sup>**Alcohol Use Disorder** **and** <sup>1</sup> **Drug Abuse**  
31 Substance Use Disorder Program for the Deaf, Hard of Hearing and  
32 Disabled" established pursuant to section 2 of P.L.1995, c.318  
33 (C.26:2B-37); (3) the "Partnership for a Drug Free New Jersey," the  
34 State affiliate of the "Partnership for a Drug Free America"; and (4)  
35 other **alcohol and drug abuse** substance use disorder programs.

36 Moneys appropriated for the purpose of funding the  
37 **Alcoholism** <sup>1</sup>**Alcohol Use Disorder** **and** <sup>1</sup> **Drug Abuse**  
38 Substance Use Disorder Program for the Deaf, Hard of Hearing and  
39 Disabled" shall not be used to supplant moneys that are available to  
40 the Department of Health <sup>1</sup>**and Senior Services** <sup>1</sup> as of the  
41 effective date of P.L.1995, c.318 (C.26:2B-36 et al.), and that  
42 would otherwise have been made available to provide **alcoholism**  
43 <sup>1</sup>**alcohol use disorder** **and** <sup>1</sup> **drug abuse** substance use disorder  
44 services for the deaf, hard of hearing and disabled, nor shall the  
45 moneys be used for the administrative costs of the program.

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

47 e. The court may suspend the collection of a penalty imposed  
48 pursuant to this section; provided the person is ordered by the court



1 to participate in a <sup>1</sup>**["drug or alcohol"] substance use disorder**  
2 rehabilitation program approved by the court; and further provided  
3 that the person agrees to pay for all or some portion of the costs  
4 associated with the rehabilitation program. In this case, the  
5 collection of a penalty imposed pursuant to this section shall be  
6 suspended during the person's participation in the approved, court-  
7 ordered rehabilitation program. Upon successful completion of the  
8 program, as determined by the court upon the recommendation of  
9 the treatment provider, the person may apply to the court to reduce  
10 the penalty imposed pursuant to this section by any amount actually  
11 paid by the person for participating in the program. The court shall  
12 not reduce the penalty pursuant to this subsection unless the person  
13 establishes to the satisfaction of the court that the person has  
14 successfully completed the rehabilitation program. If the person's  
15 participation is for any reason terminated before successful  
16 completion of the rehabilitation program, collection of the entire  
17 penalty imposed pursuant to this section shall be enforced. Nothing  
18 in this section shall be deemed to affect or suspend any other  
19 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
20 this title.

21 f. A person required to pay a penalty under this section may  
22 propose to the court and the prosecutor a plan to perform  
23 reformatory service in lieu of payment of up to one-half of the  
24 penalty amount imposed under this section. The reformatory  
25 service plan option shall not be available if the provisions of  
26 paragraph (2) of subsection a. of this section apply or if the person  
27 is placed in supervisory treatment pursuant to the provisions of  
28 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
29 "reformatory service" shall include training, education or work, in  
30 which regular attendance and participation is required, supervised,  
31 and recorded, and which would assist in the defendant's  
32 rehabilitation and reintegration. "Reformatory service" shall  
33 include, but not be limited to, substance **[abuse]** use disorder  
34 treatment or services, other therapeutic treatment, educational or  
35 vocational services, employment training or services, family  
36 counseling, service to the community and volunteer work. For the  
37 purposes of this section, an application to participate in a court-  
38 administered <sup>1</sup>**["alcohol and drug"] substance use disorder**  
39 rehabilitation program shall have the same effect as the submission  
40 of a reformatory service plan to the court.

41 The court, in its discretion, shall determine whether to accept the  
42 plan, after considering the position of the prosecutor, the plan's  
43 appropriateness and practicality, the defendant's ability to pay, and  
44 the effect of the proposed service on the defendant's rehabilitation  
45 and reintegration into society. The court shall determine the  
46 amount of the credit that would be applied against the penalty upon  
47 successful completion of the reformatory service, not to exceed one-  
48 half of the amount assessed, except that the court may, in the case

1 of an extreme financial hardship, waive additional amounts of the  
2 penalty owed by a person who has completed a court administered  
3 <sup>1</sup>~~['alcohol and drug]~~ substance use disorder<sup>1</sup> rehabilitation program  
4 if necessary to aid the person's rehabilitation and reintegration into  
5 society. The court shall not apply the credit against the penalty  
6 unless the person establishes to the satisfaction of the court that the  
7 person has successfully completed the reformatory service. If the  
8 person's participation is for any reason terminated before <sup>1</sup>~~['his]~~ the  
9 person's<sup>1</sup> successful completion of the reformatory service,  
10 collection of the entire penalty imposed pursuant to this section  
11 shall be enforced. Nothing in this subsection shall be deemed to  
12 affect or suspend any other criminal sanctions imposed pursuant to  
13 this chapter or chapter 36 of this title.

14 Any reformatory service ordered pursuant to this section shall be  
15 in addition to and not in lieu of any community service imposed by  
16 the court or otherwise required by law. Nothing in this section shall  
17 limit the court's authority to order a person to participate in any  
18 activity, program, or treatment in addition to those proposed in a  
19 reformatory service plan.

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

21

22 <sup>1</sup>~~['5.]~~ 9.<sup>1</sup> Section 1 of P.L.2011, c.183 (C.2C:36-6.2) is amended  
23 to read as follows:

24 1. a. Notwithstanding any State law, rule, or regulation to the  
25 contrary, a licensed pharmacy may sell a hypodermic syringe or  
26 needle, or any other instrument adapted for the administration of  
27 drugs by injection, to a person over 18 years of age who presents  
28 valid photo identification to demonstrate proof of age or who  
29 otherwise satisfies the seller that <sup>1</sup>~~['he]~~ the person<sup>1</sup> is over 18 years  
30 of age, as follows:

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

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

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

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

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

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

45 (b) substance ~~['abuse]~~ use disorder treatment, including a  
46 telephone number to call for assistance in obtaining treatment.

47 c. In addition to any other provision of law that may apply, a  
48 person who purchases a hypodermic syringe or needle pursuant to

1 subsection a. of this section and sells that needle or syringe to  
2 another person is guilty of a disorderly persons offense.

3 d. The Department of Health, in consultation with the  
4 Department of Human Services and the New Jersey State Board of  
5 Pharmacy, may, pursuant to the "Administrative Procedure Act,"  
6 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to  
7 effectuate the purposes of subsection b. of this section. The  
8 Department of Health shall make the information that is to be  
9 developed pursuant to subsection b. of this section available to  
10 pharmacies and purchasers of hypodermic syringes or needles  
11 through its Internet website.  
12 (cf: P.L.2012, c.17, s.4)

13

14 **'[6.] 10.'**<sup>1</sup> N.J.S.2C:44-6 is amended to read as follows:

15 2C:44-6. Procedure on sentence; presentence investigation and  
16 report.

17 a. The court shall not impose sentence without first ordering a  
18 presentence investigation of the defendant and according due  
19 consideration to a written report of such investigation when  
20 required by the Rules of Court. The court may order a presentence  
21 investigation in any other case.

22 b. The presentence investigation shall include an analysis of  
23 the circumstances attending the commission of the offense, the  
24 defendant's history of delinquency or criminality, family situation,  
25 financial resources, including whether or not the defendant is an  
26 enrollee or covered person under a health insurance contract, policy  
27 or plan, debts, including any amount owed for a fine, assessment or  
28 restitution ordered in accordance with the provisions of Title 2C,  
29 any obligation of child support including any child support  
30 delinquencies, employment history, personal habits, the disposition  
31 of any charge made against any codefendants, the defendant's  
32 history of civil commitment, any disposition which arose out of  
33 charges suspended pursuant to N.J.S.2C:4-6 including the records  
34 of the disposition of those charges and any acquittal by reason of  
35 insanity pursuant to N.J.S.2C:4-1, and any other matters that the  
36 probation officer deems relevant or the court directs to be included.  
37 The defendant shall disclose any information concerning any  
38 history of civil commitment. The report shall also include a  
39 medical history of the defendant and a complete psychological  
40 evaluation of the defendant in any case in which the defendant is  
41 being sentenced for a first or second degree crime involving  
42 violence and:

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

46 (2) the defendant has a prior conviction for murder pursuant to  
47 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant  
48 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,

1 endangering the welfare of a child which would constitute a crime  
2 of the second degree pursuant to N.J.S.2C:24-4, or stalking which  
3 would constitute a crime of the third degree pursuant to section 1 of  
4 P.L.1992, c.209 (C.2C:12-10); or

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

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

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

26 The presentence investigation shall include an analysis of  
27 whether the defendant should be required to submit to a  
28 professional diagnostic assessment within the meaning of paragraph  
29 (1) of subsection a. of N.J.S.2C:35-14 in any case where: the  
30 defendant may be a **[drug dependent]** person with a substance use  
31 disorder as defined in N.J.S.2C:35-2; the defendant is eligible to be  
32 considered for a sentence to special probation pursuant to  
33 N.J.S.2C:35-14; and the court has not already ordered the defendant  
34 to submit to any such diagnostic assessment in regard to the  
35 pending matter.

36 The presentence report shall also include a report on any  
37 compensation paid by the Victims of Crime Compensation Agency  
38 as a result of the commission of the offense and, in any case where  
39 the victim chooses to provide one, a statement by the victim of the  
40 offense for which the defendant is being sentenced. The statement  
41 may include the nature and extent of any physical harm or  
42 psychological or emotional harm or trauma suffered by the victim,  
43 the extent of any loss to include loss of earnings or ability to work  
44 suffered by the victim and the effect of the crime upon the victim's  
45 family. The probation department shall notify the victim or nearest  
46 relative of a homicide victim of his right to make a statement for  
47 inclusion in the presentence report if the victim or relative so

1 desires. Any such statement shall be made within 20 days of  
2 notification by the probation department.

3 The presentence report shall specifically include an assessment  
4 of the gravity and seriousness of harm inflicted on the victim,  
5 including whether or not the defendant knew or reasonably should  
6 have known that the victim of the offense was particularly  
7 vulnerable or incapable of resistance due to advanced age,  
8 disability, ill-health, or extreme youth, or was for any other reason  
9 substantially incapable of exercising normal physical or mental  
10 power of resistance.

11 c. If, after the presentence investigation, the court desires  
12 additional information concerning an offender convicted of an  
13 offense before imposing sentence, it may order any additional  
14 psychological or medical testing of the defendant.

15 d. Disclosure of any presentence investigation report or  
16 psychiatric examination report shall be in accordance with law and  
17 the Rules of Court, except that information concerning the  
18 defendant's financial resources shall be made available upon request  
19 to the Victims of Crime Compensation Agency or to any officer  
20 authorized under the provisions of section 3 of P.L.1979, c.396  
21 (C.2C:46-4) to collect payment on an assessment, restitution or fine  
22 and that information concerning the defendant's coverage under any  
23 health insurance contract, policy or plan shall be made available, as  
24 appropriate to the Commissioner of Corrections and to the chief  
25 administrative officer of a county jail in accordance with the  
26 provisions of P.L.1995, c.254 (C.30:7E-1 et al.).

27 e. The court shall not impose a sentence of imprisonment for  
28 an extended term unless the ground therefor has been established at  
29 a hearing after the conviction of the defendant and on written notice  
30 to him of the ground proposed. The defendant shall have the right  
31 to hear and controvert the evidence against him and to offer  
32 evidence upon the issue.

33 f. (Deleted by amendment, P.L.1986, c.85).  
34 (cf: P.L.2012, c.23, s.6)  
35

36 <sup>1</sup>11. N.J.S.2C:58-3 is amended to read as follows:

37 2C:58-3. a. Permit to purchase a handgun.

38 (1) A person shall not sell, give, transfer, assign or otherwise  
39 dispose of, nor receive, purchase, or otherwise acquire a handgun  
40 unless the purchaser, assignee, donee, receiver or holder is licensed  
41 as a dealer under this chapter or has first secured a permit to  
42 purchase a handgun as provided by this section.

43 (2) A person who is not a licensed retail dealer and sells, gives,  
44 transfers, assigns, or otherwise disposes of, or receives, purchases  
45 or otherwise acquires a handgun pursuant to this section shall  
46 conduct the transaction through a licensed retail dealer.

47 The provisions of this paragraph shall not apply if the transaction  
48 is:

- 1 (a) between members of an immediate family as defined in
- 2 subsection n. of this section;
- 3 (b) between law enforcement officers;
- 4 (c) between collectors of firearms or ammunition as curios or
- 5 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
- 6 in their possession a valid Collector of Curios and Relics License
- 7 issued by the Bureau of Alcohol, Tobacco, Firearms, and
- 8 Explosives; or
- 9 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
- 10 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).
- 11 (3) Prior to a transaction conducted pursuant to this subsection,
- 12 the retail dealer shall complete a National Instant Criminal
- 13 Background Check of the person acquiring the handgun. In
- 14 addition:
- 15 (a) the retail dealer shall submit to the Superintendent of State
- 16 Police, on a form approved by the superintendent, information
- 17 identifying and confirming the background check;
- 18 (b) every retail dealer shall maintain a record of transactions
- 19 conducted pursuant to this subsection, which shall be maintained at
- 20 the address displayed on the retail dealer's license for inspection by
- 21 a law enforcement officer during reasonable hours;
- 22 (c) a retail dealer may charge a fee for a transaction conducted
- 23 pursuant to this subsection; and
- 24 (d) any record produced pursuant to this subsection shall not be
- 25 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
- 26 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
- 27 b. Firearms purchaser identification card.
- 28 (1) A person shall not sell, give, transfer, assign or otherwise
- 29 dispose of nor receive, purchase or otherwise acquire an antique
- 30 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
- 31 unless the purchaser, assignee, donee, receiver or holder is licensed
- 32 as a dealer under this chapter or possesses a valid firearms
- 33 purchaser identification card, and first exhibits the card to the seller,
- 34 donor, transferor or assignor, and unless the purchaser, assignee,
- 35 donee, receiver or holder signs a written certification, on a form
- 36 prescribed by the superintendent, which shall indicate that the
- 37 person presently complies with the requirements of subsection c. of
- 38 this section and shall contain the person's name, address and
- 39 firearms purchaser identification card number or dealer's
- 40 registration number. The certification shall be retained by the
- 41 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
- 42 2, or, in the case of a person who is not a dealer, it may be filed
- 43 with the chief police officer of the municipality in which the person
- 44 resides or with the superintendent.
- 45 (2) A person who is not a licensed retail dealer and sells, gives,
- 46 transfers, assigns, or otherwise disposes of, or receives, purchases
- 47 or otherwise acquires an antique cannon or a rifle or shotgun

1 pursuant to this section shall conduct the transaction through a  
2 licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction  
4 is:

5 (a) between members of an immediate family as defined in  
6 subsection n. of this section;

7 (b) between law enforcement officers;

8 (c) between collectors of firearms or ammunition as curios or  
9 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
10 in their possession a valid Collector of Curios and Relics License  
11 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
12 Explosives; or

13 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
14 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

15 (3) Prior to a transaction conducted pursuant to this subsection,  
16 the retail dealer shall complete a National Instant Criminal  
17 Background Check of the person acquiring an antique cannon or a  
18 rifle or shotgun. In addition:

19 (a) the retail dealer shall submit to the Superintendent of State  
20 Police, on a form approved by the superintendent, information  
21 identifying and confirming the background check;

22 (b) every retail dealer shall maintain a record of transactions  
23 conducted pursuant to this section which shall be maintained at the  
24 address set forth on the retail dealer's license for inspection by a law  
25 enforcement officer during reasonable hours;

26 (c) a retail dealer may charge a fee, not to exceed \$70, for a  
27 transaction conducted pursuant to this subsection; and

28 (d) any record produced pursuant to this subsection shall not be  
29 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
30 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

31 c. Who may obtain. Except as hereinafter provided, a person  
32 shall not be denied a permit to purchase a handgun or a firearms  
33 purchaser identification card, unless the person is known in the  
34 community in which the person lives as someone who has engaged  
35 in acts or made statements suggesting the person is likely to engage  
36 in conduct, other than justified self-defense, that would pose a  
37 danger to self or others, or is subject to any of the disabilities set  
38 forth in this section or other sections of this chapter. A handgun  
39 purchase permit or firearms purchaser identification card shall not  
40 be issued:

41 (1) To any person who has been convicted of: (a) any crime in  
42 this State or its felony counterpart in any other state or federal  
43 jurisdiction; or (b) a disorderly persons offense in this State  
44 involving an act of domestic violence as defined in section 3 of  
45 P.L.1991, c.261 (C.2C:25-19) or its felony or misdemeanor  
46 counterpart involving an act of domestic violence as defined under  
47 a comparable statute in any other state or federal jurisdiction,

1 whether or not armed with or possessing a weapon at the time of the  
2 offense;

3 (2) To any person who is presently confined for a mental  
4 disorder as a voluntary admission as defined in section 2 of  
5 P.L.1987, c.116 (C.30:4-27.2) or who is presently involuntarily  
6 committed to inpatient or outpatient treatment pursuant to P.L.1987,  
7 c.116 (C.30:4-27.1 et seq.);

8 (3) To any person who suffers from a physical defect or disease  
9 which would make it unsafe for that person to handle firearms, to  
10 any person with a substance use disorder **【involving drugs as**  
11 **defined in section 2 of P.L.1970, c.226 (C.24:21-2), or to any**  
12 **alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8)】**  
13 unless any of the foregoing persons produces a certificate of a  
14 medical doctor, treatment provider, or psychiatrist licensed in New  
15 Jersey, or other satisfactory proof, that the person **【is】** no longer  
16 **【suffering from】** has that particular disability in a manner that  
17 would interfere with or handicap that person in the handling of  
18 firearms; to any person who knowingly falsifies any information on  
19 the application form for a handgun purchase permit or firearms  
20 purchaser identification card;

21 (4) To any person under the age of 18 years for a firearms  
22 purchaser identification card and to any person under the age of 21  
23 years for a permit to purchase a handgun;

24 (5) To any person where the issuance would not be in the interest  
25 of the public health, safety or welfare because the person is found to  
26 be lacking the essential character of temperament necessary to be  
27 entrusted with a firearm;

28 (6) To any person who is subject to or has violated a temporary  
29 or final restraining order issued pursuant to the "Prevention of  
30 Domestic Violence Act of **【1991",】** 1991," P.L.1991, c.261  
31 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
32 firearm or a temporary or final domestic violence restraining order  
33 issued in another jurisdiction 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",】** 1991,"  
42 P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not  
43 been returned; or

44 (9) To any person named on the consolidated Terrorist Watchlist  
45 maintained by the Terrorist Screening Center administered by the  
46 Federal Bureau of Investigation;

47 (10) To any person who is subject to or has violated a court order  
48 prohibiting the custody, control, ownership, purchase, possession,



1 or receipt of a firearm or ammunition issued pursuant to the  
2 "Extreme Risk Protective Order Act of **【2018",】 2018,**" P.L.2018,  
3 c.35 (C.2C:58-20 et al.);

4 (11) To any person who is subject to or has violated a court order  
5 prohibiting the custody, control, ownership, purchase, possession,  
6 or receipt of a firearm or ammunition issued pursuant to P.L.2021,  
7 c.327 (C.2C:12-14 et al.);

8 (12) To any person who is subject to or has violated a temporary  
9 or final restraining order issued pursuant to the "Sexual Assault  
10 Survivor Protection Act of **【2015,"】 2015,**" P.L.2015, c.147  
11 (C.2C:14-13 et al.);

12 (13) To any person who has previously been voluntarily admitted  
13 to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et  
14 seq.) or involuntarily committed to inpatient or outpatient treatment  
15 pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court  
16 has expunged the person's record pursuant to P.L.1953, c.268  
17 (C.30:4-80.8 et seq.);

18 (14) To any person who is subject to an outstanding arrest  
19 warrant for an indictable crime in this State or for a felony, other  
20 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)  
21 would apply, in any other state or federal jurisdiction; or

22 (15) To any person who is a fugitive from justice due to having  
23 fled from any state or federal jurisdiction to avoid prosecution for a  
24 crime, other than a crime to which section 1 of P.L.2022, c.50  
25 (C.2A:160-14.1) would apply, or to avoid giving testimony in any  
26 criminal proceeding.

27 In order to obtain a permit to purchase a handgun or a firearms  
28 purchaser identification card, the applicant shall demonstrate that,  
29 within four years prior to the date of the application, the applicant  
30 satisfactorily completed a course of instruction approved by the  
31 superintendent in the lawful and safe handling and storage of  
32 firearms. The applicant shall be required to demonstrate  
33 completion of a course of instruction only once prior to obtaining  
34 either a firearms purchaser identification card or the applicant's first  
35 permit to purchase a handgun.

36 The applicant shall not be required to demonstrate completion of  
37 a course of instruction in order to obtain any subsequent permit to  
38 purchase a handgun, to replace an existing firearms purchaser  
39 identification card, or to renew a firearms purchaser identification  
40 card.

41 An applicant who is a law enforcement officer who has satisfied  
42 the requirements of subsection j. of N.J.S.2C:39-6, a retired law  
43 enforcement officer who has satisfied the requirements of  
44 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably  
45 discharged as a member of the United States Armed Forces or  
46 National Guard who received substantially equivalent training shall  
47 not be required to complete the course of instruction required  
48 pursuant to the provisions of this subsection.

1 A person who obtained a permit to purchase a handgun or a  
2 firearms purchaser identification card prior to the effective date of  
3 P.L.2022, c.58 shall not be required to complete a course of  
4 instruction pursuant to this subsection.

5 d. Issuance. The chief police officer of an organized full-time  
6 police department of the municipality where the applicant resides or  
7 the superintendent, in all other cases, shall upon application, issue  
8 to any person qualified under the provisions of subsection c. of this  
9 section a permit to purchase a handgun or a firearms purchaser  
10 identification card.

11 A firearms purchaser identification card issued following the  
12 effective date of P.L.2022, c.58 shall display a color photograph  
13 and be electronically linked to the fingerprints of the card holder. A  
14 person who obtained a firearms purchaser identification card prior  
15 to the effective date of P.L.2022, c.58 shall not be required to  
16 obtain a firearms purchaser identification card that displays a color  
17 photograph and is electronically linked to fingerprints. The  
18 superintendent shall establish guidelines as necessary to effectuate  
19 the issuance of firearms purchaser identification cards that display a  
20 color photograph and which are electronically linked to the  
21 fingerprints of the card holder.

22 The requirements of this subsection concerning firearms  
23 purchaser identification cards issued following the effective date of  
24 P.L.2022, c.58 shall remain inoperative until such time as the  
25 superintendent establishes a system to produce cards that comply  
26 with this requirement and, until such time, applicants issued a  
27 firearms purchaser identification card shall be provided with cards  
28 that do not conform to the requirements of this section, which shall  
29 be afforded full force and effect until such time as the system is  
30 established and a compliant card is issued in accordance with this  
31 subsection. An applicant issued a non-compliant firearms purchaser  
32 identification card shall obtain a card, at no cost to the applicant,  
33 which conforms to the requirements of this section no later than one  
34 year after receiving notice that the system to produce cards that  
35 comply with this requirement is operational.

36 If an application for a permit or identification card is denied, the  
37 applicant shall be provided with a written statement of the reasons  
38 for the denial. Any person aggrieved by the denial of a permit or  
39 identification card may request a hearing in the Superior Court of  
40 the county in which the person resides if the person is a resident of  
41 New Jersey or in the Superior Court of the county in which the  
42 person's application was filed if the person is a nonresident. The  
43 request for a hearing shall be made in writing within 30 days of the  
44 denial of the application for a permit or identification card. The  
45 applicant shall serve a copy of the request for a hearing upon the  
46 chief police officer of the municipality in which the person resides,  
47 if the person is a resident of New Jersey, and upon the  
48 superintendent in all cases. The hearing shall be held and a record

1 made thereof within 60 days of the receipt of the application for a  
2 hearing by the judge of the Superior Court. No formal pleading and  
3 no filing fee shall be required as a preliminary to a hearing.  
4 Appeals from the results of a hearing shall be in accordance with  
5 law.

6 The Administrative Director of the Courts shall coordinate with  
7 the superintendent in the development of an electronic filing system  
8 to receive requests for hearings and serve the chief police officer  
9 and superintendent as required in this section.

10 e. Applications. Applications for permits to purchase a  
11 handgun and for firearms purchaser identification cards shall be in  
12 the form prescribed by the superintendent and shall set forth the  
13 name, residence, place of business, age, date of birth, occupation,  
14 sex, any aliases or other names previously used by the applicant,  
15 gender, and physical description, including distinguishing physical  
16 characteristics, if any, of the applicant, and shall state whether the  
17 applicant is a citizen, whether the applicant **is an alcoholic as**  
18 **defined in section 2 of P.L.1975, c. 305 (C. 26:2B-8) or is a drug-**  
19 **dependent person as defined in section 2 of P.L.1970, c.226**  
20 **(C.24:21-2)]** has a substance use disorder, whether the applicant  
21 has ever been confined or committed to a mental institution or  
22 hospital for treatment or observation of a mental or psychiatric  
23 condition on a temporary, interim or permanent basis, giving the  
24 name and location of the institution or hospital and the dates of  
25 confinement or commitment, whether the applicant has been  
26 attended, treated or observed by any doctor or psychiatrist or at any  
27 hospital or mental institution on an inpatient or outpatient basis for  
28 any mental or psychiatric condition, giving the name and location of  
29 the doctor, psychiatrist, hospital or institution and the dates of the  
30 occurrence, whether the applicant presently or ever has been a  
31 member of any organization which advocates or approves the  
32 commission of acts of force and violence to overthrow the  
33 Government of the United States or of this State, or which seeks to  
34 deny others their rights under the Constitution of either the United  
35 States or the State of New Jersey, whether the applicant has ever  
36 been convicted of a crime or disorderly persons offense in this State  
37 or felony or misdemeanor in any other state or federal jurisdiction,  
38 whether the applicant is subject to a restraining order issued  
39 pursuant to the "Prevention of Domestic Violence Act of **[1991],**  
40 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered  
41 under the provisions of a substantially similar statute under the laws  
42 of another jurisdiction prohibiting the applicant from possessing  
43 any firearm, whether the applicant is subject to a restraining order  
44 issued pursuant to the "Sexual Assault Survivor Protection Act of  
45 2015," P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered  
46 under the provisions of a substantially similar statute under the laws  
47 of another jurisdiction, whether the applicant is subject to a  
48 protective order issued pursuant to the "Extreme Risk Protective

1 Order Act of **2018**, **2018**,” P.L.2018, c.35 (C.2C:58-20 et al.),  
2 whether the applicant is subject to a protective order issued  
3 pursuant to P.L.2021, c.327 (C.2C:12-14 et al.) prohibiting the  
4 applicant from possessing any firearm, and other information as the  
5 superintendent shall deem necessary for the proper enforcement of  
6 this chapter. For the purpose of complying with this subsection, the  
7 applicant shall waive any statutory or other right of confidentiality  
8 relating to institutional confinement. The application shall be  
9 signed by the applicant and shall contain as references the names  
10 and addresses of two reputable citizens personally acquainted with  
11 the applicant.

12 An applicant for a permit to purchase a handgun shall also  
13 certify, with respect to each handgun listed on the form, whether the  
14 applicant is purchasing the handgun on the applicant's own behalf  
15 or, if not, that the purchase is being made on behalf of a third party  
16 to whom the applicant may lawfully transfer the handgun.

17 Application blanks shall be obtainable from the superintendent,  
18 from any other officer authorized to grant a permit or identification  
19 card, and from licensed retail dealers, or shall be made available  
20 through an online process established or made available by the  
21 superintendent.

22 The chief police officer or the superintendent shall obtain the  
23 fingerprints of the applicant and shall have them compared with any  
24 and all records of fingerprints in the municipality and county in  
25 which the applicant resides and also the records of the State Bureau  
26 of Identification and the Federal Bureau of Investigation, provided  
27 that an applicant for a handgun purchase permit who possesses a  
28 valid firearms purchaser identification card, or who has previously  
29 obtained a handgun purchase permit from the same licensing  
30 authority for which the applicant was previously fingerprinted, and  
31 who provides other reasonably satisfactory proof of the applicant's  
32 identity, need not be fingerprinted again; however, the chief police  
33 officer or the superintendent shall proceed to investigate the  
34 application to determine whether or not the applicant has become  
35 subject to any of the disabilities set forth in this chapter.

36 f. Granting of permit or identification card; fee; term; renewal;  
37 revocation. The application for the permit to purchase a handgun  
38 together with a fee of \$25, or the application for the firearms  
39 purchaser identification card together with a fee of \$50, shall be  
40 delivered or forwarded to the licensing authority who, upon  
41 determining that the application is complete, shall investigate the  
42 same and, provided the requirements of this section are met, shall  
43 grant the permit or the identification card, or both, if application has  
44 been made therefor, within 30 days from the date of receipt of the  
45 completed application for residents of this State and within 45 days  
46 for nonresident applicants. A permit to purchase a handgun shall be  
47 valid for a period of 90 days from the date of issuance and may be  
48 renewed by the issuing authority for good cause for an additional 90

1 days. A firearms purchaser identification card issued or renewed  
2 after the effective date of P.L.2022, c.58 shall expire during the  
3 **【tenth】 10th** calendar year following its date of issuance and on the  
4 same calendar day as the person's date of birth.

5 If the date of birth of the firearms purchaser identification card  
6 holder does not correspond to a calendar day of the **【tenth】 10th**  
7 calendar year, the card shall expire on the last day of the birth  
8 month of the card holder.

9 A firearms purchaser identification card issued pursuant to this  
10 section may be renewed upon filing of a renewal application and  
11 payment of the required fee, provided that the holder is not subject  
12 to any of the disabilities set forth in subsection c. of this section and  
13 complies with all other applicable requirements as set forth in  
14 statute and regulation. If an application for renewal of a firearms  
15 purchaser identification card is denied, the applicant shall be  
16 provided with a written statement of the reasons for the denial. Any  
17 person aggrieved by the denial of an application for renewal of a  
18 firearms purchaser identification card may request a hearing in the  
19 Superior Court of the county in which the person resides if the  
20 person is a resident of New Jersey or in the Superior Court of the  
21 county in which the person's application was filed if the person is a  
22 nonresident. The request for a hearing shall be made in writing  
23 within 30 days of the denial of the application for renewal of the  
24 firearms purchaser identification card. The applicant shall serve a  
25 copy of the request for a hearing upon the chief police officer of the  
26 municipality in which the applicant resides, if the person is a  
27 resident of New Jersey, and upon the superintendent in all cases.  
28 The hearing shall be held and a record made thereof within 60 days  
29 of the receipt of the application for a hearing by the judge of the  
30 Superior Court. A formal pleading and filing fee shall not be  
31 required as a preliminary to a hearing. Appeals from the results of a  
32 hearing shall be in accordance with law.

33 The Administrative Director of the Courts shall coordinate with  
34 the superintendent in the development of an electronic filing system  
35 to receive requests for hearings and serve the chief police officer  
36 and superintendent as required in this section.

37 A firearms purchaser identification card issued prior to the  
38 effective date of P.L.2022, c.58 shall not expire.

39 A firearms purchaser identification card shall be void if the  
40 holder becomes subject to any of the disabilities set forth in  
41 subsection c. of this section, whereupon the card shall be returned  
42 within five days by the holder to the superintendent, who shall then  
43 advise the licensing authority. Failure of the holder to return the  
44 firearms purchaser identification card to the superintendent within  
45 the five days shall be an offense under subsection a. of N.J.S.2C:39-  
46 10. Any firearms purchaser identification card may be revoked by  
47 the Superior Court of the county wherein the card was issued, after  
48 hearing upon notice, upon a finding that the holder thereof no

1 longer qualifies for the issuance of the permit. The county  
2 prosecutor of any county, the chief police officer of any  
3 municipality or any citizen may apply to the court at any time for  
4 the revocation of the card.

5 There shall be no conditions or requirements added to the form  
6 or content of the application, or required by the licensing authority  
7 for the issuance or renewal of a permit or identification card, other  
8 than those that are specifically set forth in this chapter.

9 g. Disposition of fees. All fees for permits shall be paid to the  
10 State Treasury for deposit into the Victims of Crime Compensation  
11 Office account if the permit is issued by the superintendent, to the  
12 municipality if issued by the chief police officer, and to the county  
13 treasurer if issued by the judge of the Superior Court.

14 h. Form of permit; establishment of a web portal; disposition of  
15 the completed information. (1) Except as otherwise provided in  
16 paragraph (2) of this subsection, the permit shall be in the form  
17 prescribed by the superintendent and shall be issued to the applicant  
18 electronically through e-mail or the web portal established or  
19 designated for this purpose by the superintendent or in such form or  
20 manner as may be authorized by the superintendent. Prior to the  
21 time the applicant receives the handgun from the seller, the  
22 applicant shall provide to the seller an acknowledgement of the  
23 permit in the form required under the process established by the  
24 superintendent, and the seller shall complete all of the information  
25 required on the web portal. This information shall be forwarded to  
26 the superintendent through the web portal, or in such other manner  
27 as may be authorized by the superintendent, and to the chief police  
28 officer of the municipality in which the purchaser resides, except  
29 that in a municipality having no chief police officer, the information  
30 shall be forwarded to the superintendent. The purchaser shall retain  
31 a copy of the completed information and the seller shall retain a  
32 copy of the completed information as a permanent record.

33 A transfer of a handgun between or among immediate family  
34 members, law enforcement officers, or collectors of firearms or  
35 ammunition as curios or relics shall be conducted via the web portal  
36 established or designated by the superintendent, which shall include  
37 among other things a certification that the seller and purchaser are  
38 in fact immediate family members, law enforcement officers, or  
39 collectors of firearms or ammunition as curios or relics.

40 (2) The requirements of this subsection concerning the delivery  
41 and form of permit and disposition of copies shall not be applicable  
42 when these functions may be completed by utilizing an electronic  
43 system as described in paragraph (2) of subsection b. of  
44 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

45 i. Restriction on number of firearms person may purchase.  
46 Only one handgun shall be purchased or delivered on each permit  
47 and no more than one handgun shall be purchased within any 30-  
48 day period, but this limitation shall not apply to:

1 (1) a federal, State, or local law enforcement officer or agency  
2 purchasing handguns for use by officers in the actual performance  
3 of their law enforcement duties;

4 (2) a collector of handguns as curios or relics as defined in Title  
5 18, United States Code, section 921 (a) (13) who has in the  
6 collector's possession a valid Collector of Curios and Relics License  
7 issued by the federal Bureau of Alcohol, Tobacco, Firearms and  
8 Explosives;

9 (3) transfers of handguns among licensed retail dealers,  
10 registered wholesale dealers and registered manufacturers;

11 (4) transfers of handguns from any person to a licensed retail  
12 dealer or a registered wholesale dealer or registered manufacturer;

13 (5) any transaction where the person has purchased a handgun  
14 from a licensed retail dealer and has returned that handgun to the  
15 dealer in exchange for another handgun within 30 days of the  
16 original transaction, provided the retail dealer reports the exchange  
17 transaction to the superintendent; or

18 (6) any transaction where the superintendent issues an exemption  
19 from the prohibition in this subsection pursuant to the provisions of  
20 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

21 The provisions of this subsection shall not be construed to afford  
22 or authorize any other exemption from the regulatory provisions  
23 governing firearms set forth in chapter 39 and chapter 58 of Title  
24 2C of the New Jersey Statutes;

25 A person shall not be restricted as to the number of rifles or  
26 shotguns the person may purchase, provided the person possesses a  
27 valid firearms purchaser identification card and provided further  
28 that the person signs the certification required in subsection b. of  
29 this section for each transaction.

30 j. Firearms passing to heirs or legatees. Notwithstanding any  
31 other provision of this section concerning the transfer, receipt or  
32 acquisition of a firearm, a permit to purchase or a firearms  
33 purchaser identification card shall not be required for the passing of  
34 a firearm upon the death of an owner thereof to the owner's heir or  
35 legatee, whether the same be by testamentary bequest or by the laws  
36 of intestacy. The person who shall so receive, or acquire the  
37 firearm shall, however, be subject to all other provisions of this  
38 chapter. If the heir or legatee of the firearm does not qualify to  
39 possess or carry it, the heir or legatee may retain ownership of the  
40 firearm for the purpose of sale for a period not exceeding 180 days,  
41 or for a further limited period as may be approved by the chief law  
42 enforcement officer of the municipality in which the heir or legatee  
43 resides or the superintendent, provided that the firearm is in the  
44 custody of the chief law enforcement officer of the municipality or  
45 the superintendent during that period.

46 k. Sawed-off shotguns. Nothing in this section shall be  
47 construed to authorize the purchase or possession of any sawed-off  
48 shotgun.

1       l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
2 the sale or purchase of a visual distress signalling device approved  
3 by the United States Coast Guard, solely for possession on a private  
4 or commercial aircraft or any boat; provided, however, that no  
5 person under the age of 18 years shall purchase nor shall any person  
6 sell to a person under the age of 18 years a visual distress signalling  
7 device.

8       m. The provisions of subsections a. and b. of this section and  
9 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
10 apply to the purchase of firearms by a law enforcement agency for  
11 use by law enforcement officers in the actual performance of the  
12 officers' official duties, which purchase may be made directly from  
13 a manufacturer or from a licensed dealer located in this State or any  
14 other state.

15       n. For the purposes of this section, "immediate family" means a  
16 spouse, domestic partner as defined in section 3 of P.L.2003, c.246  
17 (C.26:8A-3), partner in a civil union couple as defined in section 2  
18 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,  
19 sibling, stepsibling, child, stepchild, and grandchild, as related by  
20 blood or by law.

21       o. Registration of handguns owned by new residents. Any  
22 person who becomes a resident of this State following the effective  
23 date of P.L.2022, c.52 and who transports into this State a firearm  
24 that the person owned or acquired while residing in another state  
25 shall apply for a firearms purchaser identification card within 60  
26 days of becoming a New Jersey resident, and shall register any  
27 handgun so transported into this State within 60 days as provided in  
28 this subsection.

29       A person who registers a handgun pursuant to this subsection  
30 shall complete a registration statement, which shall be in a form  
31 prescribed by the superintendent. The information provided in the  
32 registration statement shall include, but shall not be limited to, the  
33 name and address of the person and the make, model, and serial  
34 number of the handgun being registered. Each registration  
35 statement shall be signed by the person, and the signature shall  
36 constitute a representation of the accuracy of the information  
37 contained in the registration statement.

38       The registration statement shall be submitted to the law  
39 enforcement agency of the municipality in which the person resides  
40 or, if the municipality does not have a municipal law enforcement  
41 agency, any State Police station.

42       Within 60 days prior to the effective date of P.L.2022, c.52, the  
43 superintendent shall prepare the form of registration statement as  
44 described in this subsection and shall provide a suitable supply of  
45 statements to each organized full-time municipal police department  
46 and each State Police station.

47       A person who fails to apply for a firearms purchaser  
48 identification card or register a handgun as required pursuant to this



1 subsection shall be granted 30 days to comply with the provisions  
2 of this subsection. If the person does not comply within 30 days,  
3 the person shall be liable to a civil penalty of \$250 for a first  
4 offense and shall be guilty of a disorderly persons offense for a  
5 second or subsequent offense.

6 If a person is in possession of multiple firearms or handguns in  
7 violation of this subsection, the person shall be guilty of one  
8 offense under this subsection provided the violation is a single  
9 event.

10 The civil penalty shall be collected pursuant to the "Penalty  
11 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in  
12 a summary proceeding before the municipal court having  
13 jurisdiction. A law enforcement officer having enforcement  
14 authority in that municipality may issue a summons for a violation,  
15 and may serve and execute all process with respect to the  
16 enforcement of this subsection consistent with the Rules of Court.

17 p. A chief police officer or the superintendent may delegate to  
18 subordinate officers or employees of the law enforcement agency  
19 the responsibilities established pursuant to this section.<sup>1</sup>

20 (cf: P.L.2022, c.131, s.2)

21

22 <sup>1</sup>12. N.J.S.3B:1-2 is amended to read as follows:

23 3B:1-2. "Incapacitated individual" means an individual who is  
24 impaired by reason of mental illness or intellectual disability to the  
25 extent that the individual lacks sufficient capacity to govern himself  
26 and manage **his** the individual's affairs.

27 The term incapacitated individual is also used to designate an  
28 individual who is impaired by reason of physical illness or  
29 disability, **chronic use of drugs, chronic alcoholism** substance use  
30 disorder, or other cause (except minority) to the extent that the  
31 individual lacks sufficient capacity to govern himself and manage  
32 the individual's affairs.

33 The terms incapacity and incapacitated refer to the state or  
34 condition of an incapacitated individual as hereinbefore defined.

35 "Intellectual disability" means a significant subaverage general  
36 intellectual functioning existing concurrently with deficits in  
37 adaptive behavior which are manifested during the development  
38 period.

39 "Issue" of an individual means a descendant as defined in  
40 N.J.S.3B:1-1.

41 "Joint tenants with the right of survivorship" means co-owners of  
42 property held under circumstances that entitle one or more to the  
43 whole of the property on the death of the other or others, but  
44 excludes forms of co-ownership in which the underlying ownership  
45 of each party is in proportion to that party's contribution.

46 "Local administration" means administration by a personal  
47 representative appointed in this State.

1 "Local fiduciary" means any fiduciary who has received letters  
2 in this State and excludes foreign fiduciaries who acquire the power  
3 of local fiduciary pursuant to this title.

4 "Minor" means an individual who is under 18 years of age.

5 "Nonresident decedent" means a decedent who was domiciled in  
6 another jurisdiction at the time of **[his]** death.

7 "Parent" means any person entitled to take or who would be  
8 entitled to take if the child, natural or adopted, died without a will,  
9 by intestate succession from the child whose relationship is in  
10 question and excludes any person who is a stepparent, resource  
11 family parent, or grandparent.

12 "Per capita." If a governing instrument requires property to be  
13 distributed "per capita," the property is divided to provide equal  
14 shares for each of the takers, without regard to their shares or the  
15 right of representation.

16 "Payor" means a trustee, insurer, business entity, employer,  
17 government, governmental agency or subdivision, or any other  
18 person authorized or obligated by law or a governing instrument to  
19 make payments.

20 "Person" means an individual or an organization.

21 "Per Stirpes." If a governing instrument requires property to be  
22 distributed "per stirpes," the property is divided into as many equal  
23 shares as there are: (1) surviving children of the designated  
24 ancestor; and (2) deceased children who left surviving descendants.  
25 Each surviving child is allocated one share. The share of each  
26 deceased child with surviving descendants is divided in the same  
27 manner, with subdivision repeating at each succeeding generation  
28 until the property is fully allocated among surviving descendants.

29 "Personal representative" includes executor, administrator,  
30 successor personal representative, special administrator, and  
31 persons who perform substantially the same function under the law  
32 governing their status. "General personal representative" excludes  
33 special administrator.

34 "Representation; Per Capita at Each Generation." If an applicable  
35 statute or a governing instrument requires property to be distributed  
36 "by representation" or "per capita at each generation," the property  
37 is divided into as many equal shares as there are: (1) surviving  
38 descendants in the generation nearest to the designated ancestor  
39 which contains one or more surviving descendants; and (2)  
40 deceased descendants in the same generation who left surviving  
41 descendants, if any. Each surviving descendant in the nearest  
42 generation is allocated one share. The remaining shares, if any, are  
43 combined and then divided in the same manner among the surviving  
44 descendants of the deceased descendants, as if the surviving  
45 descendants who were allocated a share and their surviving  
46 descendants had predeceased the designated ancestor.

1 "Resident creditor" means a person domiciled in, or doing  
2 business in this State, who is, or could be, a claimant against an  
3 estate.

4 "Security" includes any note, stock, treasury stock, bond,  
5 mortgage, financing statement, debenture, evidence of indebtedness,  
6 certificate of interest or participation in an oil, gas, or mining title  
7 or lease or in payments out of production under the title or lease,  
8 collateral, trust certificate, transferable share, voting trust certificate  
9 or, in general, any interest or instrument commonly known as a  
10 security or as a security interest or any certificate of interest or  
11 participation, any temporary or interim certificate, receipt or  
12 certificate of deposit for, or any warrant or right to subscribe to or  
13 purchase, any of the foregoing.

14 "Stepchild" means a child of the surviving, deceased, or former  
15 spouse who is not a child of the decedent.

16 "Successor personal representative" means a personal  
17 representative, other than a special administrator, who is appointed  
18 to succeed a previously appointed personal representative.

19 "Successors" means those persons, other than creditors, who are  
20 entitled to real and personal property of a decedent under a  
21 decedent's will or the laws governing intestate succession.

22 "Testamentary trustee" means a trustee designated by will or  
23 appointed to exercise a trust created by will.

24 "Testator" includes an individual and means male or female.

25 "Trust" includes any express trust, private or charitable, with  
26 additions thereto, wherever and however created. It also includes a  
27 trust created by judgment under which the trust is to be  
28 administered in the manner of an express trust. "Trust" excludes  
29 other constructive trusts, and it excludes resulting trusts,  
30 guardianships, personal representatives, trust accounts created  
31 under the "Multiple-party Deposit Account Act," P.L.1979, c.491  
32 (C.17:16I-1 et seq.), gifts to minors under the "New Jersey Uniform  
33 Gifts to Minors Act," P.L.1963, c.177 (C.46:38-13 et seq.), or the  
34 "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et  
35 seq., business trusts providing for certificates to be issued to  
36 beneficiaries, common trusts, security arrangements, liquidation  
37 trusts, and trusts for the primary purpose of paying debts, dividends,  
38 interest, salaries, wages, profits, pensions or employee benefits of  
39 any kind, and any arrangement under which a person is nominee or  
40 escrowee for another.

41 "Trustee" includes an original, additional or successor trustee,  
42 whether or not appointed or confirmed by court.

43 "Ward" means an individual for whom a guardian is appointed or  
44 an individual under the protection of the court.

45 "Will" means the last will and testament of a testator or testatrix  
46 and includes any codicil and any testamentary instrument that  
47 merely appoints an executor, revokes or revises another will,  
48 nominates a guardian, or expressly excludes or limits the right of a

1 person or class to succeed to property of the decedent passing by  
2 intestate succession.<sup>1</sup>

3 (cf: P.L.2013, c.103, s.21)

4  
5 <sup>1</sup>**[7.] 13.**<sup>1</sup> Section 12 of P.L.2005, c.304 (C.3B:12-24.1) is  
6 amended to read as follows:

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

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

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

32 c. Pendente lite; Temporary Guardian.

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

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

45 (a) the physical or mental health, safety and well-being of the  
46 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 <sup>1</sup>14. N.J.S.3B:12-28 is amended to read as follows:

41 3B:12-28. Return to competency; restoration of estate.

42 The Superior Court may, on summary action filed by the person  
43 adjudicated incapacitated or the guardian, adjudicate that the  
44 incapacitated person has returned to full or partial competency and  
45 restore to that person his civil rights and estate as it exists at the  
46 time of the return to competency if the court is satisfied that the  
47 person has recovered his sound reason and is fit to govern himself  
48 and manage his affairs, or, in the case of an incapacitated person

1 determined to be incapacitated by reason of **【chronic alcoholism】**  
2 substance use disorder, that the person has reformed and become  
3 habitually sober and has continued so for one year next preceding  
4 the commencement of the action**【**, and in the case of an  
5 incapacitated person determined to be incapacitated by reason of  
6 chronic use of drugs that the person has reformed and has not been  
7 a chronic user of drugs for one year next preceding the  
8 commencement of the action**】**.<sup>1</sup>

9 (cf: P.L.2005, c.304, s.16)

10  
11 <sup>1</sup>15. N.J.S.3B:12-39 is amended to read as follows:

12 3B:12-39. Delegation of parent's, custodian's, or guardian's  
13 powers regarding child's or minor ward's care, custody or property;  
14 limitations.

15 a. A parent, other than where sole or full legal and physical  
16 custody of the parent's minor child has been awarded to another by  
17 a court of competent jurisdiction, with the consent of the other  
18 parent, unless the other parent is deceased, incapacitated, or  
19 unavailable, or a custodian of a minor child who is not that child's  
20 parent, with the consent of a parent with whom the custodian shares  
21 legal custody, unless that parent is deceased, incapacitated, or  
22 unavailable, or a guardian of a minor child or a minor ward may:

23 by a properly executed power of attorney, delegate to another  
24 person any of the parent's, custodian's, or guardian's powers  
25 regarding care, custody, or property of the minor child or minor  
26 ward.

27 b. A delegation made under this section shall: (1) expire one  
28 year from the effective date of the properly executed power of  
29 attorney, provided, however, that the parent, custodian, or guardian  
30 shall be permitted to renew the delegation for additional one-year  
31 periods using the same process as applies to the original delegation,  
32 and may be extended for an additional six months in exigent  
33 circumstances; and

34 (2) may become effective upon proper execution of the power of  
35 attorney or upon another activating event specified in a properly  
36 executed power of attorney.

37 c. A parent, custodian, or guardian may revoke a delegation  
38 made under this section by notifying the attorney-in-fact named in  
39 the power of attorney orally, in writing, or by any other act  
40 evidencing a specific intent to revoke the power of attorney.

41 d. A parent, custodian, or guardian may delegate under this  
42 section only such powers as the parent, custodian, or guardian  
43 possesses.

44 e. A delegation made under this section shall not deprive the  
45 parent, custodian, or guardian of the parent's, custodian's, or  
46 guardian's existing powers regarding care, custody, or property of  
47 the minor child or minor ward, but the parent, custodian, or  
48 guardian shall exercise such powers, insofar as the parent,

1    custodian, or guardian is able, concurrently with the attorney-in-fact  
2    named in the power of attorney. In the event of a disagreement  
3    between a parent, custodian, or guardian and the attorney-in-fact  
4    regarding the care, custody, or property of the minor child or minor  
5    ward, the decision of the parent, custodian, or guardian shall  
6    control.

7       f. Nothing in this section shall be construed to involuntarily  
8    deprive any parent of parental rights.

9       g. As used in this section:

10      "Activating event" means an event stated in the delegation that  
11    empowers the attorney-in-fact to assume the duties of the office.  
12    Activating events include, but are not limited to: the execution of a  
13    power of attorney pursuant to this section; the parent's, custodian's,  
14    or guardian's attending physician concludes that the parent,  
15    custodian, or guardian is incapacitated; the parent's, custodian's, or  
16    guardian's attending physician concludes that the parent, custodian,  
17    or guardian is debilitated; the parent, custodian, or guardian is  
18    subject to immigration administrative action; the parent, custodian,  
19    or guardian is subject to criminal proceedings; the parent,  
20    custodian, or guardian is in military service; or the death of the  
21    parent, custodian, or guardian in circumstances in which no  
22    testamentary guardianship or other more permanent care  
23    arrangement has been made for the minor child or minor ward,  
24    provided, however, that in no case shall a power of attorney  
25    activated by the death of a parent, guardian, or custodian extend  
26    beyond the year that the power of attorney is in effect.

27      "Attending physician" means the physician who has primary  
28    responsibility for the treatment and care for the parent, custodian, or  
29    guardian making the delegation. When more than one physician  
30    shares this responsibility, or when a physician is acting on the  
31    primary physician's behalf, any such physician may act as the  
32    attending physician pursuant to this section. When no physician has  
33    this responsibility, a physician who is familiar with the parent's,  
34    custodian's, or legal guardian's medical condition may act as the  
35    attending physician.

36      "Attorney-in-fact" means the person to whom a parent,  
37    custodian, or guardian delegates powers under a properly executed  
38    power of attorney pursuant to this section.

39      "Consent" means written consent of a non-delegating parent as  
40    evidenced by that person's signature on the power of attorney, in the  
41    presence of two witnesses.

42      "Criminal proceeding" means any incarceration on criminal  
43    charges, including pending charges, or a criminal sentence that  
44    separates a parent, custodian, or guardian from a minor child or  
45    minor ward.

46      "Custodian" means a person, other than a parent, who has been  
47    granted legal and physical custody of a minor child by a court of  
48    competent jurisdiction.



1 "Debilitated" means the parent, custodian, or guardian has a  
2 chronic and substantial inability, as a result of a physically  
3 debilitating illness, disease, or injury, to care for the parent's,  
4 custodian's, or guardian's minor child or minor ward.

5 "Exigent circumstances" means circumstances that render the  
6 parent, custodian, or guardian who makes a delegation unable to  
7 execute a renewal of the delegation for reasons including, but not  
8 limited to, that the parent, custodian, or guardian is debilitated or  
9 incapacitated, and that would cause imminent harm or threatened  
10 harm to the well-being of the parent's, custodian's, or guardian's  
11 minor child or minor ward without such renewal.

12 "Guardian" means a person who has qualified as a guardian of  
13 the person of a minor pursuant to court appointment, including, but  
14 not limited to, a kinship legal guardian, but does not mean a person  
15 who is serving only as a guardian ad litem.

16 "Immigration administrative action" means any immigration  
17 proceeding, enforcement action, detention, removal, or deportation  
18 that separates a parent, custodian, or guardian from a minor child or  
19 minor ward.

20 "Incapacitated" means the parent, custodian, or guardian is  
21 impaired by reason of mental illness, intellectual disability, physical  
22 illness or disability, **【chronic use of drugs, chronic alcoholism】**  
23 substance use disorder, or other cause, except minority, to the  
24 extent that the person lacks sufficient capacity to manage the affairs  
25 of and provide care for the parent's, custodian's, or guardian's minor  
26 child or minor ward, and a consequent inability to make these  
27 decisions.

28 "Military service" means duty by any person in the active  
29 military service of the United States or the active military service of  
30 the State, including in the National Guard or State Guard, that  
31 separates a parent, custodian, or guardian from a minor child or  
32 minor ward.

33 "Minor child" means a child under the age of 18 years but  
34 excludes a child residing in a placement funded or approved by the  
35 Division of Child Protection and Permanency in the Department of  
36 Children and Families pursuant to either a voluntary placement  
37 agreement or court order.

38 "Minor ward" means a minor child for whom a guardian is  
39 appointed.

40 "Parent" means the biological or adoptive parent of a minor  
41 child.

42 "Unavailable" means: a parent who has not been involved in  
43 raising or financially supporting the child for two years or a third of  
44 the life of the child, whichever is less, immediately preceding the  
45 delegation made pursuant to this section; a parent whose identity or  
46 whereabouts are unknown; or a parent who cannot be reached after  
47 diligent efforts.

1       h. A delegation made under this section may, but need not, be  
2 in the following form:

3 POWER OF ATTORNEY AND DELEGATION OF AUTHORITY  
4 BY PARENT, CUSTODIAN, OR GUARDIAN CONCERNING  
5 MINOR CHILD(REN) OR MINOR WARD(S) PURSUANT TO  
6 N.J.S. 3B:12-39

7       This power of attorney is made between (name(s), of parent(s),  
8 custodian(s), or guardian(s)), residing at (address(es) of parent(s),  
9 custodian(s), or guardian(s)) and reachable at (telephone number(s)  
10 of parent(s), custodian(s), or guardian(s)) and (name of alternative  
11 caregiver), referred to here as "attorney-in-fact," residing at (home  
12 address of alternative caregiver) and reachable at (telephone  
13 number of alternative caregiver).

14 If a parent is signing, the other parent must generally also sign  
15 below to show consent. Similarly, if a custodian who shares legal  
16 custody with a parent is signing, the parent who shares legal  
17 custody must generally also sign below to show consent. If such  
18 parent does not sign below, please check off reason(s) to explain  
19 why:

20     \_\_\_Such parent is deceased.

21     \_\_\_By order of a court of competent jurisdiction, such parent  
22 retains neither legal nor physical custody of child(ren).

23     \_\_\_Such parent is mentally or physically unable to give consent.

24     \_\_\_Such parent has not been involved in raising or financially  
25 supporting child(ren) for two years or a third of the life of the  
26 child(ren), whichever is less, immediately preceding the date of the  
27 latest signature below.

28     \_\_\_Identity or whereabouts of such parent are unknown to me.

29     \_\_\_Despite diligent efforts described below, I was unable to reach  
30 such parent.

31 Diligent efforts included:

32 \_\_\_\_\_  
33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_  
36 \_\_\_\_\_  
37 \_\_\_\_\_

38 Other: \_\_\_\_\_

39 \_\_\_\_\_  
40 \_\_\_\_\_  
41 \_\_\_\_\_  
42 \_\_\_\_\_

43 I/we appoint said attorney-in-fact, pursuant to N.J.S.3B:12-39, and  
44 delegate to said attorney-in-fact the following powers, all of which  
45 I/we possess, concerning the care, custody, and/or property of  
46 my/our minor child/minor ward, (name of minor child/minor ward),  
47 born on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (add other minor children's or  
48 minor wards' names and birthdates as appropriate)

1 \_\_\_\_Care-Giving. The attorney-in-fact shall have temporary care-  
2 giving authority for the minor child(ren)/minor ward(s), until such  
3 time as the minor child(ren)/minor ward(s) is/are returned to my/our  
4 physical custody, or his/her/their custody status is altered by a  
5 federal, state, or local agency; or changed by a court of law.

6 \_\_\_\_Well-Being. The attorney-in-fact shall have the power to  
7 provide for the physical and mental well-being of the minor  
8 child(ren)/minor ward(s), including, but not limited to, providing  
9 food and shelter.

10 \_\_\_\_Education. The attorney-in-fact shall have the authority to  
11 enroll the minor child(ren)/minor ward(s) in the appropriate  
12 educational institutions; obtain access to his/her/their school  
13 records; authorize his/her/their participation in school activities; and  
14 make any and all decisions related to his/her/their education,  
15 including, but not limited to, those related to special education.

16 \_\_\_\_Health Care. The attorney-in-fact shall have the authority, to the  
17 same extent that a parent/custodian/guardian would have the  
18 authority, to make medical, dental, and mental health decisions; to  
19 sign documents, waivers, and releases required by a hospital or  
20 physician; to access medical, dental, or mental health records  
21 concerning the minor child(ren)/minor ward(s); to authorize the  
22 minor child(ren)/minor ward(s)' admission to or discharge from  
23 any hospital or medical care facility; to consult with any health care  
24 provider; to consent to the provision, withholding, modification, or  
25 withdrawal of any health care procedure; and to make other  
26 decisions related to the health care needs of the minor  
27 child(ren)/minor ward(s).

28 \_\_\_\_Travel. The attorney-in-fact shall have the authority to make  
29 travel arrangements on behalf of the minor child(ren)/ minor  
30 ward(s) for destinations both inside and outside of the United States  
31 by air and/or ground transportation; to accompany the minor  
32 child(ren)/minor ward(s) on any such trips; and to make any and all  
33 related arrangements on behalf of the minor child(ren)/minor  
34 ward(s), including, but not limited to, hotel accommodations.

35 \_\_\_\_Financial Interests. The attorney-in-fact may handle any and  
36 all financial affairs and any and all personal and legal matters  
37 concerning the minor child(ren)/minor ward(s).

38 \_\_\_\_All Other Powers. The attorney-in-fact shall have the authority  
39 to handle and engage in any and all other matters relating to the  
40 care, custody, and property of the minor child(ren)/minor ward(s)  
41 which are permitted pursuant to applicable State law.

42 By this delegation, I/we provide that the attorney-in-fact's  
43 authority shall take effect upon the following "activating event(s)"  
44 (check all that apply):

45 \_\_\_\_The execution of this document on the latest date below; or

46 \_\_\_\_My attending physician concludes that I am incapacitated, and  
47 thus unable to care for my minor child(ren)/minor ward(s); or

1   \_\_\_My attending physician concludes that I am physically  
2   debilitated, and thus unable to care for my minor child(ren)/minor  
3   ward(s); or  
4   \_\_\_I am detained in immigration detention, removed, or deported;  
5   or  
6   \_\_\_I am incarcerated based on criminal charges, including pending  
7   charges, or conviction; or  
8   \_\_\_I am deployed in military service; or  
9   \_\_\_Upon my death, if I have made no more permanent care  
10   arrangements for my minor child or minor ward; or  
11   \_\_\_Other (specify reason).  
12   In the event that the person designated above is unable or unwilling  
13   to act as attorney-in-fact to my minor child(ren)/minor ward(s), I  
14   hereby name (name, address, and telephone number of alternate  
15   attorney-in-fact), as alternate attorney-in-fact of my minor  
16   child(ren)/minor ward(s).  
17   I/we understand that this delegation will expire one year from the  
18   execution of this document on the latest date below, and that the  
19   authority of the attorney-in-fact, if any, will cease, unless by that  
20   date (i) I renew this delegation, by the same process applicable to  
21   the original delegation; (ii) a court of competent jurisdiction  
22   appoints a custodian, guardian, or standby guardian for the minor  
23   child(ren)/minor ward(s); or (iii) exigent circumstances make it  
24   impossible for me to renew this delegation, and I have not made  
25   alternative care arrangements for my minor child(ren)/minor  
26   ward(s).  
27   I/we hereby authorize that the attorney-in-fact as set forth above  
28   shall be provided with a copy of my/our attending physician's  
29   statement(s), if applicable.  
30   In the event that an activating event occurs and a power of attorney  
31   is activated pursuant to this statement, I declare that it is my  
32   intention to retain full parental rights to the extent consistent with  
33   my condition and circumstances and, further, that I retain the  
34   authority to revoke the power of attorney consistent with my rights  
35   herein at any time.  
36   Parent's/Custodian's/Guardian's Signature:  
37   Date:  
38   Signature of other parent or of parent who shares legal custody with  
39   a custodian who signed above:  
40   Date:  
41   Witness's Signature:  
42   Address:  
43   Date:  
44   Witness's Signature:  
45   Address:  
46   Date:<sup>1</sup>  
47   (cf: P.L.2021, c.192, s.1)

1       <sup>1</sup>16. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to  
2 read as follows:

3       3. As used in P.L.1995, c.76 (C.3B:12-67 et seq.):

4       "Activating event" means an event stated in the petition or decree  
5 that empowers the standby guardian to assume the duties of the  
6 office. Activating events include, but are not limited to: the  
7 appointment of a standby guardian by a court of competent  
8 jurisdiction; the parent's, custodian's, or guardian's attending  
9 physician concludes that the parent, custodian, or guardian is  
10 incapacitated; the parent's, custodian's, or guardian's attending  
11 physician concludes that the parent, custodian, or guardian is  
12 debilitated; the parent, custodian, or guardian is subject to  
13 immigration administrative action; the parent, custodian, or  
14 guardian is subject to criminal proceedings; the parent, custodian,  
15 or guardian is in military service; or the death of the parent,  
16 custodian, or guardian in circumstances in which no testamentary  
17 guardianship or other more permanent care arrangement has been  
18 made for the minor child or minor ward; provided, however, that in  
19 no case shall a power of attorney triggered by the death of a parent,  
20 guardian, or custodian extend beyond the year that the power of  
21 attorney is in effect.

22       "Appointed standby guardian" means a person appointed  
23 pursuant to section 6 of P.L.1995, c.76 (C.3B:12-72) to assume the  
24 duties of guardian over the person and, when applicable, the  
25 property of a minor child or minor ward upon an activating event.

26       "Attending physician" means the physician who has primary  
27 responsibility for the treatment and care for the petitioning parent,  
28 custodian, or guardian. When more than one physician shares this  
29 responsibility, or when a physician is acting on the primary  
30 physician's behalf, any such physician may act as the attending  
31 physician pursuant to this act. When no physician has this  
32 responsibility, a physician who is familiar with the petitioner's  
33 medical condition may act as the attending physician pursuant to  
34 P.L.1995, c.76 (C.3B:12-67 et seq.).

35       "Criminal proceeding" means any incarceration on criminal  
36 charges, including pending charges, or a criminal sentence that  
37 separates a parent, custodian, or guardian from a minor child or  
38 minor ward.

39       "Custodian" means a person, other than a parent, who has been  
40 granted legal and physical custody of a minor child by a court of  
41 competent jurisdiction.

42       "Debilitated" means the parent, custodian, or guardian has a  
43 chronic and substantial inability, as a result of a physically  
44 debilitating illness, disease, or injury, to care for the parent's,  
45 custodian's, or guardian's minor child or minor ward.

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 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 substance use disorder, or other cause, except minority, to the  
11 extent that the person lacks sufficient capacity to manage the affairs  
12 of and provide care for the parent's, custodian's, or guardian's minor  
13 child or minor ward.

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 for whom a guardian is appointed.<sup>1</sup>  
25 (cf: P.L.2021, c.192, s.3)

26

27 **<sup>1</sup>[8.] 17.<sup>1</sup>** Section 1 of P.L.1955, c.232 (C.9:2-13) is amended  
28 to read as follows:

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

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

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

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

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

44 (e) The phrase "mentally incapacitated" means <sup>1</sup>the<sup>1</sup> inability to  
45 understand and discharge the natural and regular obligations of care  
46 and support of a child by reason of <sup>1</sup>having a<sup>1</sup> mental <sup>1</sup>**[disease]**  
47 health condition<sup>1</sup>, <sup>1</sup>an<sup>1</sup> intellectual disability, or <sup>1</sup>**[the effects of**  
48 drug, alcohol, or] <sup>1</sup>a<sup>1</sup> substance **[abuse]** use disorder.

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

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

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

6

7 <sup>1</sup>**[9.] 18.**<sup>1</sup> Section 2 of P.L.2006, c.47 (C.9:3A-2) is amended to  
8 read as follows:

9 2. The Legislature finds and declares that:

10 a. In 2003, New Jersey settled a class action lawsuit alleging  
11 that the State's child welfare system, which was primarily  
12 administered through the Division of Youth and Family Services in  
13 the Department of Human Services, failed to protect the State's  
14 most vulnerable children from child abuse and neglect. Under the  
15 terms of the settlement agreement, a New Jersey Child Welfare  
16 Panel was created to provide technical assistance to the State on  
17 child welfare issues in order to monitor the development and  
18 implementation of a State plan to reform New Jersey's child welfare  
19 system;

20 b. Although the State has committed substantial financial  
21 resources to the reform of the child welfare system between the date  
22 of the settlement agreement and 2005, the New Jersey Child  
23 Welfare Panel concluded that the department has not been able to  
24 demonstrate substantial progress in the implementation of the  
25 reform plan, and the Child Welfare Panel and other child advocates  
26 have concluded that children continue to remain at risk;

27 c. One of the concerns about the reform is that the child  
28 welfare system is administered through and is one of several large  
29 units within one of the largest agencies in State government, the  
30 Department of Human Services, which is responsible for so many of  
31 our State's vulnerable citizens. The department consists of  
32 approximately 22,000 employees and includes, in addition to the  
33 Division of Youth and Family Services: the Division of Medical  
34 Assistance and Health Services, which administers the State's  
35 Medicaid and NJ FamilyCare programs; the Division of Family  
36 Development, which administers the Temporary Assistance for  
37 Needy Families program and other public assistance programs; the  
38 Division of Developmental Disabilities, which provides services to  
39 developmentally disabled persons in the community and operates  
40 seven developmental centers; the Division of Mental Health <sup>1</sup>and  
41 Addiction<sup>1</sup> Services, which provides services to persons with  
42 mental illness in the community <sup>1</sup>**[and operates five psychiatric**  
43 **hospitals; the Division of Addiction Services, which administers the**  
44 **State's substance [abuse] use disorder programs]**<sup>1</sup> ; the Division of  
45 Disability Services, which provides various services to disabled  
46 adults; and the Commission for the Blind and Visually Impaired and  
47 the Division of the Deaf and Hard of Hearing, which are responsible

1 for providing services to persons who are blind or visually impaired  
2 and persons with hearing impairments, respectively; and

3 d. In order to facilitate aggressive reform of the child welfare  
4 system and ensure that the reform effort is successful, it is,  
5 therefore, in the best interest of the citizens of this State to establish  
6 a principal department within the Executive Branch that focuses  
7 exclusively on protecting children and strengthening families, so  
8 that our State's children will have the optimum conditions in which  
9 to grow and prosper to the benefit of themselves, their families, and  
10 society as a whole. The department shall have the goal of ensuring  
11 safety, permanency, and well-being for all children, and shall have  
12 direct responsibility for child welfare and other children and family  
13 services, supported by strong inter-agency partnerships among other  
14 State departments also responsible for family services.

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

16  
17 <sup>1</sup>**【10.】 19.**<sup>1</sup> Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is  
18 amended to read as follows:

19 1. When a child is placed in the custody of a relative or other  
20 suitable person or the Division of Child Protection and Permanency  
21 pursuant to section 34 of P.L.1974, c.119 (C.9:6-8.54), because of a  
22 finding of abuse or neglect, the Superior Court, Chancery Division,  
23 Family Part shall order the parent and, when appropriate, any other  
24 adult domiciled in the home to undergo substance **【abuse】** use  
25 disorder assessment, when necessary. If the assessment reveals  
26 positive evidence of substance **【abuse】** use disorder, the court shall  
27 require the parent and other adult, when appropriate, to demonstrate  
28 that <sup>1</sup>**【he】** the parent or other adult<sup>1</sup> is receiving treatment and  
29 complying with the treatment program for the substance **【abuse】**  
30 use disorder <sup>1</sup>**【problem】**<sup>1</sup> before the child is returned to the parental  
31 home.

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

33  
34 <sup>1</sup>**【11.】 20.**<sup>1</sup> Section 7 of P.L.1997, c.175 (C.9:6-8.89) is  
35 amended to read as follows:

36 7. a. The board shall consist of 13 members as follows: the  
37 Commissioner of Children and Families, the Commissioner of  
38 Health <sup>1</sup>**【and Senior Services】**<sup>1</sup>, the Director of the Division of  
39 Child Protection and Permanency in the Department of Children  
40 and Families, the Attorney General, and the Superintendent of State  
41 Police, or their designees, the State Medical Examiner, and the  
42 Chairperson or Executive Director of the New Jersey Task Force on  
43 Child Abuse and Neglect, who shall serve ex officio; and six public  
44 members appointed by the Governor, one of whom shall be a  
45 representative of the New Jersey Prosecutors' Association, one of  
46 whom shall be a Law Guardian, one of whom shall be a pediatrician  
47 with expertise in child abuse and neglect, one of whom shall be a  
48 psychologist with expertise in child abuse and neglect, one of whom



1 shall be a social work educator with experience and expertise in the  
2 area of child abuse or a related field and one of whom shall have  
3 expertise in substance **abuse** use disorder.

4 b. The public members of the board shall serve for three-year  
5 terms. Of the public members first appointed, three shall serve for a  
6 **period** term<sup>1</sup> of two years, and three shall serve for a term of  
7 three years. <sup>1</sup>**They** The members of the board<sup>1</sup> shall serve  
8 without compensation but shall be eligible for reimbursement for  
9 necessary and reasonable expenses incurred in the performance of  
10 their official duties and within the limits of funds appropriated for  
11 this purpose. Vacancies in the membership of the board shall be  
12 filled in the same manner as the original appointments were made.

13 c. The Governor shall appoint a public member to serve as  
14 chairperson of the board who shall be responsible for the  
15 coordination of all activities of the board and who shall provide the  
16 technical assistance needed to execute the duties of the board.

17 d. The board is entitled to call to its assistance and avail itself  
18 of the services of employees of any State, county, or municipal  
19 department, board, bureau, commission, or agency as it may require  
20 and as may be available for the purposes of reviewing a case  
21 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).  
22 The board may also seek the advice of experts, such as persons  
23 specializing in the fields of pediatric, radiological, neurological,  
24 psychiatric, orthopedic, and forensic medicine; nursing;  
25 psychology; social work; education; law enforcement; family law;  
26 substance **abuse** use disorder; child advocacy; or other related  
27 fields, if the facts of a case warrant additional expertise.

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

29  
30 <sup>1</sup>**12.** 21.<sup>1</sup> Section 8 of P.L.1997, c.175 (C.9:6-8.90) is  
31 amended to read as follows:

32 8. The board shall:

33 a. Identify the fatalities of children due to unusual circumstances  
34 according to the following criteria:

35 (1) The cause of death is undetermined;

36 (2) Death where substance **abuse** use disorder may have been  
37 a contributing factor;

38 (3) Homicide, child abuse or neglect;

39 (4) Death where child abuse or neglect may have been a  
40 contributing factor;

41 (5) Malnutrition, dehydration, or medical neglect or failure to  
42 thrive;

43 (6) Sexual abuse;

44 (7) Head trauma, fractures or blunt force trauma without  
45 obvious innocent reason such as auto accidents;

46 (8) Suffocation or asphyxia;

47 (9) Burns without obvious innocent reason such as auto accident  
48 or house fire; and

1 (10) Suicide.

2 b. Identify fatalities and near fatalities among children whose  
3 family, currently or within the last 12 months, were receiving  
4 services from the division.

5 (cf: P.L.1997, c.175, s.8)

6  
7 <sup>1</sup>**[13.] 22.**<sup>1</sup> Section 2 of P.L.1998, c.19 (C.9:6-8.100) is  
8 amended to read as follows:

9 2. Each center shall demonstrate a multidisciplinary approach  
10 to identifying and responding to child abuse and neglect. The  
11 center staff shall include, at a minimum, a pediatrician, a consulting  
12 psychiatrist, a psychologist and a social worker who are trained to  
13 evaluate and treat children who have been abused or neglected and  
14 their families. Each center shall establish a liaison with the district  
15 office of the Division of <sup>1</sup>**[Youth and Family Services]** Child  
16 Protection and Permanency<sup>1</sup> in the Department of Children and  
17 Families and the prosecutor's office from the county in which the  
18 child who is undergoing evaluation and treatment resides. At least  
19 one member of the staff shall also have an appropriate professional  
20 credential or significant training and experience in the identification  
21 and treatment of substance **[abuse]** use disorder.

22 Each center shall develop an intake, referral and case tracking  
23 process which assists the division and prosecutor's office in  
24 assuring that child victims receive appropriate and timely diagnostic  
25 and treatment services.

26 (cf: P.L.2006, c.47, s.63)

27

28 <sup>1</sup>**[14.] 23.**<sup>1</sup> Section 4 of P.L.1998, c.19 (C.9:6-8.102) is  
29 amended to read as follows:

30 4. Services provided by the center's staff shall include, but not  
31 be limited to:

32 a. Providing psychological and medical evaluation and  
33 treatment of the child, counseling for family members and  
34 substance **[abuse]** use disorder assessment and mental health and  
35 substance **[abuse]** use disorder counseling for the parents or  
36 guardians of the child;

37 b. Providing referral for appropriate social services and  
38 medical care;

39 c. Providing testimony regarding alleged child abuse or neglect  
40 at judicial proceedings;

41 d. Providing treatment recommendations for the child and  
42 mental health and substance **[abuse]** use disorder treatment  
43 recommendations for <sup>1</sup>**[his]** the child's<sup>1</sup> family, and providing  
44 mental health and substance **[abuse]** use disorder treatment  
45 recommendations for persons convicted of child abuse or neglect;

1 e. Receiving referrals from the Department of Children and  
2 Families and the county prosecutor's office and assisting them in  
3 any investigation of child abuse or neglect;

4 f. Providing educational material and seminars on child abuse  
5 and neglect and the services the center provides to children, parents,  
6 teachers, law enforcement officials, the judiciary, attorneys and  
7 other citizens.

8 (cf: P.L.2006, c.47, s.64)

9

10 <sup>1</sup>15. 24.<sup>1</sup> Section 6 of P.L.1998, c.19 (C.9:6-8.104) is  
11 amended to read as follows:

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

33 As used in this section, "child advocacy center" means a county-  
34 based center which meets the standards for a county team  
35 established by the commissioner pursuant to this section and  
36 demonstrates a multidisciplinary approach in providing  
37 comprehensive, culturally competent child abuse prevention,  
38 intervention, and treatment services to children who are victims of  
39 child abuse or neglect.

40 (cf: P.L.2006, c.47, s.65)

41

42 <sup>1</sup>25. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to  
43 read as follows:

44 3. a. No person shall operate a vessel on the waters of this State  
45 while under the influence of intoxicating liquor, a narcotic,  
46 hallucinogenic, or habit-producing drug or with a blood alcohol  
47 concentration of 0.08~~[%]~~ percent or more by weight of alcohol. No  
48 person shall permit another who is under the influence of

1 intoxicating liquor, a narcotic, hallucinogenic or habit-producing  
2 drug, or who has a blood alcohol concentration of 0.08【%】 percent  
3 by weight of alcohol, to operate any vessel owned by the person or  
4 in his custody or control.

5 As used in this section, "vessel" means a power vessel as defined  
6 by section 2 of P.L.1995, c.401 (C.12:7-71) or a vessel which is 12  
7 feet or greater in length.

8 A person who violates this section shall be subject to the  
9 following:

10 (1) For a first offense:

11 (i) if the person's blood alcohol concentration is 0.08【%】  
12 percent or higher but less than 0.10【%】 percent, or the person  
13 operates a vessel while under the influence of intoxicating liquor, or  
14 the person permits another person who is under the influence of  
15 intoxicating liquor to operate a vessel owned by him or in his  
16 custody or control or permits another person with a blood alcohol  
17 concentration of 0.08【%】 percent or higher but less than 0.10【%】  
18 percent to operate a vessel, to a fine of not less than \$250 nor more  
19 than \$400; and to the revocation of the privilege to operate a vessel  
20 on the waters of this State for a period of one year from the date of  
21 conviction and to the forfeiting of the privilege to operate a motor  
22 vehicle over the highways of this State for a period of three months;

23 (ii) if the person's blood alcohol concentration is 0.10【%】  
24 percent or higher, or the person operates a vessel while under the  
25 influence of a narcotic, hallucinogenic or habit-producing drug, or  
26 the person permits another person who is under the influence of a  
27 narcotic, hallucinogenic or habit-producing drug to operate a vessel  
28 owned by him or in his custody or control, or permits another  
29 person with a blood alcohol concentration of 0.10【%】 percent or  
30 more to operate a vessel, to a fine of not less than \$300 nor more  
31 than \$500; and to the revocation of the privilege to operate a vessel  
32 on the waters of this State for a period of one year from the date of  
33 conviction and to the forfeiting of the privilege to operate a motor  
34 vehicle over the highways of this State for a period of not less than  
35 seven months nor more than one year.

36 (2) For a second offense, to a fine of not less than \$500 nor  
37 more than \$1,000; to the performance of community service for a  
38 period of 30 days, in the form and on the terms as the court deems  
39 appropriate under the circumstances; and to imprisonment for a  
40 term of not less than 48 hours nor more than 90 days, which shall  
41 not be suspended or served on probation; and to the revocation of  
42 the privilege to operate a vessel on the waters of this State for a  
43 period of two years after the date of conviction and to the forfeiting  
44 of the privilege to operate a motor vehicle over the highways of this  
45 State for a period of two years.

46 (3) For a third or subsequent offense, to a fine of \$1,000; to  
47 imprisonment for a term of not less than 180 days, except that the  
48 court may lower this term for each day not exceeding 90 days

1 during which the person performs community service, in the form  
2 and on the terms as the court deems appropriate under the  
3 circumstances; and to the revocation of the privilege to operate a  
4 vessel on the waters of this State for a period of 10 years from the  
5 date of conviction and to the forfeiting of the privilege to operate a  
6 motor vehicle over the highways of this State for a period of 10  
7 years.

8 Upon conviction of a violation of this section, the court shall  
9 collect forthwith the New Jersey driver's license or licenses of the  
10 person so convicted and forward such license or licenses to the  
11 Chief Administrator of the New Jersey Motor Vehicle Commission.  
12 In the event that a person convicted under this section is the holder  
13 of any out-of-State motor vehicle driver's or vessel operator's  
14 license, the court shall not collect the license but shall notify  
15 forthwith the Chief Administrator of the New Jersey Motor Vehicle  
16 Commission, who shall, in turn, notify appropriate officials in the  
17 licensing jurisdiction. The court shall, however, revoke the  
18 nonresident's driving privilege to operate a motor vehicle and the  
19 nonresident's privilege to operate a vessel in this State.

20 b. A person who has been convicted of a previous violation of  
21 this section need not be charged as a second or subsequent offender  
22 in the complaint made against **him** the person in order to render  
23 **him** the person liable to the punishment imposed by this section  
24 against a second or subsequent offender. If a second offense occurs  
25 more than 10 years after the first offense, the court shall treat a  
26 second conviction as a first offense for sentencing purposes and, if a  
27 third offense occurs more than 10 years after the second offense, the  
28 court shall treat a third conviction as a second offense for  
29 sentencing purposes.

30 c. If a court imposes a term of imprisonment under this section,  
31 the person may be sentenced to the county jail, to the workhouse of  
32 the county where the offense was committed, or to an inpatient  
33 rehabilitation program approved by the Chief Administrator of the  
34 New Jersey Motor Vehicle Commission and the **Director of the**  
35 **Division of Alcoholism and Drug Abuse in the Department of**  
36 **Health and Senior Services** Assistant Commissioner of the  
37 Division of Mental Health and Addiction Services in the  
38 Department of Human Services.

39 d. In the case of any person who at the time of the imposition  
40 of sentence is less than 17 years of age, the period of the suspension  
41 of driving privileges authorized herein, including a suspension of  
42 the privilege of operating a motorized bicycle, shall commence on  
43 the day the sentence is imposed and shall run for a period as fixed  
44 by the court of not less than three months after the day the person  
45 reaches the age of 17 years. If the driving or vessel operating  
46 privilege of any person is under revocation, suspension, or  
47 postponement for a violation of any provision of this title or Title  
48 39 of the Revised Statutes at the time of any conviction of any

1 offense defined in this section, the revocation, suspension, or  
2 postponement period imposed herein shall commence as of the date  
3 of termination of the existing revocation, suspension or  
4 postponement. A second offense shall result in the suspension or  
5 postponement of the person's privilege to operate a motor vehicle  
6 for six months. A third or subsequent offense shall result in the  
7 suspension or postponement of the person's privilege to operate a  
8 motor vehicle for two years. The court before whom any person is  
9 convicted of or adjudicated delinquent for a violation shall collect  
10 forthwith the New Jersey driver's license or licenses of the person  
11 and forward such license or licenses to the Chief Administrator of  
12 the New Jersey Motor Vehicle Commission along with a report  
13 indicating the first and last day of the suspension or postponement  
14 period imposed by the court pursuant to this section. If the court is  
15 for any reason unable to collect the license or licenses of the person,  
16 the court shall cause a report of the conviction or adjudication of  
17 delinquency to be filed with the chief administrator. That report  
18 shall include the complete name, address, date of birth, eye color,  
19 and sex of the person and shall indicate the first and last day of the  
20 suspension or postponement period imposed by the court pursuant  
21 to this section. The court shall inform the person orally and in  
22 writing that if the person is convicted of personally operating a  
23 motor vehicle or a vessel during the period of license suspension or  
24 postponement imposed pursuant to this section, the person shall,  
25 upon conviction, be subject to the penalties set forth in R.S.39:3-40  
26 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is  
27 appropriate. A person shall be required to acknowledge receipt of  
28 the written notice in writing. Failure to receive a written notice or  
29 failure to acknowledge in writing the receipt of a written notice  
30 shall not be a defense to a subsequent charge of a violation of  
31 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the  
32 person is the holder of a driver's or vessel operator's license from  
33 another jurisdiction, the court shall not collect the license but shall  
34 notify forthwith the chief administrator who shall notify the  
35 appropriate officials in the licensing jurisdiction. The court shall,  
36 however, in accordance with the provisions of this section, revoke  
37 the person's non-resident driving or vessel operating privilege,  
38 whichever is appropriate, in this State.

39 e. In addition to any other requirements provided by law, a  
40 person convicted under this section shall satisfy the screening,  
41 evaluation, referral program and fee requirements of the **【Division**  
42 **of Alcoholism's】** Intoxicated Driving **【Programs Unit】** Program in  
43 the Division of Mental Health and Addiction Services in the  
44 Department of Human Services. A fee of \$80 shall be payable to  
45 the Alcohol Education, Rehabilitation and Enforcement Fund  
46 established under section 3 of P.L.1983, c.531 (C.26:2B-32), by the  
47 convicted person in order to defray the costs of the screening,  
48 evaluation and referral by the Intoxicated Driving **【Programs Unit】**

1 Program. Failure to satisfy this requirement shall result in the  
2 immediate forfeiture of the privilege to operate a vessel on the  
3 waters of this State or the continuation of revocation until the  
4 requirements are satisfied.

5 f. In addition to any other requirements provided by law, a  
6 person convicted under this section shall be required after  
7 conviction to complete a boat safety course from the list approved  
8 by the Superintendent of State Police pursuant to section 1 of  
9 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the  
10 restoration of the privilege to operate a vessel which may have been  
11 revoked or suspended for a violation of the provisions of this  
12 section. Failure to satisfy this requirement shall result in the  
13 immediate revocation of the privilege to operate a vessel on the  
14 waters of this State, or the continuation of revocation until the  
15 requirements of this subsection are satisfied.<sup>1</sup>

16 (cf: P.L.2004, c.80, s.1)

17

18 <sup>1</sup>26. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to read  
19 as follows:

20 9. a. A court shall revoke the privilege of a person to operate a  
21 power vessel or a vessel which is 12 feet or greater in length, if  
22 after being arrested for a violation of section 3 of P.L.1952, c.157  
23 (C.12:7-46), the person refuses to submit to the chemical test  
24 provided for in section 7 of P.L.1986, c.39 (C.12:7-55) when  
25 requested to do so. The revocation shall be for one year unless the  
26 refusal was in connection with a second offense under section 3 of  
27 P.L.1952, c.157 (C.12:7-46), in which case the revocation period  
28 shall be for two years. If the refusal was in connection with a third  
29 or subsequent offense under section 3 of P.L.1952, c.157 (C.12:7-  
30 46), the revocation shall be for 10 years. The court also shall  
31 revoke the privilege of a person to operate a motor vehicle over the  
32 highways of this State for a period of: not less than seven months  
33 or more than one year for a first offense; two years for a second  
34 offense; and 10 years for a third or subsequent offense. The court  
35 shall also fine a person convicted under this section: not less than  
36 \$300 nor more than \$500 for a first offense; not less than \$500 or  
37 more than \$1,000 for a second offense; and \$1,000 for a third or  
38 subsequent offense.

39 b. The court shall determine by a preponderance of the  
40 evidence whether the arresting officer had probable cause to believe  
41 that the person had been operating or was in actual physical control  
42 of the vessel while under the influence of intoxicating liquor, or a  
43 narcotic, hallucinogenic or habit-producing drug, whether the  
44 person was placed under arrest, and whether the person refused to  
45 submit to the test upon request of the officer. If these elements of  
46 the violation are not established, no conviction shall issue.

47 c. In addition to any other requirements provided by law, a  
48 person whose privilege to operate a vessel is revoked for refusing to

1 submit to a chemical test shall satisfy the screening, evaluation,  
2 referral and program requirements of **the Bureau of Alcohol**  
3 **Countermeasures in the Division of Alcoholism in the Department**  
4 **of Health and Senior Services】** the Division of Mental Health and  
5 Addiction Services in the Department of Human Services. A fee of  
6 \$40 shall be payable to the Alcohol Education, Rehabilitation and  
7 Enforcement Fund established under section 3 of P.L.1983, c.531  
8 (C.26:2B-32), by the convicted person in order to defray the costs  
9 of the screening, evaluation and referral by the **【Bureau of Alcohol**  
10 **Countermeasures】** Division of Mental Health and Addiction  
11 Services and the cost of an education or rehabilitation program.  
12 Failure to satisfy this requirement shall result in the immediate  
13 revocation of the privilege to operate a vessel on the waters of this  
14 State or the continuation of revocation until the requirements are  
15 satisfied. The revocation for a first offense may be concurrent with  
16 or consecutive to a revocation imposed for a conviction under the  
17 provisions of section 3 of P.L.1952, c.157 (C.12:7-46) arising out of  
18 the same incident; the revocation for a second or subsequent offense  
19 shall be consecutive to a revocation imposed for a conviction under  
20 the provisions of section 3 of P.L.1952, c.157 (C.12:7-46).

21 d. In addition to any other requirements provided by law, a  
22 person convicted under this section shall be required after  
23 conviction to complete a boat safety course from the list approved  
24 by the Superintendent of State Police pursuant to section 1 of  
25 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the  
26 restoration of the privilege to operate a vessel which may have been  
27 revoked or suspended for a violation of the provisions of this  
28 section. Failure to satisfy this requirement shall result in the  
29 immediate revocation of the privilege to operate a vessel on the  
30 waters of this State, or the continuation of revocation until the  
31 requirements of this subsection are satisfied.<sup>1</sup>

32 (cf: P.L.2004, c.80, s.4)

33

34 <sup>1</sup>**【16.】** 27.<sup>1</sup> Section 7 of P.L.2017, c.28 (C.17B:27A-19.25) is  
35 amended to read as follows:

36 7. a. A small employer health benefits plan that provides  
37 hospital or medical expense benefits and is delivered, issued,  
38 executed or renewed in this State, or approved for issuance or  
39 renewal in this State by the Commissioner of Banking and  
40 Insurance, on or after the effective date of this act, shall provide  
41 unlimited benefits for inpatient and outpatient treatment of  
42 substance use disorder at in-network facilities. The services for the  
43 treatment of substance use disorder shall be prescribed by a licensed  
44 physician, licensed psychologist, or licensed psychiatrist and  
45 provided by licensed health care professionals or licensed or  
46 certified substance use disorder providers in licensed or otherwise  
47 State-approved facilities, as required by the laws of the state in  
48 which the services are rendered.



1       b. The benefits for the first 180 days per plan year of inpatient  
2 and outpatient treatment of substance use disorder shall be provided  
3 when determined medically necessary by the covered person's  
4 physician, psychologist or psychiatrist without the imposition of  
5 any prior authorization or other prospective utilization management  
6 requirements. The facility shall notify the carrier of both the  
7 admission and the initial treatment plan within 48 hours of the  
8 admission or initiation of treatment. If there is no in-network  
9 facility immediately available for a covered person, a carrier shall  
10 provide necessary exceptions to their network to ensure admission  
11 in a treatment facility within 24 hours.

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

16       d. The benefits for outpatient visits shall not be subject to  
17 concurrent or retrospective review of medical necessity or any other  
18 utilization management review.

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

23       (2) The benefits for days 29 and thereafter of inpatient care shall  
24 be subject to concurrent review as defined in this section. A request  
25 for approval of inpatient care beyond the first 28 days shall be  
26 submitted for concurrent review before the expiration of the initial  
27 28-day period. A request for approval of inpatient care beyond any  
28 period that is approved under concurrent review shall be submitted  
29 within the period that was previously approved. No carrier shall  
30 initiate concurrent review more frequently than at two-week  
31 intervals. If a carrier determines that continued inpatient care in a  
32 facility is no longer medically necessary, the carrier shall within 24  
33 hours provide written notice to the covered person and the covered  
34 person's physician of its decision and the right to file an expedited  
35 internal appeal of the determination pursuant to an expedited  
36 process pursuant to sections 11 through 13 of P.L.1997, c.192  
37 (C.26:2S-11 through 26:2S-13) and N.J.A.C.11:24A-3.5, as  
38 applicable. The carrier shall review and make a determination with  
39 respect to the internal appeal within 24 hours and communicate  
40 such determination to the covered person and the covered person's  
41 physician. If the determination is to uphold the denial, the covered  
42 person and the covered person's physician have the right to file an  
43 expedited external appeal with the Independent Health Care  
44 Appeals Program in the Department of Banking and Insurance  
45 pursuant to sections 11 through 13 of P.L.1997, c.192 (C.26:2S-11  
46 through 26:2S-13) and N.J.A.C.11:24A-3.6, as applicable. An  
47 independent utilization review organization shall make a  
48 determination within 24 hours. If the carrier's determination is

1 upheld and it is determined continued inpatient care is not  
2 medically necessary, the carrier shall remain responsible to provide  
3 benefits for the inpatient care through the day following the date the  
4 determination is made and the covered person shall only be  
5 responsible for any applicable co-payment, deductible and co-  
6 insurance for the stay through that date as applicable under the  
7 policy. The covered person shall not be discharged or released  
8 from the inpatient facility until all internal appeals and independent  
9 utilization review organization appeals are exhausted. For any costs  
10 incurred after the day following the date of determination until the  
11 day of discharge, the covered person shall only be responsible for  
12 any applicable cost-sharing, and any additional charges shall be  
13 paid by the facility or provider.

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

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

21 g. Benefits for inpatient and outpatient treatment of substance  
22 use disorder after the first 180 days per plan year shall be subject to  
23 the medical necessity determination of the carrier and may be  
24 subject to prior authorization or, retrospective review and other  
25 utilization management requirements.

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

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

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

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

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

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

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

12 o. As used in this section:

13 "Concurrent review" means inpatient care is reviewed as it is  
14 provided. Medically qualified reviewers monitor appropriateness of  
15 the care, the setting, and patient progress, and as appropriate, the  
16 discharge plans.

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

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

22  
23 <sup>1</sup>**[17.] 28.**<sup>1</sup> Section 1 of P.L.2015, c.92 (C.18A:3B-70) is  
24 amended to read as follows:

25 1. a. Within four years after the effective date of this act, each  
26 four-year public institution of higher education, in which at least  
27 25% of the undergraduate students live in on-campus housing, shall  
28 establish a substance **[abuse]** use disorder recovery housing  
29 program. The purpose of the program shall be to provide a  
30 supportive substance-free dormitory environment that recognizes  
31 the unique risks and challenges that recovering students face, and  
32 that provides support programs to recovering students who reside in  
33 the recovery housing to assist their efforts to remain substance-free.  
34 The program shall include on-site counseling, mentoring, peer  
35 support, and other appropriate services. An institution may  
36 designate a floor, wing, or other designated area within a dormitory  
37 building for the substance **[abuse]** use disorder recovery housing  
38 program, and shall not be required to designate an entire dormitory  
39 building for the program.

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

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

44  
45 <sup>1</sup>**[18.] 29.**<sup>1</sup> Section 1 of P.L.2019, c.222 (C.18A:35-4.39) is  
46 amended to read as follows:

47 1. a. A school district shall ensure that its health education  
48 programs for students in grades kindergarten through 12 recognize

1 the multiple dimensions of health by including mental health and  
2 the relation of physical and mental health so as to enhance student  
3 understanding, attitudes, and behaviors that promote health, well-  
4 being, and human dignity. The instruction in mental health shall be  
5 adapted to the age and understanding of the students and shall be  
6 incorporated as part of the district's implementation of the New  
7 Jersey Student Learning Standards in Comprehensive Health and  
8 Physical Education. The instruction shall include, as appropriate,  
9 information on substance **【abuse】** use disorder provided pursuant to  
10 the implementation of these standards and to section 1 of P.L.2016,  
11 c.46 (C.18A:40A-2.1).

12 b. The State Board of Education shall review and update the  
13 New Jersey Student Learning Standards in Comprehensive Health  
14 and Physical Education to ensure the incorporation of instruction in  
15 mental health in an appropriate place in the curriculum for students  
16 in grades kindergarten through 12. In its review, the State board  
17 shall consult with mental health experts including, but not limited  
18 to, representatives from the Division of Mental Health and  
19 Addiction Services in the Department of Human Services.  
20 (cf: P.L.2019, c.222, s.1)

21  
22 <sup>1</sup>**【19.】 30.**<sup>1</sup> Section 1 of P.L.2019, c.479 (C.18A:37-2c) is  
23 amended to read as follows:

24 1. a. In the event a student has experienced multiple  
25 suspensions or may be subject to a proposed expulsion from public  
26 school, the principal shall convene a meeting, as soon as  
27 practicable, between the student and a school psychologist, a school  
28 counselor, a school social worker, a student assistance coordinator,  
29 or a member of the school's intervention and referral services team.  
30 The principal may convene such a meeting, if after the student has  
31 been suspended for the first time, the principal upon evaluation  
32 deems such a meeting appropriate. The purpose of the meeting shall  
33 be to identify any behavior or health difficulties experienced by the  
34 student and, where appropriate, to provide supportive interventions  
35 or referrals to school or community resources that may assist the  
36 student in addressing the identified difficulties.

37 b. The Department of Education, in consultation with the  
38 Department of Health, shall make available to school districts a list  
39 of current resources that may be of assistance as referral services  
40 for students under subsection a. of this section. The resources may  
41 include, but need not be limited to, the New Jersey  
42 MentalHealthCares information and referral service, and county or  
43 local programs that provide youth services for mental health or  
44 substance **【abuse】** use disorder.

45 c. The requirements of subsection a. of this section shall not  
46 apply when a student's immediate removal or suspension from the  
47 school's regular education program is required pursuant to the  
48 provisions of the "Zero Tolerance for Guns Act," P.L.1995, c.127

(C.18A:37-7 et seq.); section 2 of P.L.1979, c.189 (C.18A:37-2.1); or section 1 of P.L.1995, c.128 (C.18A:37-2.2); or in any other instance in which the safety and security of other students or school staff requires the student's immediate removal from school. In these instances, the meeting required pursuant to subsection a. of this section shall take place as soon as practicable following the student's removal from the school's regular education program.

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

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

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

<sup>1</sup>**[20.] 31.**<sup>1</sup> Section 1 of P.L.2019, c.412 (C.18A:37-38) is amended to read as follows:

1. As used in this act:

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

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

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

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

<sup>1</sup>**[21.] 32.**<sup>1</sup> Section 1 of P.L.2017, c.70 (C.18A:40-3.7) is amended to read as follows:

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

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

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

9 c. completes either a Department of Education-approved  
10 college curriculum for the preparation of school nurses or a  
11 program of studies, with a minimum of 21 semester hour credits,  
12 that includes study in the fundamentals of substance ~~abuse~~ <sup>use</sup>  
13 and substance <sup>use disorder</sup> ~~and dependency~~ <sup>and such other</sup>  
14 subject areas as determined by the State board, and clinical  
15 experience in a school nurse office; and

16 d. completes a college-supervised school nurse practicum  
17 experience, a portion of which shall be completed in a school nurse  
18 office and a portion of which shall be completed in a classroom.  
19 The practicum experience may count toward the minimum 21  
20 semester hour credit requirement.

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

22  
23 <sup>1</sup>~~22.~~ <sup>33.</sup> Section 2 of P.L.2017, c.70 (C.18A:40-3.8) is  
24 amended to read as follows:

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

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

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

33 c. completes either a Department of Education-approved  
34 college curriculum for the preparation of school nurses or a  
35 program of studies, with a minimum of 15 semester hour credits,  
36 that includes study in the fundamentals of substance ~~abuse~~ <sup>use</sup>  
37 and substance <sup>use disorder</sup> ~~and dependency~~ <sup>and such other</sup>  
38 subject areas as determined by the State board, and clinical  
39 experience in a school nurse office.

40 (cf: P.L.2017, c.70, s.2)

41  
42 <sup>1</sup>~~23.~~ <sup>34.</sup> Section 1 of P.L.2013, c.146 (C.18A:40-44) is  
43 amended to reads as follows:

44 1. a. The Department of Education shall prepare and make  
45 available on the department's Internet website, both in print and in  
46 an easily printable format, information on how a parent can limit a  
47 child's exposure to violence on television, cell phones, computers,  
48 and other electronic devices. The department shall update this

1 information whenever new information about a child's exposure to  
2 violence on television and other electronic devices becomes  
3 available. The information shall include, but not be limited to:

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

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

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

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

17 (5) predictors of violent behavior in children, including but not  
18 limited to, dishonesty, disobedience, favorable attitude toward  
19 violence, hostility toward police, substance **[abuse]** use  
20 **<sup>1</sup>[disorder]**<sup>1</sup>, aggressive or antisocial behavior, and involvement in  
21 nonviolent criminal offenses; and

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

31 b. The department shall prepare an informational pamphlet that  
32 contains the information posted on its website pursuant to  
33 subsection a. of this section, and shall update the pamphlet as  
34 necessary. The department shall distribute the pamphlet, at no  
35 charge, to all school districts in the State, and shall make additional  
36 copies available to nonpublic schools upon request.

37 c. In the 2013-2014 school year and in each school year  
38 thereafter, each school district shall distribute the pamphlet to the  
39 parents or guardians of students attending the schools of the district.

40 (cf: P.L.2013, c.146, s.1)

41

42 **<sup>1</sup>[24.] 35.<sup>1</sup>** Section 2 of P.L.1987, c.389 (C.18A:40A-2) is  
43 amended to read as follows:

44 2. The Commissioner of Education, in consultation with the  
45 Commissioner of Health, shall develop curriculum guidelines for  
46 education programs on drugs, alcohol, anabolic steroids, tobacco  
47 and controlled dangerous substances. These guidelines shall be  
48 reviewed annually, and shall be updated as necessary to **<sup>1</sup>[insure]**

1 ensure<sup>1</sup> that the curriculum reflects the most current information  
2 available on the nature and treatment of drug, alcohol, anabolic  
3 steroids, tobacco and controlled dangerous substance **【abuse】** use  
4 **‘【disorder】’** and ‘substance use disorder’<sup>1</sup> treatment. The  
5 guidelines shall provide for a sequential course of study for each  
6 grade, K-12, and shall, at a minimum, include:

7 a. Detailed, factual information regarding the physiological,  
8 psychological, sociological and legal aspects of substance **【abuse】**  
9 use **‘【disorder】’** ;

10 b. Detailed information concerning the availability of help and  
11 assistance for pupils and their families with **‘【chemical dependency**  
12 **problems】** substance use disorder<sup>1</sup> ;

13 c. Decision making and coping skills; and,

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

16 The guidelines shall include model instructional units, shall  
17 define specific behavioral and learning objectives and shall  
18 recommend instructional materials suitable for each grade level.

19 (cf: P.L.1989, c.225, s.3)  
20

21 **‘【25.】 36.**<sup>1</sup> Section 1 of P.L.2016, c.46 (C.18A:40A-2.1) is  
22 amended to read as follows:

23 1. a. The Department of Education, in consultation with the  
24 Division of Mental Health and Addiction Services in the  
25 Department of Human Services, shall review the Core Curriculum  
26 Content Standards in Comprehensive Health and Physical  
27 Education to ensure that guidance for substance **【abuse】** use  
28 **‘【disorder】’** instruction incorporates the most recent evidence-  
29 based standards and practices.

30 b. Within 120 days of the effective date of this act, the  
31 department shall issue a written report to the Governor, to the State  
32 Board of Education, and to the Legislature as provided under  
33 section 2 of P.L.1991, c.164 (C.52:14-19.1), with its determination  
34 on whether the Core Curriculum Content Standards in  
35 Comprehensive Health and Physical Education adequately  
36 incorporate the most recent evidence-based standards and practices  
37 pursuant to subsection a. of this section. If the department  
38 determines that the Core Curriculum Content Standards in  
39 Comprehensive Health and Physical Education need to be revised, it  
40 shall propose the revisions to the State board within 12 months of  
41 the report's submission.

42 (cf: P.L.2016, c.46, s.1)  
43

44 **‘【26.】 37.**<sup>1</sup> Section 3 of P.L.1987, c.389 (C.18A:40A-3) is  
45 amended to read as follows:

46 3. a. Upon completion of the curriculum guidelines required  
47 pursuant to section 2 of this act, the Commissioner of Education, in



1 consultation with the Commissioner of Health, shall establish  
2 inservice workshops and training programs to train selected public  
3 school teachers to teach an education program on drugs, alcohol,  
4 anabolic steroids, tobacco and controlled dangerous substances.  
5 The inservice training programs may utilize existing county or  
6 regional offices, or such other institutions, agencies or persons as  
7 the Commissioner of Education deems appropriate. The programs  
8 and workshops shall provide instructional preparation for the  
9 teaching of the drug, alcohol, anabolic steroids, tobacco and  
10 controlled dangerous substances curriculum, and shall, in addition  
11 to the curriculum material, include information on the history,  
12 pharmacology, physiology and psychosocial aspects of drugs,  
13 alcohol, anabolic steroids, tobacco and controlled dangerous  
14 substances, symptomatic behavior associated with substance  
15 **[abuse]** use **'[disorder]'**, the availability of rehabilitation and  
16 treatment programs, and the legal aspects of substance **[abuse]** use  
17 **'[disorder]'**. Each local board of education shall provide time for  
18 the inservice training during the usual school schedule in order to  
19 **'[insure]** ensure<sup>1</sup> that appropriate teaching staff members are  
20 prepared to teach the education program in each grade in each  
21 school district.

22 b. Upon completion of the initial inservice training program,  
23 the Commissioner of Education shall **'[insure]** ensure<sup>1</sup> that  
24 programs and workshops that reflect the most current information  
25 on substance **[abuse]** use **'[disorder]'** are prepared and are made  
26 available to teaching staff members at regular intervals.

27 c. In addition to providing inservice training programs for  
28 teaching staff members who will provide instruction on substance  
29 **[abuse]** use disorder in the public schools, the Commissioner of  
30 Education shall make these training programs available to such  
31 other instructional and supervisory personnel as **'[he]** the  
32 commissioner<sup>1</sup> deems necessary and appropriate.

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

34

35 **'[27.] 38.'**<sup>1</sup> Section 4 of P.L.1987, c.389 (C.18A:40A-4) is  
36 amended to read as follows:

37 4. In addition to the provisions for inservice training  
38 established pursuant to this act, the commissioner shall **'[insure]**  
39 ensure<sup>1</sup> that the preservice training of individuals intending to enter  
40 the teaching profession provides for an adequate treatment of the  
41 subject of substance **[abuse]** use **'[disorder]'**.

42 No certificate to teach in the public schools shall be issued to any  
43 teaching staff member who has not passed a satisfactory  
44 examination in (1) physiology and hygiene; and (2) substance  
45 **[abuse]** use **'[disorder]'** issues which includes material on the  
46 physiological, psychological, sociological and legal aspects of  
47 **[drug and alcohol abuse]** substance use **'[disorder]'**, methods of

1 educating students on the negative effects of substance **[abuse]** use  
2 **<sup>1</sup>[disorder]**<sup>1</sup>, and intervention strategies for dealing with students  
3 **[engaged in]** **<sup>1</sup>[with]** engaged in<sup>1</sup> substance **[abuse]**  
4 use<sup>1</sup>**[disorder]**<sup>1</sup>.

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

6  
7 **<sup>1</sup>[28.] 39.**<sup>1</sup> Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is  
8 amended to read as follows:

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

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

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

28 (2) pursuant to a court order;

29 (3) to a person engaged in a bona fide research purpose, except  
30 that no names or other information identifying the pupil or the  
31 person with respect to whose substance **[abuse]** use **<sup>1</sup>[disorder]**<sup>1</sup>  
32 the information was provided, shall be made available to the  
33 researcher; or

34 (4) to the Division of Child Protection and Permanency or to a  
35 law enforcement agency, if the information would cause a person to  
36 reasonably suspect that the elementary or secondary school pupil or  
37 another child may be an abused or neglected child as the terms are  
38 used in R.S.9:6-1, or as the terms are defined in section 2 of  
39 P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-  
40 8.21).

41 c. Any disclosure made pursuant to paragraph (1) or (2) of  
42 subsection b. of this section shall be limited to that information  
43 which is necessary to carry out the purpose of the disclosure, and  
44 the person or entity to whom the information is disclosed shall be  
45 prohibited from making any further disclosure of that information  
46 without the pupil's written consent. The disclosure shall be  
47 accompanied by a written statement advising the recipient that the

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

11 d. The prohibition on the disclosure of information provided by  
12 a pupil pursuant to subsection a. of this section shall apply whether  
13 the person to whom the information was provided believes that the  
14 person seeking the information already has it, has other means of  
15 obtaining it, is a law enforcement or other public official, has  
16 obtained a subpoena, or asserts any other justification for the  
17 disclosure of this information.

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

19

20 <sup>1</sup>40. Section 1 of P.L.1987, c.387 (C.18A:40A-8) is amended to  
21 read as follows:

22 1. The Legislature finds and declares that:

23 a. A significant number of young people are unfortunately  
24 already involved in the **【abuse】** use of alcohol and other drugs;

25 b. Research indicates that particular groups of youngsters, such  
26 as the children of **【alcoholic】** parents who have alcohol use  
27 disorder, may in fact face an increased risk of developing alcohol  
28 and other substance **【abuse】** use problems and that early  
29 intervention services can be critical in their prevention, detection,  
30 and treatment; and,

31 c. School-based initiatives have proven particularly effective in  
32 identifying and assisting students at a high risk of developing  
33 alcohol and other drug disturbances and in reducing absenteeism,  
34 decreasing the consumption of alcohol and other drugs, and in  
35 lessening the problems associated with **【such addictions】** substance  
36 use disorders.<sup>1</sup>

37 (cf: P.L.1987, c.387, s.1)

38

39 <sup>1</sup>**【29.】 41.**<sup>1</sup> Section 2 of P.L.1987, c.387 (C.18A:40A-9) is  
40 amended to read as follows:

41 2. For the purposes of this act:

42 "Substance" shall mean alcoholic beverages, controlled  
43 dangerous substances as defined in section 2 of P.L.1970, c.266  
44 (C.24:21-2), anabolic steroids or any chemical or chemical  
45 compound which releases vapors or fumes causing a condition of  
46 intoxication, inebriation, excitement, stupefaction or dulling of the  
47 brain or nervous system including, but not limited to, glue

1 containing a solvent having the property of releasing toxic vapors or  
2 fumes as defined in section 1 of P.L.1965, c.41 (C.2A:170-25.9).

3 "Substance **[abuse]** use **'[disorder]'** " shall mean the  
4 consumption or use of any substance as defined herein for purposes  
5 other than for the treatment of sickness or injury as prescribed or  
6 administered by a person duly authorized by law to treat sick and  
7 injured human beings.

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

9

10 **'[30.] 42.'** Section 3 of P.L.1987, c.387 (C.18A:40A-10) is  
11 amended to read as follows:

12 3. Each local board of education shall, pursuant to guidelines  
13 developed by the Commissioner of Education, in consultation with  
14 the **'Assistant'** Commissioner of **'the Division of Mental'** Health  
15 **'and Addiction Services in the Department of Human Services'** ,  
16 establish a comprehensive substance **[abuse]** use **'[disorder]'**  
17 intervention, prevention and treatment referral program in the  
18 public elementary and secondary schools of the district. The  
19 purpose of the program shall be to identify pupils who **[are]** **'[have**  
20 **substance]'** **[abusers]** use **'[disorder]** substances' , assess the  
21 extent of these pupils' involvement with these substances and,  
22 where appropriate, refer pupils and their families to organizations  
23 and agencies approved by the **'Division of Mental Health and**  
24 **Addiction Services in the'** Department of **'[Health]** Human  
25 Services' to offer competent professional treatment. Treatment  
26 shall not be at the expense of the local board of education.

27 Each school district shall develop a clear written policy  
28 statement which outlines the district's program to combat substance  
29 **[abuse]** use **'[disorder]'** and which provides for the identification,  
30 evaluation, referral for treatment and discipline of pupils who **[are]**  
31 **'[have substance [abusers] use disorder] use substances'** . Copies  
32 of the policy statement shall be distributed to pupils and their  
33 parents at the beginning of each school year.

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

35

36 **'[31.] 43.'** Section 4 of P.L.1987, c.387 (C.18A:40A-11) is  
37 amended to read as follows:

38 4. Each board of education shall adopt and implement, in  
39 accordance with rules and regulations promulgated by the State  
40 board, policies and procedures for the evaluation, referral for  
41 treatment and discipline of pupils involved in incidents of  
42 possession or **'[abuse]** use' of substances as defined in section 2 of  
43 this act, on school property or at school functions, or who show  
44 significant symptoms of the use of those substances on school  
45 property or at school functions. In adopting and implementing  
46 these policies and procedures, the board shall consult and work  
47 closely with a local organization involved with the prevention,

1 detection and treatment of substance **[abuse]** use disorder approved  
2 by the 'Division of Mental Health and Addiction Services in the'  
3 Department of '[Health] Human Services' .  
4 (cf: P.L.1987, c.387, s.4)

5  
6 '[32.] 44.' Section 5 of P.L.1987, c.387 (C.18A:40A-12) is  
7 amended to read as follows:

8 5. a. Whenever it shall appear to any teaching staff member,  
9 school nurse or other educational personnel of any public school in  
10 this State that a pupil may be under the influence of substances as  
11 defined pursuant to section 2 of this act, other than anabolic  
12 steroids, that teaching staff member, school nurse, or other  
13 educational personnel shall report the matter as soon as possible to  
14 the school nurse or medical inspector, as the case may be, or to a  
15 student assistance coordinator, and to the principal or, in '[his] the  
16 principal's' absence, to '[his] a' designee. The principal or '[his]'  
17 designee '[.]' shall immediately notify the parent or guardian and  
18 the superintendent of schools, if there be one, or the administrative  
19 principal and shall arrange for an immediate examination of the  
20 pupil by a doctor selected by the parent or guardian, or if that  
21 doctor is not immediately available, by the medical inspector, if  
22 '[he is]' available. If a doctor or medical inspector is not  
23 immediately available, the pupil shall be taken to the emergency  
24 '[room] department' of the nearest hospital for examination  
25 accompanied by a member of the school staff designated by the  
26 principal and a parent or guardian of the pupil if available. The  
27 pupil shall be examined as soon as possible for the purpose of  
28 diagnosing whether or not the pupil is under such influence. A  
29 written report of that examination shall be furnished within 24  
30 hours by the examining physician to the parent or guardian of the  
31 pupil and to the superintendent of schools or administrative  
32 principal. If it is determined that the pupil was under the influence  
33 of a substance, the pupil shall be returned to the pupil's home as  
34 soon as possible and shall not resume attendance at school until the  
35 pupil submits to the principal a written report certifying that the  
36 pupil is physically and mentally able to return thereto, which report  
37 shall be prepared by a personal physician, the medical inspector, or  
38 the physician who examined the pupil pursuant to the provisions of  
39 this act.

40 In addition, the pupil shall be interviewed by a student assistance  
41 coordinator or another appropriately trained teaching staff member  
42 for the purpose of determining the extent of the pupil's involvement  
43 with these substances and possible need for treatment. In order to  
44 make this determination the coordinator or other teaching staff  
45 member may conduct a reasonable investigation which may include  
46 interviews with the pupil's teachers and parents. The coordinator or  
47 other teaching staff member may also consult with experts in the

1 field of substance **[abuse]** use disorder as may be necessary and  
2 appropriate. If it is determined that the pupil's involvement with  
3 and use of these substances represents a danger to the pupil's health  
4 and well-being, the coordinator or other teaching staff member shall  
5 refer the pupil to an appropriate treatment program which has been  
6 approved by the <sup>1</sup>Assistant<sup>1</sup> Commissioner of <sup>1</sup>the Division of  
7 Mental<sup>1</sup> Health <sup>1</sup>and Addiction Services in the Department of  
8 Human Services<sup>1</sup> .

9 b. Whenever any teaching staff member, school nurse, or other  
10 educational personnel of any public school in this State shall have  
11 reason to believe that a pupil has used or may be using anabolic  
12 steroids, that teaching staff member, school nurse, or other  
13 educational personnel shall report the matter as soon as possible to  
14 the school nurse or medical inspector, as the case may be, or to a  
15 student assistance coordinator, and to the principal or, in <sup>1</sup>**[his]** the  
16 principal's<sup>1</sup> absence, to <sup>1</sup>**[his]** a<sup>1</sup> designee. The principal or <sup>1</sup>**[his]**  
17 a<sup>1</sup> designee, shall immediately notify the parent or guardian and the  
18 superintendent of schools, if there be one, or the administrative  
19 principal and shall arrange for an examination of the pupil by a  
20 doctor selected by the parent or guardian or by the medical  
21 inspector. The pupil shall be examined as soon as possible for the  
22 purpose of diagnosing whether or not the pupil has been using  
23 anabolic steroids. A written report of that examination shall be  
24 furnished by the examining physician to the parent or guardian of  
25 the pupil and to the superintendent of schools or administrative  
26 principal. If it is determined that the pupil has been using anabolic  
27 steroids, the pupil shall be interviewed by a student assistance  
28 coordinator or another appropriately trained teaching staff member  
29 for the purpose of determining the extent of the pupil's involvement  
30 with these substances and possible need for treatment. In order to  
31 make this determination the coordinator or other teaching staff  
32 member may conduct a reasonable investigation which may include  
33 interviews with the pupil's teachers and parents. The coordinator or  
34 other teaching staff member may also consult with experts in the  
35 field of substance **[abuse]** use disorder as may be necessary and  
36 appropriate. If it is determined that the pupil's involvement with  
37 and use of these substances represents a danger to the pupil's health  
38 and well-being, the coordinator or other teaching staff member shall  
39 refer the pupil to an appropriate treatment program which has been  
40 approved by the <sup>1</sup>Assistant<sup>1</sup> Commissioner of <sup>1</sup>the Division of  
41 Mental<sup>1</sup> Health <sup>1</sup>and Addiction Services in the Department of  
42 Human Services<sup>1</sup> .

43 (cf: P.L.2012, c.17, s.82)

44  
45 <sup>1</sup>**[33.]** 45.<sup>1</sup> Section 8 of P.1987, c.387 (C.18A:40A-15) is  
46 amended to read as follows:

1        8. a. The Commissioner of Education, in consultation with the  
 2        <sup>1</sup>Assistant<sup>1</sup> Commissioner of <sup>1</sup>the Division of Mental<sup>1</sup> Health <sup>1</sup>and  
 3        Addiction Services in the Department of Human Services<sup>1</sup> , shall  
 4        develop an inservice training program for public school teachers to  
 5        enable the teachers to recognize and respond to substance **[abuse]**  
 6        use <sup>1</sup>**[disorder]**<sup>1</sup> by public school pupils. The program shall, at a  
 7        minimum, include:

8        (1) Instruction to assist the teacher in the identification of the  
 9        symptoms and behavioral patterns which might indicate that a child  
 10       may **[be involved in]** <sup>1</sup>**[have]** be involved in<sup>1</sup> substance **[abuse]**  
 11       use <sup>1</sup>**[disorder]**<sup>1</sup> ;

12       (2) Appropriate intervention strategies; and,

13       (3) Information on the State, local and community organizations  
 14       which are available for the prevention, early intervention, treatment  
 15       and rehabilitation of individuals who show symptoms of substance  
 16       **[abuse]** use <sup>1</sup>**[disorder]**<sup>1</sup> .

17       The inservice training program required pursuant to this section  
 18       shall be updated at regular intervals in order to <sup>1</sup>**[insure]** ensure<sup>1</sup>  
 19       that teaching staff members have the most current information  
 20       available on this subject.

21       b. Each local board of education shall <sup>1</sup>**[insure]** ensure<sup>1</sup> that all  
 22       teaching staff members in the district who are involved in the  
 23       instruction of pupils are provided with the inservice training  
 24       program developed pursuant to this section. The inservice training  
 25       program of the local board of education shall also include  
 26       information concerning the policy of the board regarding the  
 27       referral for treatment of pupils **[involved in]** with substance  
 28       **[abuse]** use disorder, as required pursuant to section 5 of this act.

29       (cf: P.L.1987, c.387, s.8)

30

31       <sup>1</sup>**[34.] 46.<sup>1</sup>** Section 9 of P.L.1987, c.387 (C.18A:40A-16) is  
 32       amended to read as follows:

33       9. a. The Commissioner of Education, in consultation with the  
 34       <sup>1</sup>Assistant<sup>1</sup> Commissioner of <sup>1</sup>the Division of Mental<sup>1</sup> Health <sup>1</sup>and  
 35       Addiction Services in the Department of Human Services<sup>1</sup> , shall  
 36       establish guidelines for substance **[abuse]** use <sup>1</sup>**[disorder]**<sup>1</sup>  
 37       education programs to be offered by local boards of education to the  
 38       parents or legal guardians of public school pupils. The program  
 39       shall, at a minimum, provide:

40       (1) A thorough and comprehensive review of the substance  
 41       **[abuse]** use <sup>1</sup>**[disorder]**<sup>1</sup> education curriculum which will be taught  
 42       to the child of the parent or guardian during the school year, with  
 43       recommendations as to the ways in which the parent or guardian  
 44       may enhance, reinforce and supplement that program;

45       (2) Information on the pharmacology, physiology, psychosocial  
 46       and legal aspects of substance **[abuse]** use <sup>1</sup>**[disorder]**<sup>1</sup> , and  
 47       instruction to assist the parent or guardian in the identification of

1 the symptoms and behavioral patterns which might indicate that a  
2 child may be involved in substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> ; and

3 (3) Information on the State, local and community organizations  
4 which are available for the prevention, early intervention, treatment  
5 and rehabilitation of individuals who show symptoms of substance  
6 [abuse] use <sup>1</sup>[disorder]<sup>1</sup> .

7 b. In addition to the guidelines required pursuant this section,  
8 the Commissioner of Education, in consultation with the <sup>1</sup>Assistant<sup>1</sup>  
9 Commissioner of <sup>1</sup>the Division of Mental<sup>1</sup> Health <sup>1</sup>and Addiction  
10 <sup>1</sup>Services in the Department of Human Services<sup>1</sup> , shall develop and  
11 provide to local boards of education suggested materials for the  
12 substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> education program for parents  
13 or legal guardians of school pupils, and shall maintain and  
14 continuously update a roster of individuals or groups available to  
15 assist boards of education in implementing this program and a list  
16 of State and local agencies and organizations which are approved by  
17 the Department of Health to provide services for the prevention,  
18 early intervention, treatment or rehabilitation of individuals who  
19 show symptoms of substance [abuse] use disorder.

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

21  
22 <sup>1</sup>[35.] 47.<sup>1</sup> Section 10 of P.L.1987, c.387 (C.18A:40A-17) is  
23 amended to read as follows:

24 10. a. Under the guidelines established by the Commissioner of  
25 Education, each local board of education shall establish an outreach  
26 program to provide substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> education  
27 for the parents or legal guardians of the pupils of the district. In  
28 establishing the program, the local board of education shall consult  
29 with such local organizations and agencies as are recommended by  
30 the commissioner. The board of education shall <sup>1</sup>[insure] ensure<sup>1</sup>  
31 that the program is offered at times and places convenient to the  
32 parents of the district on school premises, or in other suitable  
33 facilities.

34 b. In addition to the substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup>  
35 education program required pursuant to this section, each local  
36 board of education shall establish policies and procedures to  
37 provide assistance to parents or legal guardians who believe that  
38 their child may be involved in substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> .  
39 These policies and procedures shall be consistent with the policies  
40 and procedures for intervention by school personnel developed  
41 pursuant to this act.

42 c. The board of education in each school district in the State in  
43 which a nonpublic school is located shall have the power and duty  
44 to loan to the parents or legal guardians of all pupils attending  
45 nonpublic schools located within the district all educational  
46 materials developed by the Commissioner of Education for the  
47 instruction of the parents or legal guardians of public school pupils



1 on the nature and effects of substances and substance **【abuse】** use  
2 **‘【disorder】’** . The Commissioner of Education shall make these  
3 materials available so that the local board of education shall not be  
4 required to expend funds for the loan of these materials.  
5 (cf: P.L.1987, c. 387, s.10)

6  
7 **‘【36.】 48.’** Section 11 of P.L.1987, c.387 (C.18A:40A-18) is  
8 amended to read as follows:

9 11. The Commissioner of Education, in consultation with the  
10 **‘Assistant’** Commissioner of **‘the Division of Mental’** Health **‘and**  
11 **Addiction Services in the Department of Human Services’** , shall  
12 develop and administer a program which provides for the  
13 employment of student assistance coordinators in certain school  
14 districts.

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

36 b. The position of student assistance coordinator shall be  
37 separate and distinct from any other employment position in the  
38 district, including, but not limited to district guidance counselors,  
39 school social workers, and school psychologists. The State Board  
40 of Education shall approve the education and experience criteria  
41 necessary for employment as a student assistance coordinator. The  
42 criteria shall include a requirement for certification by the State  
43 Board of Examiners. In addition to the criteria established by the  
44 State board, the Department of Education and the **‘Division of**  
45 **Mental Health and Addiction Services in the’** Department of  
46 **‘【Health】 Human Services’** shall jointly conduct orientation and

1 training programs for student assistance coordinators, and shall also  
2 provide for continuing education programs for coordinators.

3 c. It shall be the responsibility of student assistance  
4 coordinators to assist local school districts in the effective  
5 implementation of this act. Coordinators shall assist with the in  
6 service training of school district staff concerning substance  
7 **[abuse]** use **'[disorder]'** issues and the district program to combat  
8 substance **[abuse]** use **'[disorder]'** ; serve as an information  
9 resource for substance **[abuse]** use **'[disorder]'** curriculum  
10 development and instruction; assist the district in revising and  
11 implementing substance **[abuse]** use **'[disorder]'** policies and  
12 procedures; develop and administer intervention services in the  
13 district; provide counseling services to pupils regarding substance  
14 **[abuse]** use **'[disorder]'** problems; and, where necessary and  
15 appropriate, cooperate with juvenile justice officials in the  
16 rendering of substance **[abuse]** use **disorder** treatment services.

17 d. The Commissioner of Education, in consultation with the  
18 **'Assistant'** Commissioner of **'the Division of Mental'** Health **'and**  
19 **Addiction Services in the Department of Human Services'** , shall  
20 implement a plan to collect data on the effectiveness of the program  
21 in treating problems associated with substance **[abuse]** use  
22 **'[disorder]'** and in reducing the incidence of substance **[abuse]**  
23 use **'[disorder]'** in local school districts. Six months prior to the  
24 expiration of the program authorized pursuant to this section, the  
25 Commissioner of Education shall submit to the Governor and the  
26 Legislature an evaluation of the program and a recommendation on  
27 the advisability of its continuation or expansion to all school  
28 districts in the State.

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

30

31 **'[37.] 49.'** Section 12 of P.L.1987, c.387 (C.18A:40A-19) is  
32 amended to read as follows:

33 12. The Commissioner of Education is authorized to make  
34 grants to local school districts in such amounts as **'[he]** the  
35 commissioner' shall determine, to assist the districts in the  
36 implementation of innovative pilot programs designed to educate  
37 pupils of elementary and secondary schools and members of the  
38 general public on the subject of substance **[abuse]** use **'[disorder]'**  
39 , and to prevent the **'[abuse]** use of those substances. Application  
40 for grants shall be made on forms furnished by the Commissioner of  
41 Education and shall set forth the program proposed and appropriate  
42 administrative procedures for the proper and efficient  
43 implementation of the program. These pilot programs shall, at a  
44 minimum, include:

45 a. An early intervention competitive grant pilot program to be  
46 established by the Commissioner of Education, in consultation with  
47 the **'Assistant'** Commissioner of **'the Division of Mental'** Health

1 <sup>1</sup>and Addiction Services in the Department of Human Services<sup>1</sup> and  
2 the Commissioner of Human Services, to enable local school  
3 districts to identify and assist elementary school pupils who are  
4 affected by family substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> problems or  
5 who are at risk of developing such problems themselves. The  
6 purpose of the program shall be to encourage the creation of  
7 effective model programs for the early identification of children at  
8 risk for substance [abuse] use <sup>1</sup>[disorder]<sup>1</sup> related problems and to  
9 provide for effective intervention when these children are  
10 identified.

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

21 b. The pilot program established in Ocean County by the  
22 Department of Education in conjunction with the Juvenile Services  
23 Unit in the Family Division of the Administrative Office of the  
24 Courts, to coordinate the efforts of school and juvenile justice  
25 personnel in the county to combat [alcohol and] substance [abuse]  
26 use <sup>1</sup>[disorder]<sup>1</sup> by students.

27 The commissioner shall evaluate the effectiveness of the model  
28 program developed and tested pursuant to this section and  
29 disseminate information about successful model programs to school  
30 districts that do not participate in the pilot program.

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

32

33 <sup>1</sup>[38. Section 13 of P.L.1987, c.387 (C.18A:40A-20) is amended  
34 to read as follows:

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

47 (cf: P.L.1987, c.387, s.13)]<sup>1</sup>

1       <sup>1</sup>**[39.] 50.**<sup>1</sup> Section 1 of P.L.2021, c.445 (C.18A:61D-19) is  
2 amended to read as follows:

3       1. a. Beginning with the 2021-2022 academic year and in each  
4 academic year thereafter, <sup>1</sup>**[a]** each<sup>1</sup> public and independent  
5 institution of higher education shall:

6       (1) ensure that all on-campus students have access to campus-  
7 based mental health care programs and services;

8       (2) provide assistance and referrals to mental health support  
9 services to any student unable to access on-campus services; and

10       (3) provide each newly enrolled student with information  
11 concerning the location and availability of those programs and  
12 services.

13       b. Beginning with the 2021-2022 academic year, each public  
14 and independent institution of higher education shall establish and  
15 maintain, on a 24-hour basis, a toll-free telephone hotline for  
16 students. The hotline shall receive and respond to calls from  
17 students seeking counseling for depression, anxiety, stress, or other  
18 psychological or emotional tension, trauma, or disorder. The  
19 operators of the hotline shall seek to identify those callers who  
20 should be referred to additional counseling services, and to provide  
21 such referrals.

22       The number for the hotline shall be posted in each dormitory,  
23 library, and student center, and any other facility or area on campus  
24 that the institution determines to be appropriate.

25       c. The operators of the hotline shall be, to the greatest extent  
26 possible, persons who, by experience or education, are (1) familiar  
27 with the emotional and psychological tensions, depressions, and  
28 anxieties unique to higher education students; or (2) trained to  
29 provide counseling services involving substance **[abuse]** use  
30 <sup>1</sup>**[disorder]**<sup>1</sup>, personal stress management, and other emotional or  
31 psychological disorders or conditions which may be likely to  
32 adversely affect the well-being of students.

33       d. An institution of higher education may satisfy the hotline  
34 requirement established pursuant to subsection b. of this section by  
35 providing each student with the hotline number for <sup>1</sup>the 9-8-8  
36 Suicide and Crisis Lifeline.<sup>1</sup> the National Suicide Prevention  
37 Lifeline, the NJ Hopeline, or any 24/7 mental health hotline deemed  
38 appropriate by the Secretary of Higher Education. In addition to  
39 providing students with the hotline numbers, the institution shall  
40 post the hotline numbers in each dormitory, library, and student  
41 center, and any other facility or area on campus that the institution  
42 determines to be appropriate.

43 (cf: P.L.2021, c.445, s.1)  
44

45       <sup>1</sup>51. Section 13 of P.L.1987, c.387 (C.18A:40A-20) is amended  
46 to read as follows:

47       13. The Commissioner of Education, in consultation with the  
48 Assistant Commissioner of the Division of Mental Health and

1 Addiction Services in the Department of Human Services and the  
2 Commissioner of Human Services, shall develop procedures for the  
3 evaluation of the impact of the programs established pursuant to  
4 this act and shall report annually to the Governor and the  
5 Legislature on the effects of these programs. That report shall  
6 include data concerning the incidence of substance **[abuse]** use in  
7 the public schools; the nature and scope of intervention, prevention  
8 and treatment referral programs; an assessment of the impact of  
9 those programs on the problem of substance **[abuse]** use; and, any  
10 recommendations for modifications in the programs established  
11 pursuant to this act.<sup>1</sup>

12 (cf: P.L.1987, c.387, s.13)

13  
14 <sup>1</sup>**[40.] 52.**<sup>1</sup> Section 2 of P.L.2005, c.157 (C.18A:71B-88) is  
15 amended to read as follows:

16 2. The Legislature finds and declares that:

17 a. A qualified and stable work force in public facilities and  
18 nonprofit social services agencies is essential to ensure the  
19 provision of quality services to persons in need of services,  
20 including persons with mental illness, developmental disabilities or  
21 other disabilities, persons in need of substance **[abuse]** use disorder  
22 treatment and juveniles under the custody and care of the Juvenile  
23 Justice Commission;

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

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

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

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

42 f. The establishment by this State of a loan redemption  
43 program for direct care professionals employed in public facilities  
44 and nonprofit agencies that contract with the Department of Human  
45 Services and the Juvenile Justice Commission is essential to address  
46 the need for the continued provision of high-quality services by  
47 these skilled and knowledgeable professionals.

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

1       <sup>1</sup>[41.] 53.<sup>1</sup> Section 3 of P.L.2013, c.175 (C.18A:72P-3) is  
2 amended to read as follows:

3       3. The advisory council shall:

4       a. examine issues related to school-aged children and students  
5 attending public or independent institutions of higher education in  
6 the State, including, but not limited to, education, employment,  
7 strategies to promote the involvement of children and young adults  
8 in government affairs, the accessibility of government services by  
9 children and young adults, and substance **[abuse]** use disorder  
10 prevention, intervention, treatment, and rehabilitation;

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

14       c. develop and foster partnerships among federal, State, and  
15 local government entities, members of the educational community,  
16 private, nonprofit, and volunteer agencies, community-based  
17 organizations, private foundations, and representatives of the  
18 business community that provide services to, administer programs  
19 for, or mentor school-aged children and students attending public or  
20 independent institutions of higher education in the State, so as to  
21 enable them to better coordinate and improve the effectiveness of  
22 these services and programs; and

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

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

28

29       <sup>1</sup>54. Section 2 of P.L.2021, c.16 (C.24:6I-32) is amended to read  
30 as follows:

31       2. The Legislature finds and declares that:

32       a. It is the intent of the people of New Jersey to adopt a new  
33 approach to our marijuana policies by controlling and legalizing a  
34 form of marijuana, to be referred to as cannabis, in a similar fashion  
35 to the regulation of alcohol for adults;

36       b. It is the intent of the people of New Jersey that the  
37 provisions of this act will prevent the sale or distribution of  
38 cannabis to persons under 21 years of age;

39       c. This act is designed to eliminate the problems caused by the  
40 unregulated manufacturing, distribution, and use of illegal  
41 marijuana within New Jersey;

42       d. This act will divert funds from marijuana sales from going to  
43 illegal enterprises, gangs, and cartels;

44       e. Black New Jerseyans are nearly three times more likely to be  
45 arrested for marijuana possession than white New Jerseyans, despite  
46 similar usage rates;

47       f. New Jersey spends approximately \$127 million per year on  
48 marijuana possession enforcement costs;

- 1 g. Controlling and legalizing cannabis for adults in a similar
- 2 fashion to alcohol will free up precious resources to allow our
- 3 criminal justice system to focus on serious criminal activities and
- 4 public safety issues;
- 5 h. Controlling and legalizing cannabis for adults in a similar
- 6 fashion to alcohol will strike a blow at the illegal enterprises that
- 7 profit from New Jersey's current, unregulated illegal marijuana
- 8 market;
- 9 i. New Jersey must strengthen its support for evidence-based,
- 10 drug use prevention programs that work to educate New Jerseyans,
- 11 particularly young New Jerseyans, about the harms of **【drug abuse】**
- 12 substance use disorder;
- 13 j. New Jersey must enhance State-supported programming that
- 14 provides appropriate, evidence-based treatment for those who suffer
- 15 from the illness of **【drug addiction】** substance use disorder;
- 16 k. Controlling and regulating the manufacturing, distribution,
- 17 and sales of cannabis will strengthen our ability to keep it along
- 18 with illegal marijuana away from minors;
- 19 l. A controlled system of cannabis manufacturing, distribution,
- 20 and sales must be designed in a way that enhances public health and
- 21 minimizes harm to New Jersey communities and families;
- 22 m. The legalized cannabis marketplace in New Jersey must be
- 23 regulated so as to prevent persons younger than 21 years of age
- 24 from accessing or purchasing cannabis;
- 25 n. A marijuana arrest in New Jersey can have a debilitating
- 26 impact on a person's future, including consequences for one's job
- 27 prospects, housing access, financial health, familial integrity,
- 28 immigration status, and educational opportunities; and
- 29 o. New Jersey cannot afford to sacrifice public safety and
- 30 individuals' civil rights by continuing its ineffective and wasteful
- 31 past marijuana enforcement policies.<sup>1</sup>
- 32 (cf: P.L.2021, c.16, s.2)
- 33

34 <sup>1</sup>**【42.】 55.**<sup>1</sup> Section 19 of P.L.2021, c.16 (C.24:6I-36) is  
35 amended to read as follows:

36 19. Application For License or Conditional License.

- 37 a. Each application for an annual license to operate a cannabis
- 38 establishment, distributor, or delivery service, or conditional license
- 39 for a proposed cannabis establishment, distributor, or delivery
- 40 service, shall be submitted to the commission. A separate license or
- 41 conditional license shall be required for each location at which a
- 42 cannabis establishment seeks to operate, or for the location of each
- 43 premises from which a cannabis distributor or delivery service
- 44 seeks to operate. Renewal applications for another annual license
- 45 shall be filed no later than 90 days prior to the expiration of the
- 46 establishment's, distributor's, or delivery service's license. A
- 47 conditional license shall not be renewed, but replaced with an
- 48 annual license upon the commission's determination of qualification

1 for the annual license, or otherwise expire, as set forth in paragraph  
2 (2) of subsection b. of this section.

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

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

9 (b) forward, within 14 days of receipt, a copy of each  
10 application to the municipality in which the applicant desires to  
11 operate the cannabis establishment, distributor, or delivery service;  
12 and

13 (c) verify the information contained in the application and  
14 review the qualifications for the applicable license class, set forth in  
15 section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37,  
16 C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43), and  
17 regulations concerning qualifications for licensure promulgated by  
18 the commission for which the applicant seeks licensure, and not  
19 more than 90 days after the receipt of an application, make a  
20 determination as to whether the application is approved or denied,  
21 or that the commission requires more time to adequately review the  
22 application.

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

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



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

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

8 (a) begin accepting and processing applications from applicants  
9 within 30 days after the commission's initial rules and regulations  
10 have been adopted pursuant to subparagraph (a) of paragraph (1) of  
11 subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), and  
12 ensure that at least 35 percent of the total licenses issued for each  
13 class of cannabis establishment, and for cannabis distributors and  
14 delivery services, are conditional licenses, which 35 percent figure  
15 shall also include any conditional license issued to an applicant  
16 which is subsequently replaced by the commission with an annual  
17 license due to that applicant's compliance for the annual license  
18 pursuant to subsubparagraph (i) of subparagraph (d) of this  
19 paragraph;

20 (b) forward, within 14 days of receipt, a copy of each  
21 application to the municipality in which the applicant desires to  
22 operate a proposed cannabis establishment, or to the municipality in  
23 which the premises is located from which the applicant desires to  
24 operate a proposed cannabis distributor or delivery service; and

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

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

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

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

38 (iv) the name, address, date of birth, and resumes of each  
39 executive officer, all significantly involved persons, and persons  
40 with a financial interest who also have decision making authority  
41 for the proposed cannabis establishment, distributor, or delivery  
42 service, as well as a photocopy of their driver's licenses or other  
43 government-issued form of identification, plus background check  
44 information in a form and manner determined by the commission in  
45 consultation with the Superintendent of State Police; concerning the  
46 background check, an application shall be denied if any person has  
47 any disqualifying conviction pursuant to subparagraph (c) of  
48 paragraph (4) of subsection a. of section 20, 22, 23, 24, 25 or 26 of

1 P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41,  
2 C.24:6I-42, or C.24:6I-43), based upon the applicable class of  
3 cannabis establishment for which the application was submitted, or  
4 based upon the application being for a cannabis distributor or  
5 delivery service, unless the commission determines pursuant to  
6 subsubparagraph (ii) of those subparagraphs that the conviction  
7 should not disqualify the application;

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

13 (vi) a certification that each person with a financial interest who  
14 also has decision making authority for the proposed cannabis  
15 establishment, distributor, or delivery service does not have any  
16 financial interest in an application for an annual license under  
17 review before the commission or a cannabis establishment,  
18 distributor, or delivery service that is currently operating with an  
19 annual license;

20 (vii) the federal and State tax identification numbers for the  
21 proposed cannabis establishment, distributor, or delivery service,  
22 and proof of business registration with the Division of Revenue in  
23 the Department of the Treasury;

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

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

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

33 (xi) any other requirements established by the commission  
34 pursuant to regulation; and

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

39 The commission shall deny a conditional license application to  
40 any applicant who fails to provide information, documentation and  
41 assurances as required by P.L.2021, c.16 (C.24:6I-31 et al.) or as  
42 requested by the commission, or who fails to reveal any material  
43 fact to qualification, or who supplies information which is untrue or  
44 misleading as to a material fact pertaining to the qualification  
45 criteria for licensure. The commission shall approve a license  
46 application that meets the requirements of this section unless the  
47 commission finds by clear and convincing evidence that the  
48 applicant would be manifestly unsuitable to perform the activities

1 for the applicable license class for which conditional licensure is  
2 sought.

3 (i) If the application is approved, upon collection of the  
4 conditional license fee, the commission shall issue a conditional  
5 license to the applicant, which is non-transferable for its duration,  
6 no later than 30 days after giving notice of approval of the  
7 application, unless the commission finds the applicant is not in  
8 compliance with regulations for conditional licenses enacted  
9 pursuant to the provisions of paragraph (1) of subsection d. of  
10 section 6 of P.L.2021, c.16 (C.24:6I-34) or the commission is  
11 notified by the relevant municipality that the applicant is not in  
12 compliance with ordinances and regulations made pursuant to the  
13 provisions of section 31 of P.L.2021, c.16 (C.24:6I-45) and in effect  
14 at the time of application, provided, if a municipality has enacted a  
15 numerical limit on the number of marijuana cannabis  
16 establishments, distributors, or delivery services and a greater  
17 number of applicants seek licenses, the commission shall solicit and  
18 consider input from the municipality as to the municipality's  
19 preference or preferences for licensure. For each license issued, the  
20 commission shall also provide the approved licensee with  
21 documentation setting forth the remaining conditions to be satisfied  
22 under section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-  
23 37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43),  
24 or relevant regulations, based upon the applicable class of cannabis  
25 establishment for which the conditional license was issued, or based  
26 upon the conditional license issued for a cannabis distributor or  
27 delivery service, and which were not already required for the  
28 issuance of that license, to be completed within 120 days of  
29 issuance of the conditional license, which period may be extended  
30 upon request to the commission for an additional period of up to 45  
31 days at the discretion of the commission. If the commission  
32 subsequently determines during that 120-day period, or during any  
33 additional period granted, that the conditional licensee is in  
34 compliance with all applicable conditions and is implementing the  
35 plans, procedures, protocols, actions, or other measures set forth in  
36 its application, the commission shall replace the conditional license  
37 by issuing an annual license, which will expire one year from its  
38 date of issuance; if the conditional licensee is not in compliance  
39 with all applicable conditions or not implementing the plans,  
40 procedures, protocols, actions, or other measures set forth in its  
41 application, the conditional license shall automatically expire at the  
42 end of the 120-day period, or at the end of any additional period  
43 granted by the commission;

44 (ii) If the application is denied, the commission shall notify the  
45 applicant in writing of the specific reason for its denial, provide  
46 with this written notice a refund of 80 percent of the application fee  
47 submitted with the application, and provide the applicant with the

1 opportunity for a hearing in accordance with the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

3 c. The commission shall require all applicants for cannabis  
4 licenses, other than applicants for a conditional license for any class  
5 of cannabis establishment, or for a cannabis distributor or delivery  
6 service, or for either a conditional or annual license for an  
7 establishment, distributor, or delivery service that is a  
8 microbusiness pursuant to subsection f. of this section, to submit an  
9 attestation signed by a bona fide labor organization stating that the  
10 applicant has entered into a labor peace agreement with such bona  
11 fide labor organization. The maintenance of a labor peace  
12 agreement with a bona fide labor organization by a licensed  
13 cannabis establishment, distributor, or delivery service, other than  
14 an establishment that is a microbusiness, shall be an ongoing  
15 material condition of the establishment's, distributor's, or delivery  
16 service's license. The submission of an attestation and maintenance  
17 of a labor peace agreement with a bona fide labor organization by  
18 an applicant issued a conditional license for a cannabis  
19 establishment, distributor, or delivery service, other than an  
20 establishment that is a microbusiness, shall be a requirement for  
21 final approval for an annual license. Failure to enter, or to make a  
22 good faith effort to enter, into a collective bargaining agreement  
23 within 200 days of the opening of a licensed cannabis  
24 establishment, distributor, or delivery service, other than an  
25 establishment that is a microbusiness, shall result in the suspension  
26 or revocation of the establishment's, distributor's, or delivery  
27 service's license.

28 As used in this subsection, "bona fide labor organization" means  
29 a labor organization of any kind or employee representation  
30 committee, group, or association, in which employees participate  
31 and which exists and is constituted for the purpose, in whole or in  
32 part, of collective bargaining or otherwise dealing with medical or  
33 personal use cannabis employers concerning grievances, labor  
34 disputes, terms or conditions of employment, including wages and  
35 rates of pay, or other mutual aid or protection in connection with  
36 employment, and may be characterized by: it being a party to one or  
37 more executed collective bargaining agreements with medical or  
38 personal use cannabis employers, in this State or another state; it  
39 having a written constitution or bylaws in the three immediately  
40 preceding years; it filing the annual financial report required of  
41 labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or  
42 it having at least one audited financial report in the three  
43 immediately preceding years; it being affiliated with any regional or  
44 national association of unions, including but not limited to state and  
45 federal labor councils; or it being a member of a national labor  
46 organization that has at least 500 general members in a majority of  
47 the 50 states of the United States.

1 d. (1) Each license application shall be scored and reviewed  
2 based upon a point scale with the commission determining the  
3 amount of points, the point categories, and the system of point  
4 distribution by regulation. The commission shall assign points and  
5 rank applicants according to the point system. The commission  
6 may, pursuant to a process set forth in regulation and consistent  
7 with this subsection, adjust the point system or utilize a separate  
8 point system and rankings with respect to the review of an  
9 application for which a conditional license is sought, or for which a  
10 microbusiness license is sought. If two or more eligible applicants  
11 have the same number of points, those applicants shall be grouped  
12 together and, if there are more eligible applicants in this group than  
13 the remaining number of licenses available, the commission shall  
14 utilize a public lottery to determine which applicants receive a  
15 license or conditional license, as the case may be.

16 (a) An initial application for licensure shall be evaluated  
17 according to criteria to be developed by the commission. There  
18 shall be included bonus points for applicants who are residents of  
19 New Jersey.

20 (b) The criteria to be developed by the commission pursuant to  
21 subparagraph (a) of this paragraph shall include, in addition to the  
22 criteria set forth in subparagraphs (c) and (d) of this paragraph and  
23 any other criteria developed by the commission, an analysis of the  
24 applicant's operating plan, excluding safety and security criteria,  
25 which shall include the following:

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

- 30 - cultivation of cannabis;
- 31 - conventional horticulture or agriculture, familiarity with good  
32 agricultural practices, and any relevant certifications or degrees;
- 33 - quality control and quality assurance;
- 34 - recall plans;
- 35 - packaging and labeling;
- 36 - inventory control and tracking software or systems for the  
37 production of personal use cannabis;
- 38 - analytical chemistry and testing of cannabis;
- 39 - water management practices;
- 40 - odor mitigation practices;
- 41 - onsite and offsite recordkeeping;
- 42 - strain variety and plant genetics;
- 43 - pest control and disease management practices, including plans  
44 for the use of pesticides, nutrients, and additives;
- 45 - waste disposal plans; and
- 46 - compliance with applicable laws and regulations.

47 (ii) In the case of an applicant for a cannabis manufacturer  
48 license, or, as applicable, a cannabis wholesaler license, cannabis

1 distributor license, or cannabis delivery service license, the  
2 operating plan summary shall include a written description  
3 concerning the applicant's qualifications for, experience in, and  
4 knowledge of each of the following topics:

- 5 - manufacture and creation of cannabis products using  
6 appropriate extraction methods, including intended use and sourcing  
7 of extraction equipment and associated solvents or intended  
8 methods and equipment for non-solvent extraction;
- 9 - quality control and quality assurance;
- 10 - recall plans;
- 11 - packaging and labeling;
- 12 - inventory control and tracking software or systems for the  
13 manufacturing, warehousing, transportation, or delivery of cannabis  
14 and cannabis items;
- 15 - analytical chemistry and testing of cannabis items;
- 16 - water management practices;
- 17 - odor mitigation practices;
- 18 - onsite and offsite recordkeeping;
- 19 - a list of product formulations or products proposed to be  
20 manufactured with estimated cannabinoid profiles, if known,  
21 including varieties with high cannabidiol content;
- 22 - intended use and sourcing of all non-cannabis ingredients used  
23 in the manufacture and creation of cannabis products, including  
24 methods to verify or ensure the safety and integrity of those  
25 ingredients and their potential to be or contain allergens;
- 26 - waste disposal plans; and
- 27 - compliance with applicable laws and regulations.

28 (iii) In the case of an applicant for a cannabis retailer license, the  
29 operating plan summary shall include a written description  
30 concerning the applicant's qualifications for, experience in, and  
31 knowledge of each of the following topics:

- 32 - sales of cannabis items to consumers;
- 33 - cannabis product evaluation procedures;
- 34 - recall plans;
- 35 - packaging and labeling;
- 36 - inventory control and point-of-sale software or systems for the  
37 sale of cannabis items;
- 38 - the routes of administration, strains, varieties, and cannabinoid  
39 profiles of cannabis and cannabis items;
- 40 - odor mitigation practices;
- 41 - onsite and offsite recordkeeping;
- 42 - waste disposal plans; and
- 43 - compliance with applicable laws and regulations.

44 (c) The criteria to be developed by the commission pursuant to  
45 subparagraph (a) of this paragraph shall include, in addition to the  
46 criteria set forth in subparagraphs (b) and (d) of this paragraph and  
47 any other criteria developed by the commission, an analysis of the  
48 following factors, if applicable:

- 1 (i) The applicant's environmental impact plan.
- 2 (ii) A summary of the applicant's safety and security plans and
- 3 procedures, which shall include descriptions of the following:
- 4 - plans for the use of security personnel, including contractors;
- 5 - the experience or qualifications of security personnel and
- 6 proposed contractors;
- 7 - security and surveillance features, including descriptions of any
- 8 alarm systems, video surveillance systems, and access and visitor
- 9 management systems, along with drawings identifying the proposed
- 10 locations for surveillance cameras and other security features;
- 11 - plans for the storage of cannabis and cannabis items, including
- 12 any safes, vaults, and climate control systems that will be utilized
- 13 for this purpose;
- 14 - a diversion prevention plan;
- 15 - an emergency management plan;
- 16 - procedures for screening, monitoring, and performing criminal
- 17 history record background checks of employees;
- 18 - cybersecurity procedures;
- 19 - workplace safety plans and the applicant's familiarity with
- 20 federal Occupational Safety and Health Administration regulations;
- 21 - the applicant's history of workers' compensation claims and
- 22 safety assessments;
- 23 - procedures for reporting adverse events; and
- 24 - a sanitation practices plan.
- 25 (iii) A summary of the applicant's business experience, including
- 26 the following, if applicable:
- 27 - the applicant's experience operating businesses in highly-
- 28 regulated industries;
- 29 - the applicant's experience in operating cannabis establishments
- 30 or alternative treatment centers and related cannabis production,
- 31 manufacturing, warehousing, or retail entities, or experience in
- 32 operating cannabis distributors or delivery services, under the laws
- 33 of New Jersey or any other state or jurisdiction within the United
- 34 States; and
- 35 - the applicant's plan to comply with and mitigate the effects of
- 36 26 U.S.C. s.280E on cannabis businesses, and for evidence that the
- 37 applicant is not in arrears with respect to any tax obligation to the
- 38 State.
- 39 In evaluating the experience described under this
- 40 subsubparagraph, the commission shall afford the greatest weight to
- 41 the experience of the applicant itself, controlling owners, and
- 42 entities with common ownership or control with the applicant;
- 43 followed by the experience of those with a 15 percent or greater
- 44 ownership interest in the applicant's organization; followed by
- 45 significantly involved persons in the applicant's organization;
- 46 followed by other officers, directors, and current and prospective
- 47 employees of the applicant who have a bona fide relationship with
- 48 the applicant's organization as of the date of the application.

1 (iv) A description of the proposed location for the applicant's  
2 site, including the following, if applicable:

3 - the proposed location, the surrounding area, and the suitability  
4 or advantages of the proposed location, along with a floor plan and  
5 optional renderings or architectural or engineering plans;

6 - the submission of zoning approvals for the proposed location,  
7 which shall consist of a letter or affidavit from appropriate officials  
8 of the municipality that the location will conform to local zoning  
9 requirements allowing for activities related to the operations of the  
10 proposed cannabis cultivator, cannabis manufacturer, cannabis  
11 wholesaler, cannabis distributor, cannabis retailer, or cannabis  
12 delivery service as will be conducted at the proposed facility; and

13 - the submission of proof of local support for the suitability of  
14 the location, which may be demonstrated by a resolution adopted by  
15 the municipality's governing body indicating that the intended  
16 location is appropriately located or otherwise suitable for activities  
17 related to the operations of the proposed cannabis cultivator,  
18 cannabis manufacturer, cannabis wholesaler, cannabis distributor,  
19 cannabis retailer, or cannabis delivery service.

20 An application for a cannabis retailer shall not include in that  
21 application a proposed site that would place the retailer's premises  
22 in or upon any premises in which operates a grocery store,  
23 delicatessen, indoor food market, or other store engaging in retail  
24 sales of food, or in or upon any premises in which operates a store  
25 that engages in licensed retail sales of alcoholic beverages, as  
26 defined by subsection b. of R.S.33:1-1; any application presented to  
27 the commission shall be denied if it includes that form of proposed  
28 site.

29 Notwithstanding any other provision of this subsubparagraph, an  
30 application shall be disqualified from consideration unless it  
31 includes documentation demonstrating that the applicant will have  
32 final control of the premises upon approval of the application,  
33 including, but not limited to, a lease agreement, contract for sale,  
34 title, deed, or similar documentation. In addition, if the applicant  
35 will lease the premises, the application will be disqualified from  
36 consideration unless it includes certification from the landlord that  
37 the landlord is aware that the tenant's use of the premises will  
38 involve activities associated with operations as a cannabis  
39 cultivator, cannabis manufacturer, cannabis wholesaler, cannabis  
40 distributor, cannabis retailer, or cannabis delivery service.

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

44 - a community impact plan summarizing how the applicant  
45 intends to have a positive impact on the community in which the  
46 proposed cannabis establishment, distributor, or delivery service is  
47 to be located, which shall include an economic impact plan and a  
48 description of outreach activities;



1 - a written description of the applicant's record of social  
2 responsibility, philanthropy, and ties to the proposed host  
3 community;

4 - a written description of any research the applicant has  
5 conducted on the adverse effects of the use of cannabis items,  
6 substance **[abuse]** use disorder **[or addiction]**, and the applicant's  
7 participation in or support of cannabis-related research and  
8 educational activities; and

9 - a written plan describing any research and development  
10 regarding the adverse effects of cannabis, and any cannabis-related  
11 educational and outreach activities, which the applicant intends to  
12 conduct if issued a license by the commission.

13 In evaluating the information submitted pursuant to this  
14 subsubparagraph, the commission shall afford the greatest weight to  
15 responses pertaining to the applicant itself, controlling owners, and  
16 entities with common ownership or control with the applicant;  
17 followed by those with a 15 percent or greater ownership interest in  
18 the applicant's organization; followed by significantly involved  
19 persons in the applicant's organization; followed by other officers,  
20 directors, and current and prospective employees of the applicant  
21 who have a bona fide relationship with the applicant's organization  
22 as of the date of the application.

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

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

31 - an executive summary of the applicant's business plan;  
32 - a demonstration of the applicant's financial ability to implement  
33 its business plan, which may include, but shall not be limited to,  
34 bank statements, business and individual financial statements, net  
35 worth statements, and debt and equity financing statements; and

36 - a description of the applicant's plan to comply with guidance  
37 pertaining to cannabis issued by the Financial Crimes Enforcement  
38 Network under 31 U.S.C. s.5311 et seq., the federal "Bank Secrecy  
39 Act," which may be demonstrated by submitting letters regarding  
40 the applicant's banking history from banks or credit unions that  
41 certify they are aware of the business activities of the applicant, or  
42 entities with common ownership or control with the applicant, in  
43 any state where the applicant has operated a business related to  
44 personal use or medical cannabis. For the purposes of this  
45 subsubparagraph, the commission shall consider only bank  
46 references involving accounts in the name of the applicant or of an  
47 entity with common ownership or control with the applicant. An  
48 applicant who does not submit the information about a plan of

1 compliance with the federal "Bank Secrecy Act" shall not be  
2 disqualified from consideration.

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

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

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

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

18 (b) Applicants that are party to a collective bargaining  
19 agreement with a bona fide labor organization that currently  
20 represents, or is actively seeking to represent cannabis workers in  
21 New Jersey.

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

25 (d) Applicants that submit a signed project labor agreement with  
26 a bona fide building trades labor organization, which is a form of  
27 pre-hire collective bargaining agreement covering terms and  
28 conditions of a specific project, including labor issues and worker  
29 grievances associated with that project, for the construction or  
30 retrofit of the facilities associated with the licensed entity.

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

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

37 (3) In reviewing an initial license application, unless the  
38 information is otherwise solicited by the commission in a specific  
39 application question, the commission's evaluation of the application  
40 shall be limited to the experience and qualifications of the  
41 applicant's organization, including controlling owners, any entities  
42 with common ownership or control with the applicant, those with a  
43 15 percent or greater ownership interest in the applicant's  
44 organization, significantly involved persons in the applicant's  
45 organization, the other officers, directors, and current or prospective  
46 employees of the applicant who have a bona fide relationship with  
47 the applicant's organization as of the date of the application, and  
48 consultants and independent contractors who have a bona fide

1 relationship with the applicant as of the date of the application.  
2 Responses pertaining to applicants who are exempt from the  
3 criminal history record background check requirements of  
4 P.L.2021, c.16 (C.24:6I-31 et al.) shall not be considered. Each  
5 applicant shall certify as to the status of the individuals and entities  
6 included in the application.

7 (4) The commission shall give special consideration to any  
8 applicant that has entered into an agreement with an institution of  
9 higher education to create an integrated curriculum involving the  
10 cultivation, manufacturing, wholesaling, distributing, retail sales, or  
11 delivery of personal use cannabis or cannabis items, provided that  
12 the curriculum is approved by both the commission and the Office  
13 of the Secretary of Higher Education and the applicant agrees to  
14 maintain the integrated curriculum in perpetuity. An integrated  
15 curriculum license shall be subject to revocation if the license  
16 holder fails to maintain or continue the integrated curriculum. In the  
17 event that, because of circumstances outside a license holder's  
18 control, the license holder will no longer be able to continue an  
19 integrated curriculum, the license holder shall notify the  
20 commission and shall make reasonable efforts to establish a new  
21 integrated curriculum with an institution of higher education,  
22 subject to approval by the commission and the Office of the  
23 Secretary of Higher Education. If the license holder is unable to  
24 establish a new integrated curriculum within six months after the  
25 date the current integrated curriculum arrangement ends, the  
26 commission shall revoke the entity's license, unless the commission  
27 finds there are extraordinary circumstances that justify allowing the  
28 license holder to retain the license without an integrated curriculum  
29 and the commission finds that allowing the license holder to retain  
30 the license would be consistent with the purposes of P.L.2021, c.16  
31 (C.24:6I-31 et al.). The commission may revise the application and  
32 license fees or other conditions for a license pursuant to this  
33 paragraph as may be necessary to encourage applications for  
34 licensure which involves an integrated curriculum.

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

39 (6) If the commission notifies an applicant that it has performed  
40 sufficiently well on multiple applications to be awarded more than  
41 one license, the applicant shall notify the commission, within seven  
42 business days after receiving such notice, as to which class of  
43 license it will accept. For any license award that is declined by an  
44 applicant pursuant to this paragraph, the commission shall, upon  
45 receiving notice from the applicant of the declination, award the  
46 license to the applicant for that license class who, in the  
47 determination of the commission, best satisfies the commission's  
48 criteria while meeting the commission's determination of Statewide

1 marketplace need. If an applicant fails to notify the commission as  
2 to which license it will accept, the commission shall have the  
3 discretion to determine which license it will award to the applicant,  
4 based on the commission's determination of Statewide marketplace  
5 need and other applications submitted for cannabis establishments,  
6 distributors, or delivery services to be located in the affected  
7 regions.

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

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

18 (b) based upon data for calendar year 2019:

19 (i) ranks in the top 40 percent of municipalities in the State for  
20 marijuana- or hashish-related arrests for violation of paragraph (4)  
21 of subsection a. of N.J.S.2C:35-10;

22 (ii) has a crime index total of 825 or higher based upon the  
23 indexes listed in the annual Uniform Crime Report by the Division  
24 of State Police; and

25 (iii) has a local average annual unemployment rate that ranks in  
26 the top 15 percent of all municipalities in the State, based upon  
27 average annual unemployment rates estimated for the relevant  
28 calendar year by the Office of Research and Information in the  
29 Department of Labor and Workforce Development;

30 (c) is a municipality located in a county of the third class, based  
31 upon the county's population according to the most recently  
32 compiled federal decennial census as of the effective date of  
33 P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set  
34 forth in subparagraph (b) other than having a crime index total of  
35 825 or higher; or

36 (d) is a municipality located in a county of the second class,  
37 based upon the county's population according to the most recently  
38 compiled federal decennial census as of the effective date of  
39 P.L.2021, c.16 (C.24:6I-31 et al.):

40 (i) with a population of less than 60,000 according to the most  
41 recently compiled federal decennial census, that for calendar year  
42 2019 ranks in the top 40 percent of municipalities in the State for  
43 marijuana- or hashish-related arrests for violation of paragraph (4)  
44 of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000  
45 or higher based upon the indexes listed in the 2019 annual Uniform  
46 Crime Report by the Division of State Police; but for calendar year  
47 2019 does not have a local average annual unemployment rate that  
48 ranks in the top 15 percent of all municipalities, based upon average

1 annual unemployment rates estimated for the relevant calendar year  
2 by the Office of Research and Information in the Department of  
3 Labor and Workforce Development; or

4 (ii) with a population of not less than 60,000 or more than 80,000  
5 according to the most recently compiled federal decennial census;  
6 has a crime index total of 650 or higher based upon the indexes  
7 listed in the 2019 annual Uniform Crime Report; and for calendar  
8 year 2019 has a local average annual unemployment rate of 3.0  
9 percent or higher using the same estimated annual unemployment  
10 rates.

11 (2) In ranking applications with respect to impact zones, the  
12 commission shall give priority to the following:

13 (a) An application for a cannabis establishment, distributor, or  
14 delivery service that is located, or is intended to be located, within  
15 an impact zone, and that impact zone has less than two licensees, so  
16 that there will be a prioritized distribution of licenses to at least two  
17 licensees within each impact zone.

18 (b) An applicant who is a current resident of an impact zone and  
19 has resided therein for three or more consecutive years at the time  
20 of making the application. To the extent reasonably practicable, at  
21 least 25 percent of the total licenses issued to applicants for a  
22 cannabis establishment, distributor, or delivery service license shall  
23 be awarded to applicants who have resided in an impact zone for  
24 three or more consecutive years at the time of making the  
25 application, regardless of where the cannabis establishment,  
26 distributor, or delivery service is, or is intended to be, located.

27 (c) An applicant who presents a plan, attested to, to employ at  
28 least 25 percent of employees who reside in an impact zone, of  
29 whom at least 25 percent shall reside in the impact zone nearest to  
30 the location, or intended location, of the cannabis establishment,  
31 distributor, or delivery service; failure to meet the requisite  
32 percentages of employees from an impact zone within 90 days of  
33 the opening of a licensed cannabis establishment, distributor, or  
34 delivery service shall result in the suspension or revocation of a  
35 license or conditional license, as applicable, issued based on an  
36 application with an impact zone employment plan.

37 f. (1) The commission shall ensure that at least 10 percent of the  
38 total licenses issued for each class of cannabis establishment, or for  
39 cannabis distributors and cannabis delivery services, are designated  
40 for and only issued to microbusinesses, and that at least 25 percent  
41 of the total licenses issued be issued to microbusinesses. The  
42 determination of the percentage for each class of license issued to  
43 microbusinesses shall include the number of conditional licenses  
44 issued to microbusinesses for each class, as the percentage of  
45 conditional licenses issued for each class pursuant to subparagraph  
46 (a) of paragraph (2) of subsection b. of this section shall not be  
47 mutually exclusive of the percentage of licenses issued to  
48 microbusinesses pursuant to this subsection. There shall not be any

1 cap or other numerical restriction on the number of licenses issued  
2 to microbusinesses pursuant to P.L.2021, c.16 (C.24:6I-31 et al.),  
3 and this prohibition on a cap or other numerical restriction shall  
4 apply to every class of license issued. The maximum fee assessed  
5 by the commission for issuance or renewal of a license designated  
6 and issued to a microbusiness shall be no more than half the fee  
7 applicable to a license of the same class issued to a person or entity  
8 that is not a microbusiness.

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

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

13 (b) at least 51 percent of the owners, directors, officers, or  
14 employees of the microbusiness shall be residents of the  
15 municipality in which the microbusiness is located, or to be located,  
16 or a municipality bordering the municipality in which the  
17 microbusiness is located, or to be located;

18 (c) concerning business operations, and capacity and quantity  
19 restrictions:

20 (i) employ no more than 10 employees;

21 (ii) operate a cannabis establishment occupying an area of no  
22 more than 2,500 square feet, and in the case of a cannabis  
23 cultivator, grow cannabis on an area no more than 2,500 square feet  
24 measured on a horizontal plane and grow above that plane not  
25 higher than 24 feet; provided, that a cannabis cultivator's grow  
26 space may, if approved by the commission, be part of a larger  
27 premises that is owned or operated by a cannabis cultivator that is  
28 not a licensed microbusiness, allowing for the sharing of a physical  
29 premises and certain business operations, but only the  
30 microbusiness cannabis cultivator shall grow cannabis on and above  
31 the cultivator's grow space;

32 (iii) possess no more than 1,000 cannabis plants each month,  
33 except that a cannabis distributor's possession of cannabis plants for  
34 transportation shall not be subject to this limit;

35 (iv) in the case of a cannabis manufacturer, acquire no more than  
36 1,000 pounds of usable cannabis each month;

37 (v) in the case of a cannabis wholesaler, acquire for resale no  
38 more than 1,000 pounds of usable cannabis, or the equivalent  
39 amount in any form of manufactured cannabis product or cannabis  
40 resin, or any combination thereof, each month; and

41 (vi) in the case of a cannabis retailer, acquire for retail sale no  
42 more than 1,000 pounds of usable cannabis, or the equivalent  
43 amount in any form of manufactured cannabis product or cannabis  
44 resin, or any combination thereof, each month;

45 (d) no owner, director, officer, or other person with a financial  
46 interest who also has decision making authority for the  
47 microbusiness shall hold any financial interest in any other licensed

1 cannabis establishment, distributor, or delivery service, whether or  
2 not a microbusiness;

3 (e) no owner, director, officer, or other person with a financial  
4 interest who also has decision making authority for a licensed  
5 cannabis establishment, distributor, or delivery service, whether or  
6 not a microbusiness, shall hold any financial interest in a  
7 microbusiness;

8 (f) the microbusiness shall not sell or transfer the license issued  
9 to it; and

10 (g) the microbusiness shall comply with such other requirements  
11 as may be established by the commission by regulation.

12 (3) A license designated and issued to a microbusiness shall be  
13 valid for one year and may be renewed annually, or alternatively  
14 replaced, while still valid, with an annual license allowing the  
15 microbusiness to convert and continue its operations as a licensed  
16 person or entity that is not a microbusiness subject to the provisions  
17 of this subsection, based upon a process and criteria established by  
18 the commission in regulation for the conversion.

19 (a) Any microbusiness that meets the criteria established by the  
20 commission for conversion may submit an application to convert its  
21 operations. Upon review of the application to confirm the  
22 commission's criteria have been met, the commission shall issue a  
23 new annual license to the person or entity, and the previously issued  
24 license for the microbusiness shall be deemed expired as of the date  
25 of issuance of the new annual license. If the commission  
26 determines that the criteria have not been met, the conversion  
27 application shall be denied, and the commission shall notify the  
28 microbusiness applicant of the specific reason for its denial, and  
29 provide the applicant with the opportunity for a hearing in  
30 accordance with the "Administrative Procedure Act," P.L.1968,  
31 c.410 (C.52:14B-1 et seq.).

32 (b) Any new annual license issued pursuant to this paragraph  
33 allowing a microbusiness to convert and continue its operations as a  
34 licensed person or entity that is not a microbusiness subject to the  
35 provisions of this subsection shall be counted towards the  
36 percentages of licenses that are designated for and only issued to  
37 microbusinesses as set forth in paragraph (1) of this subsection,  
38 notwithstanding the microbusiness' converted operations.

39 (cf: P.L.2021, c.16, s.19)

40

41 <sup>1</sup>**[43.] 56.**<sup>1</sup> Section 6 of P.L.2013, c.46 (C.24:6J-6) is amended  
42 to read as follows:

43 6. a. The Commissioner of Human Services may award grants,  
44 based upon any monies appropriated by the Legislature, to create or  
45 support local opioid overdose prevention, recognition, and response  
46 projects. County and municipal health departments, correctional  
47 institutions, hospitals, and universities, as well as organizations  
48 operating community-based programs, substance **[abuse]** use

1 disorder programs, syringe access programs, or other programs  
2 which address medical or social issues related to **【drug addiction】**  
3 substance use disorder may apply to the Department of Human  
4 Services for a grant under this section, on forms and in the manner  
5 prescribed by the commissioner.

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

11 c. In awarding any grant, the commissioner shall give  
12 preference to applications that include one or more of the following  
13 elements:

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

17 (2) policies and projects to encourage persons, including drug  
18 users, to call 911 for emergency assistance when they witness a  
19 potentially fatal opioid overdose;

20 (3) opioid overdose prevention, recognition, and response  
21 education projects in syringe access programs, <sup>1</sup>**【drug】** substance  
22 use disorder<sup>1</sup> treatment centers, outreach programs, and other  
23 programs operated by organizations that work with, or have access  
24 to, opioid users and their families and communities;

25 (4) opioid overdose recognition and response training, including  
26 rescue breathing, in drug treatment centers and for other  
27 organizations that work with, or have access to, opioid users and  
28 their families and communities;

29 (5) the production and distribution of targeted or mass media  
30 materials on opioid overdose prevention and response;

31 (6) the institution of education and training projects on opioid  
32 overdose response and treatment for emergency services and law  
33 enforcement personnel; and

34 (7) a system of parent, family, and survivor education and  
35 mutual support groups.

36 d. In addition to any moneys appropriated by the Legislature,  
37 the commissioner may seek money from the federal government,  
38 private foundations, and any other source to fund the grants  
39 established pursuant to this section, as well as to fund on-going  
40 monitoring and evaluation of the programs supported by the grants.

41 (cf: P.L.2013, c.46, s.6)

42  
43 <sup>1</sup>**【44.】 57.**<sup>1</sup> Section 11 of P.L.2017, c.28 (C.24:21-15.2) is  
44 amended to read as follows:

45 11. a. A practitioner shall not issue an initial prescription for an  
46 opioid drug which is a prescription drug as defined in section 2 of  
47 P.L.2003, c.280 (C.45:14-41) in a quantity exceeding a five-day  
48 supply for treatment of acute pain. Any prescription for acute pain



- 1 pursuant to this subsection shall be for the lowest effective dose of  
2 immediate-release opioid drug.
- 3 b. Prior to issuing an initial prescription of a Schedule II  
4 controlled dangerous substance or any <sup>1</sup>**["other"]**<sup>1</sup> opioid drug which  
5 is a prescription drug as defined in section 2 of P.L.2003, c.280  
6 (C.45:14-41) in a course of treatment for acute or chronic pain, a  
7 practitioner shall:
- 8 (1) take and document the results of a thorough medical history,  
9 including the patient's experience with non-opioid medication and  
10 non-pharmacological pain management approaches and substance  
11 **["abuse"]** use disorder history;
- 12 (2) conduct, as appropriate, and document the results of a  
13 physical examination;
- 14 (3) develop a treatment plan, with particular attention focused  
15 on determining the cause of the patient's pain;
- 16 (4) access relevant prescription monitoring information under  
17 the Prescription Monitoring Program pursuant to section 8 of  
18 P.L.2015, c.74 (C. 45:1-46.1); and
- 19 (5) limit the supply of any opioid drug prescribed for acute pain  
20 to a duration of no more than five days as determined by the  
21 directed dosage and frequency of dosage.
- 22 c. No less than four days after issuing the initial prescription  
23 pursuant to subsection a. of this subsection, the practitioner, after  
24 consultation with the patient, may issue a subsequent prescription  
25 for the drug to the patient in any quantity that complies with  
26 applicable State and federal laws, provided that:
- 27 (1) the subsequent prescription would not be deemed an initial  
28 prescription under this section;
- 29 (2) the practitioner determines the prescription is necessary and  
30 appropriate to the patient's treatment needs and documents the  
31 rationale for the issuance of the subsequent prescription; and
- 32 (3) the practitioner determines that issuance of the subsequent  
33 prescription does not present an undue risk of abuse, addiction, or  
34 diversion and documents that determination.
- 35 d. Prior to issuing the initial prescription of a Schedule II  
36 controlled dangerous substance or any <sup>1</sup>**["other"]**<sup>1</sup> opioid drug which  
37 is a 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 pain and prior to  
39 issuing a prescription at the outset of a course of treatment for  
40 chronic pain, a practitioner shall discuss with the patient, or the  
41 patient's parent or guardian if the patient is under 18 years of age  
42 and is not an emancipated minor, the risks associated with the drugs  
43 being prescribed, including but not limited to:
- 44 (1) the risks of addiction and overdose associated with opioid  
45 drugs and the dangers of taking opioid drugs with alcohol,  
46 benzodiazepines and other central nervous system depressants;
- 47 (2) the reasons why the prescription is necessary;
- 48 (3) alternative treatments that may be available; and

1 (4) risks associated with the use of the drugs being prescribed,  
2 specifically that opioids are highly addictive, even when taken as  
3 prescribed, that there is a risk of developing a physical or  
4 psychological dependence on the controlled dangerous substance,  
5 and that the risks of taking more opioids than prescribed, or mixing  
6 sedatives, benzodiazepines or alcohol with opioids, can result in  
7 fatal respiratory depression.

8 The practitioner shall include a note in the patient's medical  
9 record that the patient or the patient's parent or guardian, as  
10 applicable, has discussed with the practitioner the risks of  
11 developing a physical or psychological dependence on the  
12 controlled dangerous substance and alternative treatments that may  
13 be available. The Division of Consumer Affairs shall develop and  
14 make available to practitioners guidelines for the discussion  
15 required pursuant to this subsection.

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

20 f. When a Schedule II controlled dangerous substance or any  
21 **'[other]'** prescription opioid drug is continuously prescribed for  
22 three months or more for chronic pain, the practitioner shall:

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

27 (2) assess the patient prior to every renewal to determine  
28 whether the patient is experiencing problems associated with  
29 physical and psychological dependence and document the results of  
30 that assessment;

31 (3) periodically make reasonable efforts, unless clinically  
32 contraindicated, to either stop the use of the controlled substance,  
33 decrease the dosage, try other drugs or treatment modalities in an  
34 effort to reduce the potential for abuse or the development of  
35 physical or psychological dependence and document with  
36 specificity the efforts undertaken;

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

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

41 g. As used in this section:

42 "Acute pain" means pain, whether resulting from disease,  
43 accidental or intentional trauma, or other cause, that the practitioner  
44 reasonably expects to last only a short period of time. "Acute pain"  
45 does not include chronic pain, pain being treated as part of cancer  
46 care, hospice or other end of life care, or pain being treated as part  
47 of palliative care.

1 "Chronic pain" means pain that persists or recurs for more than  
2 three months.

3 "Initial prescription" means a prescription issued to a patient  
4 who:

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

7 (2) was previously issued a prescription for, or used or was  
8 administered the drug or its pharmaceutical equivalent, but the date  
9 on which the current prescription is being issued is more than one  
10 year after the date the patient last used or was administered the drug  
11 or its equivalent.

12 When determining whether a patient was previously issued a  
13 prescription for, or used or was administered a drug or its  
14 pharmaceutical equivalent, the practitioner shall consult with the  
15 patient and review the patient's medical record and prescription  
16 monitoring information.

17 "Opioid antidote" means any drug, regardless of dosage amount  
18 or method of administration, which has been approved by the  
19 United States Food and Drug Administration (FDA) for the  
20 treatment of an opioid overdose. "Opioid antidote" includes, but is  
21 not limited to, naloxone hydrochloride, in any dosage amount,  
22 which is administered through nasal spray or any other FDA-  
23 approved means or methods.

24 "Pain management agreement" means a written contract or  
25 agreement that is executed between a practitioner and a patient,  
26 prior to the commencement of treatment for chronic pain using a  
27 Schedule II controlled dangerous substance or any <sup>1</sup>~~other~~<sup>1</sup> opioid  
28 drug which is a prescription drug as defined in section 2 of  
29 P.L.2003, c.280 (C.45:14-41), as a means to:

30 (1) prevent the possible development of physical or  
31 psychological dependence in the patient;

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

34 (3) establish the patient's rights in association with treatment,  
35 and the patient's obligations in relation to the responsible use,  
36 discontinuation of use, and storage of Schedule II controlled  
37 dangerous substances, including any restrictions on the refill of  
38 prescriptions or the acceptance of Schedule II prescriptions from  
39 practitioners;

40 (4) identify the specific medications and other modes of  
41 treatment, including physical therapy or exercise, relaxation, or  
42 psychological counseling, that are included as a part of the pain  
43 management plan;

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

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

4 "Practitioner" means a medical doctor, doctor of osteopathy,  
5 dentist, optometrist, podiatrist, physician assistant, certified nurse  
6 midwife, or advanced practice nurse, acting within the scope of  
7 practice of their professional license pursuant to Title 45 of the  
8 Revised Statutes.

9 h. This section shall not apply to a prescription for a patient  
10 who is currently in active treatment for cancer, receiving hospice  
11 care from a licensed hospice or palliative care, or is a resident of a  
12 long term care facility, or to any medications that are being  
13 prescribed for use in the treatment of substance **[abuse]** use  
14 disorder <sup>1</sup>**[or opioid dependence]** <sup>1</sup>.

15 i. Every policy, contract or plan delivered, issued, executed or  
16 renewed in this State, or approved for issuance or renewal in this  
17 State by the Commissioner of Banking and Insurance, and every  
18 contract purchased by the School Employees' Health Benefits  
19 Commission or State Health Benefits Commission, on or after the  
20 effective date of this act, that provides coverage for prescription  
21 drugs subject to a co-payment, coinsurance or deductible shall  
22 charge a co-payment, coinsurance or deductible for an initial  
23 prescription of an opioid drug prescribed pursuant to this section  
24 that is either:

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

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

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

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

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

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

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

45 (3) Nothing in paragraph (2) of this subsection shall be  
46 construed to prohibit a practitioner from issuing additional  
47 prescriptions for an opioid antidote to a patient upon the patient's

request or when the practitioner determines there is a clinical or practical need for the additional prescription.

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

158. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to read as follows:

2. The following words as used in P.L.1975, c.305 (C.26:2B-7 et seq.) shall, unless the context requires otherwise, have the following meanings:

"Administrator" means the person in charge of the operation of a facility, or his designee.

"Admitted" means accepted for treatment at a facility.

["Alcoholic" means a person with an alcohol use disorder, as defined in this section.]

"Assistant commissioner" means the Assistant Commissioner of the Division of Mental Health and Addiction Services in the Department of Human Services.

"Authorized persons" means persons who serve as volunteer first aid or ambulance squad members, para-professional medical personnel, and rehabilitated persons with alcohol use disorder.

"Commissioner" means the Commissioner of **[Health]** Human Services.

"Department" means the Department of **[Health]** Human Services.

["Director" means the Director of the Division of Alcoholism.]

"Division" means the Division of **[Alcoholism]** Mental Health and Addiction Services in the Department of Human Services.

"Facility" means any public, private place, or portion thereof providing services especially designed for the treatment of intoxicated persons or persons with alcohol use disorder; including, but not limited to intoxication treatment centers, inpatient treatment facilities, outpatient facilities, and residential aftercare facilities.

"Incapacitated" means the condition of a person who is: a. as a result of the use of alcohol, unconscious or has judgment so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment, b. in need of substantial medical attention, or c. likely to suffer substantial physical harm.

"Independent physician" means a physician other than one holding an office or appointment in any department, board or agency of the State or in any public facility.

"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcoholic beverages.

"Patient" means any person admitted to a facility.

"Person with **[an]** alcohol use disorder" means any person who chronically, habitually, or periodically consumes alcoholic beverages to the extent that: a. such use substantially injures the

1 person's health or substantially interferes with the person's social or  
2 economic functioning in the community on a continuing basis, or b.  
3 the person has lost the power of self-control with respect to the use  
4 of such beverages.

5 "Private facility" means a facility other than one operated by the  
6 federal government, the State of New Jersey, or any political  
7 subdivision thereof.

8 "Public facility" means a facility operated by the State of New  
9 Jersey or any political subdivision thereof.

10 "Treatment" means services and programs for the care or  
11 rehabilitation of intoxicated persons and persons with alcohol use  
12 disorder, including, but not limited to, medical, psychiatric,  
13 psychological, vocational, educational, recreational, and social  
14 services and programs.<sup>1</sup>

15 (cf: P.L.2017, c.131, s.70)

16  
17 <sup>1</sup>59. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to  
18 read as follows:

19 3. There is hereby established in the Department of **Health**  
20 Human Services a Division of **Alcoholism** Mental Health and  
21 Addiction Services under the direction of **a division director** an  
22 assistant commissioner. The **director** assistant commissioner  
23 shall be an individual with training and experience in such areas as  
24 public administration or public health or rehabilitation and training  
25 in the social sciences or a qualified professional with training or  
26 experience in the treatment of behavioral disorders or medical-  
27 social problems, or in the organization or administration of  
28 treatment services for persons with behavioral disorders or medical-  
29 social problems.

30 There shall be an assistant to the **director** assistant  
31 commissioner, who shall have experience in the field of alcohol use  
32 disorder.

33 The **director and the director's** assistant commissioner and the  
34 assistant commissioner's assistant shall be appointed by the  
35 commissioner **], with the consent of the public health council]**.

36 The commissioner shall appoint and may remove such officers  
37 and employees of the division as the commissioner may deem  
38 necessary. There shall be an administrator of each facility operated  
39 by the department pursuant to this act. Each such administrator  
40 shall be a person qualified by training and experience to operate a  
41 facility for the treatment of persons with alcohol use disorder or  
42 intoxicated persons. The commissioner may establish such other  
43 positions in the division and employ such consultants as the  
44 commissioner may deem appropriate. Except as otherwise provided  
45 by law, all offices and positions in the division shall be subject to  
46 the provisions of Title 11A, Civil Service; provided, however, that  
47 the provisions of said title shall not apply to the **director** assistant

1 commissioner, physicians, and psychiatrists who have full medical-  
2 psychiatric, as opposed to administrative, responsibility; and  
3 provided, further, and notwithstanding the preceding proviso or any  
4 other provision of law, that all offices and positions, which as a  
5 condition of receiving federal grants for programs and activities to  
6 which federal standards for a merit system of personnel  
7 administration relate and make necessary the application of  
8 provisions of the Civil Service law, shall be subject to the  
9 provisions of Title 11A, Civil Service, if such federal standards are  
10 uniform in all states.<sup>1</sup>

11 (cf: P.L.2017, c.131, s.71)

12

13 <sup>1</sup>60. Section 2 of P.L.1984, c.243 (C.26:2B-9.1) is amended to  
14 read as follows:

15 2. The Bureau of Alcohol Countermeasures in the **【Division of**  
16 **Motor Vehicles in the Department of Law and Public Safety】** Motor  
17 Vehicle Commission is transferred to the Division of **【Alcoholism】**  
18 Mental Health and Addiction Services in the Department of  
19 **【Health】** Human Services, pursuant to the provisions of the "State  
20 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).<sup>1</sup>  
21 (cf: P.L.1984, c.243, s.2)

22

23 <sup>1</sup>61. Section 2 of P.L.2001, c.48 (C.26:2B-9.2) is amended to  
24 read as follows:

25 2. a. There is created within the Department of Health **【and**  
26 **Senior Services】** a special nonlapsing revolving fund to be known  
27 as the "Alcohol Treatment Programs Fund." The fund shall consist  
28 of such monies as are deposited pursuant to section 12 of P.L.1994,  
29 c.57 (C.34:1B-21.12), any other monies as may be appropriated to  
30 the fund by the Legislature or otherwise provided to the fund, and  
31 interest or other income derived from the investment of monies in  
32 the fund.

33 b. Except as provided in subsection c. of this section, monies in  
34 the fund shall be used exclusively for making grants, approved by  
35 the **【Director of the Division of Addiction Services in the**  
36 **Department of Health and Senior Services】** Assistant  
37 Commissioner of the Division of Mental Health and Addiction  
38 Services in the Department of Human Services, to programs that  
39 provide treatment for **【alcoholism,】** alcohol **【abuse】** use disorder  
40 and other conditions related to the excessive consumption of  
41 alcoholic beverages among persons convicted of violating the  
42 State's drunk driving laws and others.

43 c. An amount not to exceed \$150,000 in Fiscal Year 2002 and  
44 five percent of the total annual revenue allocated to the fund in each  
45 fiscal year thereafter may be expended from the fund to defray  
46 actual expenses incurred by the department in the administration of

1 the fund subject to approval by the Director of the Division of  
2 Budget and Accounting.<sup>1</sup>

3 (cf: P.L.2001, c.48, s.2)

5 <sup>1</sup>62. Section 8 of P.L.1975, c.305 (C.26:2B-14) is amended to  
6 read as follows:

7 8. The department shall issue for a term of 2 years, and may  
8 renew for like terms, a license, subject to revocation by it for cause,  
9 to any person, partnership, corporation, society, association or other  
10 agency or entity of any kind, other than a licensed general hospital,  
11 a department, agency, or institution of the Federal Government, the  
12 State or any political subdivision thereof, deemed by it to be  
13 responsible and suitable to establish and maintain a facility and to  
14 meet applicable licensure standards and requirements. In the case  
15 of a department, agency or institution of the State or any political  
16 subdivision thereof, the department shall grant approval to establish  
17 and maintain a facility for a term of **[2]** two years, and may renew  
18 such approval for like terms, subject to revocation by it for cause.

19 The department shall in the cases of public facilities, private  
20 facilities which contract on a fee-for-service basis with the State,  
21 and private facilities which accept for treatment persons assisted  
22 pursuant to section 10 of P.L.1975, c.305 (C.26:2B-10), promulgate  
23 rules and regulations establishing licensure and approval standards  
24 and requirements including, but not limited to:

- 25 a. the need for a facility in the community;  
26 b. the financial and other qualifications of the applicant;  
27 c. the proper operation of facilities;  
28 d. the health and safety standards to be met by a facility;  
29 e. the quality and nature of the treatment to be afforded patients  
30 at a facility; and  
31 f. licensing fees, and procedures for making and approving  
32 license and approval applications.

33 In the case of private facilities that neither contract on a fee-for-  
34 service basis with the State nor accept for treatment persons assisted  
35 by police officers pursuant to section 10 of P.L.1975, c.305  
36 (C.26:2B-10), the department shall promulgate rules and regulations  
37 establishing licensure standards and requirements but such  
38 standards and requirements shall concern only:

- 39 a. the health and safety standards to be met by a facility;  
40 b. misrepresentations as to the treatment to be afforded patients  
41 at a facility;  
42 c. licensing fees**[,]** ; and  
43 d. procedures for making and approving license applications.

44 All facilities shall be individually licensed or approved.  
45 Different kinds of licenses or approvals may be granted for different  
46 kinds of facilities.

47 Each facility shall file with the department from time to time, on  
48 request, such data, statistics, schedules or information as the



1 department may reasonably require for the purposes of this section,  
2 and any licensee or other person operating a private facility who  
3 fails to furnish any such data, statistics, schedules or information as  
4 requested, or who files fraudulent returns thereof, shall be punished  
5 by a fine of not more than \$500.00.

6 The department, after holding a hearing, may refuse to grant,  
7 suspend, revoke, limit or restrict the applicability of or refuse to  
8 renew any license or approval for any failure to meet the  
9 requirements of its rules and regulations or standards concerning  
10 such facilities. However, in the case of private facilities which  
11 neither contract on a fee-for-service basis with the State nor accept  
12 for treatment persons assisted by police officers pursuant to section  
13 10 of P.L.1975, c.305 (C.26:2B-10), the department, after holding a  
14 hearing may refuse to grant, suspend, revoke, limit or restrict the  
15 applicability of or refuse to renew any license for the following  
16 reasons only:

17 a. for failure to meet the requirements of its rules and  
18 regulations concerning the health and safety standards of such  
19 facilities; or

20 b. if there is a reasonable basis for the department to conclude  
21 that there is a discrepancy between representations by a facility as  
22 to the treatment services to be afforded patients and the treatment  
23 services actually rendered or to be rendered.

24 The department may temporarily suspend a license or approval in  
25 an emergency without holding a prior hearing; provided, however,  
26 that upon request of an aggrieved party, a hearing shall be held as  
27 soon after the license or approval is suspended as possible. Any  
28 party aggrieved by a final decision of the department pursuant to  
29 this section may petition for judicial review thereof.

30 No person, partnership, corporation, society, association, or other  
31 agency or entity of any kind, other than a licensed general hospital,  
32 a department, agency or institution of the Federal Government, the  
33 State or any political subdivision thereof, shall operate a facility  
34 without a license and no department, agency or institution of the  
35 State or any political subdivision thereof shall operate a facility  
36 without approval from the department pursuant to this section. The  
37 Superior Court shall have jurisdiction in equity upon petition of the  
38 department to restrain any violation of the provisions of this section  
39 and to take such other action as equity and justice may require to  
40 enforce its provisions. Whoever knowingly establishes or maintains  
41 a private facility without a license granted pursuant to this section  
42 shall, for a first offense, be punished by a fine of not more than  
43 \$500.00 and for each subsequent offense by a fine of not more than  
44 \$1,000.00 or imprisonment for not more than **[2]** two years, or  
45 both.

46 Each facility shall be subject to visitation and inspection by the  
47 department and the department shall inspect each facility prior to  
48 granting or renewing a license or approval. The department may

1 examine the books and accounts of any facility if it deems such  
2 examination necessary for the purposes of this section. The  
3 department is hereby authorized to make a complaint to a judge of  
4 any court of record, who may thereupon issue a warrant to any  
5 officers or employees of the department authorizing them to enter  
6 and inspect at reasonable times, and to examine the books and  
7 accounts of, any private facility refusing to consent to such  
8 inspection or examination by the department which the department  
9 has reason to believe is operating in violation of the provisions of  
10 this act. Refusal by the operator or owner to allow such entry and  
11 inspection pursuant to such a warrant shall for a first offense be  
12 punishable by a fine of not more than \$100.00 and for each  
13 subsequent offense by a fine of not more than \$1,000.00 or  
14 imprisonment for not more than **[2]** two years, or both.

15 The director may require public facilities, private facilities which  
16 contract on a fee-for-service basis with the State, and private  
17 facilities which accept for treatment persons assisted pursuant to  
18 section 10 of P.L.1975, c.305 (C.26:2B-10) to admit as an inpatient  
19 or outpatient any person to be afforded treatment pursuant to this  
20 act. The department shall promulgate rules and regulations  
21 governing the extent to which the department may require other  
22 private facilities to admit as an inpatient or outpatient any person to  
23 be afforded treatment pursuant to this act; provided, however, that  
24 no licensed general hospital shall refuse treatment for intoxication  
25 or **[alcoholism]** alcohol use disorder.<sup>1</sup>

26 (cf: P.L.1975, c.305, s.8)

27

28 <sup>1</sup>63. Section 22 of P.L.1975, c.305 (C.26:2B-28) is amended to  
29 read as follows:

30 22. All books, papers, records, documents, and equipment in the  
31 custody of or maintained for the use of the Department of Health  
32 pursuant to sections 1 through 5, inclusive, of P.L.1948, c.453  
33 (C.26:2B-1 through C.26:2B-5) are hereby transferred to the  
34 custody and control of the division created by this act.

35 All moneys heretofore appropriated for the Department of Health  
36 for activities authorized by said sections 1 through 5, inclusive, of  
37 P.L.1948, c.453 (C.26:2B-1 through C.26:2B-5) and remaining  
38 unexpended on the effective date of this act are hereby transferred  
39 to, and shall remain immediately available for expenditure by, the  
40 division created by this act.

41 All duly existing contracts, leases, and obligations of the  
42 Department of Health entered into pursuant to said sections 1  
43 through 5, inclusive, of P.L.1948, c.453 (C.26:2B-1 through  
44 C.26:2B-5) shall remain in effect and shall be performed by the  
45 division created by this act. This act shall not affect any renewal  
46 provisions or option to renew contained in any such lease in  
47 existence on the effective date of this act. Without limiting the  
48 generality of the foregoing, all approvals of plans, projects, and

1 Federal and State financial aid applications heretofore granted shall  
2 remain in full force and effect; provided, however, that nothing in  
3 this section shall prevent said division from withdrawing such  
4 approval if such action is otherwise in accordance with law.

5 All gifts and special grants made to the Department of Health  
6 under sections 1 through 5 of P.L.1948, c.453 (C.26:2B-1 through  
7 C.26:2B-5) and remaining unexpended on the effective date of this  
8 act shall be available for expenditure by the division created by this  
9 act in accordance with the conditions of the gift or grant without  
10 specific appropriation.

11 All hospital and clinic facilities established pursuant to section 3  
12 of P.L.1948, c. 453 (C.26:2B-3) shall remain subject to the control  
13 and supervision of the department.

14 All officers and employees of the Department of Health engaged  
15 in activities authorized by sections 1 through 5, inclusive, of  
16 P.L.1948, c.453 (C.26:2B-1 through C.26:2B-5) who immediately  
17 prior to the effective date of this act hold permanent appointment in  
18 positions classified under Title 11 of the Revised Statutes, or have  
19 tenure in their positions by reason of law are hereby transferred to  
20 the **【Division of Alcoholism】** division created by this act, every  
21 such transfer to be without impairment of civil service status,  
22 seniority, retirement, and other rights of the employee, without  
23 interruption of service, and without reduction in compensation and  
24 salary grade, notwithstanding any change in his title or duties made  
25 as a result of such transfer; subject, however, to the provisions of  
26 Title 11, and the rules and regulations established thereunder. All  
27 such officers and employees who immediately prior to the effective  
28 date do not hold permanent appointment in such positions, or do not  
29 hold such tenure, are hereby transferred to the **【Division of**  
30 **Alcoholism】** division created by this act without impairment of  
31 seniority, retirement and other rights, without interruption of  
32 service, and without reduction in compensation and salary grade.  
33 Nothing in this section shall be construed to confer upon an officer  
34 or employee any rights not held prior to the transfer or to prohibit  
35 any subsequent reduction in compensation or salary grade not  
36 prohibited prior to the transfer.<sup>1</sup>

37 (cf: P.L.1975, c.305, s.22)

38  
39 <sup>1</sup>64. Section 26 of P.L.1975, c.305 (C.26:2B-31) is amended to  
40 read as follows:

41 26. This act shall be known and may be cited as the  
42 "**【Alcoholism】** Alcohol Use Disorder Treatment and Rehabilitation  
43 Act."<sup>1</sup>

44 (cf: P.L.1975, c.305, s.26)

45  
46 <sup>1</sup>65. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to  
47 read as follows:

1       3. An Alcohol Education, Rehabilitation and Enforcement  
2 Fund is established as a nonlapsing, revolving fund in a separate  
3 account in the Department of Health. The fund shall be credited  
4 from July 1, 1990 through June 30, 1991, with 27.6【%】 percent of  
5 the tax revenues, and from July 1, 1991 through June 30, 1992, with  
6 53.3【%】 percent of the tax revenues, collected pursuant to section 3  
7 of P.L.1980, c.62 (C.54:32C-3), the amount thereof to be dedicated  
8 75【%】 percent to rehabilitation, 15【%】 percent to enforcement and  
9 10【%】 percent to education, and the fund thereafter shall be  
10 annually credited with the amount of tax revenues collected from  
11 the alcoholic beverage tax as is provided in section 2 of P.L.1990,  
12 c.41 (C.54:43-1.1), which amount shall be dedicated 75【%】 percent  
13 to rehabilitation, 15【%】 percent to enforcement and 10【%】 percent  
14 to education. Interest received on moneys in the fund shall be  
15 credited to the fund. Pursuant to the formula set forth in section 5 of  
16 this act, moneys appropriated pursuant to law shall only be  
17 distributed to the counties by the Department of Health, without the  
18 assessment of administrative costs, to develop and implement an  
19 annual comprehensive plan for the treatment of 【alcoholics and  
20 drug abusers】 persons with substance use disorder and for  
21 expenditures according to the dedications provided herein.<sup>1</sup>  
22 (cf: P.L.1990, c.41, s.4)  
23

24       <sup>1</sup>66. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to  
25 read as follows:

26       4. a. The governing body of each county, in conjunction with  
27 the county agency or individual designated by the county with the  
28 responsibility for planning services and programs for the care or  
29 rehabilitation of persons with alcohol use disorder and persons with  
30 a substance use disorder involving drugs, shall submit to the  
31 【Deputy Commissioner for】 Assistant Commissioner of the  
32 Division of Mental Health and Addiction Services and the  
33 Governor's Council on 【Alcoholism and Drug Abuse】 Substance  
34 Use Disorder an annual comprehensive plan for the provision of  
35 community services to meet the needs of persons with 【alcohol use  
36 disorder and persons with a】 substance use disorder 【involving  
37 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  
42 disorder and their families. Special attention in the plan shall be  
43 given to 【alcohol use disorder and】 substance use disorder and  
44 youth; intoxicated drivers and drivers with substance use disorder;  
45 women and 【alcohol use disorder and】 substance use disorder;  
46 persons with disabilities and 【alcohol use disorder and】 substance

1 use disorder; **alcohol use disorder and** substance use disorder on  
2 the job; **alcohol use disorder and** substance use disorder and  
3 crime; public information; and educational programs as defined in  
4 subsection c. of this section. Each county shall identify, within its  
5 annual comprehensive plan, the Intoxicated Driver Resource Center  
6 which shall service its population, as is required under subsection  
7 (f) of R.S.39:4-50. The plan may involve the provision of programs  
8 and services by the county, by an agreement with a State agency, by  
9 private organizations, including volunteer groups, or by some  
10 specified combination of the above.

11 If the State in any year fails to deposit the amount of tax receipts  
12 as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a  
13 county may reduce or eliminate, or both, the operation of existing  
14 programs currently being funded from the proceeds deposited in the  
15 Alcohol Education, Rehabilitation and Enforcement Fund.

16 c. Programs established with the funding for education from  
17 the fund shall include all courses in the public schools required  
18 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for  
19 students included in the annual comprehensive plan for each county,  
20 and in-service training programs for teachers and administrative  
21 support staff including nurses, guidance counselors, child study  
22 team members, and librarians. All moneys dedicated to education  
23 from the fund shall be allocated through the designated county  
24 **alcohol use disorder and** substance use disorder agency and all  
25 programs shall be consistent with the annual comprehensive county  
26 plan submitted to the **Deputy Commissioner for** Assistant  
27 Commissioner of the Division of Mental Health and Addiction  
28 Services and the Governor's Council on **Alcoholism and Drug**  
29 **Abuse** Substance Use Disorder pursuant to this section. Moneys  
30 dedicated to education from the fund shall be first allocated in an  
31 amount not to exceed 20 percent of the annual education allotment  
32 for the in-service training programs, which shall be conducted in  
33 each county through the office of the county **alcohol use disorder**  
34 **and** substance use disorder coordinator in consultation with the  
35 county superintendent of schools, local boards of education, local  
36 councils on **alcohol use disorder and** substance use disorder and  
37 institutions of higher learning, including the Rutgers University  
38 Center of Alcohol and Substance Use Studies. The remaining  
39 money in the education allotment shall be assigned to offset the  
40 costs of programs such as those which assist employees, provide  
41 intervention for staff members, assist and provide intervention for  
42 students and focus on research and education concerning youth and  
43 **alcohol use disorder and** substance use disorder. These funds  
44 shall not replace any funds being currently spent on education and  
45 training by the county.

46 d. The governing body of each county, in conjunction with the  
47 county agency, or individual, designated by the county with

1 responsibility for services and programs for the care or  
2 rehabilitation of **persons with alcohol use disorder and** persons  
3 with substance use disorder, shall establish a Local Advisory  
4 Committee on **Alcohol Use Disorder and** Substance Use Disorder  
5 to assist the governing body in development of the annual  
6 comprehensive plan. The advisory committee shall consist of no  
7 less than 10 nor more than 16 members and shall be appointed by  
8 the governing body. At least two of the members shall be persons  
9 recovering from alcohol use disorder and at least two of the  
10 members shall be persons recovering from substance use disorder.  
11 The committee shall include the county prosecutor or **his** the  
12 county prosecutor's designee, a wide range of public and private  
13 organizations involved in the treatment of **alcohol use disorders**  
14 **and** substance use disorder-related problems and other individuals  
15 with interest or experience in issues concerning **alcohol substance**  
16 **use disorder and** substance use disorder. Each committee shall, to  
17 the maximum extent feasible, represent the various socioeconomic,  
18 racial and ethnic groups of the county in which it serves.

19 Within 60 days of the effective date of P.L.1989, c.51  
20 (C.26:2BB-1 et al.), the Local Advisory Committee on **Alcohol**  
21 **Use Disorder and** Substance Use Disorder shall organize and elect  
22 a **chairman** chairperson from among its members.

23 e. The **Deputy Commissioner for** Assistant Commissioner of  
24 the Division of Mental Health and Addiction Services shall review  
25 the county plan pursuant to a procedure developed by the **deputy**  
26 assistant commissioner. In determining whether to approve an  
27 annual comprehensive plan under this act, the **deputy** assistant  
28 commissioner shall consider whether the plan is designed to meet  
29 the goals and objectives of the "**Alcoholism** Alcohol Use  
30 Disorder Treatment and Rehabilitation Act," P.L.1975, c.305  
31 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse Control Act  
32 of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and whether  
33 implementation of the plan is feasible. Each county plan submitted  
34 to the **deputy** assistant commissioner shall be presumed valid;  
35 provided it is in substantial compliance with the provisions of this  
36 act. Where the department fails to approve a county plan, the  
37 county may request a court hearing on that determination.<sup>1</sup>  
38 (cf: P.L.2017, c.131, s.81)

39

40 <sup>1</sup>67. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to  
41 read as follows:

42 5. a. Allotments to each county whose annual comprehensive  
43 plan is approved pursuant to the provisions of section 4 of this act  
44 shall be made on the basis of the following formula:

45 County Allotment = Population of County x Total Funds  
46 Appropriated

8 in which Need in County and Need in State are estimates of the  
9 prevalence of **【alcoholism】** alcohol use disorder according to the  
10 current New Jersey Behavioral Health Services Plan. The funds  
11 dedicated for the provision of educational programs from the  
12 Alcohol Education, Rehabilitation and Enforcement Fund shall be  
13 allocated to the counties on the basis of this formula.

29 (cf: P.L.1990, c.41, s.6)

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

46 The Legislature further finds and declares that: few rehabilitation  
47 centers and professionals working with the deaf, hard of hearing

1 and other disabled persons are adequately prepared or trained to  
2 identify, recognize or deal with the signs of substance **abuse** use  
3 disorder; and New Jersey needs the development of specialized  
4 services for people with disabilities who **abuse, misuse and are**  
5 **addicted to alcohol and other drugs** have <sup>1</sup>**an alcohol or**<sup>1</sup> a  
6 substance use disorder.

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

8  
9 <sup>1</sup>69. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to  
10 read as follows:

11 2. a. The Commissioner of **Health** Human Services shall  
12 establish **an "Alcoholism and Drug Abuse"** "Substance Use  
13 Disorder Program for the Deaf, Hard of Hearing and Disabled".

14 b. Pursuant to Reorganization Plan No. 002-2004, the  
15 Commissioner of Human Services shall continue to operate the  
16 program established pursuant to subsection a. of this section  
17 through the Division of Mental Health and Addiction Services in  
18 the Department of Human Services, in consultation with the  
19 Governor's Council on **Alcoholism and Drug Abuse** Substance  
20 Use Disorder.<sup>1</sup>

21 (cf: P.L.2013, c.253, s.4)

22  
23 <sup>1</sup>70. Section 1 of P.L.1989, c.51 (C.26:2BB-1) is amended to  
24 read as follows:

25 1. The Legislature finds and declares that: **alcoholism and**  
26 **drug abuse** substance use disorders are major health problems  
27 facing the residents of this State; aspects of these problems extend  
28 into many areas under various State departments; placement in, but  
29 not of, the State Department of the Treasury is the most appropriate  
30 and logical location for focusing a coordinated planning and review  
31 effort to ameliorate these problems and for establishing a  
32 Governor's Council on **Alcoholism and Drug Abuse** Substance  
33 Use Disorder as an independent coordinating, planning, research  
34 and review body regarding all aspects of **alcoholism and drug**  
35 **abuse** substance use disorder; and **a merger of the Division of**  
36 **Alcoholism and the Division of Narcotic and Drug Abuse Control**  
37 establishing a Division of Mental Health and Addiction Services  
38 within the State Department of **Health** Human Services will  
39 enhance the effectiveness of the State's role in formulating  
40 comprehensive and integrated public policy and providing effective  
41 treatment, prevention and public awareness efforts against  
42 **alcoholism and drug abuse** substance use disorders.

43 The Legislature further finds and declares that: as the  
44 cooperation and active participation of all communities in the State  
45 is necessary to achieve the goal of reducing **alcoholism and drug**  
46 **abuse** substance use disorder, there should be established within



1 the Governor's Council on **【Alcoholism and Drug Abuse】**  
2 Substance Use Disorder, an Alliance to Prevent **【Alcoholism and**  
3 **Drug Abuse】** Substance Use Disorder, to unite the communities of  
4 this State in a coordinated and comprehensive effort; and that the  
5 full resources of this State including counties, municipalities and  
6 residents of the State must be mobilized in a persistent and  
7 sustained manner in order to achieve a response capable of  
8 meaningfully addressing not only the symptoms but the root causes  
9 of this pervasive problem.<sup>1</sup>

10 (cf: P.L.1989, c.51, s.1)

11

12 <sup>1</sup>71. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to  
13 read as follows:

14 2. There is created a 26-member council in, but not of, the  
15 Department of the Treasury which shall be designated as the  
16 Governor's Council on **【Alcoholism and Drug Abuse】** Substance  
17 Use Disorder. For the purposes of complying with the provisions of  
18 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
19 the Governor's Council on **【Alcoholism and Drug Abuse】**  
20 Substance Use Disorder is allocated to the Department of the  
21 Treasury, but, notwithstanding the allocation, the office shall be  
22 independent of any supervision or control by the department or by  
23 any board or officer thereof.

24 The council shall consist of 12 ex officio members and 14 public  
25 members.

26 a. The ex officio members of the council shall be: the Attorney  
27 General, the Commissioners of Labor and Workforce Development,  
28 Education, Human Services, Health, Children and Families,  
29 Community Affairs, Personnel and Corrections, the chair of the  
30 executive board of the New Jersey Presidents' Council, the  
31 Administrative Director of the Administrative Office of the Courts  
32 and the Adjutant General. An ex officio member may designate an  
33 officer or employee of the department or office which **【he】** the ex  
34 officio member heads to serve as **【his】** the member's alternate and  
35 exercise **【his】** the member's functions and duties as a member of  
36 the Governor's Council on **【Alcoholism and Drug Abuse】**  
37 Substance Use Disorder.

38 b. The 14 public members shall be residents of the State who  
39 are selected for their knowledge, competence, experience or interest  
40 in connection with **【alcohol or】** substance use disorder. They shall  
41 be appointed as follows: two shall be appointed by the President of  
42 the Senate, two shall be appointed by the Speaker of the General  
43 Assembly and 10 shall be appointed by the Governor, with the  
44 advice and consent of the Senate. At least two of the public  
45 members appointed by the Governor shall be persons rehabilitated  
46 from alcohol use disorder and at least two of the public members

1 appointed by the Governor shall be persons rehabilitated from  
2 substance use disorders involving drugs.

3 c. The term of office of each public member shall be three  
4 years; except that of the first members appointed, four shall be  
5 appointed for a term of one year, five shall be appointed for a term  
6 of two years and five shall be appointed for a term of three years.  
7 Each member shall serve until **his** a successor has been appointed  
8 and qualified, and vacancies shall be filled in the same manner as  
9 the original appointments for the remainder of the unexpired term.  
10 A public member **is** shall be eligible for reappointment to the  
11 council.

12 d. The **chairman** chairperson of the council shall be  
13 appointed by the Governor from among the public members of the  
14 council and shall serve at the pleasure of the Governor during the  
15 Governor's term of office and until the appointment and  
16 qualification of the **chairman's** chairperson's successor. The  
17 members of the council shall elect a **vice-chairman** vice-  
18 chairperson from among the members of the council. The Governor  
19 may remove any public member for cause, upon notice and  
20 opportunity to be heard.

21 e. The council shall meet at least monthly and at such other  
22 times as designated by the **chairman** chairperson. Fourteen  
23 members of the council shall constitute a quorum. The council may  
24 establish any advisory committees it deems advisable and feasible.

25 f. The **chairman** chairperson shall be the request officer for  
26 the council within the meaning of such term as defined in section 6  
27 of article 3 of P.L.1944, c.112 (C.52:27B-15).

28 g. The public members of the council shall receive no  
29 compensation for their services, but shall be reimbursed for their  
30 expenses incurred in the discharge of their duties within the limits  
31 of funds appropriated or otherwise made available for this purpose.<sup>1</sup>  
32 (cf: P.L.2017, c.131, s.99)

33

34 <sup>1</sup>72. Section 3 of P.L.1989, c.51 (C.26:2BB-3) is amended to  
35 read as follows:

36 3. a. The Governor's Council on **Alcoholism and Drug**  
37 **Abuse** Substance Use Disorder shall be administered by an  
38 executive director who shall be appointed by the Governor, with the  
39 advice and consent of the Senate, and shall serve at the pleasure of  
40 the Governor during the Governor's term of office and until the  
41 appointment and qualification of the executive director's successor.

42 b. The executive director shall be a person qualified by training  
43 and experience to perform the duties of the council.

44 c. The executive director shall have the authority to employ a  
45 deputy executive director, who shall be in the unclassified service  
46 of the Civil Service, and such staff as are necessary to accomplish  
47 the work of the council within the limits of available appropriations.

1 The executive director may delegate to subordinate officers or  
2 employees of the council any of his powers which **he** the  
3 executive director deems desirable to be exercised under **his** the  
4 executive director's supervision and control. All employees of the  
5 council except the executive director and the deputy executive  
6 director shall be in the career service of the Civil Service.

7 d. The executive director shall attend all meetings of the  
8 Governor's Council on **Alcoholism and Drug Abuse** Substance  
9 Use Disorder.<sup>1</sup>

10 (cf: P.L.1989, c.51, s.3)

11  
12 <sup>1</sup>73. Section 4 of P.L.1989, c.51 (C.26:2BB-4) is amended to  
13 read as follows:

14 4. The Governor's Council on **Alcoholism and Drug Abuse**  
15 Substance Use Disorder is authorized and empowered to:

16 a. Review and coordinate all State departments' efforts in  
17 regard to the planning and provision of treatment, prevention,  
18 research, evaluation, and education services for, and public  
19 awareness of, **alcoholism and drug abuse** substance use disorder;

20 b. Prepare by July 1 of each year, the State government  
21 component of the Comprehensive Statewide **Alcoholism and Drug**  
22 **Abuse** Substance Use Disorder Master Plan for the treatment,  
23 prevention, research, evaluation, education and public awareness of  
24 **alcoholism and drug abuse** substance use disorder in this State,  
25 which plan shall include an emphasis on prevention, community  
26 awareness, and family and youth services;

27 c. Review each County Annual Alliance Plan and the  
28 recommendations of the Division of **Alcoholism and Drug Abuse**  
29 Mental Health and Addiction Services in the Department of  
30 **Health** Human Services for awarding the Alliance grants and, by  
31 October 1 of each year, return the plan to the Local Advisory  
32 Committee on **Alcoholism and Drug Abuse** Substance Use  
33 Disorder with the council's proposed recommendations for  
34 awarding Alliance grants;

35 d. Submit to the Governor and, pursuant to section 2 of  
36 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, by December 1  
37 of each year, the Comprehensive Statewide **Alcoholism and Drug**  
38 **Abuse** Substance Use Disorder Master Plan which shall include  
39 recommended appropriate allocations to State departments, local  
40 governments and local agencies and service providers of all State  
41 and federal funds for the treatment, prevention, research,  
42 evaluation, education and public awareness of **alcoholism and drug**  
43 **abuse** substance use disorder in accordance with the regular budget  
44 cycle, and shall incorporate and unify all State, county, local and  
45 private **alcohol and drug abuse** substance use disorder initiatives;

46 e. Distribute grants, upon the recommendation of the executive  
47 director of the council, by August 1 of each year to counties and

1 municipalities for **alcohol and drug abuse** substance use disorder  
2 programs established under the Alliance to Prevent **Alcoholism**  
3 and Drug Abuse **Substance Use Disorder**;

4 f. Evaluate the existing funding mechanisms for **alcoholism**  
5 and drug abuse substance use disorder services and recommend to  
6 the Governor and the Legislature any changes which may improve  
7 the coordination of services to citizens in this State;

8 g. Encourage the development or expansion of employee  
9 assistance programs for employees in both government and the  
10 private sector;

11 h. Evaluate the need for, and feasibility of, including other  
12 addictions, such as smoking and gambling, within the scope and  
13 responsibility of the council;

14 i. Collect from any State, county, local governmental entity or  
15 any other appropriate source data, reports, statistics or other  
16 materials which are necessary to carry out the council's functions;  
17 and

18 j. Pursuant to the "Administrative Procedure Act," P.L.1968,  
19 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to  
20 carry out the purposes of this act.

21 The council shall not accept or receive moneys from any source  
22 other than moneys deposited in, and appropriated from, the "Drug  
23 Enforcement and Demand Reduction Fund" established pursuant to  
24 N.J.S.2C:35-15 and any moneys appropriated by law for operating  
25 expenses of the council or appropriated pursuant to section 19 of  
26 P.L.1989, c.51.<sup>1</sup>

27 (cf: P.L.1989, c.51, s.4)

28  
29 <sup>1</sup>74. Section 5 of P.L.1989, c.51 (C.26:2BB-5) is amended to  
30 read as follows:

31 5. There is established in the Department of **Health** Human  
32 Services a Division of **Alcoholism and Drug Abuse** Mental  
33 Health and Addiction Services.

34 The division shall be administered by **a Deputy Commissioner**  
35 of **Health** assistant commissioner. The **deputy** assistant  
36 commissioner shall be a person qualified by training and experience  
37 to perform the duties of **his** the office. The **deputy** assistant  
38 commissioner shall be appointed by the commissioner with the  
39 approval of the Governor and shall serve at the pleasure of the  
40 commissioner during the commissioner's term of office and until the  
41 appointment and qualification of the **deputy** assistant  
42 commissioner's successor. The **deputy** assistant commissioner  
43 shall receive a salary which shall be provided by law.

44 The Commissioner of **Health** Human Services shall report  
45 annually to the Governor and, pursuant to section 2 of P.L.1991,  
46 c.164 (C.52:14-19.1, the Legislature, on the activities of the  
47 division and include in that annual report an assessment of the

1 adequacy of the current delivery of treatment services in the State  
2 and of the need for additional treatment services.<sup>1</sup>

3 (cf: P.L.1989, c.51, s.5)  
4

5 <sup>1</sup>75. Section 6 of P.L.1989, c.51 (C26:2BB-6) is amended to  
6 read as follows:

7 6. All the functions, powers and duties of the Director of the  
8 Division of Alcoholism and the Director of the Division of Narcotic  
9 and Drug Abuse Control are transferred to and vested in the  
10 **【Deputy Commissioner of Health for】** Assistant Commissioner of  
11 the Division of **【Alcoholism and Drug Abuse】** Mental Health and  
12 Addiction Services, pursuant to the "State Agency Transfer Act,"  
13 P.L.1971, c.375 (C.52:14D-1 et seq.).<sup>1</sup>

14 (cf: P.L.1989, c.51, s.6)  
15

16 <sup>1</sup>76. Section 7 of P.L.1989, c.51 (C.26:2BB-7) is amended to  
17 read as follows:

18 7. a. There is created an Alliance to Prevent **【Alcoholism and**  
19 **Drug Abuse】** Substance Use Disorder hereinafter referred to as the  
20 "Alliance," in the Governor's Council on **【Alcoholism and Drug**  
21 **Abuse】** Substance Use Disorder. The purpose of the Alliance **【is】**  
22 shall be to create a network comprised of all the communities in  
23 New Jersey which is dedicated to a comprehensive and coordinated  
24 effort against **【alcoholism and drug abuse】** substance use disorder.  
25 The Alliance shall be a mechanism both for implementing policies  
26 to reduce **【alcoholism and drug abuse】** substance use disorder at the  
27 municipal level, and for providing funds, including moneys from  
28 mandatory penalties on drug offenders, to member communities to  
29 support appropriate county and municipal-based **【alcoholism and**  
30 **drug abuse】** substance use disorder education and public awareness  
31 activities.

32 b. The Governor's Council on **【Alcoholism and Drug Abuse】**  
33 Substance Use Disorder shall adopt rules and regulations for  
34 participation in, and the operation of, the Alliance and for the  
35 awarding of grants to municipalities and counties from funds  
36 appropriated for such purposes pursuant to P.L.1989, c.51  
37 (C.26:2BB-1 et al.), section 5 of P.L.1993, c.216 (C.54:43-1.3) and  
38 funds derived from the "Drug Enforcement and Demand Reduction  
39 Fund" established pursuant to N.J.S.2C:35-15, for the purpose of  
40 developing:

41 (1) Organized and coordinated efforts involving schools, law  
42 enforcement, business groups and other community organizations  
43 for the purpose of reducing **【alcoholism and drug abuse】** substance  
44 use disorder;

45 (2) In cooperation with local school districts, comprehensive  
46 and effective **【alcoholism and drug abuse】** substance use disorder  
47 education programs in grades kindergarten through 12;

1 (3) In cooperation with local school districts, procedures for the  
2 intervention, treatment, and discipline of students **【abusing】** using  
3 alcohol or drugs;

4 (4) Comprehensive **【alcoholism and drug abuse】** substance use  
5 disorder education, support and outreach efforts for parents in the  
6 community; and

7 (5) Comprehensive **【alcoholism and drug abuse】** substance use  
8 disorder community awareness programs.

9 c. Funds disbursed under this section shall not supplant local  
10 funds that would have otherwise been made available for  
11 **【alcoholism and drug abuse】** substance use disorder initiatives.  
12 Communities shall provide matching funds when and to the extent  
13 required by the regulations adopted pursuant to this section.

14 d. The county agency or individual designated by the  
15 governing body of each county pursuant to subsection a. of section  
16 4 of P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the  
17 Governor's Council on **【Alcoholism and Drug Abuse】** Substance  
18 Use Disorder moneys made available pursuant to this section. The  
19 designated county agency or individual shall establish a separate  
20 fund for the receipt and disbursement of these moneys.<sup>1</sup>  
21 (cf: P.L.1993, c.216, s.4)  
22

23 <sup>1</sup>77. Section 8 of P.L.1989, c.51 (C.26:2BB-8) is amended to  
24 read as follows:

25 8. a. Each Local Advisory Committee on **【Alcoholism and**  
26 **Drug Abuse】** Substance Use Disorder, established pursuant to  
27 section 4 of P.L.1983, c.531 (C.26:2B-33), shall establish a County  
28 Alliance Steering Subcommittee in conjunction with regulations  
29 adopted by the Governor's Council on **【Alcoholism and Drug**  
30 **Abuse】** Substance Use Disorder. The members of the  
31 subcommittee shall include, but not be limited to, private citizens  
32 and representatives of the:

33 (1) Local Advisory Committee on **【Alcoholism and Drug**  
34 **Abuse】** Substance Use Disorder;

35 (2) County Human Services Advisory Council;

36 (3) County Superintendent of Schools;

37 (4) Existing county council on **【alcoholism】** alcohol use  
38 disorder, if any;

39 (5) County Prosecutor's office;

40 (6) Family part of the Chancery Division of the Superior Court;

41 (7) Youth Services Commission;

42 (8) County School Board Association;

43 (9) County health agency;

44 (10) County mental health agency;

45 (11) Local businesses;

46 (12) County affiliate of the New Jersey Education Association;

47 and

1 (13) Other service providers.

2 b. The functions of the County Alliance Steering Subcommittee  
3 shall include:

4 (1) Development and submission of a County Annual Alliance  
5 Plan for the expenditure of funds derived from the "Drug  
6 Enforcement and Demand Reduction Fund," N.J.S. 2C:35-15;

7 (2) Development of programs and fiscal guidelines consistent  
8 with directives of the Governor's Council on **Alcoholism and Drug**  
9 **Abuse** Substance Use Disorder for the awarding of funds to  
10 counties and municipalities for **drug and alcohol** substance use  
11 disorder Alliance activities;

12 (3) Identification of a network of community leadership for the  
13 expansion, replication and development of successful community  
14 model programs throughout the county; and

15 (4) Coordination of projects among and within municipalities to  
16 **assure** ensure cost effectiveness and avoid fragmentation and  
17 duplication.

18 c. The County Alliance Steering Subcommittee shall ensure  
19 that the funds dedicated to education pursuant to section 2 of  
20 P.L.1983, c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

21 d. The Local Advisory Committee on **Alcoholism and Drug**  
22 **Abuse** Substance Use Disorder shall review and approve the  
23 County Annual Alliance Plan and submit this plan by July 1 of each  
24 year to the Division of **Alcoholism and Drug Abuse** Mental  
25 Health and Addiction Services in the Department of **Health**  
26 Human Services and to the Governor's Council on **Alcoholism and**  
27 **Drug Abuse** Substance Use Disorder.

28 e. After the County Annual Alliance Plan is returned by the  
29 Governor's Council on **Alcoholism and Drug Abuse** Substance  
30 Use Disorder to the Local Advisory Committee on **Alcoholism and**  
31 **Drug Abuse** Substance Use Disorder with the council's proposed  
32 recommendations for awarding the Alliance grants, pursuant to  
33 subsection c. of section 4 of this amendatory and supplementary act,  
34 the committee, in conjunction with the council, may revise its plan  
35 in accordance with the council's proposed recommendations.

36 The revised plan shall be completed in such time that it can be  
37 included in the council's recommendations to the Governor and the  
38 Legislature that are due on December 1 of each year.<sup>1</sup>

39 (cf: P.L.1989, c.51, s.8)

40

41 <sup>1</sup>78. Section 9 of P.L.1989, c.51 (C.26:2BB-9) is amended to  
42 read as follows:

43 9. The governing body of each municipality may appoint a  
44 Municipal Alliance Committee, or join with one or more  
45 municipalities to appoint a Municipal Alliance Committee.  
46 Membership on the Municipal Alliance Committee may include the  
47 chief of police; the president of the school board; the superintendent

1 of schools; a student assistance coordinator; a representative of the  
2 parent-teacher association; a representative of the local bargaining  
3 unit for teachers; a representative of the Chamber of Commerce; a  
4 municipal court judge; representatives of local civic associations;  
5 representatives of local religious groups; and private citizens.

6 The Municipal Alliance Committee, in consultation with the  
7 Local Advisory Committee on **Alcoholism and Drug Abuse**  
8 Substance Use Disorder, shall identify **alcoholism and drug**  
9 substance use disorder prevention, education and community needs.  
10 The committee also shall implement the Alliance programs  
11 formulated pursuant to section 8 of P.L.1989, c.51 (C.26:2BB-8).  
12 The governing body of a municipality may match any funds it  
13 receives from the Alliance.<sup>1</sup>

14 (cf: P.L.1989, c.51, s.9)

15  
16 <sup>1</sup>79. Section 10 of P.L.1989, c.51 (C.26:2BB-10) is amended to  
17 read as follows:

18 10. Pursuant to the "Administrative Procedure Act," P.L.1968,  
19 c.410 (C.52:14B-1 et seq.), the Commissioner of **Health** Human  
20 Services shall adopt rules and regulations necessary to establish the  
21 Division of **Alcoholism and Drug Abuse** Mental Health and  
22 Addiction Services pursuant to this act.<sup>1</sup>

23 (cf: P.L.1989, c.51, s.10)

24  
25 <sup>1</sup>80. Section 17 of P.L.1989, c.51 (C.26:2BB-13) is amended to  
26 read as follows:

27 17. Two years after the date of enactment of this amendatory  
28 and supplementary act, the Governor shall contract with an  
29 independent evaluator who shall review and evaluate the  
30 effectiveness of the Governor's Council on **Alcoholism and Drug**  
31 **Abuse** Substance Use Disorder in, but not of, the Department of  
32 the Treasury and the Division **on Alcoholism and Drug Abuse**  
33 Mental Health and Addiction Services in the Department of  
34 **Health** Human Services. Within one year after being appointed,  
35 the evaluator shall make recommendations to the Governor and the  
36 Legislature regarding the continuation of the council and the  
37 organization of the division as they are structured pursuant to  
38 P.L.1989, c.51 (C. 26:2BB-1 et al.).<sup>1</sup>

39 (cf: P.L.1989, c.51, s.17)

40  
41 <sup>1</sup>81. Section 18 of P.L.1989, c.51 (C.26:2BB-14) is amended to  
42 read as follows:

43 18. The funding mechanisms, including the awarding of grants  
44 for drug abuse services by the Department of Health, that are in  
45 effect on the date of enactment of P.L.1989, c.51 (C.26:2BB-1 et  
46 al.) for **alcoholism services and drug abuse** substance use  
47 disorder services, exclusively, shall continue until such time as



1 recommendations of the Governor's Council on **Alcoholism and**  
2 **Drug Abuse** Substance Use Disorder pursuant to P.L.1989, c.51  
3 (C.26:2BB-1 et al.) are approved by the Commissioner of **Health**  
4 Human Services and enacted into law.<sup>1</sup>

5 (cf: P.L.1989, c.51, s.18)

6  
7 <sup>1</sup>82. Section 2 of P.L.1977, c.332 (C.26:2F-2.1) is amended to  
8 read as follows:

9 2. The Legislature finds and declares that there exists in New  
10 Jersey a serious and increasing incidence of various communicable  
11 and chronic diseases, such as cancer, hypertension, heart disease,  
12 diabetes, **venereal disease** sexually transmitted infection,  
13 **alcoholism and drug abuse** and substance use disorder, which  
14 requires a continuing commitment of public health personnel and  
15 resources; and that there has been in recent years **a** diminished  
16 financial support for agencies engaged in providing primary  
17 prevention programs.

18 The Legislature also recognizes that there exists a framework for  
19 the provision of such services at the municipal, regional and county  
20 levels but that changing socio-economic, environmental and  
21 technological conditions warrant a redirection of the ways of  
22 addressing these health problems. The Legislature finds that there  
23 should be provided funds to support certain public health priority  
24 activities.<sup>1</sup>

25 (cf: P.L.1977, c.332, s.2)

26  
27 <sup>1</sup>83. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to  
28 read as follows:

29 2. As used in this act:

30 **"Narcotic and substance use disorder treatment center"** means  
31 any establishment, facility or institution, public or private, whether  
32 operated for profit or not, which primarily offers, or purports to  
33 offer, maintain, or operate facilities for the residential or outpatient  
34 diagnosis, care, treatment, or rehabilitation of two or more  
35 nonrelated individuals, who are patients as defined herein,  
36 excluding, however, any hospital or mental hospital otherwise  
37 licensed by Title 30 of the Revised Statutes.

38 "Patient" means a person who **is addicted to** has a substance  
39 use disorder, or otherwise has a physical or mental impairment from  
40 the use of narcotic drugs and who requires continuing care of a  
41 narcotic and substance use disorder treatment center.

42 "Narcotic drug" means any narcotic, drug, or dangerous  
43 controlled substance, as defined in any law of the State of New  
44 Jersey or of the United States.】

45 "Commissioner" means the Commissioner of Health.

1     "Narcotic drug" means any narcotic, drug, or dangerous  
2     controlled substance, as defined in any law of the State of New  
3     Jersey or of the United States.

4     "Patient" means a person with a substance use disorder, or who  
5     otherwise has a physical or mental impairment from the use of  
6     narcotic drugs and who requires continuing care of a substance use  
7     disorder treatment center.

8     "Substance use disorder treatment center" means any  
9     establishment, facility or institution, public or private, whether  
10    operated for profit or not, which primarily offers, or purports to  
11    offer, maintain, or operate facilities for the residential or outpatient  
12    diagnosis, care, treatment, or rehabilitation of two or more  
13    nonrelated individuals, who are patients as defined herein,  
14    excluding, however, any hospital or mental hospital otherwise  
15    licensed by Title 30 of the Revised Statutes.<sup>1</sup>

16    (cf: P.L.2017, c.131, s.88)

17  
18    <sup>1</sup>84. Section 4 of P.L.1996, c.29 (C.26:2H-18.58a) is amended  
19    to read as follows:

20    4. The Commissioner of Health shall transfer to the Division of  
21    **【Alcoholism, Drug Abuse and Addiction】** Mental Health and  
22    Addiction Services in the Department of **【Health】** Human Services  
23    from the Health Care Subsidy Fund, \$10 million in Fiscal Year  
24    1997 and \$20 million in Fiscal Year 1998 and each fiscal year  
25    thereafter, or such sums as are made available pursuant to section 5  
26    of P.L.1996, c.29 (C.52:18A-2a), whichever amount is less,  
27    according to a schedule to be determined by the Commissioner of  
28    Health, to fund community-based **【drug abuse】** substance use  
29    disorder treatment programs in the following order of priority:  
30    residential, inpatient, intensive day<sub>2</sub>, and outpatient treatment.<sup>1</sup>

31    (cf: P.L.1996, c.29, s.4)

32  
33    <sup>1</sup>**【46.】 85.**<sup>1</sup> Section 115 of P.L.2008, c.29 (C.26:2NN-1) is  
34    amended to reads as follows:

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

38    The hotline shall receive and respond to calls from law  
39    enforcement officers and sheriff's officers who have been involved  
40    in any event or incident which has produced personal or job-related  
41    depression, anxiety, stress, or other psychological or emotional  
42    tension, trauma, or disorder for the officer and officers who have  
43    been wounded in the line of duty. The operators of the hotline shall  
44    seek to identify those officers who should be referred to further  
45    debriefing and counseling services, and to provide such referrals. In  
46    the case of wounded officers, those services may include peer  
47    counseling, diffusing, debriefing, group therapy, and individual  
48    therapy as part of a coordinated assistance program, to be known as

1 the "Blue Heart Law Enforcement Assistance Program," designed  
2 and implemented by the University Behavioral Healthcare Unit of  
3 Rutgers, The State University.

4 b. The operators of the hotline shall be trained by the  
5 Department of Human Services and, to the greatest extent possible,  
6 shall be persons, who by experience or education, are: (1) familiar  
7 with post trauma disorders and the emotional and psychological  
8 tensions, depressions, and anxieties unique to law enforcement  
9 officers and sheriff's officers; or (2) trained to provide counseling  
10 services involving marriage and family life, substance **[abuse]** use  
11 disorder, personal stress management, and other emotional or  
12 psychological disorders or conditions which may be likely to  
13 adversely affect the personal and professional well-being of a law  
14 enforcement officer and a sheriff's officer.

15 c. To ensure the integrity of the telephone hotline and to  
16 encourage officers to utilize it, the commissioner shall provide for  
17 the confidentiality of the names of the officers calling, the  
18 information discussed by that officer and the operator, and any  
19 referrals for further debriefing or counseling; provided, however,  
20 the commissioner may, by rule and regulation, (1) establish  
21 guidelines providing for the tracking of any officer who exhibits a  
22 severe emotional or psychological disorder or condition which the  
23 operator handling the call reasonably believes might result in harm  
24 to the officer or others and (2) establish a confidential registry of  
25 wounded New Jersey law enforcement officers.

26 (cf: P.L.2012, c.45, s.117)

27

28 <sup>1</sup>**[47.] 86.**<sup>1</sup> Section 1 of P.L.2021, c.396 (C.26:5C-26.1) is  
29 amended to read as follows:

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

31 "Authorized harm reduction services" means a suite of harm  
32 reduction services, approved by the Department of Health and  
33 provided in a manner that is consistent with State and federal law,  
34 which services shall include, but shall not be limited to: syringe  
35 access, syringe disposal, referrals to health and social services,  
36 harm reduction counseling and supplies including, but not limited  
37 to, fentanyl test strips, and HIV and hepatitis C testing.

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

43 "Harm reduction supplies" means any materials or equipment  
44 designed to identify or analyze the presence, strength, effectiveness,  
45 or purity of controlled dangerous substances or controlled substance  
46 analogs, including, but not limited to, fentanyl test strips; opioid  
47 antidotes and associated supplies; and any other materials or  
48 equipment that may be used to prevent, reduce or mitigate the

1 harms of disease transmission, overdose, and other harms associated  
2 with personal drug use as are designated through rules prescribed  
3 by the Commissioners of Health or Human Services.

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

5  
6 <sup>1</sup>【48.】 87.<sup>1</sup> Section 4 of P.L.2006, c.99 (C.26:5C-28) is  
7 amended to read as follows:

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

12 (1) An entity authorized to provide harm reduction services may  
13 provide the services at a fixed location or through a mobile access  
14 component, and may operate the program directly or contract with  
15 one or more of the following entities to operate the program: a  
16 hospital or other health care facility licensed pursuant to P.L.1971,  
17 c.136 (C.26:2H-1 et seq.), a federally qualified health center, a  
18 public health agency, a substance **【abuse】** use disorder treatment  
19 program, an AIDS service organization, or another nonprofit entity  
20 designated by the department. An entity authorized to provide harm  
21 reduction services shall be managed in accordance with standards or  
22 guidance issued by the Division of HIV, STD, and TB Services in  
23 the Department of Health and in a manner that is consistent with  
24 national best practices for the provision of harm reduction services  
25 and all applicable State laws and regulations that are not otherwise  
26 to the contrary.

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

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

29 (4) To the extent permitted under federal law, and subject to the  
30 requirements of federal law, notwithstanding any provision of State  
31 law to the contrary, an authorized entity may deliver harm reduction  
32 services or other related supplies, as determined by the  
33 commissioner, to consumers via postal mail or other delivery  
34 service.

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

37 (1) Sterile syringes and needles shall be provided at no cost to  
38 consumers 18 years of age and older, provided that the department  
39 may authorize sterile syringes and needles to be provided at no cost  
40 to consumers under 18 years of age in limited circumstances, at the  
41 department's discretion;

42 (2) An entity authorized to provide harm reduction services shall  
43 be responsible for training program staff in the following subjects:  
44 harm reduction; substance use disorder; medical and social service  
45 referrals; infection control procedures, including universal  
46 precautions and needle stick injury protocol; and other subjects as  
47 determined by the entity authorized to provide harm reduction  
48 services and the department. Entities authorized to provide harm

1 reduction services shall maintain records of staff and volunteer  
2 training;

3 (3) Entities authorized to provide harm reduction services shall  
4 offer information about HIV, hepatitis C and other bloodborne  
5 pathogens and information concerning the safe use of drugs by  
6 intravenous injection at no cost to consumers, and shall seek to  
7 educate all consumers about safe and proper disposal of needles and  
8 syringes;

9 (4) Entities authorized to provide harm reduction services shall  
10 provide information and referrals to consumers, including HIV,  
11 hepatitis C, and sexually transmitted infection testing options,  
12 access to medication-assisted substance use disorder treatment  
13 programs and other substance use disorder treatment programs, and  
14 available health and social service options relevant to the needs of  
15 consumers. The entity shall encourage consumers to receive HIV,  
16 hepatitis C, and sexually transmitted infection tests;

17 (5) Except as may otherwise be authorized by the department  
18 pursuant to paragraph (1) of this subsection, entities authorized to  
19 provide harm reduction services shall screen out consumers under  
20 18 years of age from access to syringes and needles, and shall refer  
21 them to substance use disorder treatment and other appropriate  
22 programs for youth;

23 (6) Entities authorized to provide harm reduction services shall  
24 develop a plan for the handling and disposal of used syringes and  
25 needles in accordance with requirements set forth at N.J.A.C.7:26-  
26 3A.1 et seq. for regulated medical waste disposal pursuant to the  
27 "Comprehensive Regulated Medical Waste Management Act,"  
28 P.L.1989, c.34 (C.13:1E-48.1 et al.), and shall also develop and  
29 maintain protocols for post-exposure treatment;

30 (7) (a) Entities authorized to provide harm reduction  
31 services may obtain and distribute naloxone hydrochloride or  
32 another opioid antidote to consumers, to family members and  
33 friends of consumers, and to any member of the general public, in  
34 accordance with the "Overdose Prevention Act," P.L.2013, c.46  
35 (C.24:6J-1 et al.) and P.L.2021, c.152;

36 (b) Entities authorized to provide harm reduction services shall  
37 provide overdose prevention information to consumers and to  
38 family members and friends of consumers, and to members of the  
39 general public, in accordance with the provisions of section 5 of the  
40 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-5);

41 (8) Entities authorized to provide harm reduction services shall  
42 maintain the confidentiality and security of information about  
43 consumers receiving harm reduction services through appropriate  
44 administrative, technical, and physical controls and safeguards that  
45 protect the confidentiality, integrity, and availability of individually  
46 identifiable information about consumers;

47 (9) Entities authorized to provide harm reduction services shall  
48 provide a uniform membership card that has been approved by the

1 department to consumers and to staff and volunteers involved in  
2 transporting, exchanging or possessing syringes and needles, or  
3 shall provide for such other uniform Statewide means of  
4 identification as may be approved by the department for this  
5 purpose;

6 (10) Entities authorized to provide harm reduction services shall  
7 provide consumers at the time of enrollment with a schedule of the  
8 entity's operation hours and locations, in addition to information  
9 about prevention and harm reduction and substance use disorder  
10 treatment services; and

11 (11) Entities authorized to provide harm reduction services shall  
12 establish and implement accurate data collection methods and  
13 procedures as required by the department for the purpose of  
14 evaluating the provision of harm reduction services.

15 (a) (deleted by amendment, P.L.2021, c.396)

16 (b) (deleted by amendment, P.L.2021, c.396)

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

18 c. The department shall have sole authority to terminate  
19 authorization for an entity to provide harm reduction services that  
20 was approved by the department, without the need for application or  
21 approval by the host municipality.

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

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

29  
30 <sup>1</sup>**[49.] 88.**<sup>1</sup> Section 6 of P.L.2006, c.99 (C.26:5C-30) is  
31 amended to read as follows:

32 6. a. The Commissioner of Human Services shall develop a plan  
33 for establishing and funding regional substance **[abuse]** use  
34 disorder treatment facilities. The plan shall include a strategy for  
35 soliciting proposals from nonprofit agencies and organizations in  
36 the State, including State-licensed health care facilities, with  
37 experience in the provision of long-term care or outpatient  
38 substance **[abuse]** use disorder treatment services to meet the post-  
39 acute health, social, and educational needs of persons living with  
40 HIV/AIDS.

41 b. The commissioner shall submit the plan to the Governor and,  
42 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the  
43 Legislature no later than the 120th day after the effective date of  
44 this act, and shall report biannually thereafter to the Governor and,  
45 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the  
46 Legislature on the implementation of the plan.

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

1       <sup>1</sup>89. R.S.30:1-12 is amended to read as follows:

2       30:1-12. a. The Legislature finds that the Commissioner of  
3 Human Services is obligated by State and federal law to **[assure]**  
4 ensure that programs that serve eligible~~[,]~~ who are low-income,  
5 **[handicapped]** have a disability, are elderly, **[abused, and disabled**  
6 **persons]** or have been subject to abuse are provided in an  
7 accessible, efficient, cost-effective and high quality manner. In  
8 order to meet these ends, the commissioner must have sufficient  
9 authority to require institutions and agencies that are under **[his]**  
10 the commissioner's direct or indirect supervision to meet State and  
11 federal mandates. This authority is especially necessary given the  
12 manner in which certain services are provided by county or local  
13 agencies, but are funded in whole or part by the State. The  
14 Legislature finds that the commissioner must have the authority to  
15 establish rules, regulations and directives, including incentives and  
16 sanctions, to **[assure]** ensure that these institutions and agencies are  
17 providing services in a manner consistent with these mandates.

18       b. The commissioner shall have power to determine all matters  
19 relating to the unified and continuous development of the  
20 institutions and noninstitutional agencies within **[his]** the  
21 commissioner's jurisdiction. **[He]** The commissioner shall  
22 determine all matters of policy and shall have power to regulate the  
23 administration of the institutions or noninstitutional agencies within  
24 **[his]** the commissioner's jurisdiction, correct and adjust the same  
25 so that each shall function as an integral part of a general system.  
26 The rules, regulations, orders and directions issued by the  
27 commissioner pursuant thereto, for this purpose shall be accepted  
28 and enforced by the executive having charge of any institution or  
29 group of institutions or noninstitutional agencies or any phase of the  
30 work within the jurisdiction of the department.

31       In order to implement the public policy of this State concerning  
32 the provision of charitable, hospital, relief and training institutions  
33 established for diagnosis, care, treatment, training, rehabilitation  
34 and welfare of persons in need thereof, for research and for training  
35 of personnel, and in order that the personnel, buildings, land, and  
36 other facilities provided be most effectively used to these ends and  
37 to advance the public interest, the commissioner is hereby  
38 empowered to classify and designate from time to time the specific  
39 functions to be performed at and by any of the aforesaid institutions  
40 under **[his]** the commissioner's jurisdiction and to designate, by  
41 general classification of disease or disability, age or sex, the classes  
42 of persons who may be admitted to, or served by, these institutions  
43 or agencies.

44       In addition to and in conjunction with its general facilities and  
45 services for persons with mental illness, developmental disabilities,  
46 or tuberculosis, the department may at its discretion establish and  
47 maintain specialized facilities and services for the residential care,

1 treatment and rehabilitation of persons who are suffering from  
2 chronic mental or neurological disorders, including, but not limited  
3 to, **[alcoholism, drug addiction]** substance use disorder, epilepsy  
4 and cerebral palsy.

5 The commissioner shall have the power to regulate the  
6 administration of agencies under **[his]** the commissioner's  
7 supervision, including, but not limited to, municipal and county  
8 agencies that administer public assistance. The commissioner may  
9 issue rules, regulations, orders and directions to **[assure]** ensure  
10 that programs administered by the agencies are financially and  
11 programmatically efficient and effective, and to establish incentives  
12 and impose sanctions to **[assure]** ensure the appropriate operation  
13 of programs and compliance with State and federal laws and  
14 regulations.

15 In addition, the commissioner shall have the authority to:

16 (1) review and approve county and municipal budgets for public  
17 assistance; and

18 (2) take appropriate interim action, including withholding State  
19 and federal administrative funds, or take over and operate county or  
20 municipal public assistance operations in situations in which the  
21 commissioner determines that the public assistance agency is failing  
22 to substantially follow federal or State law, thereby placing clients,  
23 who are dependent on public assistance benefits to survive in a  
24 humane and healthy manner, at serious risk. In this situation, the  
25 commissioner shall have the authority to bill the county for the cost  
26 of such operations and for necessary changes to **[assure]** ensure  
27 that services are provided to accomplish federal and State mandates  
28 in an effective and efficient manner.

29 No rule, regulation, order or direction shall abridge the authority  
30 of a county or municipality to establish wages and terms and  
31 conditions of employment for its employees through collective  
32 negotiation with an authorized employee organization pursuant to  
33 P.L.1984, c.14 (C.44:7-6.1 et seq.).

34 The commissioner shall have the power to promulgate  
35 regulations to **[assure]** ensure that services in State and county  
36 psychiatric facilities are provided in an efficient and accessible  
37 manner and are of the highest quality. Regulations shall include,  
38 but shall not be limited to, the transfer of patients between facilities;  
39 the maintenance of quality in order to obtain certification by the  
40 United States Department of Health and Human Services; the  
41 review of the facility's budget; and the establishment of sanctions to  
42 **[assure]** ensure the appropriate operation of facilities in compliance  
43 with State and federal laws and regulations.

44 The commissioner shall have the power to promulgate  
45 regulations to **[assure]** ensure that county adjusters effectively and  
46 efficiently conduct investigations, notify legally responsible persons  
47 of amounts to be assessed against them, petition the courts,  
48 represent patients in psychiatric facilities, and as necessary reopen



1 the question of payment for maintenance of persons residing in  
2 psychiatric facilities. Regulations may include minimum standards  
3 for determining payment of care by legally responsible persons; a  
4 uniform reporting system of findings, conclusions and  
5 recommendations; and the establishment of sanctions to **[assure]**  
6 ensure compliance with State laws and regulations.

7 c. The commissioner shall have the power to conduct an  
8 investigation into the financial ability to pay, directly or indirectly,  
9 of any person receiving services from the department, or **[his]** the  
10 person's chargeable relatives. This authority shall include the  
11 power to issue subpoenas to compel testimony and the production  
12 of documents. The commissioner may contract with a public or  
13 private entity to perform the functions set forth in this subsection,  
14 subject to terms and conditions required by the commissioner.<sup>1</sup>

15 (cf: P.L.2010, c.50, s.19)

16  
17 <sup>1</sup>**[50.] 90.**<sup>1</sup> Section 1 of P.L.1997, c.68 (C.30:1-12a) is amended  
18 to read as follows:

19 1. As used in this act:

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

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

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

28  
29 <sup>1</sup>**[51.] 91.**<sup>1</sup> Section 3 of P.L.2019, c.364 (C.30:1B-6.10) is  
30 amended to read as follows:

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

35 Appropriate staff within the Department of Corrections and State  
36 Parole Board shall be responsible for engaging with each inmate to  
37 develop and implement an individualized, comprehensive reentry  
38 plan for services during the inmate's incarceration. This plan may  
39 be refined and updated during incarceration as needed, and shall  
40 include recommendations for community-based services prior to the  
41 inmate's actual return to the community. Appropriate staff within  
42 the Department of Corrections and State Parole Board shall  
43 determine what medical, psychiatric, psychological, educational,  
44 vocational, substance **[abuse]** use disorder, and social rehabilitative  
45 services shall be incorporated into a comprehensive reentry plan in  
46 order to prepare each inmate for successful integration upon release.  
47 The Department of Corrections shall establish guidelines, timelines,  
48 and procedures to govern the institutional reentry plan process.

1       b. Appropriate staff within the Department of Corrections and  
2 State Parole Board shall compile and disseminate to inmates  
3 information concerning organizations and programs, whether faith-  
4 based or secular programs, which provide assistance and services to  
5 inmates reentering society after a period of incarceration. In  
6 compiling this information, the appropriate staff shall consult with  
7 non-profit entities that provide informational services concerning  
8 reentry, the Executive Director of the Office of Faith-based  
9 Initiatives in the Department of State, and the Corrections  
10 Ombudsperson in, but not of, the Department of the Treasury.

11       c. The State Parole Board shall ensure that all inmates are  
12 made aware of and referred to organizations which provide services  
13 in the county where the inmate is to reside after being released from  
14 incarceration. The State Parole Board shall assist inmates in gaining  
15 access to programs and procuring the appropriate post-release  
16 services.

17       d. The Department of Corrections and State Parole Board may  
18 employ professional and clerical staff as necessary within the limits  
19 of available appropriations.

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

21

22       <sup>1</sup>**[52.] 92.**<sup>1</sup> Section 1 of P.L.1997, c.69 (C.30:4-3.12) is  
23 amended to read as follows:

24       1. For the purposes of this act:

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

29       "Immediate family member" includes the staff member's spouse  
30 and children, the staff member's siblings and parents, the staff  
31 member's spouse's siblings and parents and the spouses of the staff  
32 member's children.

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

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

37

38       <sup>1</sup>**[53.] 93.**<sup>1</sup> Section 1 of P. L.1997, c.70 (C.30:4-3.15) is  
39 amended to read as follows:

40       1. For the purposes of this act:

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

45       "Employee" means a person employed by the State to work at a  
46 State psychiatric hospital or a person employed by a private entity  
47 under contract with the State to provide contracted services at a  
48 State psychiatric hospital.

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

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

6 (cf: P.L.1997, c.70, s.1)  
7

8 <sup>1</sup>**[54.] 94.**<sup>1</sup> Section 1 of P.L.1999, c.243 (C.30:4-91.9) is  
9 amended to read as follows:

10 1. As used in this act:

11 "Eligible inmate" means an inmate who (1) was not convicted of  
12 a sexual offense as defined in this section or an arson offense, (2)  
13 does not demonstrate an undue risk to public safety and (3) has less  
14 than one year remaining to be served before the inmate's parole  
15 eligibility date, provided, however, that an eligible inmate may  
16 include an inmate who is otherwise eligible but who has more than  
17 one year but less than 18 months remaining to be served before the  
18 inmate's parole eligibility date and is determined by the  
19 Commissioner of Corrections or a designee to be appropriate to be  
20 authorized for confinement in a private facility; and further  
21 provided, however, that an eligible inmate may include an inmate  
22 who is otherwise eligible but who has more than one year but less  
23 than two years remaining to be served before the inmate's parole  
24 eligibility date and is determined by the Commissioner of  
25 Corrections or a designee to be appropriate to be authorized for  
26 confinement in a private facility for participation in a substance  
27 **[abuse]** use disorder treatment program.

28 "Private facility" means a residential center, operated by a  
29 private nonprofit entity, contracted by the Department of  
30 Corrections to provide for the care, custody, subsistence, treatment,  
31 education, training or welfare of inmates sentenced to the custody  
32 of the Commissioner of Corrections.

33 "Sexual offense" means a violation of 2C:14-2, 2C:14-3 or  
34 2C:24-4, or of any other substantially equivalent provision  
35 contained in Title 2A of the New Jersey Statutes now repealed,  
36 conspiracy to commit any of these offenses or an attempt to commit  
37 any of these offenses.

38 (cf: P.L.1999, c.243, s.1)  
39

40 <sup>1</sup>95. Section 1 of P.L.1997, c.215 (C.30:4-123.47a) is amended  
41 to read as follows:

42 1. There is hereby established a Parole Advisory Board in, but  
43 not of, the State Parole Board. Notwithstanding the allocation of  
44 the board within the State Parole Board, the State Parole Board or  
45 any employee thereof shall not exercise any control over the Parole  
46 Advisory Board. The advisory board shall consist of 23 members.  
47 It shall include in its membership the Chairman of the State Parole  
48 Board or **[his]** a designee, who shall serve ex officio; one member

1 representing each of the following organizations and groups, who  
2 shall be appointed by the Governor: the Department of Corrections,  
3 the Department of Health **【and Senior Services】**, the Department of  
4 Law and Public Safety, Office of the Governor, the Administrative  
5 Office of the Courts, the Victims of Crime Compensation **【Board】**  
6 Office, the New Jersey Chapter of the American Correctional  
7 Association, the County Prosecutors Association of New Jersey, the  
8 Sheriffs' Association of New Jersey, the New Jersey Wardens  
9 Association, the New Jersey State Association of Chiefs of Police,  
10 the American Parole and Probation Association, Governor's Council  
11 on **【Alcoholism and Drug Abuse】** Substance Use Disorder, the  
12 community at large, treatment providers, victims' rights groups and  
13 former inmates who have successfully completed parole. Two  
14 members of the Senate, who shall not be of the same political party  
15 and who shall serve during their terms of office, shall be appointed  
16 by the President of the Senate. Two members of the General  
17 Assembly, who shall not be of the same political party and who  
18 shall serve during their terms of office, shall be appointed by the  
19 Speaker of the General Assembly.

20 Members of the advisory board shall be appointed with the  
21 advice and consent of the Senate, and serve a term of three years,  
22 except for the initial gubernatorial appointees, six of whom shall  
23 serve for two years and six of whom shall serve for four years.  
24 Each member shall serve for the term of appointment and until a  
25 successor is appointed. A member may be reappointed to the  
26 advisory board. A member appointed to fill a vacancy occurring in  
27 the membership of the advisory board for any reason other than the  
28 expiration of the term shall serve a term of appointment for the  
29 unexpired term only. All vacancies shall be filled in the same  
30 manner as the original appointments. Any appointed member of the  
31 advisory board, except the legislative members, may be removed  
32 from the advisory board by the Governor, for cause, after a hearing,  
33 and may be suspended by the Governor pending the completion of  
34 the hearing. Legislative members may be removed for cause by the  
35 leader of their respective houses. Motions and resolutions may be  
36 adopted by the advisory board at a board meeting by an affirmative  
37 vote of not less than 12 members.

38 Members of the advisory board shall serve without compensation  
39 but shall be entitled to reimbursement for actual expenses of serving  
40 on the board, to the extent that funds are available for this purpose.

41 The advisory board shall organize as soon as possible after the  
42 appointment of its members. The members shall select a chair from  
43 among their number.<sup>1</sup>

44 (cf: P.L.2001, c.79, s.3)

45

46 <sup>1</sup>96. Section 3 of P.L.1953, c.122 (C.30:4-177.14) is amended to  
47 read as follows:

1       3. The institute shall admit, retain and provide care and  
2 treatment for individuals suffering from diseases and disfunctions  
3 of the brain and nervous system, including acute [alcoholics, drug  
4 addicts] substance use disorder, cerebral palsy cases and [juvenile  
5 psychotics] minors with a mental illness, and who require hospital  
6 care, and without which their health and welfare and that of others  
7 in the community will be jeopardized, subject to availability of  
8 facilities for hospitalization and treatment thereof.<sup>1</sup>

9 (cf: P.L.1953, c.122, s.3)

10  
11       <sup>1</sup>[55.] 97.<sup>1</sup> Section 159 of P.L.2012, c.16 (C.30:4C-4.5) is  
12 amended to read as follows:

13       159. a. Notwithstanding any law, rule, or regulation to the  
14 contrary, commencing on or after the effective date of P.L.2012,  
15 c.16 (C.52:27D-43.9a et al.) and subject to the provisions of  
16 subsection b. of this section, the Division of Children's System of  
17 Care in the Department of Children and Families, in lieu of the  
18 Division of Mental Health and Addiction Services in the  
19 Department of Human Services, shall provide, manage, and  
20 coordinate services for the treatment of [alcoholism] <sup>1</sup>[alcohol use  
21 disorder and] <sup>1</sup>substance [abuse] use disorder for persons under 21  
22 years of age, deemed clinically and functionally appropriate by the  
23 Department of Children and Families, as limited by service  
24 availability and appropriations and other monies available, and to  
25 become available, except that, as agreed to by the Department of  
26 Children and Families and the Department of Human Services  
27 pursuant to subsection b. of this section, the Division of Mental  
28 Health and Addiction Services may continue to exclusively provide,  
29 manage, and coordinate programs and services designed primarily  
30 for adults 18 years of age or older, including, but not limited to,  
31 services provided pursuant to R.S.39:4-50 and the Drug Courts of  
32 this State.

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

37       c. The Commissioners of Human Services and Children and  
38 Families, pursuant to the "Administrative Procedure Act," P.L.1968,  
39 c.410 (C.52:14B-1 et seq.), shall adopt, notwithstanding any  
40 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
41 immediately upon filing with the Office of Administrative Law,  
42 such rules and regulations as the Commissioners deem necessary to  
43 effectuate the purposes of section 159 of P.L.2012, c.16 (C.30:4C-  
44 4.5), which shall be effective for a period not to exceed 12 months  
45 following the effective date of P.L.2012, c.16 (C.52:27D-43.9a et  
46 al.). The regulations shall thereafter be amended, adopted, or  
47 readopted by the commissioners in accordance with the provisions  
48 of P.L.1968, c.410 (C.52:14B-1 et seq.).

1 d. Whenever any current law, rule, regulation, or order  
2 pertaining to the treatment of **alcoholism** <sup>1</sup>**alcohol use disorder**  
3 **and** <sup>1</sup> **substance abuse** use disorder for persons under 21 years of  
4 age refers to the Division of Mental Health and Addiction Services  
5 in the Department of Human Services, the same shall mean and  
6 refer to the Division of Children's System of Care in the  
7 Department of Children and Families, except where the Division of  
8 Mental Health and Addiction Services continues to exclusively  
9 provide, manage, and coordinate programs and services consistent  
10 with this section.

11 (cf: P.L.2012, c.16, s.159)

12

13 <sup>1</sup>**[56.] 98.**<sup>1</sup> Section 6 of P.L.1992, c.111 (C.30:4C-71) is  
14 amended to read as follows:

15 6. The plan shall:

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

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

25 c. Be consistent with principles set forth in section 7 of this  
26 act;

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

31 e. Specify the role and function of the CARTs and CIACCs in  
32 developing the individualized, appropriate child and family driven  
33 care system;

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

36 g. Specify the interdepartmental amounts and sources of  
37 financial resources required to implement and maintain a  
38 coordinated system of care;

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

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

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

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

5 1. Describe all services, both public and private, including  
6 rehabilitation services, vocational services, substance **abuse** use  
7 disorder services, housing services, educational services, medical  
8 and dental care to be provided by local school systems under the  
9 "Education of the Handicapped Act," (20 U.S.C. s.1401 et seq.);  
10 and

11 m. Describe how parents will be involved in the development of  
12 the plan and how the plan will insure their full participation in the  
13 CART/CIAAC process.

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

15

16 <sup>1</sup>**[57.] 99.**<sup>1</sup> Section 3 of P.L.1993, c.157 (C.30:4C-76) is  
17 amended to read as follows:

18 3. a. The Department of Children and Families may establish,  
19 through purchase of service contracts with community-based  
20 organizations, at least one family preservation services program in  
21 each county in the State. The program shall provide services to  
22 families whose children are at imminent risk of placement as  
23 determined by agencies authorized to place children, or whose  
24 children are being prepared for reunification.

25 b. The family preservation services program shall be based on  
26 the following objectives:

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

29 (2) The development of appropriate crisis management and  
30 parenting skills;

31 (3) The provision of services to families, as needed, including  
32 transportation, emergency financial assistance for food, clothing  
33 and housing, family counseling and substance **abuse** use disorder  
34 treatment; and

35 (4) The development of linkages with service networks and  
36 community resources.

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

38

39 <sup>1</sup>**[58.] 100.**<sup>1</sup> Section 1 of P.L.2005, c.111 (C.30:4D-6j) is  
40 amended to read as follows:

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

1       b. The criteria shall enable admission of:

2       (1) persons with HIV infection who have medical or psycho-  
3       social co-morbidities, including, but not limited to: diabetes, cancer,  
4       hypertension, hyperlipidemia, asthma, chronic obstructive  
5       pulmonary disease, hepatitis B or C, substance **[abuse]** use  
6       disorder, mental illness or dementia; and

7       (2) persons with AIDS-defining illness and infection, including  
8       those persons newly diagnosed with HIV infection, which illness or  
9       infection includes, but is not limited to: pneumocystis carinii  
10      pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-  
11      esophageal candidiasis, wasting, bacterial pneumonia, lymphoma,  
12      cryptococcal meningitis, mycobacterium avium complex (MAC) or  
13      Kaposi's sarcoma.

14      (cf: P.L.2005, c.111, s.1)

15

16      <sup>1</sup>101. Section 1 of P.L.1964, c.226 (C.30:6C-1) is amended to  
17      read as follows:

18      1. It is declared to be the public policy of this State that the  
19      human suffering and social and economic loss caused by **[drug**  
20      addiction] substance use disorder are matters of grave concern to  
21      the people of the State and it is imperative that a comprehensive  
22      program be established and implemented through the facilities of  
23      the State, the several counties, the Federal Government and local  
24      and private agencies to prevent **[drug addiction]** substance use  
25      disorder and to provide diagnosis, treatment, care and rehabilitation  
26      for **[drug addicts]** persons who have substance use disorder to the  
27      end that these unfortunate individuals may be restored to good  
28      health and again become useful citizens in the community.<sup>1</sup>

29      (cf: P.L.1964, c.226, s.1)

30

31      <sup>1</sup>**[59.] 102.**<sup>1</sup> Section 2 of P.L.2016, c.58 (C.30:6C-12) is  
32      amended to read as follows:

33      2. The Director of the Division of Mental Health and Addiction  
34      Services in the Department of Human Services, in consultation with  
35      the Attorney General, shall provide for the establishment, upon the  
36      request of the department or force, of a law enforcement assisted  
37      addiction and recovery referral program in accordance with section  
38      5 of P.L.2016, c.58 (C.30:6C-15). In providing for the  
39      establishment of these programs, the director shall:

40      a. prescribe by regulation requirements for a law enforcement  
41      department to establish, or otherwise authorize the operation within  
42      that department, of a law enforcement assisted <sup>1</sup>**[addiction and]**  
43      substance use disorder<sup>1</sup> recovery referral program;

44      b. develop and implement guidelines for the recruitment and  
45      training of law enforcement officers and personnel, volunteers, and  
46      treatment providers to participate in the program, provided that law  
47      enforcement officers may refer or transport program participants to



1 a program volunteer or to a treatment provider for substance  
2 **abuse** use disorder recovery services, health care services,  
3 including mental health services, medication-assisted <sup>1</sup>**drug**<sup>1</sup>  
4 treatment services, and other substance **abuse** use disorder  
5 treatment services but shall not be involved in the provision of such  
6 services;

7 c. support and facilitate, to the maximum extent practicable,  
8 the linkage of law enforcement assisted <sup>1</sup>**addiction and** substance  
9 use disorder<sup>1</sup> recovery referral programs to facilities and programs  
10 that may provide appropriate substance **abuse** use disorder  
11 recovery services, health care services, including mental health  
12 services, medication-assisted <sup>1</sup>**drug**<sup>1</sup> treatment services, and other  
13 substance **abuse** use disorder treatment services to program  
14 participants;

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

18 e. establish eligibility requirements for participation in the  
19 program which shall include, but not be limited to, <sup>1</sup>the eligibility  
20 requirement set forth in<sup>1</sup> the provisions of P.L.2016, c.58 (C.30:6C-  
21 11 et seq.);

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

27 g. provide procedures for maintaining the confidentiality of  
28 information pertaining to the identity, diagnosis, treatment and  
29 health information of any program participant.

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

31  
32 <sup>1</sup>**[60.] 103.**<sup>1</sup> Section 3 of P.L.2016, c.58 (C.30:6C-13) is  
33 amended to read as follows:

34 3. Upon approval by the governing body of the county or  
35 municipality, as the case may be, a county police department or  
36 force established pursuant to N.J.S.40A:14-106 or municipal police  
37 department or force established pursuant to N.J.S.40A:14-118 may  
38 participate in a law enforcement assisted <sup>1</sup>**addiction and**  
39 substance use disorder<sup>1</sup> recovery referral program established in  
40 accordance with P.L.2016, c.58 (C.30:6C-11 et seq.). Law  
41 enforcement officers participating in a law enforcement assisted  
42 <sup>1</sup>**addiction and** substance use disorder<sup>1</sup> recovery referral program  
43 established pursuant to this section may refer or transport program  
44 participants to a program volunteer for support, guidance and  
45 assistance, and may transport program participants to a treatment  
46 provider for substance **abuse** use disorder recovery services or

1 health care services, but shall not otherwise be involved in the  
2 provision of such services.

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

4  
5 <sup>1</sup>104. Section 1 of P.L.1956, c.214 (C.30:8-16.1) is amended to  
6 read as follows:

7 1. It shall be lawful for the board of **【chosen freeholders】**  
8 county commissioners of any county in this State to establish and  
9 maintain facilities to provide services for therapy for **【drug addicts**  
10 **or users】** persons with substance use disorder while confined to the  
11 jail, workhouse or penitentiary of any such county. It shall also be  
12 lawful for such board to provide therapy for such **【drug addicts or**  
13 **users】** persons with substance use disorder after discharge from the  
14 jail, workhouse or penitentiary. Such facilities may be provided as  
15 a part of the jail, workhouse or penitentiary, and at such other  
16 locations as the board shall determine. It shall also be lawful for  
17 such board to contract with any municipality or any other county to  
18 provide such needed facilities and services, and to pay the whole or  
19 any part of the cost of such facilities under such contract. Each  
20 board of **【chosen freeholders】** county commissioners is authorized  
21 to appropriate and expend the moneys necessary to carry out the  
22 purposes of this act.<sup>1</sup>

23 (cf: P.L.1956, c.214, s.1)

24  
25 <sup>1</sup>105. Section 2 of P.L.2016, c.70 (C.30:8-16.13) is amended to  
26 read as follows:

27 2. a. The chief executive officer, warden, or keeper of any  
28 county correctional institution shall ensure that each incarcerated  
29 person under the institution's custody continues to receive any  
30 medications prescribed by a physician prior to the person's  
31 incarceration for the treatment of chronic conditions. The provision  
32 of the prescribed medications shall be continued during admittance  
33 to a correctional facility, while placed in that facility, and during  
34 transfers to other facilities.

35 b. Medications provided pursuant to subsection a. of this  
36 section shall continue to be administered to the incarcerated person  
37 in a county correctional facility for a minimum of 30 days from the  
38 date the person is committed to the custody of a facility. The  
39 facility receiving these persons shall resume appropriate and  
40 commensurate management of the chronic condition including, but  
41 not limited to, the use of appropriate therapeutic treatments and  
42 medications or their generic substitution in accordance with State  
43 law and regulations established by the Commissioner of  
44 Corrections. Nothing in this subsection shall prohibit an examining  
45 physician from changing a course of treatment or prescription  
46 within the 30 day period to ensure that the incarcerated person  
47 receives clinically appropriate medical care.

1 c. The chief executive officer, warden, or keeper of any county  
2 correctional institution shall establish a system to ensure that all  
3 necessary medications are given to incarcerated persons in a timely  
4 manner while in the custody of a county correctional facility.  
5 Necessary medications shall include those medications which, if  
6 missed, may cause serious illness, death, or other harmful effects.  
7 The system shall include, but shall not be limited to, the following:

8 (1) a screening staff for each facility, which shall include any  
9 medical professional currently employed by the facility who shall  
10 be trained to determine the medications for which timely  
11 continuation is an urgent matter;

12 (2) a method for determining which medications shall be  
13 deemed necessary;

14 (3) a method for contacting the prescribing physician;

15 (4) a method for validating the prescription;

16 (5) a method for checking that all medications brought into a  
17 facility are labeled to ensure that the container contains the correct  
18 medication;

19 (6) a method for providing necessary medications to an  
20 incarcerated person who has been taken into custody without a  
21 supply of the medication;

22 (7) a method for notifying in advance a facility receiving a  
23 transferred incarcerated person, that the person has been prescribed  
24 a necessary medication and the continuation of the medication is an  
25 urgent matter; and

26 (8) a method for maintaining a supply of the most common  
27 necessary medications at each facility or an on-call physician, or  
28 other medical professional capable of prescribing medications,  
29 available to prescribe medications, and with the ability to fill  
30 prescriptions.

31 d. The chief executive officer, warden, or keeper of any county  
32 correctional institution shall not be required under the provisions of  
33 this section to supply an incarcerated person with any medication  
34 which has no currently accepted medical use in treatment in the  
35 United States as a matter of federal law.

36 e. The requirement to administer medication pursuant to this  
37 section shall not apply to synthetic opioid **【drug addiction】** use  
38 disorder detoxifiers, unless the facility employs a medical  
39 professional who is trained to administer this type of medication.

40 f. To the extent possible, a generic substitution of a  
41 prescription drug shall be given to an incarcerated person who is  
42 provided with medication under the provisions of this section.<sup>1</sup>

43 (cf: P.L.2016, c.70, s.2)

44

45 <sup>1</sup>106. Section 2 of P.L.1956, c.214 (C.30:8-16.2) is amended to  
46 read as follows:

47 2. It shall be lawful for any board of **【chosen freeholders】**  
48 county commissioners in this State to erect and maintain as a part of

1 its jail, workhouse or penitentiary, a suitable building, buildings or  
2 additions for the treatment, while confined in such jail, workhouse  
3 or penitentiary, of inmates having a history of **【alcoholism】**  
4 substance use disorder; such board shall have power to appropriate  
5 and expend the moneys necessary in its judgment for such purpose.<sup>1</sup>  
6 (cf: P.L.1956, c.214, s.2)

7  
8 <sup>1</sup>**【61.】 107.**<sup>1</sup> Section 2 of P.L.1997, c.81 (C.30:8-62) is amended  
9 to read as follows:

10 2. The Legislature finds that specialized rehabilitation programs  
11 which utilize proven military techniques of regimentation and  
12 structured discipline have been shown to develop positive attitudes  
13 and behavior traits in juvenile offenders; such programs foster self-  
14 control, self-respect, and dramatically improve a juvenile offender's  
15 potential for rehabilitation and re-integration into the community;  
16 and, by complementing that regimen and structure with education,  
17 vocational training, counseling, and aftercare services, such a  
18 program can significantly reduce recidivism among juvenile  
19 offenders.

20 The Legislature, therefore, declares that the counties of this State  
21 should be authorized to establish and maintain specialized  
22 rehabilitation programs for juvenile offenders; these specialized  
23 programs should be designed as short-term incarcerations during  
24 which the juvenile offender is exposed to a highly structured routine  
25 of discipline, intensive regimentation, exercise and work therapy,  
26 together with substance **【abuse】** use disorder treatment, self-  
27 improvement counseling, and educational and vocational training;  
28 and following the term of incarceration, the program should provide  
29 a period of intensive aftercare supervision or mentoring for the  
30 juvenile offender.

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

32  
33 <sup>1</sup>**【62.】 108.**<sup>1</sup> Section 5 of P.L.1997, c.81 (C.30:8-65) is amended  
34 to read as follows:

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

38 a. A comprehensive, residential program for a minimum period  
39 of four weeks consisting of:

40 (1) Highly structured routines of discipline;

41 (2) Physical exercise;

42 (3) Work;

43 (4) Substance **【abuse】** use disorder counseling;

44 (5) Educational and vocational counseling; and

45 (6) Self-improvement and personal growth counseling stressing  
46 moral values and cognitive reasoning.

47 b. A six to nine month aftercare or mentoring program. The  
48 program, which may include a residential period, shall consist of

1 counseling services and assistance, including, but not limited to:  
2 educational and vocational counseling and assistance; psychological  
3 counseling; substance **【abuse】** use disorder counseling and  
4 assistance; personal development and self-improvement counseling;  
5 and counseling and assistance relating to the juvenile's re-  
6 integration into his family and the community.

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

8  
9 <sup>1</sup>109. Section 1 of P.L.1956, c.213 (C.30:9-12.16) is amended to  
10 read as follows:

11 1. The board of **【chosen freeholders】** county commissioners of  
12 any county, by resolution, may provide for the establishment of an  
13 institution for the medical treatment of **【alcoholics】** persons with  
14 substance use disorder and for the prevention of **【alcoholism】**  
15 substance use disorder as a separate institution or as an institution  
16 connected with a county hospital.<sup>1</sup>

17 (cf: P.L.1956, c.213, s.1)

18  
19 <sup>1</sup>110. Section 3 of P.L.1956, c.213 (C.30:9-12.18) is amended to  
20 read as follows:

21 3. Where any such institution is provided for, the board of  
22 managers, subject to the approval of the board of **【chosen**  
23 **freeholders】** county commissioners, may:

24 (a) arrange for, establish and maintain, a clinic or clinics for  
25 consultation concerning diagnosis, guidance, and treatment of  
26 **【alcoholics】** persons with substance use disorder to the end that  
27 they may be rehabilitated as useful members of society;

28 (b) arrange and provide for the temporary hospitalization of  
29 alcoholics;

30 (c) provide for the necessary facilities for the rendering of such  
31 hospitalization of **【alcoholics】** persons with substance use disorder  
32 and for the said clinics by the purchase or construction of such  
33 facilities or by the leasing thereof; and

34 (d) to provide such facilities by contract or arrangement with  
35 other hospitals, institutions, or organizations and by co-operation  
36 with the medical profession and interested groups and individuals.<sup>1</sup>

37 (cf: P.L.1956, c.213, s.3)

38  
39 <sup>1</sup>111. Section 5 of P.L.1956, c.213 (C.30:9-12.20) is amended to  
40 read as follows:

41 5. Admission to said institution or the use of the said facilities  
42 shall also be provided by the board of managers when ordered by a  
43 Superior Court judge or by a judge of a municipal court situated in  
44 the county where such judge shall have jurisdiction of the person to  
45 be admitted or provided with the use of said facilities by reason of  
46 the pendency before **【him】** the judge of a criminal charge against  
47 such person and where said judge shall be satisfied that the person

1 suffers from acute **【alcoholism】** substance use disorder. Any such  
2 order so made by a judge may provide for the commitment, of the  
3 person so charged, to the said institution as a part or the whole of a  
4 sentence imposed. In the event of any such commitment, the said  
5 board of managers shall detain the person committed for the term  
6 prescribed in accordance with the terms and conditions of such  
7 order. Unless otherwise provided by the **【State】** Department of  
8 Human Services or by the rules of court the said board of managers  
9 shall provide the necessary forms for use in connection with  
10 commitments to the said institution.<sup>1</sup>  
11 (cf: P.L.1991, c.91, s.331)  
12

13 <sup>1</sup>112. Section 6 of P.L.1956, c.213 (C.30:9-12.21) is amended to  
14 read as follows:

15 6. Commitments to the said institution may also be made by  
16 any such judge or magistrate upon a determination, after notice and  
17 hearing that a person is suffering from acute **【alcoholism】**  
18 substance use disorder. Application for such a commitment may be  
19 made to the said court or judge by a person having an interest  
20 therein by reason of relationship or marriage or by a police officer,  
21 sheriff, municipal or county director of welfare or person charged  
22 with the care and relief of the poor where the person charged as  
23 **【suffering from】** having acute **【alcoholism】** substance use disorder  
24 may reside. Every such application shall be supported by a  
25 certificate in writing, under oath, executed by **【2】** two physicians  
26 who are permanent residents and duly licensed to practice medicine  
27 in this State. Each such certificate shall set forth the date of the  
28 making of the examination which shall be within 10 days of the date  
29 of the making of the application to the said judge or magistrate and  
30 shall set forth the facts and circumstances on which the opinions of  
31 such physicians are based and shall include a precise personal  
32 description sufficient to identify the person so examined and of the  
33 facts relating thereto and shall further certify that the condition of  
34 the person examined is such as to require care and treatment in an  
35 institution for acute **【alcoholics】** substance use disorder. Every  
36 such application shall be heard in a summary manner, without a  
37 jury, and the said judge or magistrate shall, by order, fix the time  
38 for the hearing which shall be not less than 10 days after the service  
39 of a notice of hearing upon the person so charged. The person  
40 charged shall be entitled to counsel and any order of commitment  
41 made upon such application shall be subject to review by the  
42 Superior Court in a proceeding in lieu of prerogative writ. The  
43 judge or magistrate may require the testimony at the hearing to be  
44 taken and transcribed by a court reporter and the expense thereof  
45 shall be paid by the county treasurer of the county, on order of the  
46 board of **【chosen freeholders】** county commissioners, in the same  
47 manner as other court expenses chargeable to a county are paid. In  
48 connection with any such commitment the judge or magistrate shall

1 determine the indigency or nonindigency of the person committed  
2 and make an appropriate order for the payment to the institution of  
3 the cost of maintaining the person committed in such institution.  
4 Pending any such application the judge or magistrate may order the  
5 temporary detention of the person charged **【to be suffering from】** as  
6 having acute **【alcoholism】** substance use disorder in such  
7 institution for observation and treatment where it appears that such  
8 temporary detention is needed for the welfare and safety of the said  
9 person. No commitment or temporary commitment upon any such  
10 application shall continue for more than 90 days and the  
11 commitment may be terminated sooner if the judge or magistrate  
12 shall so order, upon application of the board of managers, and the  
13 certificate of a physician on the staff of the said institution that  
14 maximum treatment has been given to the person committed.<sup>1</sup>

15 (cf: P.L.1956, c.213, s.6)

16  
17 <sup>1</sup>**【63.】 113.**<sup>1</sup> Section 1 of P.L.2011, c.166 (C.30:9A-29) is  
18 amended to read as follows:

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

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

26 (1) identification of existing State and local sources of data  
27 concerning youth suicide deaths, youth suicide attempts, and self-  
28 inflicted injuries by youth;

29 (2) coordination and sharing of such data among identified State  
30 and local sources;

31 (3) promotion of greater public awareness about youth suicide  
32 prevention services and resources;

33 (4) identification of barriers to accessing mental health and  
34 substance **【abuse】** use disorder services, and opportunities to  
35 enhance access; and

36 (5) promotion of evidenced-based and best practice programs,  
37 listed on the Suicide Prevention Resource Center's Best Practices  
38 Registry, for the prevention and treatment of youth suicide and self-  
39 injury.

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

41  
42 <sup>1</sup>114. Section 1 of P.L.1945, c.94 (C.33:4-1) is amended to read  
43 as follows:

44 1. The **【Commissioner】** of the Division of Alcoholic Beverage  
45 Control in the Department of Law and Public Safety, the  
46 Commissioner of **【Institutions and Agencies】** Human Services, the  
47 Commissioner of Education, and the **【Director】** Commissioner of  
48 Health, are hereby constituted a commission, to be known as the

1 Commission on **【Alcoholism】** Substance Use Disorder and  
2 Promotion of Temperance, and empowered to prepare and  
3 administer a program for the rehabilitation of **【alcoholics】** persons  
4 with substance use disorder and the promotion and furtherance of  
5 temperance and temperance education in this State; to utilize such  
6 facilities in this State, including equipment, and professional and  
7 other personnel, as may be made available for said purposes; and to  
8 expend such sums for said purposes as may, from time to time, be  
9 appropriated therefor by the Legislature.<sup>1</sup>

10 (cf: P.L.1945, c.94, s.1)

11  
12 <sup>1</sup>**【64.】 115.**<sup>1</sup> Section 1 of P.L.2011, c.69 (C.34:13A-40) is  
13 amended to read as follows:

14 1. For the purposes of this act:

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

17 "Employee assistance program" means a program in which a  
18 public employer provides or contracts with a service provider to  
19 provide assistance to the employer's employees and their  
20 dependents to resolve problems which may affect employee work  
21 performance, irrespective of whether the problems originate on the  
22 job, including, but not limited to, marital and family problems,  
23 emotional problems, substance **【abuse】** use disorder, compulsive  
24 gambling, financial problems, and medical problems.

25 "Dependent" means an employee's spouse, civil union partner, or  
26 domestic partner, an unmarried child of the employee who is less  
27 than 31 years of age and lives with the employee in a regular  
28 parent-child relationship, or an unmarried child of the employee  
29 who is not less than 31 years of age and is not capable of self  
30 support. "Child of the employee" includes any child, stepchild,  
31 legally adopted child, or foster child of the employee, or of a  
32 domestic partner or civil union partner of the employee, who is  
33 reported for coverage and dependent upon the employee for support  
34 and maintenance.

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

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

38 "Public employer" means the State of New Jersey, or the  
39 counties and municipalities thereof, or any other political  
40 subdivision of the State, or a school district, or any special district,  
41 or any authority, including a bi-state authority, or any commission,  
42 or board, or any branch or agency of the public service.

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

44  
45 <sup>1</sup>**【65.】 116.**<sup>1</sup> Section 1 of P.L.1999, c.279 (C.34:15F-1) is  
46 amended to read as follows:

47 1. The Legislature finds and declares that there are a significant  
48 number of students in New Jersey who are economically and



1 socially disadvantaged and who are alienated from the community  
2 and school. These students are at-risk of substance **【abuse】 use**  
3 **disorder**, teen pregnancy or other behavioral problems that inhibit  
4 academic achievement and successful integration into society.

5 The Legislature further finds that mentoring programs that  
6 develop relationships between professionally trained and committed  
7 adult volunteers and at-risk students, for the purpose of providing  
8 support, counseling, reinforcement and constructive examples,  
9 create an environment in which students can achieve their full  
10 academic potential and which fosters their future success as  
11 productive citizens of the State.

12 (cf: P.L.1999, c.279, s.1)

13  
14 <sup>1</sup>117. Section 1 of P.L.2016, J.R.12 (C.36:2-283) is amended to  
15 read as follows:

16 1. November 19th of each year, or the Thursday one week  
17 before Thanksgiving if the 19th falls on a Friday, Saturday, or  
18 Sunday, is designated as the "Night of Conversation" in which  
19 families are encouraged to talk about **【drug addiction and**  
20 **alcoholism】 substance use disorder.**<sup>1</sup>

21 (cf: P.L.2016, J.R.12, s.1)

22  
23 <sup>1</sup>**【66.】 118.**<sup>1</sup> Section 2 of P.L.2011, c.116 (C.38A:13-11) is  
24 amended to read as follows:

25 2. a. The Department of Military and Veterans' Affairs shall  
26 establish, in coordination with University Behavioral HealthCare of  
27 Rutgers, The State University of New Jersey, a toll free veteran to  
28 veteran peer support helpline.

29 b. The helpline shall be accessible 24 hours a day seven days  
30 per week and shall respond to calls from veterans, servicemembers  
31 and their families. The operators of the helpline shall seek to  
32 identify the veterans, servicemembers and their families who should  
33 be referred to further peer support and counseling services, and  
34 provide referrals.

35 c. The operators of the helpline shall be trained by University  
36 Behavioral Healthcare of Rutgers, The State University of New  
37 Jersey and, to the greatest extent possible, shall be trained veterans  
38 or mental health professionals with military service expertise and  
39 (1) familiar with post traumatic stress disorder, traumatic brain  
40 injury and the emotional and psychological tensions, depressions,  
41 and anxieties unique to veterans, servicemembers, and their families  
42 or (2) trained to provide counseling services involving marriage and  
43 family life, substance **【abuse】 use disorder**, personal stress  
44 management and other emotional or psychological disorders or  
45 conditions which may be likely to adversely affect the personal and  
46 service related well-being of veterans, servicemembers, and their  
47 families.

1 d. The Department of Military and Veterans' Affairs and  
2 Rutgers, The State University of New Jersey shall provide for the  
3 confidentiality of the names of the persons calling, the information  
4 discussed, and any referrals for further peer support or counseling;  
5 provided, however, the Department of Military and Veterans'  
6 Affairs and Rutgers, The State University of New Jersey may  
7 establish guidelines providing for the tracking of any person who  
8 exhibits a severe emotional or psychological disorder or condition  
9 which the operator handling the call reasonably believes might  
10 result in harm to the veteran or servicemember or any other person.

11 (cf: P.L.2012, c.45, s.121)

12  
13 <sup>1</sup>**[67.] 119.**<sup>1</sup> Section 1 of P.L.2019, c.325 (C.39:3-27.158) is  
14 amended to read as follows:

15 1. a. Upon proper application, the Chief Administrator of the  
16 New Jersey Motor Vehicle Commission shall issue support  
17 recovery license plates for any motor vehicle owned or leased and  
18 registered in this State. In addition to the registration number and  
19 other markings or identification otherwise prescribed by law, the  
20 license plates shall display an emblem, consisting of an image of a  
21 compass rose with cardinal direction indicators enclosed in a circle,  
22 and the words "SUPPORT RECOVERY" beneath the image. The  
23 chief administrator shall, in consultation with the Commissioner of  
24 Human Services and Parents in Connection for Kids, Inc., select the  
25 design and color scheme of the support recovery license plates. The  
26 support recovery license plates shall be subject to the provisions of  
27 chapter 3 of Title 39 of the Revised Statutes, except as hereinafter  
28 otherwise specifically provided.

29 b. Application for issuance of support recovery license plates  
30 shall be made to the chief administrator on forms and in a manner  
31 prescribed by the chief administrator. In order to be deemed  
32 complete, an application shall be accompanied by a fee of \$50,  
33 payable to the New Jersey Motor Vehicle Commission, which shall  
34 be in addition to the fees otherwise prescribed by law for the  
35 registration of a motor vehicle. The chief administrator shall collect  
36 annually, subsequent to the year of issuance of the support recovery  
37 license plates, a \$10 fee for the license plates in addition to the fees  
38 otherwise prescribed by law for the registration of a motor vehicle.  
39 The additional fees required by this subsection shall be deposited in  
40 the "Support Recovery License Plate Fund" created pursuant to  
41 subsection c. of this section.

42 c. There is created in the Department of the Treasury a special  
43 non-lapsing fund to be known as the "Support Recovery License  
44 Plate Fund." There shall be deposited in the fund the amount  
45 collected from all license plate fees collected pursuant to subsection  
46 b. of this section, less the amounts necessary to reimburse the  
47 commission for administrative costs pursuant to subsection d. of  
48 this section. Monies deposited in the fund shall be appropriated

1 annually to the Division of Mental Health and Addiction Services  
2 within the Department of Human Services to be used to secure  
3 permanent sober living housing for individuals who have completed  
4 substance **[abuse]** use disorder treatment or temporary sober living  
5 housing for individuals waiting to be placed in a substance **[abuse]**  
6 use disorder treatment program. Monies appropriated to the  
7 division shall not be provided to any individual seeking housing  
8 assistance but may be provided to housing facilities to be used as  
9 deposits or monthly rent payments for individuals seeking housing  
10 assistance. Monies deposited in the fund shall be held in interest-  
11 bearing accounts in public depositories as defined pursuant to  
12 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or  
13 reinvested in securities approved by the State Treasurer. Interest or  
14 other income earned on monies deposited into the fund, and any  
15 monies which may be appropriated or otherwise become available  
16 for the purposes of the fund, shall be credited to and deposited in  
17 the fund for use as set forth in P.L.2019, c.325 (C.39:3-27.158 et  
18 seq.).

19 d. Prior to the deposit of the additional fees collected pursuant  
20 to subsection b. of this section into the "Support Recovery License  
21 Plate Fund," amounts thereof as are necessary shall be used to  
22 reimburse the commission for all costs reasonably and actually  
23 incurred, as stipulated by the chief administrator, for:

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

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

29 The chief administrator shall annually certify to the State  
30 Treasurer the average cost per license plate incurred in the  
31 immediately preceding year by the commission in producing,  
32 issuing, renewing, and publicizing the availability of the support  
33 recovery license plates. The annual certification of the average cost  
34 per license plate shall be approved by the Joint Budget Oversight  
35 Committee, or its successor.

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

42 e. The chief administrator shall notify eligible motorists of the  
43 opportunity to obtain support recovery license plates by publicizing  
44 the availability of the license plates on the commission's website.  
45 The Department of Human Services, and any other individual or  
46 entity designated by the Department of Human Services, may  
47 publicize the availability of the support recovery license plates in  
48 any manner that the department deems appropriate.

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

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

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

13  
14 <sup>1</sup>120. R.S.39:4-50 is amended to read as follows:

15 39:4-50. (a) A person who operates a motor vehicle while under  
16 the influence of intoxicating liquor, narcotic, hallucinogenic or  
17 habit-producing drug, or operates a motor vehicle with a blood  
18 alcohol concentration of 0.08[%] percent or more by weight of  
19 alcohol in the defendant's blood or permits another person who is  
20 under the influence of intoxicating liquor, narcotic, hallucinogenic  
21 or habit-producing drug to operate a motor vehicle the person owns  
22 or which is in the person's custody or control or permits another to  
23 operate a motor vehicle with a blood alcohol concentration of  
24 0.08[%] percent or more by weight of alcohol in the defendant's  
25 blood shall be subject:

26 (1) For the first offense:

27 (i) if the person's blood alcohol concentration is 0.08[%]  
28 percent or higher but less than 0.10[%] percent, or the person  
29 operates a motor vehicle while under the influence of intoxicating  
30 liquor, or the person permits another person who is under the  
31 influence of intoxicating liquor to operate a motor vehicle owned by  
32 him or in his custody or control or permits another person with a  
33 blood alcohol concentration of 0.08[%] percent or higher but less  
34 than 0.10[%] percent to operate a motor vehicle, to a fine of not  
35 less than \$250 nor more than \$400 and a period of detainment of  
36 not less than 12 hours nor more than 48 hours spent during two  
37 consecutive days of not less than six hours each day and served as  
38 prescribed by the program requirements of the Intoxicated Driver  
39 Resource Centers established under subsection (f) of this section  
40 and, in the discretion of the court, a term of imprisonment of not  
41 more than 30 days. In addition, the court shall order the person to  
42 forfeit the right to operate a motor vehicle over the highways of this  
43 State until the person installs an ignition interlock device in one  
44 motor vehicle the person owns, leases, or principally operates,  
45 whichever the person most often operates, for the purpose of  
46 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et  
47 al.);

1 (ii) if the person's blood alcohol concentration is 0.10【%】  
2 percent or higher, or the person operates a motor vehicle while  
3 under the influence of a narcotic, hallucinogenic or habit-producing  
4 drug, or the person permits another person who is under the  
5 influence of a narcotic, hallucinogenic or habit-producing drug to  
6 operate a motor vehicle owned by him or in his custody or control,  
7 or permits another person with a blood alcohol concentration of  
8 0.10【%】 percent or more to operate a motor vehicle, to a fine of not  
9 less than \$300 nor more than \$500 and a period of detainment of  
10 not less than 12 hours nor more than 48 hours spent during two  
11 consecutive days of not less than six hours each day and served as  
12 prescribed by the program requirements of the Intoxicated Driver  
13 Resource Centers established under subsection (f) of this section  
14 and, in the discretion of the court, a term of imprisonment of not  
15 more than 30 days;

16 in the case of a person who is convicted of operating a motor  
17 vehicle while under the influence of a narcotic, hallucinogenic or  
18 habit-producing drug or permitting another person who is under the  
19 influence of a narcotic, hallucinogenic or habit-producing drug to  
20 operate a motor vehicle owned by the person or under the person's  
21 custody or control, the person shall forfeit the right to operate a  
22 motor vehicle over the highways of this State for a period of not  
23 less than seven months nor more than one year;

24 in the case of a person whose blood alcohol concentration is  
25 0.10【%】 percent or higher but less than 0.15【%】 percent, the  
26 person shall forfeit the right to operate a motor vehicle over the  
27 highways of this State until the person installs an ignition interlock  
28 device in one motor vehicle the person owns, leases, or principally  
29 operates, whichever the person most often operates, for the purpose  
30 of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16  
31 et al.);

32 in the case of a person whose blood alcohol concentration is  
33 0.15【%】 percent or higher, the person shall forfeit the right to  
34 operate a motor vehicle over the highways of this State for a period  
35 of not less than four months or more than six months following  
36 installation of an ignition interlock device in one motor vehicle the  
37 person owns, leases, or principally operates, whichever the person  
38 most often operates, for the purpose of complying with the  
39 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

40 (iii) (Deleted by amendment, P.L.2019, c.248)

41 (2) For a second violation, a person shall be subject to a fine of  
42 not less than \$500 nor more than \$1,000, and shall be ordered by  
43 the court to perform community service for a period of 30 days,  
44 which shall be of such form and on terms the court shall deem  
45 appropriate under the circumstances, and shall be sentenced to  
46 imprisonment for a term of not less than 48 consecutive hours,  
47 which shall not be suspended or served on probation, or more than  
48 90 days, and shall forfeit the right to operate a motor vehicle over

1 the highways of this State for a period of not less than one year or  
2 more than two years upon conviction.

3 After the expiration of the license forfeiture period, the person  
4 may make application to the Chief Administrator of the New Jersey  
5 Motor Vehicle Commission for a license to operate a motor vehicle,  
6 which application may be granted at the discretion of the chief  
7 administrator, consistent with subsection (b) of this section. For a  
8 second violation, a person also shall be required to install an  
9 ignition interlock device under the provisions of P.L.1999, c.417  
10 (C.39:4-50.16 et al.).

11 (3) For a third or subsequent violation, a person shall be subject  
12 to a fine of \$1,000, and shall be sentenced to imprisonment for a  
13 term of not less than 180 days in a county jail or workhouse, except  
14 that the court may lower such term for each day, not exceeding 90  
15 days, served participating in a **[drug or alcohol]** substance use  
16 disorder inpatient rehabilitation program approved by the  
17 Intoxicated Driver Resource Center and shall thereafter forfeit the  
18 right to operate a motor vehicle over the highways of this State for  
19 eight years.

20 For a third or subsequent violation, a person also shall be  
21 required to install an ignition interlock device under the provisions  
22 of P.L.1999, c.417 (C.39:4-50.16 et al.).

23 As used in this section, the phrase "narcotic, hallucinogenic or  
24 habit-producing drug" includes an inhalant or other substance  
25 containing a chemical capable of releasing any toxic vapors or  
26 fumes for the purpose of inducing a condition of intoxication, such  
27 as any glue, cement or any other substance containing one or more  
28 of the following chemical compounds: acetone and acetate, amyl  
29 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl  
30 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,  
31 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or  
32 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous  
33 oxide, n-propyl alcohol, **[pentachlorophenol]** phencyclidine,  
34 petroleum ether, propyl nitrite or propyl nitrate or their isomers,  
35 toluene, toluol or xylene or any other chemical substance capable of  
36 causing a condition of intoxication, inebriation, excitement,  
37 stupefaction or the dulling of the brain or nervous system as a result  
38 of the inhalation of the fumes or vapors of such chemical substance.

39 Whenever an operator of a motor vehicle has been involved in an  
40 accident resulting in death, bodily injury or property damage, a  
41 police officer shall consider that fact along with all other facts and  
42 circumstances in determining whether there are reasonable grounds  
43 to believe that person was operating a motor vehicle in violation of  
44 this section.

45 A conviction of a violation of a law of a substantially similar  
46 nature in another jurisdiction, regardless of whether that jurisdiction  
47 is a signatory to the Interstate Driver License Compact pursuant to  
48 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior

1 conviction under this subsection unless the defendant can  
2 demonstrate by clear and convincing evidence that the conviction in  
3 the other jurisdiction was based exclusively upon a violation of a  
4 proscribed blood alcohol concentration of less than 0.08**[%]**  
5 percent.

6 If the driving privilege of any person is under revocation or  
7 suspension for a violation of any provision of this Title or Title 2C  
8 of the New Jersey Statutes at the time of any conviction for a  
9 violation of this section, the revocation or suspension period  
10 imposed shall commence as of the date of termination of the  
11 existing revocation or suspension period. In the case of any person  
12 who at the time of the imposition of sentence is less than 17 years  
13 of age, the forfeiture, suspension or revocation of the driving  
14 privilege imposed by the court under this section shall commence  
15 immediately, run through the offender's **[seventeenth]** 17th  
16 birthday and continue from that date for the period set by the court  
17 pursuant to paragraphs (1) through (3) of this subsection. A court  
18 that imposes a term of imprisonment for a first or second offense  
19 under this section may sentence the person so convicted to the  
20 county jail, to the workhouse of the county wherein the offense was  
21 committed, to an inpatient rehabilitation program or to an  
22 Intoxicated Driver Resource Center or other facility approved by  
23 the chief of the Intoxicated Driving Program **[Unit]** in the Division  
24 of Mental Health and Addiction Services in the Department of  
25 **[Health]** Human Services. For a third or subsequent offense a  
26 person shall not serve a term of imprisonment at an Intoxicated  
27 Driver Resource Center as provided in subsection (f) of this section.

28 A person who has been convicted of a previous violation of this  
29 section need not be charged as a second or subsequent offender in  
30 the complaint made against **[him]** the person in order to render  
31 **[him]** the person liable to the punishment imposed by this section  
32 on a second or subsequent offender, but if the second offense occurs  
33 more than 10 years after the first offense, the court shall treat the  
34 second conviction as a first offense for sentencing purposes and if a  
35 third offense occurs more than 10 years after the second offense, the  
36 court shall treat the third conviction as a second offense for  
37 sentencing purposes.

38 (b) A person convicted under this section must satisfy the  
39 screening, evaluation, referral, program and fee requirements of the  
40 Division of Mental Health and Addiction Services' Intoxicated  
41 Driving Program **[Unit]**, and of the Intoxicated Driver Resource  
42 Centers and a program of **[alcohol and drug]** substance use disorder  
43 education and highway safety, as prescribed by the chief  
44 administrator. The sentencing court shall inform the person  
45 convicted that failure to satisfy such requirements shall result in a  
46 mandatory two-day term of imprisonment in a county jail and a  
47 driver license revocation or suspension and continuation of  
48 revocation or suspension until such requirements are satisfied,

1 unless stayed by court order in accordance with the Rules  
2 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
3 Upon sentencing, the court shall forward to the Division of Mental  
4 Health and Addiction Services' Intoxicated Driving Program **[Unit]**  
5 a copy of a person's conviction record. A fee of \$100 shall be  
6 payable to the Alcohol Education, Rehabilitation and Enforcement  
7 Fund established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-  
8 32) to support the Intoxicated Driving Program **[Unit]**.

9 (c) Upon conviction of a violation of this section, the court shall  
10 collect forthwith the New Jersey driver's license or licenses of the  
11 person so convicted and forward such license or licenses to the  
12 chief administrator. The court shall inform the person convicted  
13 that if **[he]** the person is convicted of personally operating a motor  
14 vehicle during the period of license suspension imposed pursuant to  
15 subsection (a) of this section, **[he]** the person shall, upon  
16 conviction, be subject to the penalties established in R.S.39:3-40.  
17 The person convicted shall be informed orally and in writing. A  
18 person shall be required to acknowledge receipt of that written  
19 notice in writing. Failure to receive a written notice or failure to  
20 acknowledge in writing the receipt of a written notice shall not be a  
21 defense to a subsequent charge of a violation of R.S.39:3-40. In the  
22 event that a person convicted under this section is the holder of any  
23 out-of-State driver's license, the court shall not collect the license  
24 but shall notify forthwith the chief administrator, who shall, in turn,  
25 notify appropriate officials in the licensing jurisdiction. The court  
26 shall, however, revoke the nonresident's driving privilege to operate  
27 a motor vehicle in this State, in accordance with this section. Upon  
28 conviction of a violation of this section, the court shall notify the  
29 person convicted, orally and in writing, of the penalties for a  
30 second, third or subsequent violation of this section. A person shall  
31 be required to acknowledge receipt of that written notice in writing.  
32 Failure to receive a written notice or failure to acknowledge in  
33 writing the receipt of a written notice shall not be a defense to a  
34 subsequent charge of a violation of this section.

35 (d) The chief administrator shall promulgate rules and  
36 regulations pursuant to the "Administrative Procedure Act,"  
37 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program  
38 of alcohol education and highway safety, as prescribed by this act.

39 (e) Any person accused of a violation of this section who is  
40 liable to punishment imposed by this section as a second or  
41 subsequent offender shall be entitled to the same rights of discovery  
42 as allowed defendants pursuant to the Rules Governing the Courts  
43 of the State of New Jersey.

44 (f) The counties, in cooperation with the Division of Mental  
45 Health and Addiction Services and the commission, but subject to  
46 the approval of the Division of Mental Health and Addiction  
47 Services, shall designate and establish on a county or regional basis  
48 Intoxicated Driver Resource Centers. These centers shall have the



1 capability of serving as community treatment referral centers and as  
2 court monitors of a person's compliance with the ordered treatment,  
3 service alternative or community service. All centers established  
4 pursuant to this subsection shall be administered by a counselor  
5 certified by the Addiction Professionals Certification Board of New  
6 Jersey or other professional with a minimum of five years'  
7 experience in the treatment of **[alcoholism]** alcohol use disorder.  
8 All centers shall be required to develop individualized treatment  
9 plans for all persons attending the centers; provided that the  
10 duration of any ordered treatment or referral shall not exceed one  
11 year. It shall be the center's responsibility to establish networks  
12 with the community **[alcohol and drug]** substance use disorder  
13 education, treatment and rehabilitation resources and to receive  
14 monthly reports from the referral agencies regarding a person's  
15 participation and compliance with the program. Nothing in this  
16 subsection shall bar these centers from developing their own  
17 education and treatment programs; provided that they are approved  
18 by the Division of Mental Health and Addiction Services.

19 Upon a person's failure to report to the initial screening or any  
20 subsequent ordered referral, the Intoxicated Driver Resource Center  
21 shall promptly notify the sentencing court of the person's failure to  
22 comply.

23 Required detention periods at the Intoxicated Driver Resource  
24 Centers shall be determined according to the individual treatment  
25 classification assigned by the Intoxicated Driving Program **[Unit]**.  
26 Upon attendance at an Intoxicated Driver Resource Center, a person  
27 shall be required to pay a per diem fee of \$75 for the first offender  
28 program or a per diem fee of \$100 for the second offender program,  
29 as appropriate. Any increases in the per diem fees after the first full  
30 year shall be determined pursuant to rules and regulations adopted  
31 by the Commissioner of **[Health]** Human Services in consultation  
32 with the Governor's Council on **[Alcoholism and Drug Abuse]**  
33 Substance Use Disorder pursuant to the "Administrative Procedure  
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

35 The centers shall conduct a program of **[alcohol and drug]**  
36 substance use disorder education and highway safety, as prescribed  
37 by the chief administrator.

38 The Commissioner of **[Health]** Human Services shall adopt rules  
39 and regulations pursuant to the "Administrative Procedure Act,"  
40 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
41 purposes of this subsection.

42 (g) (Deleted by amendment, P.L.2019, c.248)

43 (h) A court also may order a person convicted pursuant to  
44 subsection (a) of this section, to participate in a supervised  
45 visitation program as either a condition of probation or a form of  
46 community service, giving preference to those who were under the  
47 age of 21 at the time of the offense. Prior to ordering a person to  
48 participate in such a program, the court may consult with any

1 person who may provide useful information on the defendant's  
2 physical, emotional and mental suitability for the visit to ensure that  
3 it will not cause any injury to the defendant. The court also may  
4 order that the defendant participate in a counseling session under  
5 the supervision of the Intoxicated Driving Program **【Unit】** prior to  
6 participating in the supervised visitation program. The supervised  
7 visitation program shall be at one or more of the following facilities  
8 which have agreed to participate in the program under the  
9 supervision of the facility's personnel and the probation department:

10 (1) a trauma center, critical care center or acute care hospital  
11 having basic emergency services, which receives victims of motor  
12 vehicle accidents for the purpose of observing appropriate victims  
13 of drunk drivers and victims who are, themselves, drunk drivers;

14 (2) a facility which cares for persons with advanced **【alcoholics**  
15 **or drug abusers】** substance use disorder, to observe persons in the  
16 advanced stages of **【alcoholism and drug abuse】** substance use  
17 disorder; or

18 (3) if approved by a county medical examiner, the office of the  
19 county medical examiner or a public morgue to observe appropriate  
20 victims of vehicle accidents involving drunk drivers.

21 As used in this section, "appropriate victim" means a victim  
22 whose condition is determined by the facility's supervisory  
23 personnel and the probation officer to be appropriate for  
24 demonstrating the results of accidents involving drunk drivers  
25 without being unnecessarily gruesome or traumatic to the  
26 defendant.

27 If at any time before or during a visitation the facility's  
28 supervisory personnel and the probation officer determine that the  
29 visitation may be or is traumatic or otherwise inappropriate for that  
30 defendant, the visitation shall be terminated without prejudice to the  
31 defendant. The program may include a personal conference after  
32 the visitation, which may include the sentencing judge or the judge  
33 who coordinates the program for the court, the defendant,  
34 defendant's counsel, and, if available, the defendant's parents to  
35 discuss the visitation and its effect on the defendant's future  
36 conduct. If a personal conference is not practicable because of the  
37 defendant's absence from the jurisdiction, conflicting time  
38 schedules, or any other reason, the court shall require the defendant  
39 to submit a written report concerning the visitation experience and  
40 its impact on the defendant. The county, a court, any facility visited  
41 pursuant to the program, any agents, employees, or independent  
42 contractors of the court, county, or facility visited pursuant to the  
43 program, and any person supervising a defendant during the  
44 visitation, are not liable for any civil damages resulting from injury  
45 to the defendant, or for civil damages associated with the visitation  
46 which are caused by the defendant, except for willful or grossly  
47 negligent acts intended to, or reasonably expected to result in, that  
48 injury or damage.

1 The Supreme Court may adopt court rules or directives to  
2 effectuate the purposes of this subsection.

3 (i) In addition to any other fine, fee, or other charge imposed  
4 pursuant to law, the court shall assess a person convicted of a  
5 violation of the provisions of this section a surcharge of \$125, of  
6 which amount \$50 shall be payable to the municipality in which the  
7 conviction was obtained, \$50 shall be payable to the Treasurer of  
8 the State of New Jersey for deposit into the General Fund, and \$25  
9 which shall be payable as follows: in a matter where the summons  
10 was issued by a municipality's law enforcement agency, to that  
11 municipality to be used for the cost of equipping police vehicles  
12 with mobile video recording systems pursuant to the provisions of  
13 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the  
14 summons was issued by a county's law enforcement agency, to that  
15 county; and in a matter where the summons was issued by a State  
16 law enforcement agency, to the General Fund.<sup>1</sup>

17 (cf: P.L.2019, c.248, s.2)

18  
19 <sup>1</sup>121. Section 1 of P.L.1964, c.254 (C.40:9B-1) is amended to  
20 read as follows:

21 1. The board of **【chosen freeholders】** county commissioners of  
22 any county or the governing body of any municipality may establish  
23 and maintain a **【narcotic treatment】** substance use disorder program  
24 for the operation or the support of centers for the diagnosis and  
25 treatment of **【narcotic addicts】** substance use disorder. Such  
26 program may be carried on by the establishment and operation of  
27 separate facilities or by conducting the same in connection with an  
28 existing county or municipal institution or by contract with a  
29 licensed hospital or the governing body of another municipality.<sup>1</sup>

30 (cf: P.L.1964, c.254, s.1)

31  
32 <sup>1</sup>122. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to  
33 read as follows:

34 2. As used in P.L.1961, c.49 (C.52:14-17.26 et seq.):

35 (a) The term "State" means the State of New Jersey.

36 (b) The term "commission" means the State Health Benefits  
37 Commission, created by section 3 of P.L.1961, c.49 (C.52:14-  
38 17.27).

39 (c) (1) The term "employee" means an appointive or elective  
40 officer, a full-time employee of the State of New Jersey, or a full-  
41 time employee of an employer other than the State who appears on  
42 a regular payroll and receives a salary or wages for an average of  
43 the number of hours per week as prescribed by the governing body  
44 of the participating employer which number of hours worked shall  
45 be considered full-time, determined by resolution, and not less than  
46 20.

47 (2) After the effective date of P.L.2010, c.2, the term  
48 "employee" means: (i) a full-time appointive or elective officer

1 whose hours of work are fixed at 35 or more per week, a full-time  
2 employee of the State, or a full-time employee of an employer other  
3 than the State who appears on a regular payroll and receives a  
4 salary or wages for an average of the number of hours per week as  
5 prescribed by the governing body of the participating employer  
6 which number of hours worked shall be considered full-time,  
7 determined by resolution, and not less than 25; (ii) an appointive or  
8 elective officer, an employee of the State, or an employee of an  
9 employer other than the State who has or is eligible for health  
10 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
11 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
12 et seq.) on that effective date and continuously thereafter, provided  
13 the officer or employee is covered by the definition in paragraph (1)  
14 of this subsection; or (iii) every commissioner appointed to the New  
15 Jersey Maritime Pilot and Docking Pilot Commission pursuant to  
16 R.S.12:8-1. Any hour or part thereof, during which an employee  
17 does not work due to the employee's participation in a voluntary or  
18 mandatory furlough program shall not be deducted in determining if  
19 a person's hours of work are fixed at fewer than 35 or 32 per week,  
20 as appropriate, for the purpose of eligibility for health benefits  
21 coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.),  
22 provided the employee continues to pay contributions for coverage  
23 during the period of furlough. If the pay of a furloughed employee  
24 is insufficient to withhold the entirety of the employee's  
25 contribution, then the employee shall remit the portion of the  
26 contribution not withheld from the employee's pay to the Division  
27 of Pensions and Benefits in the Department of the Treasury in a  
28 manner determined by the division, except that no deduction for the  
29 payment of such contributions shall be made from the  
30 unemployment compensation benefits of the employee. For the  
31 purposes of this act, an employee of Rutgers, The State University  
32 of New Jersey, shall be deemed to be an employee of the State, and  
33 an employee of the New Jersey Institute of Technology shall be  
34 considered to be an employee of the State during such time as the  
35 Trustees of the Institute are party to a contractual agreement with  
36 the State Treasurer for the provision of educational services. The  
37 term "employee" shall further mean, for purposes of this act, a  
38 former employee of the South Jersey Port Corporation, who is  
39 employed by a subsidiary corporation or other corporation, which  
40 has been established by the Delaware River Port Authority pursuant  
41 to subdivision (m) of Article I of the compact creating the Delaware  
42 River Port Authority (R.S.32:3-2), as defined in section 3 of  
43 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued  
44 membership in the Public Employees' Retirement System pursuant  
45 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

46 For the purposes of this act the term "employee" shall not  
47 include persons employed on a short-term, seasonal, intermittent or  
48 emergency basis, persons compensated on a fee basis, persons

1 having less than two months of continuous service or persons whose  
2 compensation from the State is limited to reimbursement of  
3 necessary expenses actually incurred in the discharge of their  
4 official duties, provided, however, that the term "employee" shall  
5 include persons employed on an intermittent basis to whom the  
6 State has agreed to provide coverage under P.L.1961, c.49  
7 (C.52:14-17.25 et seq.) in accordance with a binding collective  
8 negotiations agreement. An employee paid on a 10-month basis,  
9 pursuant to an annual contract, will be deemed to have satisfied the  
10 two-month waiting period if the employee begins employment at  
11 the beginning of the contract year. The term "employee" shall also  
12 not include retired persons who are otherwise eligible for benefits  
13 under this act but who, although they meet the age or disability  
14 eligibility requirement of Medicare, are not covered by Medicare  
15 Hospital Insurance, also known as Medicare Part A, and Medicare  
16 Medical Insurance, also known as Medicare Part B. A  
17 determination by the commission that a person is an eligible  
18 employee within the meaning of this act shall be final and shall be  
19 binding on all parties.

20 (d) (1) The term "dependents" means an employee's spouse,  
21 partner in a civil union couple or an employee's domestic partner as  
22 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the  
23 employee's unmarried children under the age of 23 years who live  
24 with the employee in a regular parent-child relationship. "Children"  
25 shall include stepchildren, legally adopted children and children  
26 placed by the Division of Child Protection and Permanency in the  
27 Department of Children and Families, provided they are reported  
28 for coverage and are wholly dependent upon the employee for  
29 support and maintenance. A spouse, partner in a civil union couple,  
30 domestic partner or child enlisting or inducted into military service  
31 shall not be considered a dependent during the military service.  
32 The term "dependents" shall not include spouses, partners in a civil  
33 union couple or domestic partners of retired persons who are  
34 otherwise eligible for the benefits under this act but who, although  
35 they meet the age or disability eligibility requirement of Medicare,  
36 are not covered by Medicare Hospital Insurance, also known as  
37 Medicare Part A, and Medicare Medical Insurance, also known as  
38 Medicare Part B.

39 (2) Notwithstanding the provisions of paragraph (1) of this  
40 subsection to the contrary and subject to the provisions of paragraph  
41 (3) of this subsection, for the purposes of an employer other than  
42 the State that is participating in the State Health Benefits Program  
43 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
44 "dependents" means an employee's spouse or partner in a civil  
45 union couple and the employee's unmarried children under the age  
46 of 23 years who live with the employee in a regular parent-child  
47 relationship. "Children" shall include stepchildren, legally adopted  
48 children and children placed by the Division of Child Protection

1 and Permanency in the Department of Children and Families  
2 provided they are reported for coverage and are wholly dependent  
3 upon the employee for support and maintenance. A spouse, partner  
4 in a civil union couple or child enlisting or inducted into military  
5 service shall not be considered a dependent during the military  
6 service. The term "dependents" shall not include spouses or  
7 partners in a civil union couple of retired persons who are otherwise  
8 eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.)  
9 but who, although they meet the age or disability eligibility  
10 requirement of Medicare, are not covered by Medicare Hospital  
11 Insurance, also known as Medicare Part A, and Medicare Medical  
12 Insurance, also known as Medicare Part B.

13 (3) An employer other than the State that is participating in the  
14 State Health Benefits Program pursuant to section 3 of P.L.1964,  
15 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
16 term "dependents" as defined in paragraph (2) of this subsection  
17 shall include domestic partners as provided in paragraph (1) of this  
18 subsection.

19 (e) The term "carrier" means a voluntary association,  
20 corporation or other organization, including a health maintenance  
21 organization as defined in section 2 of the "Health Maintenance  
22 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully  
23 engaged in providing or paying for or reimbursing the cost of  
24 personal health services, including hospitalization, medical and  
25 surgical services, under insurance policies or contracts, membership  
26 or subscription contracts, or the like, in consideration of premiums  
27 or other periodic charges payable to the carrier.

28 (f) The term "hospital" means (1) an institution operated  
29 pursuant to law which is primarily engaged in providing on its own  
30 premises, for compensation from its patients, medical diagnostic  
31 and major surgical facilities for the care and treatment of sick and  
32 injured persons on an inpatient basis, and which provides such  
33 facilities under the supervision of a staff of physicians and with 24-  
34 hour-a-day nursing service by registered graduate nurses, or (2) an  
35 institution not meeting all of the requirements of (1) but which is  
36 accredited as a hospital by the Joint Commission on Accreditation  
37 of Hospitals. In no event shall the term "hospital" include a  
38 convalescent nursing home or any institution or part thereof which  
39 is used principally as a convalescent facility, residential center for  
40 the treatment and education of children with mental disorders, rest  
41 facility, nursing facility or facility for the aged or for the care of  
42 **【drug addicts or alcoholics】** persons with substance use disorder.

43 (g) The term "State-managed care plan" means a health care  
44 plan under which comprehensive health care services and supplies  
45 are provided to eligible employees, retirees, and dependents: (1)  
46 through a group of doctors and other providers employed by the  
47 plan; or (2) through an individual practice association, preferred  
48 provider organization, or point of service plan under which services

1 and supplies are furnished to plan participants through a network of  
2 doctors and other providers under contracts or agreements with the  
3 plan on a prepayment or reimbursement basis and which may  
4 provide for payment or reimbursement for services and supplies  
5 obtained outside the network. The plan may be provided on an  
6 insured basis through contracts with carriers or on a self-insured  
7 basis, and may be operated and administered by the State or by  
8 carriers under contracts with the State.

9 (h) The term "Medicare" means the program established by the  
10 "Health Insurance for the Aged Act," Title XVIII of the "Social  
11 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
12 or its successor plan or plans.

13 (i) The term "traditional plan" means a health care plan which  
14 provides basic benefits, extended basic benefits and major medical  
15 expense benefits as set forth in section 5 of P.L.1961, c.49  
16 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
17 dependents for expenses for covered health care services and  
18 supplies through payments to providers or reimbursements to  
19 participants.

20 (j) The term "successor plan" means a State-managed care plan  
21 that shall replace the traditional plan and that shall provide benefits  
22 as set forth in subsection (B) of section 5 of P.L.1961, c.49  
23 (C.52:14-17.29) with provisions regarding reimbursements and  
24 payments as set forth in paragraph (1) of subsection (C) of section 5  
25 of P.L.1961, c.49 (C.52:14-17.29).<sup>1</sup>

26 (cf: P.L.2021, c.418, s.4)

27  
28 <sup>1</sup>123. Section 1 of P.L.1974, c.120 (C.40:9B-3) is amended to  
29 read as follows:

30 1. The Legislature hereby recognizes that it is the declared  
31 public policy of this State that the social and personal anguish of  
32 **【drug addiction】** substance use disorder is a grave public concern,  
33 and that priority should be given to the establishment of a  
34 comprehensive program to be achieved through the coordinated  
35 efforts and resources both of public and private agencies to prevent  
36 and control **【drug addiction】** substance use disorder and to provide  
37 diagnosis, treatment care and rehabilitation for **【drug addicts】**  
38 persons with a substance use disorder. The Legislature further  
39 recognizes that the costs incurred in treating and rehabilitating the  
40 **【addict】** person with a substance use disorder and in counseling the  
41 potential **【addict】** person with a substance use disorder have  
42 become increasingly expensive, and that current financial  
43 exigencies are creating additional burdens for private, nonprofit  
44 agencies performing this important public service, while also  
45 rendering the cost of establishing new treatment centers prohibitive  
46 for local units of government. Therefore, the Legislature hereby  
47 finds that because private, nonprofit agencies are providing services  
48 which are in furtherance of a policy in an area of grave public

1 concern, it is in the public interest to authorize counties and  
2 municipalities to appropriate funds for the purpose of helping to  
3 defray expenses incurred by such private agencies in the provision  
4 of **【narcotic and drug abuse】** substance use disorder treatment  
5 facilities and programs to community residents.<sup>1</sup>

6 (cf: P.L.1974, c.120, s.1)

7  
8 <sup>1</sup>**【68.】 124.**<sup>1</sup> Section 1 of P.L.2020, c.129 (C.40A:14-118.5) is  
9 amended to read as follows:

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

11 "Body worn camera" means a mobile audio and video recording  
12 system worn by a law enforcement officer, but shall not include a  
13 recording device worn by a law enforcement officer while engaging  
14 in an undercover assignment or a recording device used during a  
15 custodial interrogation conducted in a place of detention in  
16 compliance with Rule 3:17 of the Rules Governing the Courts of the  
17 State of New Jersey.

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

23 "Force" shall include physical, mechanical, enhanced  
24 mechanical, and deadly force.

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

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

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

35 "Subject of the video footage" means any law enforcement  
36 officer, suspect, victim, detainee, conversant, injured party, or other  
37 similarly situated person who appears on the body worn camera  
38 recording, and shall not include a person who only incidentally  
39 appears on the recording.

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

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

47 c. (1) Except as otherwise provided in this subsection or in  
48 subsection e. of this section, the video and audio recording



1 functions of a body worn camera shall be activated whenever the  
2 officer is responding to a call for service or at the initiation of any  
3 other law enforcement or investigative encounter between an officer  
4 and a member of the public, in accordance with applicable  
5 guidelines or directives promulgated by the Attorney General;  
6 provided however, if an immediate threat to the officer's life or  
7 safety makes activating the body worn camera impossible or  
8 dangerous, the officer shall activate the body worn camera at the  
9 first reasonable opportunity to do so. The body worn camera shall  
10 remain activated until the encounter has fully concluded and the  
11 officer leaves the scene.

12 (2) The video and audio recording functions of a body worn  
13 camera may be deactivated, consistent with directives or guidelines  
14 promulgated by the Attorney General, under the following  
15 circumstances:

16 (a) when a civilian conversing with the officer requests that the  
17 device be deactivated where it reasonably appears that the person  
18 will not provide information or otherwise cooperate with the officer  
19 unless that request is respected;

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

23 (c) while the officer is participating in a discussion pertaining to  
24 criminal investigation strategy and planning, provided that the  
25 discussion is not conducted in the immediate presence of a civilian  
26 and further provided that the officer is not actively engaged in the  
27 collection of physical evidence; or

28 (d) when specifically authorized to do so by an assistant  
29 prosecutor or an assistant or deputy attorney general for good and  
30 sufficient cause as determined by the assistant prosecutor or  
31 assistant or deputy attorney general.

32 (3) Unless the officer is actively engaged in investigating the  
33 commission of a criminal offense, or is responding to an emergency  
34 or call for service, or reasonably believes that he or she will be  
35 required to use constructive authority or force, the officer shall not  
36 activate the video and audio recording functions of a body worn  
37 camera, or shall deactivate a device that has been activated, while  
38 the officer:

39 (a) is in a school or youth facility or on school or youth facility  
40 property under circumstances where minor children would be in  
41 view of the device;

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

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

47 (4) The officer shall not activate the video and audio recording  
48 functions of a body worn camera, or shall deactivate a device that

1 has been activated, if the officer knows or reasonably believes that  
2 the recording would risk revealing the identity of an individual as  
3 an undercover officer or confidential informant or otherwise would  
4 pose a risk to the safety of an undercover officer or confidential  
5 informant, unless such activation is expressly authorized by a  
6 supervisor, or unless the exigency of the situation and danger posed  
7 to an officer require that the encounter or incident be recorded, in  
8 which event the officer shall inform his or her supervisor that the  
9 recording risks revealing the identity of an individual as an  
10 undercover officer or confidential informant.

11 (5) An officer shall not activate a body worn camera while in a  
12 courtroom during court proceedings, unless the officer is  
13 responding to a call for service or is authorized to use constructive  
14 force or authority.

15 (6) If the body worn camera model selected by a law  
16 enforcement agency produces radio-frequency interference while  
17 activated or while in standby mode, the device shall be deactivated  
18 while in the area where an electronic alcohol breath testing device  
19 is being used, or, as necessary, shall be removed from the area  
20 where such device is being used. Nothing herein shall be construed  
21 to preclude the use of a body worn camera to record the behavior of  
22 a person arrested for driving while intoxicated other than while the  
23 person is in the breath-testing area while the electronic breath  
24 testing device is being operated. If this provision requires  
25 deactivation of a body worn camera, the officer shall narrate the  
26 reasons for deactivation, and the device shall be re-activated when  
27 safe and practicable to do so following the completion of the breath  
28 testing operation.

29 d. A law enforcement officer who is wearing a body worn  
30 camera shall notify the subject of the recording that the subject is  
31 being recorded by the body worn camera unless it is unsafe or  
32 infeasible to provide such notification. Such notification shall be  
33 made as close to the inception of the encounter as is reasonably  
34 possible. If the officer does not provide the required notification  
35 because it is unsafe or infeasible to do so, the officer shall  
36 document the reasons for that decision in a report or by narrating  
37 the reasons on the body worn camera recording, or both. The  
38 failure to verbally notify a person pursuant to this section shall not  
39 affect the admissibility of any statement or evidence.

40 e. Notwithstanding the requirements of subsection c. of this  
41 section:

42 (1) prior to entering a private residence, a law enforcement  
43 officer shall notify the occupant that the occupant is being recorded  
44 by the body worn camera and, if the occupant requests the officer to  
45 discontinue use of the officer's body worn camera, the officer shall  
46 immediately discontinue use of the body worn camera unless the  
47 officer is actively engaged in investigating the commission of a  
48 criminal offense, or is responding to an emergency, or reasonably

1 believes that the officer will be required to use constructive  
2 authority or force;

3 (2) when interacting with an apparent crime victim, a law  
4 enforcement officer shall, as soon as practicable, notify the apparent  
5 crime victim that he or she is being recorded by the body worn  
6 camera and, if the apparent crime victim requests the officer to  
7 discontinue use of the body worn camera, the officer shall  
8 immediately discontinue use of the body worn camera; and

9 (3) when interacting with a person seeking to anonymously  
10 report a crime or assist in an ongoing law enforcement  
11 investigation, a law enforcement officer, if the person requests that  
12 the officer discontinue use of the body worn camera, shall evaluate  
13 the circumstances and, if appropriate, discontinue use of the body  
14 worn camera.

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

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

20 h. A body worn camera shall not be used to gather intelligence  
21 information based on First Amendment protected speech,  
22 associations, or religion, or to record activity that is unrelated to a  
23 response to a call for service or a law enforcement or investigative  
24 encounter between a law enforcement officer and a member of the  
25 public, provided that nothing in this subsection shall be construed to  
26 prohibit activation of video and audio recording functions of a body  
27 worn camera as authorized under this law and in accordance with  
28 any applicable guidelines or directives promulgated by the Attorney  
29 General.

30 i. Every law enforcement agency shall promulgate and adhere  
31 to a policy, standing operating procedure, directive, or order which  
32 meets the requirements of subsection j. of this act and any  
33 applicable guideline or directive promulgated by the Attorney  
34 General that specifies the period of time during which a body worn  
35 camera recording shall be retained.

36 j. A body worn camera recording shall be retained by the law  
37 enforcement agency that employs the officer for a retention period  
38 consistent with the provisions of this section, after which time the  
39 recording shall be permanently deleted. A body worn camera  
40 recording shall be retained for not less than 180 days from the date  
41 it was recorded, which minimum time frame for retention shall be  
42 applicable to all contracts for retention of body worn camera  
43 recordings executed by or on behalf of a law enforcement agency  
44 on or after the effective date of this act, and shall be subject to the  
45 following additional retention periods:

46 (1) a body worn camera recording shall automatically be  
47 retained for not less than three years if it captures images involving

- 1 an encounter about which a complaint has been registered by a  
2 subject of the body worn camera recording;
- 3 (2) subject to any applicable retention periods established in  
4 paragraph (3) of this subsection to the extent such retention period  
5 is longer, a body worn camera recording shall be retained for not  
6 less than three years if voluntarily requested by:
- 7 (a) the law enforcement officer whose body worn camera made  
8 the video recording, if that officer reasonably asserts the recording  
9 has evidentiary or exculpatory value;
- 10 (b) a law enforcement officer who is a subject of the body worn  
11 camera recording, if that officer reasonably asserts the recording  
12 has evidentiary or exculpatory value;
- 13 (c) any immediate supervisor of a law enforcement officer  
14 whose body worn camera made the recording or who is a subject of  
15 the body worn camera recording, if that immediate supervisor  
16 reasonably asserts the recording has evidentiary or exculpatory  
17 value;
- 18 (d) any law enforcement officer, if the body worn camera  
19 recording is being retained solely and exclusively for police training  
20 purposes;
- 21 (e) any member of the public who is a subject of the body worn  
22 camera recording;
- 23 (f) any parent or legal guardian of a minor who is a subject of  
24 the body worn camera recording; or
- 25 (g) a deceased subject's next of kin or legally authorized  
26 designee.
- 27 (3) Notwithstanding the provisions of paragraph (1) or (2) of  
28 this subsection, a body worn camera recording shall be subject to  
29 the following additional retention requirements:
- 30 (a) when a body worn camera recording pertains to a criminal  
31 investigation or otherwise records information that may be subject  
32 to discovery in a prosecution, the recording shall be treated as  
33 evidence and shall be kept in accordance with the retention period  
34 for evidence in a criminal prosecution;
- 35 (b) when a body worn camera records an arrest that did not  
36 result in an ongoing prosecution, or records the use of police force,  
37 the recording shall be kept until the expiration of the statute of  
38 limitations for filing a civil complaint against the officer or the  
39 employing law enforcement agency;
- 40 (c) when a body worn camera records an incident that is the  
41 subject of an internal affairs complaint, the recording shall be kept  
42 pending final resolution of the internal affairs investigation and any  
43 resulting administrative action.
- 44 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)  
45 of subsection j. of this section, the member of the public, parent or  
46 legal guardian, or next of kin or designee shall be permitted to  
47 review the body worn camera recording in accordance with the

1 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine  
2 whether to request a three-year retention period.

3 1. Notwithstanding that a criminal investigatory record does  
4 not constitute a government record under section 1 of P.L.1995,  
5 c.23 (C.47:1A-1.1), only the following body worn camera  
6 recordings shall be exempt from public inspection:

7 (1) body worn camera recordings not subject to a minimum  
8 three-year retention period or additional retention requirements  
9 pursuant to subsection j. of this section;

10 (2) body worn camera recordings subject to a minimum three-  
11 year retention period solely and exclusively pursuant to paragraph  
12 (1) of subsection j. of this section if the subject of the body worn  
13 camera recording making the complaint requests the body worn  
14 camera recording not be made available to the public;

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

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

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

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

34 (a) the use of force by the officer where the officer knows or  
35 should know that the use of force resulted in significant or serious  
36 bodily injury or death;

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

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

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

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

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

1 (2) In the event a law enforcement officer reviews or receives an  
2 accounting of a body worn camera recording prior to the creation of  
3 any report, statement, or interview, the law enforcement officer  
4 shall be required to acknowledge that prior review or receipt either  
5 verbally or in writing within each such report, statement, or  
6 interview.

7 (3) Nothing in this subsection shall be construed to require a law  
8 enforcement officer to review a body worn camera recording prior  
9 to creating any required initial reports, statements, and interviews  
10 regarding the recorded event, nor to prevent a law enforcement  
11 officer from reviewing or receiving an accounting of such a body  
12 worn camera recording subsequent to the creation of any required  
13 initial report, statement, or interview regarding the recorded event.

14 o. Body worn camera recordings shall not be divulged or used  
15 by any law enforcement agency for any commercial or other non-  
16 law enforcement purpose.

17 p. If a law enforcement agency authorizes a third party to act as  
18 its agent in maintaining recordings from a body worn camera, the  
19 agent shall be prohibited from independently accessing, viewing, or  
20 altering any recordings, except to delete recordings as required by  
21 law or agency retention policies.

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

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

28 (2) there shall be a rebuttable presumption that exculpatory  
29 evidence was destroyed or not captured in favor of a criminal  
30 defendant who reasonably asserts that exculpatory evidence was  
31 destroyed or not captured; and

32 (3) there shall be a rebuttable presumption that evidence  
33 supporting the plaintiff's claim was destroyed or not captured in  
34 favor of a civil plaintiff suing the government, a law enforcement  
35 agency, or a law enforcement officer for damages based on police  
36 misconduct if the plaintiff reasonably asserts that evidence  
37 supporting the plaintiff's claim was destroyed or not captured.

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

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

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

46  
47 <sup>1</sup>**[69.] 125.**<sup>1</sup> Section 3 of P.L.1998, c.148 (C.40A:14-197) is  
48 amended to read as follows:

1       3. a. The debriefing and counseling services available under a  
2 program established pursuant to P.L.1998, c.148 (C.40A:14-195 et  
3 seq.) shall be provided by appropriately licensed or certified  
4 psychologists and social workers who are either employees of the  
5 county or under contract to provide such professional services to the  
6 county. No employee of a county or municipal law enforcement  
7 agency, department or force shall provide any debriefing or  
8 counseling services under the program; provided, however, nothing  
9 herein shall be construed to prohibit any county or municipal law  
10 enforcement agency, department or force from establishing an  
11 internal, administrative debriefing and counseling program to  
12 identify law enforcement officers or sheriff's officers who may  
13 benefit from the services available under the county crisis  
14 intervention services program and to refer those officers to those  
15 services.

16       b. Former law enforcement officers and other persons who are  
17 not licensed or certified as psychologists or social workers and who  
18 are not currently employed by any county or municipal law  
19 enforcement agency may be employed by the county to provide  
20 debriefing and counseling services; provided those former law  
21 enforcement officers and other persons are:

22       (1) currently enrolled in an educational program to acquire such  
23 licensing or certification; or

24       (2) familiar with the emotional crises and psychological  
25 stresses, tensions and anxieties associated with law enforcement  
26 duty; or

27       (3) trained to provide specialized or supplemental counseling  
28 services involving domestic violence, substance **[abuse]** use  
29 disorder, gambling, marriage and family life, and such other topics  
30 as the county crisis intervention services advisory council,  
31 established pursuant to section 4 of this act, may deem necessary;  
32 and

33       (4) perform those debriefing and counseling services under the  
34 direct supervision of a licensed or certified psychologist,  
35 psychiatrist, or social worker.

36 (cf: P.L.1998, c.148, s.3)

37  
38       <sup>1</sup>【70. R.S.43:21-5 is amended to read as follows:

39       43:21-5. An individual shall be disqualified for benefits:

40       (a) For the week in which the individual has left work  
41 voluntarily without good cause attributable to such work, and for  
42 each week thereafter until the individual becomes reemployed and  
43 works eight weeks in employment, which may include employment  
44 for the federal government, and has earned in employment at least  
45 ten times the individual's weekly benefit rate, as determined in each  
46 case. This subsection shall apply to any individual seeking  
47 unemployment benefits on the basis of employment in the  
48 production and harvesting of agricultural crops, including any

1 individual who was employed in the production and harvesting of  
2 agricultural crops on a contract basis and who has refused an offer  
3 of continuing work with that employer following the completion of  
4 the minimum period of work required to fulfill the contract. This  
5 subsection shall not apply to an individual who voluntarily leaves  
6 work with one employer to accept from another employer  
7 employment which commences not more than seven days after the  
8 individual leaves employment with the first employer, if the  
9 employment with the second employer has weekly hours or pay not  
10 less than the hours or pay of the employment of the first employer,  
11 except that if the individual gives notice to the first employer that  
12 the individual will leave employment on a specified date and the  
13 first employer terminates the individual before that date, the seven-  
14 day period will commence from the specified date.

15 (b) For the week in which the individual has been suspended or  
16 discharged for misconduct connected with the work, and for the five  
17 weeks which immediately follow that week, as determined in each  
18 case.

19 "Misconduct" means conduct which is improper, intentional,  
20 connected with the individual's work, within the individual's  
21 control, not a good faith error of judgment or discretion, and is  
22 either a deliberate refusal, without good cause, to comply with the  
23 employer's lawful and reasonable rules made known to the  
24 employee or a deliberate disregard of standards of behavior the  
25 employer has a reasonable right to expect, including reasonable  
26 safety standards and reasonable standards for a workplace free of  
27 substance **[abuse]** use.

28 In the event the discharge should be rescinded by the employer  
29 voluntarily or as a result of mediation or arbitration, this subsection  
30 (b) shall not apply, provided, however, an individual who is  
31 restored to employment with back pay shall return any benefits  
32 received under this chapter for any week of unemployment for  
33 which the individual is subsequently compensated by the employer.

34 If the discharge was for gross misconduct connected with the  
35 work because of the commission of an act punishable as a crime of  
36 the first, second, third or fourth degree under the "New Jersey Code  
37 of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be  
38 disqualified in accordance with the disqualification prescribed in  
39 subsection (a) of this section and no benefit rights shall accrue to  
40 any individual based upon wages from that employer for services  
41 rendered prior to the day upon which the individual was discharged.

42 The director shall insure that any appeal of a determination  
43 holding the individual disqualified for gross misconduct in  
44 connection with the work shall be expeditiously processed by the  
45 appeal tribunal.

46 To sustain disqualification from benefits because of misconduct  
47 under this subsection (b), the burden of proof is upon the employer,  
48 who shall, prior to a determination by the department of



1 misconduct, provide written documentation demonstrating that the  
2 employee's actions constitute misconduct or gross misconduct.

3 Nothing within this subsection (b) shall be construed to interfere  
4 with the exercise of rights protected under the "National Labor  
5 Relations Act," (29 U.S.C. s.151 et seq.) or the "New Jersey  
6 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1  
7 et seq.).

8 (c) If it is found that the individual has failed, without good  
9 cause, either to apply for available, suitable work when so directed  
10 by the employment office or the director or to accept suitable work  
11 when it is offered, or to return to the individual's customary self-  
12 employment (if any) when so directed by the director. The  
13 disqualification shall continue for the week in which the failure  
14 occurred and for the three weeks which immediately follow that  
15 week, as determined:

16 (1) In determining whether or not any work is suitable for an  
17 individual, consideration shall be given to the degree of risk  
18 involved to health, safety, and morals, the individual's physical  
19 fitness and prior training, experience and prior earnings, the  
20 individual's length of unemployment and prospects for securing  
21 local work in the individual's customary occupation, and the  
22 distance of the available work from the individual's residence. In  
23 the case of work in the production and harvesting of agricultural  
24 crops, the work shall be deemed to be suitable without regard to the  
25 distance of the available work from the individual's residence if all  
26 costs of transportation are provided to the individual and the terms  
27 and conditions of hire are as favorable or more favorable to the  
28 individual as the terms and conditions of the individual's base year  
29 employment.

30 (2) Notwithstanding any other provisions of this chapter, no  
31 work shall be deemed suitable and benefits shall not be denied  
32 under this chapter to any otherwise eligible individual for refusing  
33 to accept new work under any of the following conditions: the  
34 position offered is vacant due directly to a strike, lockout, or other  
35 labor dispute; the remuneration, hours, or other conditions of the  
36 work offered are substantially less favorable to the individual than  
37 those prevailing for similar work in the locality; or, the individual,  
38 as a condition of being employed, would be required to join a  
39 company union or to resign from or refrain from joining any bona  
40 fide labor organization.

41 (d) If it is found that this unemployment is due to a stoppage of  
42 work which exists because of a labor dispute at the factory,  
43 establishment or other premises at which the individual is or was  
44 last employed, except as otherwise provided by this subsection (d).

45 (1) No disqualification under this subsection (d) shall apply if it  
46 is shown that:

1 (a) The individual is not participating in or financing or directly  
2 interested in the labor dispute which caused the stoppage of work;  
3 and

4 (b) The individual does not belong to a grade or class of workers  
5 of which, immediately before the commencement of the stoppage,  
6 there were members employed at the premises at which the  
7 stoppage occurs, any of whom are participating in or financing or  
8 directly interested in the dispute; provided that if in any case in  
9 which (a) or (b) above applies, separate branches of work which are  
10 commonly conducted as separate businesses in separate premises  
11 are conducted in separate departments of the same premises, each  
12 department shall, for the purpose of this subsection, be deemed to  
13 be a separate factory, establishment, or other premises.

14 (2) For any claim for a period of unemployment commencing on  
15 or after December 1, 2004, no disqualification under this subsection  
16 (d) shall apply if it is shown that the individual has been prevented  
17 from working by the employer, even though the individual's  
18 recognized or certified majority representative has directed the  
19 employees in the individual's collective bargaining unit to work  
20 under the preexisting terms and conditions of employment, and the  
21 employees had not engaged in a strike immediately before being  
22 prevented from working.

23 (3) For any claim for a period of unemployment commencing on  
24 or after July 1, 2018, no disqualification under this subsection (d)  
25 shall apply if the labor dispute is caused by the failure or refusal of  
26 the employer to comply with an agreement or contract between the  
27 employer and the claimant, including a collective bargaining  
28 agreement with a union representing the claimant, or a State or  
29 federal law pertaining to hours, wages, or other conditions of work.

30 (4) For any claim for a period of unemployment commencing on  
31 or after July 1, 2018, if the unemployment is caused by a labor  
32 dispute, including a strike or other concerted activities of employees  
33 at the claimant's workplace, whether or not authorized or sanctioned  
34 by a union representing the claimant, but not including a dispute  
35 subject to the provisions of paragraph (2) or (3) of this subsection  
36 (d), the claimant shall not be provided benefits for a period of the  
37 first 30 days following the commencement of the unemployment  
38 caused by the labor dispute, except that the period without benefits  
39 shall not apply if the employer hires a permanent replacement  
40 worker for the claimant's position. A replacement worker shall be  
41 presumed to be permanent unless the employer certifies in writing  
42 that the claimant will be permitted to return to his or her prior  
43 position upon conclusion of the dispute. If the employer does not  
44 permit the return, the claimant shall be entitled to recover any  
45 benefits lost as a result of the 30-day waiting period before  
46 receiving benefits, and the department may impose a penalty upon  
47 the employer of up to \$750 per employee per week of benefits lost.  
48 The penalty collected shall be paid into the unemployment

1 compensation auxiliary fund established pursuant to subsection (g)  
2 of R.S.43:21-14.

3 (e) For any week with respect to which the individual is  
4 receiving or has received remuneration in lieu of notice.

5 (f) For any week with respect to which or a part of which the  
6 individual has received or is seeking unemployment benefits under  
7 an unemployment compensation law of any other state or of the  
8 United States; provided that if the appropriate agency of the other  
9 state or of the United States finally determines that the individual is  
10 not entitled to unemployment benefits, this disqualification shall not  
11 apply.

12 (g) (1) For a period of one year from the date of the discovery by  
13 the division of the illegal receipt or attempted receipt of benefits  
14 contrary to the provisions of this chapter, as the result of any false  
15 or fraudulent representation; provided that any disqualification may  
16 be appealed in the same manner as any other disqualification  
17 imposed hereunder; and provided further that a conviction in the  
18 courts of this State arising out of the illegal receipt or attempted  
19 receipt of these benefits in any proceeding instituted against the  
20 individual under the provisions of this chapter or any other law of  
21 this State shall be conclusive upon the appeals tribunal and the  
22 board of review.

23 (2) A disqualification under this subsection shall not preclude  
24 the prosecution of any civil, criminal or administrative action or  
25 proceeding to enforce other provisions of this chapter for the  
26 assessment and collection of penalties or the refund of any amounts  
27 collected as benefits under the provisions of R.S.43:21-16, or to  
28 enforce any other law, where an individual obtains or attempts to  
29 obtain by theft or robbery or false statements or representations any  
30 money from any fund created or established under this chapter or  
31 any negotiable or nonnegotiable instrument for the payment of  
32 money from these funds, or to recover money erroneously or  
33 illegally obtained by an individual from any fund created or  
34 established under this chapter.

35 (h) (1) Notwithstanding any other provisions of this chapter  
36 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
37 denied benefits for any week because the individual is in training  
38 approved under section 236(a)(1) of the "Trade Act of 1974,"  
39 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be  
40 denied benefits by reason of leaving work to enter this training,  
41 provided the work left is not suitable employment, or because of the  
42 application to any week in training of provisions in this chapter  
43 (R.S.43:21-1 et seq.), or any applicable federal unemployment  
44 compensation law, relating to availability for work, active search  
45 for work, or refusal to accept work.

46 (2) For purposes of this subsection (h), the term "suitable"  
47 employment means, with respect to an individual, work of a  
48 substantially equal or higher skill level than the individual's past

1 adversely affected employment, as defined for purposes of the  
2 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and  
3 wages for this work at not less than 80% of the individual's average  
4 weekly wage, as determined for the purposes of the "Trade Act of  
5 1974."

6 (i) For benefit years commencing after June 30, 1984, for any  
7 week in which the individual is a student in full attendance at, or on  
8 vacation from, an educational institution, as defined in subsection  
9 (y) of R.S.43:21-19; except that this subsection shall not apply to  
10 any individual attending a training program approved by the  
11 division to enhance the individual's employment opportunities, as  
12 defined under subsection (c) of R.S.43:21-4; nor shall this  
13 subsection apply to any individual who, during the individual's base  
14 year, earned sufficient wages, as defined under subsection (e) of  
15 R.S.43:21-4, while attending an educational institution during  
16 periods other than established and customary vacation periods or  
17 holiday recesses at the educational institution, to establish a claim  
18 for benefits. For purposes of this subsection, an individual shall be  
19 treated as a full-time student for any period:

20 (1) During which the individual is enrolled as a full-time student  
21 at an educational institution, or

22 (2) Which is between academic years or terms, if the individual  
23 was enrolled as a full-time student at an educational institution for  
24 the immediately preceding academic year or term.

25 (j) Notwithstanding any other provisions of this chapter  
26 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
27 denied benefits because the individual left work or was discharged  
28 due to circumstances resulting from the individual being a victim of  
29 domestic violence as defined in section 3 of P.L.1991, c.261  
30 (C.2C:25-19). No employer's account shall be charged for the  
31 payment of benefits to an individual who left work due to  
32 circumstances resulting from the individual being a victim of  
33 domestic violence.

34 For the purposes of this subsection (j), the individual shall be  
35 treated as being a victim of domestic violence if the individual  
36 provides one or more of the following:

37 (1) A restraining order or other documentation of equitable  
38 relief issued by a court of competent jurisdiction;

39 (2) A police record documenting the domestic violence;

40 (3) Documentation that the perpetrator of the domestic violence  
41 has been convicted of one or more of the offenses enumerated in  
42 section 3 of P.L.1991, c.261 (C.2C:25-19);

43 (4) Medical documentation of the domestic violence;

44 (5) Certification from a certified Domestic Violence Specialist  
45 or the director of a designated domestic violence agency that the  
46 individual is a victim of domestic violence; or

47 (6) Other documentation or certification of the domestic  
48 violence provided by a social worker, member of the clergy, shelter

1 worker or other professional who has assisted the individual in  
2 dealing with the domestic violence.

3 For the purposes of this subsection (j):

4 "Certified Domestic Violence Specialist" means a person who  
5 has fulfilled the requirements of certification as a Domestic  
6 Violence Specialist established by the New Jersey Association of  
7 Domestic Violence Professionals; and "designated domestic  
8 violence agency" means a county-wide organization with a primary  
9 purpose to provide services to victims of domestic violence, and  
10 which provides services that conform to the core domestic violence  
11 services profile as defined by the Division of Youth and Family  
12 Services in the Department of Children and Families and is under  
13 contract with the division for the express purpose of providing such  
14 services.

15 (k) Notwithstanding any other provisions of this chapter  
16 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
17 denied benefits for any week in which the individual left work  
18 voluntarily and without good cause attributable to the work, if the  
19 individual left work to accompany his or her spouse who is an  
20 active member of the United States Armed Forces, as defined in  
21 N.J.S.38A:1-1(g), to a new place of residence outside the State, due  
22 to the armed forces member's transfer to a new assignment in a  
23 different geographical location outside the State, and the individual  
24 moves to the new place of residence not more than nine months  
25 after the spouse is transferred, and upon arrival at the new place of  
26 residence the individual was in all respects available for suitable  
27 work. No employer's account shall be charged for the payment of  
28 benefits to an individual who left work under the circumstances  
29 contained in this subsection (k), except that this shall not be  
30 construed as relieving the State of New Jersey and any other  
31 governmental entity or instrumentality or nonprofit organization  
32 electing or required to make payments in lieu of contributions from  
33 its responsibility to make all benefit payments otherwise required  
34 by law and from being charged for those benefits as otherwise  
35 required by law.

36 (cf: P.L.2018, c.112, s.1)]<sup>1</sup>

37

38 <sup>1</sup>126. R.S.43:21-5 is amended to read as follows:

39 43:21-5. An individual shall be disqualified for benefits:

40 (a) For the week in which the individual has left work voluntarily  
41 without good cause attributable to such work, and for each week  
42 thereafter until the individual becomes reemployed and works eight  
43 weeks in employment, which may include employment for the  
44 federal government, and has earned in employment at least **ten** 10  
45 times the individual's weekly benefit rate, as determined in each  
46 case. This subsection shall apply to any individual seeking  
47 unemployment benefits on the basis of employment in the  
48 production and harvesting of agricultural crops, including any

1 individual who was employed in the production and harvesting of  
2 agricultural crops on a contract basis and who has refused an offer  
3 of continuing work with that employer following the completion of  
4 the minimum period of work required to fulfill the contract. This  
5 subsection shall not apply to an individual who voluntarily leaves  
6 work with one employer to accept from another employer  
7 employment which commences not more than seven days after the  
8 individual leaves employment with the first employer, if the  
9 employment with the second employer has weekly hours or pay not  
10 less than the hours or pay of the employment of the first employer,  
11 except that if the individual gives notice to the first employer that  
12 the individual will leave employment on a specified date and the  
13 first employer terminates the individual before that date, the seven-  
14 day period will commence from the specified date.

15 (b) For the week in which the individual has been suspended or  
16 discharged for misconduct connected with the work, and for the five  
17 weeks which immediately follow that week, as determined in each  
18 case.

19 "Misconduct" means conduct which is improper, intentional,  
20 connected with the individual's work, within the individual's  
21 control, not a good faith error of judgment or discretion, and is  
22 either a deliberate refusal, without good cause, to comply with the  
23 employer's lawful and reasonable rules made known to the  
24 employee or a deliberate disregard of standards of behavior the  
25 employer has a reasonable right to expect, including reasonable  
26 safety standards and reasonable standards for a workplace free of  
27 drug and substance **[abuse]** use.

28 In the event the discharge should be rescinded by the employer  
29 voluntarily or as a result of mediation or arbitration, this subsection  
30 (b) shall not apply, provided, however, an individual who is  
31 restored to employment with back pay shall return any benefits  
32 received under this chapter for any week of unemployment for  
33 which the individual is subsequently compensated by the employer.

34 If the discharge was for gross misconduct connected with the  
35 work because of the commission of an act punishable as a crime of  
36 the first, second, third or fourth degree under the "New Jersey Code  
37 of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be  
38 disqualified in accordance with the disqualification prescribed in  
39 subsection (a) of this section and no benefit rights shall accrue to  
40 any individual based upon wages from that employer for services  
41 rendered prior to the day upon which the individual was discharged.

42 The director shall **[insure]** ensure that any appeal of a  
43 determination holding the individual disqualified for gross  
44 misconduct in connection with the work shall be expeditiously  
45 processed by the appeal tribunal.

46 To sustain disqualification from benefits because of misconduct  
47 under this subsection (b), the burden of proof is upon the employer,  
48 who shall, prior to a determination by the department of

1 misconduct, provide written documentation demonstrating that the  
2 employee's actions constitute misconduct or gross misconduct.

3 Nothing within this subsection (b) shall be construed to interfere  
4 with the exercise of rights protected under the "National Labor  
5 Relations Act," (29 U.S.C. s.151 et seq.) or the "New Jersey  
6 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1  
7 et seq.).

8 (c) If it is found that the individual has failed, without good  
9 cause, either to apply for available, suitable work when so directed  
10 by the employment office or the director or to accept suitable work  
11 when it is offered, or to return to the individual's customary self-  
12 employment (if any) when so directed by the director. The  
13 disqualification shall continue for the week in which the failure  
14 occurred and for the three weeks which immediately follow that  
15 week, as determined:

16 (1) In determining whether or not any work is suitable for an  
17 individual, consideration shall be given to the degree of risk  
18 involved to health, safety, and morals, the individual's physical  
19 fitness and prior training, experience and prior earnings, the  
20 individual's length of unemployment and prospects for securing  
21 local work in the individual's customary occupation, and the  
22 distance of the available work from the individual's residence. In  
23 the case of work in the production and harvesting of agricultural  
24 crops, the work shall be deemed to be suitable without regard to the  
25 distance of the available work from the individual's residence if all  
26 costs of transportation are provided to the individual and the terms  
27 and conditions of hire are as favorable or more favorable to the  
28 individual as the terms and conditions of the individual's base year  
29 employment.

30 (2) Notwithstanding any other provisions of this chapter, no  
31 work shall be deemed suitable and benefits shall not be denied  
32 under this chapter to any otherwise eligible individual for refusing  
33 to accept new work under any of the following conditions: the  
34 position offered is vacant due directly to a strike, lockout, or other  
35 labor dispute; the remuneration, hours, or other conditions of the  
36 work offered are substantially less favorable to the individual than  
37 those prevailing for similar work in the locality; or, the individual,  
38 as a condition of being employed, would be required to join a  
39 company union or to resign from or refrain from joining any bona  
40 fide labor organization.

41 (d) If it is found that this unemployment is due to a stoppage of  
42 work which exists because of a labor dispute at the factory,  
43 establishment or other premises at which the individual is or was  
44 last employed, except as otherwise provided by this subsection (d).

45 (1) No disqualification under this subsection (d) shall apply if it  
46 is shown that:

1 (i) The individual is not participating in or financing or directly  
2 interested in the labor dispute which caused the stoppage of work;  
3 and

4 (ii) The individual does not belong to a grade or class of workers  
5 of which, immediately before the commencement of the stoppage,  
6 there were members employed at the premises at which the  
7 stoppage occurs, any of whom are participating in or financing or  
8 directly interested in the dispute; provided that if in any case in  
9 which subparagraphs (i) or (ii) of this paragraph (1) applies,  
10 separate branches of work which are commonly conducted as  
11 separate businesses in separate premises are conducted in separate  
12 departments of the same premises, each department shall, for the  
13 purpose of this subsection, be deemed to be a separate factory,  
14 establishment, or other premises.

15 (2) For any claim for a period of unemployment commencing on  
16 or after December 1, 2004 due to a stoppage of work which exists  
17 because of a labor dispute at the factory, establishment or other  
18 premises at which the individual is or was last employed, no  
19 disqualification under this subsection (d) shall apply if it is shown  
20 that the individual has been prevented from working by the  
21 employer, even though the individual's recognized or certified  
22 majority representative has directed the employees in the  
23 individual's collective bargaining unit to work under the preexisting  
24 terms and conditions of employment, and, if the period of  
25 unemployment commenced before January 1, 2022, the employees  
26 had not engaged in a strike immediately before being prevented  
27 from working, or if the a period of unemployment commenced on  
28 or after January 1, 2022, whether or not the employees had engaged  
29 in a strike immediately before being prevented from working.

30 (3) For any claim for a period of unemployment commencing on  
31 or after July 1, 2018 due to a stoppage of work which exists because  
32 of a labor dispute at the factory, establishment or other premises at  
33 which the individual is or was last employed, no disqualification  
34 under this subsection (d) shall apply if an issue in the labor dispute  
35 is a failure or refusal of the employer to comply with an agreement  
36 or contract between the employer and the claimant, including a  
37 collective bargaining agreement with a union representing the  
38 claimant, or a failure or refusal to comply with a State or federal  
39 law pertaining to hours, wages, or other conditions of work.

40 (4) For any claim for a period of unemployment commencing on  
41 or after July 1, 2018 and before January 1, 2022, if the  
42 unemployment is caused by a labor dispute, including a strike or  
43 other concerted activities of employees at the claimant's workplace,  
44 whether or not authorized or sanctioned by a union representing the  
45 claimant, but not including a dispute subject to the provisions of  
46 paragraph (2) or (3) of this subsection (d), the claimant shall not be  
47 provided benefits for a period of the first 30 days following the  
48 commencement of the unemployment caused by the labor dispute,



1 except that the period without benefits shall not apply if the  
2 employer hires a permanent replacement worker for the claimant's  
3 position. A replacement worker shall be presumed to be permanent  
4 unless the employer certifies in writing that the claimant will be  
5 permitted to return to his or her prior position upon conclusion of  
6 the dispute. If the employer does not permit the return, the claimant  
7 shall be entitled to recover any benefits lost as a result of the 30-day  
8 waiting period before receiving benefits, and the department may  
9 impose a penalty upon the employer of up to \$750 per employee per  
10 week of benefits lost. The penalty collected shall be paid into the  
11 unemployment compensation auxiliary fund established pursuant to  
12 subsection (g) of R.S.43:21-14. For any claim for a period of  
13 unemployment commencing on or after January 1, 2022 due to a  
14 stoppage of work which exists because of a labor dispute at the  
15 factory, establishment or other premises at which the individual is  
16 or was last employed, including a strike or other concerted activities  
17 of employees at the claimant's workplace, whether or not authorized  
18 or sanctioned by a union representing the claimant, but not  
19 including a dispute subject to the provisions of paragraph (2) or (3)  
20 of this subsection (d), the claimant shall not be provided benefits  
21 for a period of the first 14 days following the commencement of the  
22 unemployment caused by the labor dispute, except that the claimant  
23 shall be provided benefits during any part of that the 14-day period  
24 in which the employer engages the services of a replacement worker  
25 for the claimant's position, whether that replacement worker is  
26 engaged on a permanent or temporary basis, or is an existing worker  
27 reassigned permanently or temporarily from other duties to perform  
28 the duties of the claimant's position. For any claim for a period of  
29 unemployment commencing on or after January 1, 2022 which  
30 exists because of a labor dispute at the factory, establishment or  
31 other premises at which the individual is or was last employed, if  
32 the labor dispute has not resulted in a stoppage of work, no  
33 disqualification under this subsection (d) shall apply, and the 14-  
34 day waiting period in this paragraph (4) shall not apply.

35 (e) For any week with respect to which the individual is  
36 receiving or has received remuneration in lieu of notice.

37 (f) For any week with respect to which or a part of which the  
38 individual has received or is seeking unemployment benefits under  
39 an unemployment compensation law of any other state or of the  
40 United States; provided that if the appropriate agency of the other  
41 state or of the United States finally determines that the individual is  
42 not entitled to unemployment benefits, this disqualification shall not  
43 apply.

44 (g) (1) For a period of one year from the date of the discovery by  
45 the division of the illegal receipt or attempted receipt of benefits  
46 contrary to the provisions of this chapter, as the result of any false  
47 or fraudulent representation; provided that any disqualification may  
48 be appealed in the same manner as any other disqualification

1 imposed hereunder; and provided further that a conviction in the  
2 courts of this State arising out of the illegal receipt or attempted  
3 receipt of these benefits in any proceeding instituted against the  
4 individual under the provisions of this chapter or any other law of  
5 this State shall be conclusive upon the appeals tribunal and the  
6 board of review.

7 (2) A disqualification under this subsection shall not preclude the  
8 prosecution of any civil, criminal or administrative action or  
9 proceeding to enforce other provisions of this chapter for the  
10 assessment and collection of penalties or the refund of any amounts  
11 collected as benefits under the provisions of R.S.43:21-16, or to  
12 enforce any other law, where an individual obtains or attempts to  
13 obtain by theft or robbery or false statements or representations any  
14 money from any fund created or established under this chapter or  
15 any negotiable or nonnegotiable instrument for the payment of  
16 money from these funds, or to recover money erroneously or  
17 illegally obtained by an individual from any fund created or  
18 established under this chapter.

19 (h) (1) Notwithstanding any other provisions of this chapter  
20 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
21 denied benefits for any week because the individual is in training  
22 approved under section 236(a)(1) of the "Trade Act of 1974,"  
23 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be  
24 denied benefits by reason of leaving work to enter this training,  
25 provided the work left is not suitable employment, or because of the  
26 application to any week in training of provisions in this chapter  
27 (R.S.43:21-1 et seq.), or any applicable federal unemployment  
28 compensation law, relating to availability for work, active search  
29 for work, or refusal to accept work.

30 (2) For purposes of this subsection (h), the term "suitable"  
31 employment means, with respect to an individual, work of a  
32 substantially equal or higher skill level than the individual's past  
33 adversely affected employment, as defined for purposes of the  
34 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and  
35 wages for this work at not less than 80【%】 percent of the  
36 individual's average weekly wage, as determined for the purposes of  
37 the "Trade Act of 1974."

38 (i) For benefit years commencing after June 30, 1984, for any  
39 week in which the individual is a student in full attendance at, or on  
40 vacation from, an educational institution, as defined in subsection  
41 (y) of R.S.43:21-19; except that this subsection shall not apply to  
42 any individual attending a training program approved by the  
43 division to enhance the individual's employment opportunities, as  
44 defined under subsection (c) of R.S.43:21-4; nor shall this  
45 subsection apply to any individual who, during the individual's base  
46 year, earned sufficient wages, as defined under subsection (e) of  
47 R.S.43:21-4, while attending an educational institution during  
48 periods other than established and customary vacation periods or

1 holiday recesses at the educational institution, to establish a claim  
2 for benefits. For purposes of this subsection, an individual shall be  
3 treated as a full-time student for any period:

4 (1) During which the individual is enrolled as a full-time student  
5 at an educational institution, or

6 (2) Which is between academic years or terms, if the individual  
7 was enrolled as a full-time student at an educational institution for  
8 the immediately preceding academic year or term.

9 (j) Notwithstanding any other provisions of this chapter  
10 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
11 denied benefits because the individual left work or was discharged  
12 due to circumstances resulting from the individual being a victim of  
13 domestic violence as defined in section 3 of P.L.1991, c.261  
14 (C.2C:25-19). No employer's account shall be charged for the  
15 payment of benefits to an individual who left work due to  
16 circumstances resulting from the individual being a victim of  
17 domestic violence.

18 For the purposes of this subsection (j), the individual shall be  
19 treated as being a victim of domestic violence if the individual  
20 provides one or more of the following:

21 (1) A restraining order or other documentation of equitable relief  
22 issued by a court of competent jurisdiction;

23 (2) A police record documenting the domestic violence;

24 (3) Documentation that the perpetrator of the domestic violence  
25 has been convicted of one or more of the offenses enumerated in  
26 section 3 of P.L.1991, c.261 (C.2C:25-19);

27 (4) Medical documentation of the domestic violence;

28 (5) Certification from a certified Domestic Violence Specialist or  
29 the director of a designated domestic violence agency that the  
30 individual is a victim of domestic violence; or

31 (6) Other documentation or certification of the domestic violence  
32 provided by a social worker, member of the clergy, shelter worker  
33 or other professional who has assisted the individual in dealing with  
34 the domestic violence.

35 For the purposes of this subsection (j):

36 "Certified Domestic Violence Specialist" means a person who  
37 has fulfilled the requirements of certification as a Domestic  
38 Violence Specialist established by the New Jersey Association of  
39 Domestic Violence Professionals; and "designated domestic  
40 violence agency" means a county-wide organization with a primary  
41 purpose to provide services to victims of domestic violence, and  
42 which provides services that conform to the core domestic violence  
43 services profile as defined by the Division of **【Youth and Family**  
44 **Services】** Child Permanency and Protection in the Department of  
45 Children and Families and is under contract with the division for  
46 the express purpose of providing such services.

47 (k) Notwithstanding any other provisions of this chapter  
48 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be

1 denied benefits for any week in which the individual left work  
2 voluntarily and without good cause attributable to the work, if the  
3 individual left work to accompany his or her spouse who is an  
4 active member of the United States Armed Forces, as defined in  
5 N.J.S.38A:1-1(g), to a new place of residence outside the State, due  
6 to the armed forces member's transfer to a new assignment in a  
7 different geographical location outside the State, and the individual  
8 moves to the new place of residence not more than nine months  
9 after the spouse is transferred, and upon arrival at the new place of  
10 residence the individual was in all respects available for suitable  
11 work. No employer's account shall be charged for the payment of  
12 benefits to an individual who left work under the circumstances  
13 contained in this subsection (k), except that this shall not be  
14 construed as relieving the State of New Jersey and any other  
15 governmental entity or instrumentality or nonprofit organization  
16 electing or required to make payments in lieu of contributions from  
17 its responsibility to make all benefit payments otherwise required  
18 by law and from being charged for those benefits as otherwise  
19 required by law.<sup>1</sup>

20 (cf: P.L.2023, c.37, s.1)

21  
22 <sup>1</sup>**[71.] 127.**<sup>1</sup> Section 8 of P.L.1997, c.38 (C.44:10-62) is  
23 amended to read as follows:

24 8. a. As defined by the commissioner, each adult recipient shall  
25 continuously and actively seek employment in an effort to remove  
26 the assistance unit of which the recipient is a member from the  
27 program. A recipient may be assigned to a work activity as  
28 determined by the commissioner. The recipient shall sign an  
29 individual responsibility plan, as provided in subsection f. of this  
30 section, in order to be able to participate in the program, which  
31 shall indicate the terms of the work activity requirements that the  
32 recipient must fulfill in order to continue to receive benefits.

33 b. In accordance with Pub.L.104-193 (42 U.S.C. s. 601 et seq.),  
34 a recipient in an assistance unit with dependent children shall  
35 commence participation in a work activity, self-directed job search  
36 or other activities as determined by the commissioner at some time  
37 prior to having received 24 months of benefits; except that if the  
38 recipient is a full-time post-secondary student in a course of study  
39 related to employment as defined by regulation of the  
40 commissioner, the recipient shall be required to engage in another  
41 work activity for no more than 15 hours a week, subject to the  
42 recipient making satisfactory progress toward the completion of the  
43 post-secondary course of study as determined by the commissioner.

44 c. A recipient shall comply with work activity participation  
45 requirements as a condition of remaining eligible for benefits. In  
46 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.  
47 601 et seq.), a minimum participation rate of 25 <sup>1</sup>**[%] percent**<sup>1</sup> shall  
48 be realized in federal fiscal year 1997. The participation rate shall

1 increase by 5 **'[%] percent'**<sup>1</sup> in each federal fiscal year to a level of  
2 50 **'[%] percent'**<sup>1</sup> in federal fiscal year 2002 and thereafter. For  
3 two-parent assistance units with dependent children receiving  
4 benefits, the participation rate shall be 75 **'[%] percent'**<sup>1</sup> for federal  
5 fiscal years 1997 and 1998 and 90 **'[%] percent'**<sup>1</sup> in federal fiscal  
6 year 1999 and thereafter. The participation rate shall be calculated  
7 in accordance with federal requirements. A recipient may be  
8 required to participate in one or more work activities for a  
9 maximum aggregate hourly total of 40 hours per week.

10 d. A recipient shall not be required to engage in a work activity  
11 if child care, including the unavailability of after-school child care  
12 for children over six years of age, is unavailable for the recipient's  
13 dependent child, as determined by regulation of the commissioner.

14 e. A recipient may temporarily be deferred from work activity  
15 requirements as provided for by the commissioner if the recipient  
16 is:

17 (1) a woman in the third trimester of pregnancy;

18 (2) a person certified by an examining legally licensed physician  
19 or legally licensed certified nurse midwife, acting within the scope  
20 of the practitioner's profession, to be unable, by reason of a physical  
21 or mental defect, disease or impairment, to engage in any gainful  
22 occupation for any period less than 12 months; or

23 (3) the parent or relative of a child under the age of 12 weeks  
24 who is providing care for that child, except that, the deferral may be  
25 extended for an appropriate period of time if determined to be  
26 medically necessary for the parent or child.

27 f. Upon a determination of eligibility for benefits, each adult  
28 recipient not otherwise deferred or exempted under this act shall be  
29 given an assessment of that person's potential and readiness for  
30 work, including, but not limited to, skills, education, past work  
31 experience and any barriers to securing employment, including a  
32 screening and assessment for substance **[abuse] use disorder**, as  
33 appropriate. For all recipients not deferred or exempt, an annual  
34 individual responsibility plan shall be developed jointly by the  
35 county agency or municipal welfare agency, as appropriate, and the  
36 recipient specifying the steps that will be taken by each to assist the  
37 recipient to secure employment. The individual responsibility plan  
38 shall include specific goals for each adult member or minor parent  
39 in the assistance unit, and may include specific goals for a  
40 dependent child member of the assistance unit. The goals, as  
41 determined by regulation of the commissioner, shall include, but not  
42 be limited to, requirements for parental participation in a dependent  
43 child's primary school program, immunizations for a dependent  
44 child, and regular school attendance by a dependent child.  
45 Recipients who are job ready shall be placed immediately in a self-  
46 directed job search. Within the amount of funds allocated by the  
47 commissioner for this purpose, other recipients shall be placed in an

1 appropriate work activity as indicated by their individual  
2 assessments.

3 g. The county agency or municipal welfare agency, as  
4 appropriate, shall ensure the provision of necessary case  
5 management for recipients, as appropriate to their degree of job  
6 readiness, pursuant to regulations adopted by the commissioner.  
7 The most intensive case management shall be directed to those  
8 recipients facing the most serious barriers to employment.

9 h. (1) A recipient shall not be placed or utilized in a position at  
10 a particular workplace:

11 (a) that was previously filled by a regular employee if that  
12 position, or a substantially similar position at that workplace, has  
13 been made vacant through a demotion, substantial reduction of  
14 hours or a layoff of a regular employee in the previous 12 months,  
15 or has been eliminated by the employer at any time during the  
16 previous 12 months;

17 (b) in a manner that infringes upon a wage rate or an  
18 employment benefit, or violates the contractual overtime provisions  
19 of a regular employee at that workplace;

20 (c) in a manner that violates an existing collective bargaining  
21 agreement or a statutory provision that applies to that workplace;

22 (d) in a manner that supplants or duplicates a position in an  
23 existing, approved apprenticeship program;

24 (e) by or through an employment agency or temporary help  
25 service firm as a community work experience or alternative work  
26 experience worker;

27 (f) if there is a contractual or statutory recall right to that  
28 position at that workplace; or

29 (g) if there is an ongoing strike or lockout at that workplace.

30 (2) A person who believes that he has been adversely affected  
31 by a violation of this subsection, or the organization that is duly  
32 authorized to represent the collective bargaining unit to which that  
33 person belongs, shall be afforded an opportunity to meet with a  
34 designee of the Commissioner of Labor and Workforce  
35 Development or the Governor's Office of Employee Relations, as  
36 appropriate. The designee shall attempt to resolve the complaint of  
37 the alleged violation within 30 days of the date of the request for  
38 the meeting. The Commissioner of Labor and Workforce  
39 Development, in consultation with the Governor's Office of  
40 Employee Relations, shall adopt regulations to effectuate the  
41 provisions of this subsection. In the event that the complaint is not  
42 resolved within the 30-day period, the complainant may appeal to  
43 the New Jersey State Board of Mediation in the Department of  
44 Labor and Workforce Development for expedited binding  
45 arbitration in accordance with the rules of the board. If the  
46 arbitrator determines that a violation has occurred, <sup>1</sup>~~he~~ the  
47 arbitrator<sup>1</sup> shall provide an appropriate remedy. The cost of the  
48 arbitration shall be borne equally by both parties to the dispute.

1 (3) Nothing in this subsection shall be construed to prevent a  
2 collective bargaining agreement from containing additional  
3 protections for a regular employee.

4 i. The commissioner, acting in conjunction with the  
5 Commissioners of Banking and Insurance, Community Affairs,  
6 Education, Health <sup>1</sup>~~and Senior Services~~<sup>1</sup>, Labor and Workforce  
7 Development and Transportation, shall implement all elements of  
8 the program and establish initiatives to assist in moving recipients  
9 towards self-sufficiency.

10 j. The commissioner shall take such actions as are necessary to  
11 ensure that the program meets the requirements to qualify for the  
12 maximum amount of federal funds due the State under Pub.L.104-  
13 193 (42 U.S.C. s. 601 et seq.).

14 k. The commissioner is authorized to seek such waivers from  
15 the federal government as are necessary to accomplish the goals of  
16 the program.

17 (cf: P.L.2009, c.114, s.3)

18  
19 <sup>1</sup>~~72.1~~ 128.1 Section 4 of P.L.2013, c.45 (C.44:10-98) is  
20 amended to read as follows:

21 4. a. The commissioner shall issue a request for proposals from  
22 qualifying agencies to participate in the project no later than 60  
23 days following the effective date of P.L.2013, c.45 (C.44:10-95 et  
24 seq.).

25 b. (1) The department shall select no fewer than three partnering  
26 providers, from among qualifying agencies submitting proposals, to  
27 participate in the project. Partnering providers shall provide  
28 services under NJ SNAP ETP to eligible participants and be eligible  
29 to receive federal reimbursements for those services pursuant to the  
30 conditions of P.L.2013, c.45 (C.44:10-95 et seq.).

31 (2) The Commissioner of Labor and Workforce Development  
32 shall extend the program beyond the initial four-year period. The  
33 Commissioner of Labor and Workforce Development shall, subject  
34 to the availability of federal funds, annually issue a new request for  
35 proposals and maintain the participation of no fewer than three  
36 partnering providers, from among qualifying agencies submitting  
37 proposals, to participate in the project for each subsequent year.

38 c. Each qualifying agency shall be evaluated for participation  
39 as a partnering provider in the project based on the agency's  
40 capacity to: serve eligible participants under NJ SNAP ETP;  
41 identify and utilize non-federal resources qualifying for federal  
42 SNAP ETP reimbursements pursuant to the federal "Food and  
43 Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.);  
44 present and implement a coherent program plan for NJ SNAP ETP  
45 activities, as described in subsection d. of this section; and perform  
46 effectively each of the functions specified in section 6 of P.L.2013,  
47 c.45 (C.44:10-100).

- 1       d. Each qualifying agency's proposal shall include a program  
2 plan describing how the agency's activities under the project would  
3 fulfill the purposes of NJ SNAP ETP. The program plan shall  
4 include, but not be limited to, the following information:
- 5       (1) the program goals and objectives, including the agency's  
6 priorities for serving eligible participants in the State;
- 7       (2) the program design, including: strategies for targeting and  
8 recruiting eligible participants; educational skills and training  
9 activities; work-related activities; job preparation, placement, and  
10 retention activities; strategies for coordinating with the county  
11 welfare agencies and the Department of Labor and Workforce  
12 Development; and strategies for providing support services,  
13 including case management, early intervention, career counseling,  
14 and referrals to additional programs and services;
- 15       (3) the program budget, including the overall resources to be  
16 used to support the agency's NJ SNAP ETP activities, the specific  
17 non-federal resources to be used to generate federal SNAP ETP  
18 reimbursements, and the intended utilization of anticipated federal  
19 SNAP ETP reimbursements;
- 20       (4) the extent to which community partners, including  
21 subcontractors, will be involved in the agency's activities; and
- 22       (5) the agency's plans for performing each of the functions  
23 specified in section 6 of P.L.2013, c.45 (C.44:10-100).
- 24       e. In selecting partnering providers for participation in the  
25 project, the Department of Labor and Workforce Development shall  
26 prioritize partnering providers that would:
- 27       (1) serve SNAP recipients with significant barriers to  
28 employment, including, but not limited to: able-bodied adults  
29 without dependents required to participate in employment and  
30 training programs as a condition of receiving SNAP benefits;  
31 individuals with a history of substance **[abuse]** use disorder or  
32 other work limitations; ex-offenders; individuals with low literacy  
33 or limited English proficiency; veterans who are not eligible for  
34 other employment and training programs; and persons who are 16  
35 through 24 years of age;
- 36       (2) serve unemployed or underemployed parents, including non-  
37 custodial parents and parents who have exceeded their Work First  
38 New Jersey TANF 60-month lifetime limit on cash assistance;
- 39       (3) provide training in both vocational and technical skills, as  
40 well as "soft skills," including, but not limited to: workplace  
41 preparation training, teamwork, problem solving, time management,  
42 and conflict resolution;
- 43       (4) provide training that results in marketable credentials and  
44 that prepares participants for employment or reemployment in  
45 industries with projections of growth;
- 46       (5) conduct job development activities and identify how job  
47 opportunities will be secured to maximize SNAP recipients'



1 permanent placement in employment providing compensation at the  
2 level of a living wage and opportunities for wage progression; and

3 (6) demonstrate a proven history of successful job placement  
4 and retention.

5 f. The Department of Labor and Workforce Development may  
6 select partnering providers that would provide NJ SNAP ETP  
7 services within any service area including, but not limited to: the  
8 entire State; one or more regions encompassing several counties; or  
9 a single county.

10 g. Upon selection of a partnering provider, the Department of  
11 Labor and Workforce Development shall negotiate and execute a  
12 memorandum of understanding with the partnering provider, the  
13 department, and county welfare agencies, as applicable. The  
14 memorandum of understanding shall define the extent and degree of  
15 assistance and delineate the respective expectations, duties, and  
16 relations among the department, the Department of Labor and  
17 Workforce Development, the county welfare agencies, and the  
18 partnering provider.

19 h. The Commissioner of Labor and Workforce Development  
20 shall establish standards of performance for partnering providers  
21 conducting project activities pursuant to P.L.2013, c.45 (C.44:10-95  
22 et seq.), including, but not limited to, standards for performing the  
23 programmatic functions and financial functions required pursuant to  
24 section 6 of P.L.2013, c.45 (C.44:10-100). The memorandum of  
25 understanding negotiated and executed pursuant to subsection g. of  
26 this section shall include a performance-based system for  
27 distributing federal SNAP ETP reimbursements to each partnering  
28 provider based upon the partnering provider's achievement of the  
29 standards of performance.

30 i. Upon finding that a partnering provider has not conducted its  
31 project activities in accordance with the standards of performance  
32 established in subsection h. of this section or that a partnering  
33 provider has otherwise failed to comply with the requirements of  
34 P.L.2013, c.45 (C.44:10-95 et seq.), the Commissioner of Labor and  
35 Workforce Development may: take such action as is necessary to  
36 correct the deficiencies of the provider; and terminate the partnering  
37 provider's participation in the project if the provider fails to take  
38 remedial action.

39 (cf: P.L.2019, c.253, s.4)

40  
41 <sup>1</sup>[73.] 129.<sup>1</sup> Section 26 of P.L.2007, c.244 (C.45:1-46) is  
42 amended to read as follows:

43 26. Access to prescription information.

44 a. The division shall maintain procedures to ensure privacy and  
45 confidentiality of patients and that patient information collected,  
46 recorded, transmitted, and maintained is not disclosed, except as  
47 permitted in this section, including, but not limited to, the use of a  
48 password-protected system for maintaining this information and

1 permitting access thereto as authorized under sections 25 through  
2 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), and a  
3 requirement that a person as listed in subsection h. or i. of this  
4 section provide affirmation of the person's intent to comply with the  
5 provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45  
6 through C.45:1-50) as a condition of accessing the information.

7 b. The prescription monitoring information submitted to the  
8 division shall be confidential and not be subject to public disclosure  
9 under P.L.1963, c.73 (C.47:1A-1 et seq.), or P.L.2001, c.404  
10 (C.47:1A-5 et al.).

11 c. The division shall review the prescription monitoring  
12 information provided by a pharmacy permit holder pursuant to  
13 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through  
14 C.45:1-50). The review shall include, but not be limited to:

15 (1) a review to identify whether any person is obtaining a  
16 prescription in a manner that may be indicative of misuse, abuse, or  
17 diversion of a controlled dangerous substance. The director shall  
18 establish guidelines regarding the terms "misuse," "abuse," and  
19 "diversion" for the purposes of this review. When an evaluation of  
20 the information indicates that a person may be obtaining a  
21 prescription for the same or a similar controlled dangerous  
22 substance from multiple practitioners or pharmacists during the  
23 same time period, the division may provide prescription monitoring  
24 information about the person to practitioners and pharmacists; and

25 (2) a review to identify whether a violation of law or regulation  
26 or a breach of the applicable standards of practice by any person  
27 may have occurred, including, but not limited to, diversion of a  
28 controlled dangerous substance. If the division determines that  
29 such a violation or breach may have occurred, the division shall  
30 notify the appropriate law enforcement agency or professional  
31 licensing board, and provide the prescription monitoring  
32 information required for an investigation.

33 d. (Deleted by amendment, P.L.2015, c.74)

34 e. (Deleted by amendment, P.L.2015, c.74)

35 f. (Deleted by amendment, P.L.2015, c.74)

36 g. (Deleted by amendment, P.L.2015, c.74)

37 h. (1) A practitioner shall register to access prescription  
38 monitoring information upon initial application for, or renewal of ,  
39 the practitioner's CDS registration.

40 (2) The division shall provide to a pharmacist who is employed  
41 by a current pharmacy permit holder online access to prescription  
42 monitoring information for the purpose of providing health care to a  
43 current patient or verifying information with respect to a patient or  
44 a prescriber.

45 (3) The division shall provide to a practitioner who has a current  
46 CDS registration online access to prescription monitoring  
47 information for the purpose of providing health care to a current  
48 patient or verifying information with respect to a patient or a

1 prescriber. The division shall also grant online access to  
2 prescription monitoring information to as many licensed health care  
3 professionals as are authorized by a practitioner to access that  
4 information and for whom the practitioner is responsible for the use  
5 or misuse of that information, subject to a limit on the number of  
6 such health care professionals as deemed appropriate by the  
7 division for that particular type and size of professional practice, in  
8 order to minimize the burden to practitioners to the extent  
9 practicable while protecting the confidentiality of the prescription  
10 monitoring information obtained. The director shall establish, by  
11 regulation, the terms and conditions under which a practitioner may  
12 delegate that authorization, including procedures for authorization  
13 and termination of authorization, provisions for maintaining  
14 confidentiality, and such other matters as the division may deem  
15 appropriate.

16 (4) The division shall provide online access to prescription  
17 monitoring information to as many medical or dental residents as  
18 are authorized by a faculty member of a medical or dental teaching  
19 facility to access that information and for whom the practitioner is  
20 responsible for the use or misuse of that information. The director  
21 shall establish, by regulation, the terms and conditions under which  
22 a faculty member of a medical or dental teaching facility may  
23 delegate that authorization, including procedures for authorization  
24 and termination of authorization, provisions for maintaining  
25 confidentiality, provisions regarding the duration of a medical or  
26 dental resident's authorization to access prescription monitoring  
27 information, and such other matters as the division may deem  
28 appropriate.

29 (5) (a) The division shall provide online access to prescription  
30 monitoring information to :

31 (i) as many certified medical assistants as are authorized by a  
32 practitioner to access that information and for whom the  
33 practitioner is responsible for the use or misuse of that information ;

34 (ii) as many medical scribes working in a hospital's emergency  
35 department as are authorized by a practitioner to access that  
36 information and for whom the practitioner is responsible for the use  
37 or misuse of that information; and

38 (iii) as many licensed athletic trainers working in a clinical  
39 setting as are authorized by a practitioner to access that information  
40 and for whom the practitioner is responsible for the use or misuse of  
41 that information.

42 (b) The director shall establish, by regulation, the terms and  
43 conditions under which a practitioner may delegate authorization  
44 pursuant to subparagraph (a) of this paragraph , including  
45 procedures for authorization and termination of authorization,  
46 provisions for maintaining confidentiality, provisions regarding the  
47 duration of a certified medical assistant's , medical scribe's, or  
48 licensed athletic trainer's authorization to access prescription

1 monitoring information, and provisions addressing such other  
2 matters as the division may deem appropriate.

3 (6) The division shall provide online access to prescription  
4 monitoring information to as many registered dental assistants as  
5 are authorized by a licensed dentist to access that information and  
6 for whom the licensed dentist is responsible for the use or misuse of  
7 that information. The director shall establish, by regulation, the  
8 terms and conditions under which a licensed dentist may delegate  
9 that authorization, including procedures for authorization and  
10 termination of authorization, provisions for maintaining  
11 confidentiality, provisions regarding the duration of a registered  
12 dental assistant's authorization to access prescription monitoring  
13 information, and such other matters as the division may deem  
14 appropriate.

15 (7) A person listed in this subsection, as a condition of  
16 accessing prescription monitoring information pursuant thereto,  
17 shall certify that the request is for the purpose of providing health  
18 care to a current patient or verifying information with respect to a  
19 patient or practitioner. Such certification shall be furnished through  
20 means of an online statement or alternate means authorized by the  
21 director, in a form and manner prescribed by rule or regulation  
22 adopted by the director. If the information is being accessed by an  
23 authorized person using an electronic system authorized pursuant to  
24 subsection q. of this section, the certification may be furnished  
25 through the electronic system.

26 i. The division may provide online access to prescription  
27 monitoring information, or may provide access to prescription  
28 monitoring information through any other means deemed  
29 appropriate by the director, to the following persons:

30 (1) authorized personnel of the division or a vendor or  
31 contractor responsible for maintaining the Prescription Monitoring  
32 Program;

33 (2) authorized personnel of the division responsible for  
34 administration of the provisions of P.L.1970, c.226 (C.24:21-1 et  
35 seq.);

36 (3) the State Medical Examiner, a county medical examiner, a  
37 deputy or assistant county medical examiner, or a qualified  
38 designated assistant thereof, who certifies that the request is for the  
39 purpose of investigating a death pursuant to P.L.1967, c.234  
40 (C.52:17B-78 et seq.);

41 (4) a controlled dangerous substance monitoring program in  
42 another state with which the division has established an  
43 interoperability agreement, or which participates with the division  
44 in a system that facilitates the secure sharing of information  
45 between states;

46 (5) a designated representative of the State Board of Medical  
47 Examiners, New Jersey State Board of Dentistry, State Board of  
48 Nursing, New Jersey State Board of Optometrists, State Board of

1 Pharmacy, State Board of Veterinary Medical Examiners, or any  
2 other board in this State or another state that regulates the practice  
3 of persons who are authorized to prescribe or dispense controlled  
4 dangerous substances, as applicable, who certifies that the  
5 representative is engaged in a bona fide specific investigation of a  
6 designated practitioner or pharmacist whose professional practice  
7 was or is regulated by that board;

8 (6) a State, federal, or municipal law enforcement officer who is  
9 acting pursuant to a court order and certifies that the officer is  
10 engaged in a bona fide specific investigation of a designated  
11 practitioner, pharmacist, or patient. A law enforcement agency that  
12 obtains prescription monitoring information shall comply with  
13 security protocols established by the director by regulation;

14 (7) a designated representative of a state Medicaid or other  
15 program who certifies that the representative is engaged in a bona  
16 fide investigation of a designated practitioner, pharmacist, or  
17 patient;

18 (8) a properly convened grand jury pursuant to a subpoena  
19 properly issued for the records; and

20 (9) a licensed mental health practitioner providing treatment for  
21 substance **[abuse]** use disorder to patients at a residential or  
22 outpatient substance **[abuse]** use disorder treatment center licensed  
23 by the Division of Mental Health and Addiction Services in the  
24 Department of Human Services, who certifies that the request is for  
25 the purpose of providing health care to a current patient or verifying  
26 information with respect to a patient or practitioner, and who  
27 furnishes the division with the written consent of the patient for the  
28 mental health practitioner to obtain prescription monitoring  
29 information about the patient. The director shall establish, by  
30 regulation, the terms and conditions under which a mental health  
31 practitioner may request and receive prescription monitoring  
32 information. Nothing in sections 25 through 30 of P.L.2007, c.244  
33 (C.45:1-45 through C.45:1-50) shall be construed to require or  
34 obligate a mental health practitioner to access or check the  
35 prescription monitoring information in the course of treatment  
36 beyond that which may be required as part of the mental health  
37 practitioner's professional practice.

38 j. A person listed in subsection i. of this section, as a condition  
39 of obtaining prescription monitoring information pursuant thereto,  
40 shall certify the reasons for seeking to obtain that information.  
41 Such certification shall be furnished through means of an online  
42 statement or alternate means authorized by the director, in a form  
43 and manner prescribed by rule or regulation adopted by the director.

44 k. The division shall offer an online tutorial for those persons  
45 listed in subsections h. and i. of this section, which shall, at a  
46 minimum, include: how to access prescription monitoring  
47 information; the rights of persons who are the subject of this  
48 information; the responsibilities of persons who access this

1 information; a summary of the other provisions of sections 25  
2 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and  
3 the regulations adopted pursuant thereto, regarding the permitted  
4 uses of that information and penalties for violations thereof; and a  
5 summary of the requirements of the federal health privacy rule set  
6 forth at 45 CFR Parts 160 and 164 and a hypertext link to the  
7 federal Department of Health and Human Services website for  
8 further information about the specific provisions of the privacy rule.

9 l. The division may request and receive prescription  
10 monitoring information from prescription monitoring programs in  
11 other states and may use that information for the purposes of  
12 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through  
13 C.45:1-50). When sharing data with programs in another state, the  
14 division shall not be required to obtain a memorandum of  
15 understanding unless required by the other state.

16 m. The director may provide nonidentifying prescription drug  
17 monitoring information to public or private entities for statistical,  
18 research, or educational purposes, in accordance with the provisions  
19 of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through  
20 C.45:1-50).

21 n. Nothing shall be construed to prohibit the division from  
22 obtaining unsolicited automated reports from the program or  
23 disseminating such reports to pharmacists, practitioners, mental  
24 health care practitioners, and other licensed health care  
25 professionals.

26 o. (1) A current patient of a practitioner may request from that  
27 practitioner that patient's own prescription monitoring information  
28 that has been submitted to the division pursuant to sections 25  
29 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). A  
30 parent or legal guardian of a child who is a current patient of a  
31 practitioner may request from that practitioner the child's  
32 prescription monitoring information that has been submitted to the  
33 division pursuant to sections 25 through 30 of P.L.2007, c.244  
34 (C.45:1-45 through C.45:1-50).

35 (2) Upon receipt of a request pursuant to paragraph (1) of this  
36 subsection, a practitioner or health care professional authorized by  
37 that practitioner may provide the current patient or parent or legal  
38 guardian, as the case may be, with access to or a copy of the  
39 prescription monitoring information pertaining to that patient or  
40 child.

41 (3) The division shall establish a process by which a patient, or  
42 the parent or legal guardian of a child who is a patient, may request  
43 a pharmacy permit holder that submitted prescription monitoring  
44 information concerning a prescription for controlled dangerous  
45 substances for that patient or child to the division pursuant to  
46 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through  
47 C.45:1-50) to correct information that the person believes to have  
48 been inaccurately entered into that patient's or child's prescription

1 profile. Upon confirmation of the inaccuracy of any such entry into  
2 a patient's or child's prescription profile, the pharmacy permit  
3 holder shall be authorized to correct any such inaccuracies by  
4 submitting corrected information to the division pursuant to  
5 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through  
6 C.45:1-50). The process shall provide for review by the Board of  
7 Pharmacy of any disputed request for correction, which  
8 determination shall be appealable to the director.

9 p. The division shall take steps to ensure that appropriate  
10 channels of communication exist to enable any licensed health care  
11 professional, licensed pharmacist, mental health practitioner,  
12 pharmacy permit holder, or other practitioner who has online access  
13 to the Prescription Monitoring Program pursuant to this section to  
14 seek or provide information to the division related to the provisions  
15 of this section.

16 q. (1) The division may make prescription monitoring  
17 information available on electronic systems that collect and display  
18 health information, such as an electronic system that connects  
19 hospital emergency departments for the purpose of transmitting and  
20 obtaining patient health data from multiple sources , or an  
21 electronic system that notifies practitioners of information  
22 pertaining to the treatment of overdoses ; provided that the division  
23 determines that any such electronic system has appropriate security  
24 protections in place.

25 (2) Practitioners who are required to access prescription  
26 monitoring information pursuant to section 8 of P.L.2015, c.74  
27 (C.45:1-46.1) may discharge that responsibility by accessing one or  
28 more authorized electronic systems into which the prescription  
29 monitoring information maintained by the division has been  
30 integrated.

31 (cf: P.L.2017, c.341, s.3)

32  
33 <sup>1</sup>[74.] 130.<sup>1</sup> Section 8 of P.L.2015, c.74 (C.45:1-46.1) is  
34 amended to read as follows:

35 8. a. (1) Except as provided in subsection b. of this section, a  
36 practitioner or other person who is authorized by a practitioner to  
37 access prescription monitoring information pursuant to subsection  
38 h. of section 26 of P.L.2007, c.244 (C.45:1-46) shall access  
39 prescription monitoring information:

40 (a) the first time the practitioner or other person prescribes a  
41 Schedule II controlled dangerous substance or any opioid to a new  
42 patient for acute or chronic pain;

43 (b) the first time a practitioner or other person prescribes a  
44 benzodiazepine drug that is a Schedule III or Schedule IV  
45 controlled dangerous substance;

46 (c) if the practitioner or other person has a reasonable belief that  
47 the person may be seeking a controlled dangerous substance, in  
48 whole or in part, for any purpose other than the treatment of an

1 existing medical condition, such as for purposes of misuse, abuse,  
2 or diversion, the first time the practitioner or other person  
3 prescribes a non-opioid drug other than a benzodiazepine drug that  
4 is a Schedule III or IV controlled dangerous substance; and

5 (d) on or after the date that the division first makes prescription  
6 monitoring information available on an electronic system that  
7 collects and displays health information, pursuant to subsection q.  
8 of section 26 of P.L.2007, c.244 (C.45:1-46), any time the  
9 practitioner or other person prescribes a Schedule II controlled  
10 dangerous substance for acute or chronic pain to a patient receiving  
11 care or treatment in the emergency department of a general hospital.

12 In addition, in any case in which a prescription is issued to a new  
13 patient, either on or after the effective date of P.L.2017, c.341  
14 (C.45:16-9.4c et al.), for a Schedule II controlled dangerous  
15 substance or opioid drug that has been prescribed for acute or  
16 chronic pain, or for a benzodiazepine drug that is a Schedule III or  
17 IV controlled dangerous substance, the practitioner or other  
18 authorized person shall access prescription monitoring information  
19 on a quarterly basis during the period of time the patient continues  
20 to receive such prescription.

21 (2) (a) A pharmacist shall not dispense a Schedule II controlled  
22 dangerous substance, any opioid, or a benzodiazepine drug that is a  
23 Schedule III or IV controlled dangerous substance to any person  
24 without first accessing the prescription monitoring information, as  
25 authorized pursuant to subsection h. of section 26 of P.L.2007,  
26 c.244 (C.45:1-46), to determine if the person has received other  
27 prescriptions that indicate misuse, abuse, or diversion, if the  
28 pharmacist has a reasonable belief that the person may be seeking a  
29 controlled dangerous substance, in whole or in part, for any purpose  
30 other than the treatment of an existing medical condition, such as  
31 for purposes of misuse, abuse, or diversion.

32 (b) A pharmacist shall not dispense a prescription to a person  
33 other than the patient for whom the prescription is intended, unless  
34 the person picking up the prescription provides personal  
35 identification to the pharmacist, and the pharmacist, as required by  
36 subsection b. of section 25 of P.L.2007, c.244 (C.45:1-45), inputs  
37 that identifying information into the Prescription Monitoring  
38 Program if the pharmacist has a reasonable belief that the person  
39 may be seeking a controlled dangerous substance, in whole or in  
40 part, for any reason other than delivering the substance to the  
41 patient for the treatment of an existing medical condition. The  
42 provisions of this subparagraph shall not take effect until the  
43 director determines that the Prescription Monitoring Program has  
44 the technical capacity to accept such information.

45 b. The provisions of subsection a. of this section shall not  
46 apply to:

47 (1) a veterinarian;



1 (2) a practitioner or the practitioner's agent administering  
2 methadone, or another controlled dangerous substance designated  
3 by the director as appropriate for treatment of a patient with a  
4 substance **【abuse】** use disorder, as interim treatment for a patient  
5 on a waiting list for admission to an authorized substance **【abuse】**  
6 use disorder treatment program;

7 (3) a practitioner administering a controlled dangerous  
8 substance directly to a patient;

9 (4) a practitioner prescribing a controlled dangerous substance  
10 to be dispensed by an institutional pharmacy, as defined in  
11 N.J.A.C.13:39-9.2;

12 (5) a practitioner prescribing a controlled dangerous substance  
13 in the emergency department of a general hospital, provided that the  
14 quantity prescribed does not exceed a five-day supply of the  
15 substance; however, the exemption provided by this paragraph shall  
16 have no force or effect on or after the date on which the division  
17 first makes prescription monitoring information available on an  
18 electronic system that collects and displays health information,  
19 pursuant to subsection q. of section 26 of P.L.2007, c.244 (C.45:1-  
20 46);

21 (6) a practitioner prescribing a controlled dangerous substance  
22 to a patient under the care of a hospice;

23 (7) a situation in which it is not reasonably possible for the  
24 practitioner or pharmacist to access the Prescription Monitoring  
25 Program in a timely manner, no other individual authorized to  
26 access the Prescription Monitoring Program is reasonably available,  
27 and the quantity of controlled dangerous substance prescribed or  
28 dispensed does not exceed a five-day supply of the substance;

29 (8) a practitioner or pharmacist acting in compliance with  
30 regulations promulgated by the director as to circumstances under  
31 which consultation of the Prescription Monitoring Program would  
32 result in a patient's inability to obtain a prescription in a timely  
33 manner, thereby adversely impacting the medical condition of the  
34 patient;

35 (9) a situation in which the Prescription Monitoring Program is  
36 not operational as determined by the division or where it cannot be  
37 accessed by the practitioner due to a temporary technological or  
38 electrical failure, as set forth in regulation;

39 (10) a practitioner or pharmacist who has been granted a waiver  
40 due to technological limitations that are not reasonably within the  
41 control of the practitioner or pharmacist, or other exceptional  
42 circumstances demonstrated by the practitioner or pharmacist,  
43 pursuant to a process established in regulation, and in the discretion  
44 of the director; or

45 (11) a practitioner who is prescribing a controlled dangerous  
46 substance to a patient immediately after the patient has undergone  
47 an operation in a general hospital or a licensed ambulatory care  
48 facility or treatment for acute trauma in a general hospital or a

1 licensed ambulatory care facility, so long as that operation or  
2 treatment was not part of care or treatment in the emergency  
3 department of a general hospital as provided in subsection a. of this  
4 section, when no more than a five-day supply is prescribed.

5 (cf: P.L.2017, c.341, s.4)

6  
7 <sup>1</sup>~~75.~~ 131.<sup>1</sup> Section 1 of P.L.2013, c.150 (C.45:1-54) is  
8 amended to read as follows:

9 1. The Legislature finds and declares that:

10 a. Being lesbian, gay, or bisexual is not a disease, disorder,  
11 illness, deficiency, or shortcoming. The major professional  
12 associations of mental health practitioners and researchers in the  
13 United States have recognized this fact for nearly 40 years;

14 b. The American Psychological Association convened a Task  
15 Force on Appropriate Therapeutic Responses to Sexual Orientation.  
16 The task force conducted a systematic review of peer-reviewed  
17 journal literature on sexual orientation change efforts, and issued a  
18 report in 2009. The task force concluded that sexual orientation  
19 change efforts can pose critical health risks to lesbian, gay, and  
20 bisexual people, including confusion, depression, guilt,  
21 helplessness, hopelessness, shame, social withdrawal, suicidality,  
22 substance ~~abuse~~ use disorder, stress, disappointment, self-blame,  
23 decreased self-esteem and authenticity to others, increased self-  
24 hatred, hostility and blame toward parents, feelings of anger and  
25 betrayal, loss of friends and potential romantic partners, problems  
26 in sexual and emotional intimacy, sexual dysfunction, high-risk  
27 sexual behaviors, a feeling of being dehumanized and untrue to self,  
28 a loss of faith, and a sense of having wasted time and resources;

29 c. The American Psychological Association issued a resolution  
30 on Appropriate Affirmative Responses to Sexual Orientation  
31 Distress and Change Efforts in 2009, which states: "[T]he  
32 [American Psychological Association] advises parents, guardians,  
33 young people, and their families to avoid sexual orientation change  
34 efforts that portray homosexuality as a mental illness or  
35 developmental disorder and to seek psychotherapy, social support,  
36 and educational services that provide accurate information on  
37 sexual orientation and sexuality, increase family and school  
38 support, and reduce rejection of sexual minority youth";

39 d. (1) The American Psychiatric Association published a position  
40 statement in March of 2000 in which it stated: "Psychotherapeutic  
41 modalities to convert or 'repair' homosexuality are based on  
42 developmental theories whose scientific validity is questionable.  
43 Furthermore, anecdotal reports of 'cures' are counterbalanced by  
44 anecdotal claims of psychological harm. In the last four decades,  
45 'reparative' therapists have not produced any rigorous scientific  
46 research to substantiate their claims of cure. Until there is such  
47 research available, [the American Psychiatric Association]  
48 recommends that ethical practitioners refrain from attempts to

1 change individuals' sexual orientation, keeping in mind the medical  
2 dictum to first, do no harm;

3 (2) The potential risks of reparative therapy are great, including  
4 depression, anxiety and self-destructive behavior, since therapist  
5 alignment with societal prejudices against homosexuality may  
6 reinforce self-hatred already experienced by the patient. Many  
7 patients who have undergone reparative therapy relate that they  
8 were inaccurately told that homosexuals are lonely, unhappy  
9 individuals who never achieve acceptance or satisfaction. The  
10 possibility that the person might achieve happiness and satisfying  
11 interpersonal relationships as a gay man or lesbian is not presented,  
12 nor are alternative approaches to dealing with the effects of societal  
13 stigmatization discussed; and

14 (3) Therefore, the American Psychiatric Association opposes  
15 any psychiatric treatment such as reparative or conversion therapy  
16 which is based upon the assumption that homosexuality per se is a  
17 mental disorder or based upon the a priori assumption that a patient  
18 should change his or her sexual homosexual orientation";

19 e. The American School Counselor Association's position  
20 statement on professional school counselors and lesbian, gay,  
21 bisexual, transgender, and questioning (LGBTQ) youth states: "It is  
22 not the role of the professional school counselor to attempt to  
23 change a student's sexual orientation/gender identity but instead to  
24 provide support to LGBTQ students to promote student  
25 achievement and personal well-being. Recognizing that sexual  
26 orientation is not an illness and does not require treatment,  
27 professional school counselors may provide individual student  
28 planning or responsive services to LGBTQ students to promote self-  
29 acceptance, deal with social acceptance, understand issues related to  
30 coming out, including issues that families may face when a student  
31 goes through this process and identify appropriate community  
32 resources";

33 f. The American Academy of Pediatrics in 1993 published an  
34 article in its journal, Pediatrics, stating: "Therapy directed at  
35 specifically changing sexual orientation is contraindicated, since it  
36 can provoke guilt and anxiety while having little or no potential for  
37 achieving changes in orientation";

38 g. The American Medical Association Council on Scientific  
39 Affairs prepared a report in 1994 in which it stated: "Aversion  
40 therapy (a behavioral or medical intervention which pairs unwanted  
41 behavior, in this case, homosexual behavior, with unpleasant  
42 sensations or aversive consequences) is no longer recommended for  
43 gay men and lesbians. Through psychotherapy, gay men and  
44 lesbians can become comfortable with their sexual orientation and  
45 understand the societal response to it";

46 h. The National Association of Social Workers prepared a 1997  
47 policy statement in which it stated: "Social stigmatization of  
48 lesbian, gay, and bisexual people is widespread and is a primary

1 motivating factor in leading some people to seek sexual orientation  
2 changes. Sexual orientation conversion therapies assume that  
3 homosexual orientation is both pathological and freely chosen. No  
4 data demonstrates that reparative or conversion therapies are  
5 effective, and, in fact, they may be harmful";

6 i. The American Counseling Association Governing Council  
7 issued a position statement in April of 1999, and in it the council  
8 states: "We oppose 'the promotion of "reparative therapy" as a  
9 "cure" for individuals who are homosexual";

10 j. (1) The American Psychoanalytic Association issued a position  
11 statement in June 2012 on attempts to change sexual orientation,  
12 gender, identity, or gender expression, and in it the association  
13 states: "As with any societal prejudice, bias against individuals  
14 based on actual or perceived sexual orientation, gender identity or  
15 gender expression negatively affects mental health, contributing to  
16 an enduring sense of stigma and pervasive self-criticism through the  
17 internalization of such prejudice; and

18 (2) Psychoanalytic technique does not encompass purposeful  
19 attempts to 'convert,' 'repair,' change or shift an individual's sexual  
20 orientation, gender identity or gender expression. Such directed  
21 efforts are against fundamental principles of psychoanalytic  
22 treatment and often result in substantial psychological pain by  
23 reinforcing damaging internalized attitudes";

24 k. The American Academy of Child and Adolescent Psychiatry  
25 in 2012 published an article in its journal, Journal of the American  
26 Academy of Child and Adolescent Psychiatry, stating: "Clinicians  
27 should be aware that there is no evidence that sexual orientation can  
28 be altered through therapy, and that attempts to do so may be  
29 harmful. There is no empirical evidence adult homosexuality can  
30 be prevented if gender nonconforming children are influenced to be  
31 more gender conforming. Indeed, there is no medically valid basis  
32 for attempting to prevent homosexuality, which is not an illness.  
33 On the contrary, such efforts may encourage family rejection and  
34 undermine self-esteem, connectedness and caring, important  
35 protective factors against suicidal ideation and attempts. Given that  
36 there is no evidence that efforts to alter sexual orientation are  
37 effective, beneficial or necessary, and the possibility that they carry  
38 the risk of significant harm, such interventions are contraindicated";

39 l. The Pan American Health Organization, a regional office of  
40 the World Health Organization, issued a statement in May of 2012  
41 and in it the organization states: "These supposed conversion  
42 therapies constitute a violation of the ethical principles of health  
43 care and violate human rights that are protected by international and  
44 regional agreements." The organization also noted that reparative  
45 therapies "lack medical justification and represent a serious threat to  
46 the health and well-being of affected people";

47 m. Minors who experience family rejection based on their  
48 sexual orientation face especially serious health risks. In one study,

1 lesbian, gay, and bisexual young adults who reported higher levels  
2 of family rejection during adolescence were 8.4 times more likely to  
3 report having attempted suicide, 5.9 times more likely to report high  
4 levels of depression, 3.4 times more likely to use illegal drugs, and  
5 3.4 times more likely to report having engaged in unprotected  
6 sexual intercourse compared with peers from families that reported  
7 no or low levels of family rejection. This is documented by Caitlin  
8 Ryan et al. in their article entitled Family Rejection as a Predictor  
9 of Negative Health Outcomes in White and Latino Lesbian, Gay,  
10 and Bisexual Young Adults (2009) 123 Pediatrics 346; and

11 n. New Jersey has a compelling interest in protecting the  
12 physical and psychological well-being of minors, including lesbian,  
13 gay, bisexual, and transgender youth, and in protecting its minors  
14 against exposure to serious harms caused by sexual orientation  
15 change efforts.

16 (cf: P.L.2013, c.150, s.1)

17

18 <sup>1</sup>**[76.] 132.**<sup>1</sup> Section 8 of P.L.1997, c.331, s.8 (C.45:2D-8) is  
19 amended to read as follows:

20 8. a. No person shall engage in the practice of alcohol and drug  
21 counseling as a licensed clinical alcohol and drug counselor unless  
22 licensed under this act. No person shall engage in the practice of  
23 alcohol and drug counseling as a certified alcohol and drug  
24 counselor unless certified under this act. No person shall present,  
25 call or represent himself as a licensed clinical alcohol and drug  
26 counselor unless licensed under this act. No person shall present,  
27 call or represent himself as a certified alcohol and drug counselor  
28 unless certified under this act.

29 b. No person shall assume, represent himself as, or use the title  
30 or designation "**[alcoholism]** alcohol use disorder counselor,"  
31 "alcohol counselor," "drug counselor," "alcohol and drug  
32 counselor," "**[alcoholism]** alcohol use disorder and <sup>1</sup>**[drug]**  
33 substance use disorder<sup>1</sup> counselor," "licensed clinical alcohol and  
34 drug counselor," "certified alcohol and drug counselor," "substance  
35 **[abuse]** use disorder counselor," "chemical dependency counselor,"  
36 or "chemical dependency supervisor," or any of the abbreviations  
37 for the above titles, unless licensed or certified under this act, and  
38 unless the title or designation corresponds to the license or  
39 certification held by the person pursuant to this act.

40 c. No person shall engage in the independent practice of  
41 alcohol and drug counseling for a fee unless the person is licensed  
42 under this act as a licensed clinical alcohol and drug counselor or  
43 the person is a certified alcohol and drug counselor practicing under  
44 the supervision of a licensed clinical alcohol and drug counselor.<sup>1</sup>

45 (cf: P.L.1997, c.331, s.8)

46

47 <sup>1</sup>133. Section 16 of P.L.1997, c.331 (C.45:2D-16) is amended to  
48 read as follows:

1       16. a. On or before the 730th day following the effective date of  
2 this act, upon application to the board on the form and in the  
3 manner the committee prescribes and the board approves, any  
4 person certified in New Jersey by the Alcohol and Drug Counselor  
5 Certification Board of New Jersey, Inc. as an **[alcoholism]** alcohol  
6 use disorder counselor on the enactment date of this act who  
7 demonstrates to the board that **[he]** the person has successfully  
8 completed 30 classroom hours in drug education may acquire a  
9 certificate as a certified alcohol and drug counselor without meeting  
10 the requirements set forth in section 5 of this act.

11       b. On or before the 730th day following the effective date of  
12 this act, upon application to the board on the form and in the  
13 manner the committee prescribes and the board approves, any  
14 person certified in New Jersey by the Alcohol and Drug Counselor  
15 Certification Board of New Jersey, Inc. as a drug counselor on the  
16 enactment date of this act who demonstrates to the board that **[he]**  
17 the person has successfully completed 50 classroom hours in  
18 alcohol education may acquire a certificate as a certified alcohol  
19 and drug counselor without meeting the requirements set forth in  
20 section 5 of this act.

21       c. On or before the 730th day following the effective date of  
22 this act, upon application to the board on the form and in the  
23 manner the committee prescribes and the board approves, any  
24 person who has practiced as an alcohol and drug counselor for at  
25 least five years and is certified in New Jersey by the Alcohol and  
26 Drug Counselor Certification Board of New Jersey, Inc. as an  
27 alcohol and drug counselor on the enactment date of this act may be  
28 licensed as a licensed clinical alcohol and drug counselor without  
29 meeting the requirements set forth in section 4 of this act.<sup>1</sup>

30 (cf: P.L.1997, c.331, s.16)

31  
32       <sup>1</sup>134. Section 15 of P.L.1993, c.340 (C.45:8B-48) is amended to  
33 read as follows:

34       15. Nothing in this act shall be construed to apply to:

35       a. The activities and services of qualified members of other  
36 professions, including physicians, psychologists, registered nurses,  
37 marriage and family therapists, attorneys, social workers or any  
38 other professionals licensed by the State, when acting within the  
39 scope of their profession and doing work of a nature consistent with  
40 their training, provided they do not hold themselves out to the  
41 public as possessing a license issued pursuant to this act or  
42 represent themselves by any professional title regulated by this act.

43       b. The activities, services and use of an official title on the part  
44 of a person employed as a counselor or rehabilitation counselor by  
45 any federal, State, county, or municipal agency; or public or private  
46 educational institution, but only when these persons are performing  
47 counseling, rehabilitation counseling or activities related to

1 counseling or rehabilitation counseling within the scope of their  
2 employment.

3 c. The activities and services of a student, intern or trainee in  
4 counseling or rehabilitation counseling pursuing a course of study  
5 in counseling or rehabilitation counseling in a regionally accredited  
6 institution of higher education or training institution, if these  
7 activities are performed under supervision and constitute a part of  
8 the supervised course of study, and if the person is clearly  
9 designated a "Counselor intern" or a "Rehabilitation counselor  
10 intern".

11 d. The activities and services in this State of a nonresident  
12 person rendered on not more than 30 days during any calendar year,  
13 if that person is duly authorized to perform those activities and  
14 services under the laws of his residence.

15 e. The activities and services of a rabbi, priest, minister,  
16 Christian Science practitioner or clergyman of any religious  
17 denomination or sect, if those activities and services are within the  
18 scope of the performance of his regular or specialized ministerial  
19 duties and for which no separate charge is made, or when these  
20 activities are performed with or without charge, for or under  
21 auspices or sponsorship, individually or in conjunction with others,  
22 of an established and legally cognizable church, denomination, or  
23 sect, and when the person rendering the service remains accountable  
24 to the established authority thereof.

25 f. The activities, services, titles and descriptions of persons  
26 employed as professionals or volunteers in the practice of  
27 counseling or rehabilitation counseling for public or private  
28 nonprofit organizations or charities.

29 g. The activities and services of persons employed as peer  
30 counselors in organizations devoted to prevention of [alcoholism  
31 and drug abuse] substance use disorder, or relief of emotional  
32 effects of rape or other crimes, and telephone "hotline"  
33 organizations.<sup>1</sup>

34 (cf: P.L.1997, c.155, s.13)

35

36 <sup>1</sup>[77.] 135.<sup>1</sup> Section 1 of P.L.2017, c.304 (C.45:9-37.34h) is  
37 amended to read as follows:

38 1. The State of New Jersey enacts and enters into the Physical  
39 Therapy Licensure Compact with all other jurisdictions that legally  
40 join in the compact in the form substantially as follows:

41

42 Section 1. Purpose.

43 1. The purpose of this compact is to facilitate the practice of  
44 physical therapy with the goal of improving public access to  
45 physical therapy services. The practice of physical therapy occurs  
46 in the state where the patient is located at the time of the patient  
47 encounter. The compact preserves the regulatory authority of states

1 to protect public health and safety through the current system of  
2 state licensure.

3 This compact is designed to achieve the following objectives:

- 4 a. increase public access to physical therapy services by
- 5 providing for the mutual recognition of other member state licenses;
- 6 b. enhance the states' ability to protect the public's health and
- 7 safety;
- 8 c. encourage the cooperation of member states in regulating
- 9 multi-state physical therapy practice;
- 10 d. support spouses of relocating military members;
- 11 e. enhance the exchange of licensure, investigative, and
- 12 disciplinary information between member states; and
- 13 f. allow a remote state to hold a provider of services with a
- 14 compact privilege in that state accountable to that state's practice
- 15 standards.

16

17 Section 2. Definitions.

18 2. As used in this compact, except as otherwise provided, the  
19 following definitions shall apply:

20 "Active duty military" means full-time duty status in the active  
21 uniformed service of the United States, including members of the  
22 National Guard and Reserve on active duty orders pursuant to 10  
23 U.S.C. ss.1209 and 1211.

24 "Adverse action" means disciplinary action taken by a physical  
25 therapy licensing board based upon misconduct, unacceptable  
26 performance, or a combination of both.

27 "Alternative program" means a non-disciplinary monitoring or  
28 practice remediation process approved by a physical therapy  
29 licensing board. This includes, but is not limited to, substance  
30 **[abuse]** use disorder issues.

31 "Compact" means the Physical Therapy Licensure Compact.

32 "Compact privilege" means the authorization granted by a  
33 remote state to allow a licensee from another member state to  
34 practice as a physical therapist or work as a physical therapist  
35 assistant in the remote state under its laws and rules. The practice  
36 of physical therapy occurs in the member state where the patient is  
37 located at the time of the patient encounter.

38 "Continuing competence" means a requirement, as a condition of  
39 license renewal, to provide evidence of participation in, and  
40 completion of, educational and professional activities relevant to  
41 practice or area of work.

42 "Data system" means a repository of information about licensees,  
43 including examination, licensure, investigative, compact privilege,  
44 and adverse action.

45 "Encumbered license" means a license that a physical therapy  
46 licensing board has limited in any way.



1 "Executive Board" means a group of directors elected or  
2 appointed to act on behalf of, and within the powers granted to them  
3 by, the commission.

4 "Home state" means the member state that is the licensee's  
5 primary state of residence.

6 "Investigative information" means information, records, and  
7 documents received or generated by a physical therapy licensing  
8 board pursuant to an investigation.

9 "Jurisprudence requirement" means the assessment of an  
10 individual's knowledge of the laws and rules governing the practice  
11 of physical therapy in a state.

12 "Licensee" means an individual licensed by the State Board of  
13 Physical Therapy Examiners or an individual who currently holds  
14 an authorization from a member state to practice as a physical  
15 therapist or to work as a physical therapist assistant.

16 "Member state" means a state that has enacted and entered into  
17 the compact.

18 "Party state" means any member state in which a licensee holds a  
19 current license or compact privilege or is applying for a license or  
20 compact privilege.

21 "Physical therapist" means an individual who is licensed by a  
22 state to practice physical therapy.

23 "Physical therapist assistant" means an individual who is  
24 licensed or certified by a state and who assists the physical therapist  
25 in selected components of physical therapy.

26 "Physical therapy," "physical therapy practice," and "the practice  
27 of physical therapy" mean the care and services provided by or  
28 under the direction and supervision of a licensed physical therapist.

29 "Physical Therapy Compact Commission" or "commission"  
30 means the national administrative body whose membership consists  
31 of all member states.

32 "Physical therapy licensing board" or "licensing board" means  
33 the agency of a state that is responsible for the licensing and  
34 regulation of physical therapists and physical therapist assistants.

35 "Remote state" means a member state other than the home state,  
36 where a licensee is exercising or seeking to exercise the compact  
37 privilege.

38 "Rule" means a regulation, principle, or directive promulgated by  
39 the commission that has the force of law.

40 "State" means any state, commonwealth, district, or territory of  
41 the United States of America that regulates the practice of physical  
42 therapy.

43

44 Section 3. State Participation in the Compact.

45 3. a. To participate in the compact, a state must:

46 (1) participate fully in the commission's data system, including  
47 using the commission's unique identifier as defined in rules;

- 1 (2) have a mechanism in place for receiving and investigating
- 2 complaints about licensees;
- 3 (3) notify the commission, in compliance with the terms of the
- 4 compact and rules, of any adverse action or the availability of
- 5 investigative information regarding a licensee;
- 6 (4) fully implement a criminal background check requirement,
- 7 within a time frame established by rule, by receiving the results of
- 8 the Federal Bureau of Investigation record search on criminal
- 9 background checks and use the results in making licensure
- 10 decisions in accordance with subsection b. of this section;
- 11 (5) comply with the rules of the commission;
- 12 (6) utilize a recognized national examination as a requirement
- 13 for licensure pursuant to the rules of the commission; and
- 14 (7) have continuing competence requirements as a condition for
- 15 license renewal.

16 b. Upon enactment of this compact, a member state shall have

17 the authority to obtain biometric-based information from each

18 physical therapy licensure applicant and submit this information to

19 the Federal Bureau of Investigation for a criminal background

20 check in accordance with 28 U.S.C. s.534 and 42 U.S.C. s.14616.

21 c. A member state shall grant the compact privilege to a

22 licensee holding a valid unencumbered license in another member

23 state in accordance with the terms of the compact and rules.

24 d. Member states may charge a fee for granting a compact

25 privilege.

26

27 Section 4. Compact Privilege.

28 4. a. To exercise the compact privilege under the terms and

29 provisions of the compact, the licensee shall:

- 30 (1) hold a license in the home state;
- 31 (2) have no encumbrance on any state license;
- 32 (3) be eligible for a compact privilege in any member state in
- 33 accordance with subsections d., g., and h. of this section;
- 34 (4) have not had any adverse action against any license or
- 35 compact privilege within the previous two years;
- 36 (5) notify the commission that the licensee is seeking the
- 37 compact privilege within a remote state;
- 38 (6) pay any applicable fees, including any state fee, for the
- 39 compact privilege;
- 40 (7) meet any jurisprudence requirements established by a remote
- 41 state in which the licensee is seeking a compact privilege; and
- 42 (8) report to the commission adverse action taken by any non-
- 43 member state within 30 days from the date the adverse action is
- 44 taken.

45 b. The compact privilege is valid until the expiration date of

46 the home license. The licensee must comply with the requirements

47 of subsection a. of this section to maintain the compact privilege in

48 the remote state.

1 c. A licensee providing physical therapy in a remote state  
2 under the compact privilege shall function within the laws and  
3 regulations of the remote state.

4 d. A licensee providing physical therapy in a remote state is  
5 subject to that state's regulatory authority. A remote state may, in  
6 accordance with due process and that state's laws, remove a  
7 licensee's compact privilege in the remote state for a specific period  
8 of time, impose fines, and/or take any other necessary actions to  
9 protect the health and safety of its citizens. The licensee is not  
10 eligible for a compact privilege in any state until the specific time  
11 for removal has passed and all fines are paid.

12 e. If a home state license is encumbered, the licensee shall lose  
13 the compact privilege in any remote state until the following occur:

14 (1) the home state license is no longer encumbered; and

15 (2) two years have elapsed from the date of the adverse action.

16 f. Once an encumbered license in the home state is restored to  
17 good standing, the licensee must meet the requirements of  
18 subsection a. of this section to obtain a compact privilege in any  
19 remote state.

20 g. If a licensee's compact privilege in any remote state is  
21 removed, the individual shall lose the compact privilege in any  
22 remote state until the following occur:

23 (1) the specific period of time for which the compact privilege  
24 was removed has ended;

25 (2) all fines have been paid; and

26 (3) two years have elapsed from the date of the adverse action.

27 h. Once the requirements of subsection g. of this section have  
28 been met, the licensee must meet the requirements in subsection a.  
29 of this section to obtain a compact privilege in a remote state.

30  
31 Section 5. Active Duty Military Personnel or their Spouses.

32 5. A licensee who is active duty military or is the spouse of an  
33 individual who is active duty military may designate one of the  
34 following as the home state:

35 a. home of record;

36 b. permanent Change of Station; or

37 c. state of current residence if it is different than the permanent  
38 Change of Station state or home of record.

39  
40 Section 6. Adverse Actions.

41 6. a. A home state shall have exclusive power to impose  
42 adverse action against a license issued by the home state.

43 b. A home state may take adverse action based on the  
44 investigative information of a remote state.

45 c. Nothing in this compact shall override a member state's  
46 decision that participation in an alternative program may be used in  
47 lieu of adverse action and that the participation shall remain non-  
48 public if required by the member state's laws, rules or regulations.

1 Member states must require licensees who enter any alternative  
2 programs in lieu of discipline to agree not to practice in any other  
3 member state during the term of the alternative program without  
4 prior authorization from that other member state.

5 d. Any member state may investigate actual or alleged  
6 violations of the laws, rules or regulations authorizing the practice  
7 of physical therapy in any other member state in which a physical  
8 therapist or physical therapist assistant holds a license or compact  
9 privilege.

10 e. A remote state shall have the authority to:

11 (1) take adverse actions as set forth in subsection d. of section 4  
12 of this compact against a licensee's compact privilege in the state;

13 (2) issue subpoenas for both hearings and investigations that  
14 require the attendance and testimony of witnesses and the  
15 production of evidence, and subpoenas issued by a physical therapy  
16 licensing board in a party state for the attendance and testimony of  
17 witnesses, or the production of evidence from another party state,  
18 shall be enforced in the latter state by any court of competent  
19 jurisdiction, according to the practice and procedure of that court  
20 applicable to subpoenas issued in proceedings pending before it,  
21 and the issuing authority shall pay any witness fees, travel  
22 expenses, mileage, and other fees required by the service laws of  
23 the state where the witnesses or evidence are located; and

24 (3) if otherwise permitted by state law, recover from the  
25 licensee the costs of investigations and disposition of cases  
26 resulting from any adverse action taken against that licensee.

27 f. (1) In addition to the authority granted to a member state by  
28 its respective physical therapy practice act or other applicable state  
29 law, a member state may participate with other member states in  
30 joint investigations of licensees.

31 (2) Member states shall share any investigative, litigation, or  
32 compliance materials in furtherance of any joint or individual  
33 investigation initiated under the compact.

34

35 Section 7. Establishment of the Commission.

36 7. a. The compact member states hereby create and establish a  
37 joint public agency known as the Physical Therapy Compact  
38 Commission:

39 (1) The commission is an instrumentality of the member states.

40 (2) The venue is proper and judicial proceedings by or against  
41 the commission shall be brought solely and exclusively in a court of  
42 competent jurisdiction where the principal office of the commission  
43 is located. The commission may waive venue and jurisdictional  
44 defenses to the extent it adopts or consents to participate in  
45 alternative dispute resolution proceedings.

46 (3) Nothing in this compact shall be construed as a waiver of  
47 sovereign immunity.

- 1       b. (1) Each member state shall have and be limited to one
- 2       delegate selected by that member state's licensing board.
- 3       (2) The delegate shall be a current member of the licensing
- 4       board, who is a physical therapist, physical therapist assistant,
- 5       public member, or the board administrator.
- 6       (3) Any delegate may be removed or suspended from office as
- 7       provided by the law of the state from which the delegate is
- 8       appointed.
- 9       (4) The member state board shall fill any vacancy occurring in
- 10      the commission.
- 11      (5) Each delegate shall be entitled to one vote with regard to the
- 12      promulgation of rules and creation of bylaws and shall otherwise
- 13      have an opportunity to participate in the business and affairs of the
- 14      commission.
- 15      (6) A delegate shall vote in person or by such other means as
- 16      provided in the bylaws. The bylaws may provide for delegates'
- 17      participation in meetings by telephone or other means of
- 18      communication.
- 19      (7) The commission shall meet at least once during each
- 20      calendar year. Additional meetings shall be held as set forth in the
- 21      bylaws.
- 22      c. The commission shall have the following powers and duties:
- 23      (1) establish the fiscal year of the commission;
- 24      (2) establish bylaws;
- 25      (3) maintain its financial records in accordance with the bylaws;
- 26      (4) meet and take such actions as are consistent with the
- 27      provisions of this compact and the bylaws;
- 28      (5) promulgate uniform rules to facilitate and coordinate
- 29      implementation and administration of the compact. The rules shall
- 30      have the force and effect of law and shall be binding in all member
- 31      states;
- 32      (6) bring and prosecute legal proceedings or actions in the name
- 33      of the commission, provided that the standing of any state physical
- 34      therapy licensing board to sue or be sued under applicable law shall
- 35      not be affected;
- 36      (7) purchase and maintain insurance and bonds;
- 37      (8) borrow, accept, or contract for services of personnel,
- 38      including, but not limited to, employees of a member state;
- 39      (9) hire employees, elect or appoint officers, fix compensation,
- 40      define duties, grant such individuals appropriate authority to carry
- 41      out the purposes of the compact, and to establish the commission's
- 42      personnel policies and programs relating to conflicts of interest,
- 43      qualifications of personnel, and other related personnel matters;
- 44      (10) accept any and all appropriate donations and grants of
- 45      money, equipment, supplies, materials and services, and to receive,
- 46      utilize and dispose of the same; provided that at all times the
- 47      commission shall avoid any appearance of impropriety or conflict
- 48      of interest;

- 1 (11) lease, purchase, accept appropriate gifts or donations of, or
- 2 otherwise to own, hold, improve or use, any property, real, personal
- 3 or mixed; provided that at all times the commission shall avoid any
- 4 appearance of impropriety;
- 5 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or
- 6 otherwise dispose of any property real, personal, or mixed;
- 7 (13) establish a budget and make expenditures;
- 8 (14) borrow money;
- 9 (15) appoint committees, including standing committees
- 10 comprising of members, state regulators, state legislators or their
- 11 representatives, and consumer representatives, and such other
- 12 interested persons as may be designated in this compact and the
- 13 bylaws;
- 14 (16) provide and receive information from, and cooperate with,
- 15 law enforcement agencies;
- 16 (17) establish and elect an executive board; and
- 17 (18) perform such other functions as may be necessary or
- 18 appropriate to achieve the purposes of the compact consistent with
- 19 the state regulation of physical therapy licensure and practice.
- 20 d. The executive board shall have the power to act on behalf of
- 21 the commission according to the terms of this compact.
- 22 (1) The executive board shall be comprised of nine members:
- 23 (a) seven voting members who are elected by the commission
- 24 from the current membership of the commission;
- 25 (b) one ex-officio, nonvoting member from the recognized
- 26 national physical therapy professional association; and
- 27 (c) one ex-officio, nonvoting member from the recognized
- 28 membership organization of the physical therapy licensing boards.
- 29 (2) The ex-officio members will be selected by their respective
- 30 organizations.
- 31 (3) The commission may remove any member of the executive
- 32 board as provided in bylaws.
- 33 (4) The executive board shall meet at least annually.
- 34 (5) The executive board shall have the following duties and
- 35 responsibilities:
- 36 (a) recommend to the entire commission changes to the rules or
- 37 bylaws, changes to this compact, fees paid by compact member
- 38 states such as annual dues, and any commission compact fee
- 39 charged to licensees for the compact privilege;
- 40 (b) ensure compact administration services are appropriately
- 41 provided, contractual or otherwise;
- 42 (c) prepare and recommend the budget;
- 43 (d) maintain financial records on behalf of the commission;
- 44 (e) monitor compact compliance of member states and provide
- 45 compliance reports to the commission;
- 46 (f) establish additional committees as necessary; and
- 47 (g) other duties as provided in rules or bylaws.

- 1 e. (1) All meetings shall be open to the public, and a public
- 2 notice of meetings shall be given in the same manner as required
- 3 under the rulemaking provisions in section 9 of this compact.
- 4 (2) The commission or the executive board or other committees
- 5 of the commission may convene in a closed, non-public meeting if
- 6 the commission or executive board or other committees of the
- 7 commission must discuss:
- 8 (a) non-compliance of a member state with its obligations under
- 9 the compact;
- 10 (b) the employment, compensation, discipline or other matters,
- 11 practices or procedures related to specific employees or other
- 12 matters related to the commission's internal personnel practices and
- 13 procedures;
- 14 (c) current, threatened, or reasonably anticipated litigation;
- 15 (d) negotiation of contracts for the purchase, lease, or sale of
- 16 goods, services, or real estate;
- 17 (e) accusing any person of a crime or formally censuring any
- 18 person;
- 19 (f) disclosure of trade secrets or commercial or financial
- 20 information that is privileged or confidential;
- 21 (g) disclosure of information of a personal nature where
- 22 disclosure would constitute a clearly unwarranted invasion of
- 23 personal privacy;
- 24 (h) disclosure of investigative records compiled for law
- 25 enforcement purposes;
- 26 (i) disclosure of information related to any investigative reports
- 27 prepared by or on behalf of or for use of the commission or other
- 28 committee charged with responsibility of investigation or
- 29 determination of compliance issues pursuant to the compact; or
- 30 (j) matters specifically exempted from disclosure by federal or
- 31 member state statute.
- 32 (3) If a meeting, or portion of a meeting, is closed pursuant to
- 33 any subparagraph of paragraph (2) of this subsection, the
- 34 commission's legal counsel or designee shall certify that the
- 35 meeting may be closed and shall reference each relevant exempting
- 36 provision.
- 37 (4) The commission shall keep minutes that fully and clearly
- 38 describe all matters discussed in a meeting and shall provide a full
- 39 and accurate summary of actions taken, and the reasons therefor,
- 40 including a description of the views expressed. All documents
- 41 considered in connection with an action shall be identified in the
- 42 minutes. All minutes and documents of a closed meeting shall
- 43 remain under seal, subject to release by a majority vote of the
- 44 commission or order of a court of competent jurisdiction.
- 45 f. (1) The commission shall pay, or provide for the payment of,
- 46 the reasonable expenses of its establishment, organization, and
- 47 ongoing activities.

1       (2) The commission may accept any and all appropriate revenue  
2 sources, donations, and grants of money, equipment, supplies,  
3 materials, and services.

4       (3) The commission may levy on and collect an annual  
5 assessment from each member state or impose fees on other parties  
6 to cover the cost of the operations and activities of the commission  
7 and its staff, which must be in a total amount sufficient to cover its  
8 annual budget as approved each year for which revenue is not  
9 provided by other sources. The aggregate annual assessment  
10 amount shall be allocated based upon a formula to be determined by  
11 the commission, which shall promulgate a rule binding upon all  
12 member states.

13       (4) The commission shall not incur obligations of any kind prior  
14 to securing the funds adequate to meet the same; nor shall the  
15 commission pledge the credit of any of the member states, except  
16 by and with the authority of the member state.

17       (5) The commission shall keep accurate accounts of all receipts  
18 and disbursements. The receipts and disbursements of the  
19 commission shall be subject to the audit and accounting procedures  
20 established under its bylaws. However, all receipts and  
21 disbursements of funds handled by the commission shall be audited  
22 yearly by a certified or licensed public accountant, and the report of  
23 the audit shall be included in and become part of the annual report  
24 of the commission.

25       g. (1) The members, officers, executive director, employees and  
26 representatives of the commission shall be immune from suit and  
27 liability, either personally or in their official capacity, for any claim  
28 for damage to or loss of property or personal injury or other civil  
29 liability caused by or arising out of any actual or alleged act, error  
30 or omission that occurred, or that the person against whom the  
31 claim is made had a reasonable basis for believing occurred within  
32 the scope of commission employment, duties or responsibilities;  
33 provided that nothing in this paragraph shall be construed to protect  
34 any such person from suit or liability for any damage, loss, injury,  
35 or liability caused by the intentional or willful or wanton  
36 misconduct of that person.

37       (2) The commission shall defend any member, officer, executive  
38 director, employee or representative of the commission in any civil  
39 action seeking to impose liability arising out of any actual or  
40 alleged act, error, or omission that occurred within the scope of  
41 commission employment, duties, or responsibilities, or that the  
42 person against whom the claim is made had a reasonable basis for  
43 believing occurred within the scope of commission employment,  
44 duties, or responsibilities; provided that nothing herein shall be  
45 construed to prohibit that person from retaining his or her own  
46 counsel; and provided further, that the actual or alleged act, error,  
47 or omission did not result from that person's intentional or willful or  
48 wanton misconduct.



1 (3) The commission shall indemnify and hold harmless any  
2 member, officer, executive director, employee, or representative of  
3 the commission for the amount of any settlement or judgment  
4 obtained against that person arising out of any actual or alleged act,  
5 error or omission that occurred within the scope of commission  
6 employment, duties, or responsibilities, or that person had a  
7 reasonable basis for believing occurred within the scope of  
8 commission employment, duties, or responsibilities, provided that  
9 the actual or alleged act, error, or omission did not result from the  
10 intentional or willful or wanton misconduct of that person.

11  
12 Section 8. Data System.

13 8. a. The commission shall provide for the development,  
14 maintenance, and utilization of a coordinated database and reporting  
15 system containing licensure, adverse action, and investigative  
16 information on all licensed individuals in member states.

17 b. Notwithstanding any other provision of state law to the  
18 contrary, a member state shall submit a uniform data set to the data  
19 system on all individuals to whom this compact is applicable as  
20 required by the rules of the commission, including:

21 (1) identifying information;

22 (2) licensure data;

23 (3) adverse actions against a license or compact privilege;

24 (4) non-confidential information related to alternative program  
25 participation;

26 (5) any denial of application for licensure, and the reason or  
27 reasons for the denial; and

28 (6) other information that may facilitate the administration of  
29 this compact, as determined by the rules of the commission.

30 c. Investigative information pertaining to a licensee in any  
31 member state will only be available to other party states.

32 d. The commission shall promptly notify all member states of  
33 any adverse action taken against a licensee or an individual  
34 applying for a license. Adverse action information pertaining to a  
35 licensee in any member state will be available to any other member  
36 state.

37 e. Member states contributing information to the data system  
38 may designate information that may not be shared with the public  
39 without the express permission of the contributing state.

40 f. Any information submitted to the data system that is  
41 subsequently required to be expunged by the laws of the member  
42 state contributing the information shall be removed from the data  
43 system.

44  
45 Section 9. Rulemaking.

46 9. a. The commission shall exercise its rulemaking powers  
47 pursuant to the criteria set forth in this section and the rules adopted

- 1 thereunder. Rules and amendments shall become binding as of the
- 2 date specified in each rule or amendment.
- 3 b. If a majority of the legislatures of the member states reject a
- 4 rule, by enactment of a statute or resolution in the same manner
- 5 used to adopt the compact within four years of the date of adoption
- 6 of the rule, then the rule shall have no further force and effect in
- 7 any member state.
- 8 c. Rules or amendments to the rules shall be adopted at a
- 9 regular or special meeting of the commission.
- 10 d. Prior to promulgation and adoption of a final rule or rules by
- 11 the commission, and at least 30 days in advance of the meeting at
- 12 which the rule will be considered and voted upon, the commission
- 13 shall file a Notice of Proposed Rulemaking:
- 14 (1) on the website of the commission or other publicly
- 15 accessible platform; and
- 16 (2) on the website of each member state physical therapy
- 17 licensing board or other publicly accessible platform or the
- 18 publication in which each state would otherwise publish proposed
- 19 rules.
- 20 e. The Notice of Proposed Rulemaking shall include:
- 21 (1) the proposed time, date, and location of the meeting in
- 22 which the rule will be considered and voted upon;
- 23 (2) the text of the proposed rule or amendment and the reason
- 24 for the proposed rule;
- 25 (3) a request for comments on the proposed rule from any
- 26 interested person; and
- 27 (4) the manner in which interested persons may submit notice to
- 28 the commission of their intention to attend the public hearing and
- 29 any written comments.
- 30 f. Prior to adoption of a proposed rule, the commission shall
- 31 allow persons to submit written data, facts, opinions, and
- 32 arguments, which shall be made available to the public.
- 33 g. The commission shall grant an opportunity for a public
- 34 hearing before it adopts a rule or amendment if a hearing is
- 35 requested by:
- 36 (1) at least 25 persons;
- 37 (2) a state or federal governmental subdivision or agency; or
- 38 (3) an association having at least 25 members.
- 39 h. If a hearing is held on the proposed rule or amendment, the
- 40 commission shall publish the place, time, and date of the scheduled
- 41 public hearing. If the hearing is held via electronic means, the
- 42 commission shall publish the mechanism for access to the electronic
- 43 hearing.
- 44 (1) All persons wishing to be heard at the hearing shall notify
- 45 the executive director of the commission or other designated
- 46 member in writing of their desire to appear and testify at the hearing
- 47 not less than five business days before the scheduled date of the
- 48 hearing.

1 (2) Hearings shall be conducted in a manner providing each  
2 person who wishes to comment a fair and reasonable opportunity to  
3 comment orally or in writing.

4 (3) All hearings will be recorded. A copy of the recording will  
5 be made available on request.

6 (4) Nothing in this section shall be construed as requiring a  
7 separate hearing on each rule. Rules may be grouped for the  
8 convenience of the commission at hearings required by this section.

9 i. Following the scheduled hearing date, or by the close of  
10 business on the scheduled hearing date if the hearing was not held,  
11 the commission shall consider all written and oral comments  
12 received.

13 j. If no written notice of intent to attend the public hearing by  
14 interested parties is received, the commission may proceed with  
15 promulgation of the proposed rule without a public hearing.

16 k. The commission shall, by majority vote of all members, take  
17 final action on the proposed rule and shall determine the effective  
18 date of the rule, if any, based on the rulemaking record and the full  
19 text of the rule.

20 l. Upon determination that an emergency exists, the  
21 commission may consider and adopt an emergency rule without  
22 prior notice, opportunity for comment, or hearing, provided that the  
23 usual rulemaking procedures provided in the compact and in this  
24 section shall be retroactively applied to the rule as soon as  
25 reasonably possible, in no event later than 90 days after the  
26 effective date of the rule. For the purposes of this provision, an  
27 emergency rule is one that must be adopted immediately in order to:

28 (1) meet an imminent threat to public health, safety, or welfare;

29 (2) prevent a loss of commission or member state funds;

30 (3) meet a deadline for the promulgation of an administrative  
31 rule that is established by federal law or rule; or

32 (4) protect public health and safety.

33 m. The commission or an authorized committee of the  
34 commission may direct revisions to a previously adopted rule or  
35 amendment for purposes of correcting typographical errors, errors  
36 in format, errors in consistency, or grammatical errors. Public  
37 notice of any revisions shall be posted on the website of the  
38 commission. The revision shall be subject to challenge by any  
39 person for a period of 30 days after posting. The revision may be  
40 challenged only on grounds that the revision results in a material  
41 change to a rule. A challenge shall be made in writing, and  
42 delivered to the chair of the commission prior to the end of the  
43 notice period. If no challenge is made, the revision will take effect  
44 without further action. If the revision is challenged, the revision  
45 may not take effect without the approval of the commission.

1       Section 10. Oversight, Dispute Resolution, and Enforcement.

2       10. a. The executive, legislative, and judicial branches of state  
3 government in each member state shall enforce this compact and  
4 take all actions necessary and appropriate to effectuate the  
5 compact's purposes and intent. The provisions of this compact and  
6 the rules promulgated hereunder shall have standing as statutory  
7 law. All courts shall take judicial notice of the compact and the  
8 rules in any judicial or administrative proceeding in a member state  
9 pertaining to the subject matter of this compact which may affect  
10 the powers, responsibilities or actions of the commission. The  
11 commission shall be entitled to receive service of process in any  
12 judicial or administrative proceeding, and shall have standing to  
13 intervene in such a proceeding for all purposes. Failure to provide  
14 service of process to the commission shall render a judgment or  
15 order void as to the commission, this compact, or promulgated  
16 rules.

17       b. If the commission determines that a member state has  
18 defaulted in the performance of its obligations or responsibilities  
19 under this compact or the promulgated rules, the commission shall:

20       (1) provide written notice to the defaulting state and other  
21 member states of the nature of the default, the proposed means of  
22 curing the default and any other action to be taken by the  
23 commission; and

24       (2) provide remedial training and specific technical assistance  
25 regarding the default.

26       If a state in default fails to cure the default, the defaulting state  
27 may be terminated from the compact upon an affirmative vote of a  
28 majority of the member states, and all rights, privileges and benefits  
29 conferred by this compact may be terminated on the effective date  
30 of termination. A cure of the default does not relieve the offending  
31 state of obligations or liabilities incurred during the period of  
32 default.

33       Termination of membership in the compact shall be imposed  
34 only after all other means of securing compliance have been  
35 exhausted. Notice of intent to suspend or terminate shall be given  
36 by the commission to the governor, the majority and minority  
37 leaders of the defaulting state's legislature, and each of the member  
38 states. A state that has been terminated is responsible for all  
39 assessments, obligations, and liabilities incurred through the  
40 effective date of termination, including obligations that extend  
41 beyond the effective date of termination.

42       The commission shall not bear any costs related to a state that is  
43 found to be in default or that has been terminated from the compact,  
44 unless agreed upon in writing between the commission and the  
45 defaulting state. The defaulting state may appeal the action of the  
46 commission by petitioning the U.S. District Court for the District of  
47 Columbia or the federal district where the commission has its

1 principal offices. The prevailing member shall be awarded all costs  
2 of litigation, including reasonable attorney's fees.

3 c. Upon request by a member state, the commission shall  
4 attempt to resolve disputes related to the compact that arise among  
5 member states and between member and non-member states. The  
6 commission shall promulgate a rule providing for both mediation  
7 and binding dispute resolution for disputes as appropriate.

8 d. The commission, in the reasonable exercise of its discretion,  
9 shall enforce the provisions and rules of this compact. By majority  
10 vote, the commission may initiate legal action in the United States  
11 District Court for the District of Columbia or the federal district  
12 where the commission has its principal offices against a member  
13 state in default to enforce compliance with the provisions of the  
14 compact and its promulgated rules and bylaws. The relief sought  
15 may include both injunctive relief and damages. In the event  
16 judicial enforcement is necessary, the prevailing member shall be  
17 awarded all costs of litigation, including reasonable attorney's fees.  
18 The remedies herein shall not be the exclusive remedies of the  
19 commission. The commission may pursue any other remedies  
20 available under federal or state law.

21

22 Section 11. Date of Implementation of the Commission and  
23 Associated Rules, Withdrawal, and Amendment.

24 11. a. The compact shall come into effect on the date on which  
25 the compact statute is enacted into law in the tenth member state.  
26 The provisions, which become effective at that time, shall be  
27 limited to the powers granted to the commission relating to  
28 assembly and the promulgation of rules. Thereafter, the  
29 commission shall meet and exercise rulemaking powers necessary  
30 to the implementation and administration of the compact.

31 b. Any state that joins the compact subsequent to the  
32 commission's initial adoption of the rules shall be subject to the  
33 rules as they exist on the date on which the compact becomes law in  
34 that state. Any rule that has been previously adopted by the  
35 commission shall have the full force and effect of law on the day  
36 the compact becomes law in that state.

37 c. Any member state may withdraw from this compact by  
38 enacting a statute repealing the same.

39 (1) A member state's withdrawal shall not take effect until six  
40 months after enactment of the repealing statute.

41 (2) Withdrawal shall not affect the continuing requirement of  
42 the withdrawing state's physical therapy licensing board to comply  
43 with the investigative and adverse action reporting requirements of  
44 this act prior to the effective date of withdrawal.

45 d. Nothing contained in this compact shall be construed to  
46 invalidate or prevent any physical therapy licensure agreement or  
47 other cooperative arrangement between a member state and a non-

1 member state that does not conflict with the provisions of this  
2 compact.

3 e. This compact may be amended by the member states. No  
4 amendment to this compact shall become effective and binding  
5 upon any member state until it is enacted into the laws of all  
6 member states.

7

8 Section 12. Construction and Severability.

9 12. This compact shall be liberally construed so as to effectuate  
10 the purposes thereof. The provisions of this compact shall be  
11 severable and if any phrase, clause, sentence or provision of this  
12 compact is declared to be contrary to the constitution of any party  
13 state or of the United States or the applicability thereof to any  
14 government, agency, person or circumstance is held invalid, the  
15 validity of the remainder of this compact and the applicability  
16 thereof to any government, agency, person or circumstance shall not  
17 be affected thereby. If this compact shall be held contrary to the  
18 constitution of any party state, the compact shall remain in full  
19 force and effect as to the remaining party states and in full force and  
20 effect as to the party state affected as to all severable matters.

21 (cf: P.L.2017, c.304, s.1)

22

23 <sup>1</sup>**[78.] 136.**<sup>1</sup> Section 1 of P.L.1997, c.156 (C.45:9-42.41a) is  
24 amended to read as follows:

25 1. A clinical laboratory shall present or cause to be presented a  
26 claim, bill or demand for payment for clinical laboratory services  
27 directly to the recipient of the services , except that the claim, bill  
28 or demand for payment may be presented to any of the following:

29 a. An immediate family member of the recipient of the services  
30 or other person legally responsible for the debts or care of the  
31 recipient of the services;

32 b. A third party payer including a health insurer, a health,  
33 hospital or medical services corporation, a State approved or  
34 federally qualified health maintenance organization in which the  
35 recipient of the services is enrolled, a governmental agency or its  
36 specified agent which provides health care benefits on behalf of the  
37 recipient of the services, and an employer of the recipient of the  
38 services who is responsible for payment of the services, provided  
39 that billing these payers is consistent with the terms of any  
40 applicable contract between the payer and the recipient of the  
41 services;

42 c. A hospital or skilled nursing facility in which the recipient  
43 of the services is or has been an inpatient or outpatient;

44 d. A substance **[abuse]** use disorder program in which the  
45 recipient of the services is or has been a participant; and

46 e. A nonprofit clinic or other health care provider whose  
47 purpose is the promotion of public health, from which the recipient  
48 of the services has received health care.

1       Upon the request of the health care provider who requested the  
2       clinical laboratory services, a clinical laboratory shall notify the  
3       health care provider of the amount of the claim, bill or demand for  
4       payment that was presented to the recipient or the recipient's  
5       responsible third party pursuant to this section.

6       Notwithstanding the provisions of this section to the contrary, in  
7       the case of a clinical laboratory which performs services at the  
8       request of another clinical laboratory, the clinical laboratory may  
9       present the claim, bill or demand for payment to the requesting  
10      clinical laboratory.

11      Notwithstanding the provisions of this section to the contrary,  
12      nothing in this section shall affect a contractual agreement between  
13      a clinical laboratory and a third party payer regarding presentation  
14      of a claim, bill or demand for payment directly to that third party  
15      payer.

16      (cf: P.L.1997, c.156, s.1)

17  
18      <sup>1</sup>**[79.] 137.**<sup>1</sup> Section 5 of P.L.2019, c.394 (C.52:4B-76) is  
19      amended to read as follows:

20      5. a. A family justice center is authorized to share information,  
21      as well as recommendations, concerning the center's operations and  
22      utilization by victims and their family members, which does not  
23      include any personal identifiers of those victims and family  
24      members, with Alliance for Hope International, the national,  
25      nonprofit organization that assists with the development and  
26      operation of new and existing family justice centers and serves as a  
27      national membership organization for all centers, when requested  
28      by that organization. The information which may be shared  
29      includes, but is not limited to:

30      (1) the number of victims who received assistance, the number  
31      of children and other family members of victims who received  
32      assistance, and the number of victims, children, and other family  
33      members who received assistance multiple times;

34      (2) the reasons that victims and their family members requested  
35      assistance;

36      (3) the filing, conviction, and dismissal rates for criminal, and  
37      disorderly persons and petty disorderly persons cases handled at the  
38      center;

39      (4) subjective and objective measurements of the impacts of  
40      centrally located multi-agency services related to the safety,  
41      empowerment, and mental and emotional well-being of victims and  
42      their family members, and comparison data from victims and family  
43      members, if available, on their access to services outside the family  
44      justice center model; and

45      (5) barriers, if any, to receiving available services at a family  
46      justice center, including actual or perceived barriers based on  
47      immigration status, criminal history, substance **[abuse]** use disorder  
48      or mental health issues, or privacy concerns, and potential means to

1 mitigate any identified barriers to accessing services and for  
2 improving the utilization rate of services.

3 b. Alliance for HOPE International may file a report, utilizing  
4 any information collected pursuant to subsection a. of this section,  
5 with the Governor, the Division on Women in the Department of  
6 Children and Families, and <sup>1,1</sup> pursuant to section 2 of P.L.1991,  
7 c.164 (C.52:14-19.1), the Legislature <sup>1,1</sup> annually or upon request  
8 by the Attorney General. The report may include recommendations  
9 for expanding or improving the Statewide operation of family  
10 justice centers, as well as suggested executive or legislative action,  
11 if necessary, to accomplish any recommendations.

12 (cf: P.L.2019, c.394, s.5)

13  
14 <sup>1</sup>【80.】 138.<sup>1</sup> Section 3 of P.L.2021, c.398 (C.52:13GG-3) is  
15 amended to read as follows:

16 3. There is established a New Jersey Legislative Youth Council  
17 for the purpose of providing a forum for the youth of this State to  
18 participate in the democratic process; to advise the Legislature and  
19 its committees, commissions, and task forces on the perspectives,  
20 opinions, needs, development, and welfare of the youth of the State;  
21 and to advise the Legislature and its committees, commissions and  
22 task forces on the most effective and efficient policies, programs,  
23 and services that the State could provide for the youth of this State.  
24 The council shall research, analyze, discuss, and make specific  
25 recommendations in the areas of civics education; drugs and  
26 substance **【abuse】** use disorder; emotional and physical health;  
27 employment and economic opportunities; environmental protection;  
28 gun violence and school safety; homelessness and poverty; mental  
29 health; safe environment for youth; sexual harassment and violence;  
30 youth services; and youth bias and hate crimes.

31 In each two-year term of the New Jersey Legislature, the council  
32 shall submit, in writing, a series of policy recommendations to the  
33 President of the Senate, the Speaker of the General Assembly, the  
34 Minority Leader of the Senate, and the Minority Leader of the  
35 General Assembly. The series of policy recommendations shall be  
36 made available online to the public.

37 The council may express its position publicly on legislation  
38 pending before the New Jersey Legislature that is directly relevant  
39 to the youth of this State.

40 (cf: P.L.2021, c.398, s.3)

41  
42 <sup>1</sup>139. Section 5 of P.L.1961, c.49 (C.52:14-17.29) is amended to  
43 read as follows:

44 5. (A) The contract or contracts purchased by the commission  
45 pursuant to subsection b. of section 4 of P.L.1961, c.49 (C.52:14-  
46 17.28) shall provide separate coverages or policies as follows:

47 (1) Basic benefits which shall include:

48 (a) Hospital benefits, including outpatient;



- 1 (b) Surgical benefits;
- 2 (c) Inpatient medical benefits;
- 3 (d) Obstetrical benefits; and
- 4 (e) Services rendered by an extended care facility or by a home
- 5 health agency and for specified medical care visits by a physician
- 6 during an eligible period of such services, without regard to
- 7 whether the patient has been hospitalized, to the extent and subject
- 8 to the conditions and limitations agreed to by the commission and
- 9 the carrier or carriers.

10 Basic benefits shall be substantially equivalent to those available  
11 on a group remittance basis to employees of the State and their  
12 dependents under the subscription contracts of the New Jersey  
13 "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall  
14 include benefits for:

- 15 (i) Additional days of inpatient medical service;
- 16 (ii) Surgery elsewhere than in a hospital;
- 17 (iii) X-ray, radioactive isotope therapy and pathology services;
- 18 (iv) Physical therapy services;
- 19 (v) Radium or radon therapy services;

20 and the extended basic benefits shall be subject to the same  
21 conditions and limitations, applicable to such benefits, as are set  
22 forth in "Extended Outpatient Hospital Benefits Rider," Form 1500,  
23 71(9-66), and in "Extended Benefit Rider" (as amended), Form MS  
24 7050J(9-66) issued by the New Jersey "Blue Cross" and "Blue  
25 Shield" Plans, respectively, and as the same may be amended or  
26 superseded, subject to filing by the Commissioner of Banking and  
27 Insurance; and

28 (2) Major medical expense benefits which shall provide benefit  
29 payments for reasonable and necessary eligible medical expenses  
30 for hospitalization, surgery, medical treatment and other related  
31 services and supplies to the extent they are not covered by basic  
32 benefits. The commission may, by regulation, determine what types  
33 of services and supplies shall be included as "eligible medical  
34 services" under the major medical expense benefits coverage as  
35 well as those which shall be excluded from or limited under such  
36 coverage. Benefit payments for major medical expense benefits  
37 shall be equal to a percentage of the reasonable charges for eligible  
38 medical services incurred by a covered employee or an employee's  
39 covered dependent, during a calendar year as exceed a deductible  
40 for such calendar year of \$100.00 subject to the maximums  
41 hereinafter provided and to the other terms and conditions  
42 authorized by this act. The percentage shall be 80【%】 percent of  
43 the first \$2,000.00 of charges for eligible medical services incurred  
44 subsequent to satisfaction of the deductible and 100【%】 percent  
45 thereafter. There shall be a separate deductible for each calendar  
46 year for (a) each enrolled employee and (b) all enrolled dependents  
47 of such employee. Not more than \$1,000,000.00 shall be paid for  
48 major medical expense benefits with respect to any one person for

1 the entire period of such person's coverage under the plan, whether  
2 continuous or interrupted except that this maximum may be  
3 reapplied to a covered person in amounts not to exceed \$2,000.00 a  
4 year. Maximums of \$10,000.00 per calendar year and \$20,000.00  
5 for the entire period of the person's coverage under the plan shall  
6 apply to eligible expenses incurred because of mental illness or  
7 functional nervous disorders, and such may be reapplied to a  
8 covered person, except as provided in P.L.1999, c.441 (C.52:14-  
9 17.29d et al.). The same provisions shall apply for retired  
10 employees and their dependents. Under the conditions agreed upon  
11 by the commission and the carriers as set forth in the contract, the  
12 deductible for a calendar year may be satisfied in whole or in part  
13 by eligible charges incurred during the last three months of the prior  
14 calendar year.

15 Any service determined by regulation of the commission to be an  
16 "eligible medical service" under the major medical expense benefits  
17 coverage which is performed by a duly licensed practicing  
18 psychologist within the lawful scope of **his** psychologist practice  
19 shall be recognized for reimbursement under the same conditions as  
20 would apply were such service performed by a physician.

21 (B) The contract or contracts purchased by the commission  
22 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-  
23 17.28) shall include coverage for services and benefits that are at a  
24 level that is equal to or exceeds the level of services and benefits set  
25 forth in this subsection, provided that such services and benefits  
26 shall include only those that are eligible medical services and not  
27 those deemed experimental, investigative or otherwise not eligible  
28 medical services. The determination of whether services or benefits  
29 are eligible medical services shall be made by the commission  
30 consistent with the best interests of the State and participating  
31 employers, employees, and dependents. The following list of  
32 services is not intended to be exclusive or to require that any limits  
33 or exclusions be exceeded.

34 Covered services shall include:

35 (1) Physician services, including:

36 (a) Inpatient services, including:

37 (i) medical care including consultations;

38 (ii) surgical services and services related thereto; and

39 (iii) obstetrical services including normal delivery, cesarean  
40 section, and abortion.

41 (b) Outpatient/out-of-hospital services, including:

42 (i) office visits for covered services and care;

43 (ii) allergy testing and related diagnostic/therapy services;

44 (iii) dialysis center care;

45 (iv) maternity care;

46 (v) well child care;

47 (vi) child immunizations/lead screening;

- 1 (vii) routine adult physicals including pap, mammography, and
- 2 prostate examinations; and
- 3 (viii) annual routine obstetrical/gynecological exam.
- 4 (2) Hospital services, both inpatient and outpatient, including:
- 5 (a) room and board;
- 6 (b) intensive care and other required levels of care;
- 7 (c) semi-private room;
- 8 (d) therapy and diagnostic services;
- 9 (e) surgical services or facilities and treatment related thereto;
- 10 (f) nursing care;
- 11 (g) necessary supplies, medicines, and equipment for care; and
- 12 (h) maternity care and related services.
- 13 (3) Other facility and services, including:
- 14 (a) approved treatment centers for medical
- 15 emergency/accidental injury;
- 16 (b) approved surgical center;
- 17 (c) hospice;
- 18 (d) chemotherapy;
- 19 (e) diagnostic x-ray and lab tests;
- 20 (f) ambulance;
- 21 (g) durable medical equipment;
- 22 (h) prosthetic devices;
- 23 (i) foot orthotics;
- 24 (j) diabetic supplies and education; and
- 25 (k) oxygen and oxygen administration.
- 26 (4) All services for which coverage is required pursuant to
- 27 P.L.1961, c.49 (C.52:14-17.25 et seq.), as amended and
- 28 supplemented. Benefits under the contract or contracts purchased as
- 29 authorized by the State Health Benefits Program shall include those
- 30 for mental health services subject to limits and exclusions
- 31 consistent with the provisions of the New Jersey State Health
- 32 Benefits Program Act.
- 33 (C) The contract or contracts purchased by the commission
- 34 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
- 35 17.28) shall include the following provisions regarding
- 36 reimbursements and payments:
- 37 (1) In the successor plan, the co-payment for doctor's office
- 38 visits shall be \$10 per visit with a maximum out-of-pocket of \$400
- 39 per individual and \$1,000 per family for in-network services for
- 40 each calendar year. The out-of-network deductible shall be \$100 per
- 41 individual and \$250 per family for each calendar year, and the
- 42 participant shall receive reimbursement for out-of-network charges
- 43 at the rate of 80【%】 percent of reasonable and customary charges,
- 44 provided that the out-of-pocket maximum shall not exceed \$2,000
- 45 per individual and \$5,000 per family for each calendar year.
- 46 (2) In the State managed care plan that is required to be included
- 47 in a contract entered into pursuant to subsection c. of section 4 of
- 48 P.L.1961, c.49 (C.52:14-17.28), the co-payment for doctor's office

1 visits shall be \$15 per visit. The participant shall receive  
2 reimbursement for out-of-network charges at the rate of 70% of  
3 reasonable and customary charges. The in-network and out-of-  
4 network limits, exclusions, maximums, and deductibles shall be  
5 substantially equivalent to those in the NJ PLUS plan in effect on  
6 June 30, 2007, with adjustments to that plan pursuant to a binding  
7 collective negotiations agreement or pursuant to action by the  
8 commission, in its sole discretion, to apply such adjustments to  
9 State employees for whom there is no majority representative for  
10 collective negotiations purposes.

11 (3) "Reasonable and customary charges" means charges based  
12 upon the 90th percentile of the usual, customary, and reasonable  
13 (UCR) fee schedule determined by the Health Insurance  
14 Association of America or a similar nationally recognized database  
15 of prevailing health care charges.

16 (D) Benefits under the contract or contracts purchased as  
17 authorized by this act may be subject to such limitations,  
18 exclusions, or waiting periods as the commission finds to be  
19 necessary or desirable to avoid inequity, unnecessary utilization,  
20 duplication of services or benefits otherwise available, including  
21 coverage afforded under the laws of the United States, such as the  
22 federal Medicare program, or for other reasons.

23 Benefits under the contract or contracts purchased as authorized  
24 by this act shall include those for the treatment of **[alcoholism]**  
25 alcohol use disorder where such treatment is prescribed by a  
26 physician and shall also include treatment while confined in or as  
27 an outpatient of a licensed hospital or residential treatment program  
28 which meets minimum standards of care equivalent to those  
29 prescribed by the Joint Commission on Hospital Accreditation. No  
30 benefits shall be provided beyond those stipulated in the contracts  
31 held by the State Health Benefits Commission.

32 (E) The rates charged for any contract purchased under the  
33 authority of this act shall reasonably and equitably reflect the cost  
34 of the benefits provided based on principles which in the judgment  
35 of the commission are actuarially sound. The rates charged shall be  
36 determined by the carrier on accepted group rating principles with  
37 due regard to the experience, both past and contemplated, under the  
38 contract. The commission shall have the right to particularize  
39 subgroups for experience purposes and rates. No increase in rates  
40 shall be retroactive.

41 (F) The initial term of any contract purchased by the  
42 commission under the authority of this act shall be for such period  
43 to which the commission and the carrier may agree, but permission  
44 may be made for automatic renewal in the absence of notice of  
45 termination by the commission. Subsequent terms for which any  
46 contract may be renewed as herein provided shall each be limited to  
47 a period not to exceed one year.

1 (G) A contract purchased by the commission pursuant to  
2 subsection b. of section 4 of P.L.1961, c.49 (C.52:14-17.28) shall  
3 contain a provision that if basic benefits or major medical expense  
4 benefits of an employee or of an eligible dependent under the  
5 contract, after having been in effect for at least one month in the  
6 case of basic benefits or at least three months in the case of major  
7 medical expense benefits, is terminated, other than by voluntary  
8 cancellation of enrollment, there shall be a 31-day period following  
9 the effective date of termination during which such employee or  
10 dependent may exercise the option to convert, without evidence of  
11 good health, to converted coverage issued by the carriers on a direct  
12 payment basis. Such converted coverage shall include benefits of  
13 the type classified as "basic benefits" or "major medical expense  
14 benefits" in subsection (A) hereof and shall be equivalent to the  
15 benefits which had been provided when the person was covered as  
16 an employee. The provision shall further stipulate that the employee  
17 or dependent exercising the option to convert shall pay the full  
18 periodic charges for the converted coverage which shall be subject  
19 to such terms and conditions as are normally prescribed by the  
20 carrier for this type of coverage.

21 (H) The commission may purchase a contract or contracts to  
22 provide drug prescription and other health care benefits or authorize  
23 the purchase of a contract or contracts to provide drug prescription  
24 and other health care benefits as may be required to implement a  
25 duly executed collective negotiations agreement or as may be  
26 required to implement a determination by a public employer to  
27 provide such benefit or benefits to employees not included in  
28 collective negotiations units.

29 (I) The commission shall take action as necessary, in  
30 cooperation with the School Employees' Health Benefits  
31 Commission established pursuant to section 33 of P.L.2007, c.103  
32 (C.52:14-17.46.3), to effectuate the purposes of the School  
33 Employees' Health Benefits Program Act as provided in sections 31  
34 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-  
35 17.46.11) and to enable the School Employees' Health Benefits  
36 Commission to begin providing coverage to participants pursuant to  
37 the School Employees' Health Benefits Program Act as of July 1,  
38 2008.

39 (J) Beginning January 1, 2012, the State Health Benefits Plan  
40 Design Committee shall provide to employees the option to select  
41 one of at least three levels of coverage each for family, individual,  
42 individual and spouse, and individual and dependent, or equivalent  
43 categories, for each plan offered by the program differentiated by  
44 out of pocket costs to employees including co-payments and  
45 deductibles. Notwithstanding any other provision of law to the  
46 contrary, the committee shall have the sole discretion to set the  
47 amounts for maximums, co-pays, deductibles, and other such  
48 participant costs for all plans in the program. The committee shall

1 also provide for a high deductible health plan that conforms with  
2 Internal Revenue Code Section 223.

3 There shall be appropriated annually for each State fiscal year,  
4 through the annual appropriations act, such amounts as shall be  
5 necessary as funding by the State as an employer, or as otherwise  
6 required, with regard to employees or retirees who have enrolled in  
7 a high deductible health plan that conforms with Internal Revenue  
8 Code Section 223.<sup>1</sup>

9 (cf: P.L.2011, c.78, s.47)

10

11 <sup>1</sup>140. Section 32 of P.L.2007, c.103 (C.52:14-17.46.2) is  
12 amended to read as follows:

13 32. As used in the School Employees' Health Benefits Program  
14 Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
15 through C.52:14-17.46.11):

16 a. The term "State" means the State of New Jersey.

17 b. The term "commission" means the School Employees'  
18 Health Benefits Commission, created by section 33 of P.L.2007,  
19 c.103 (C.52:14-17.46.3).

20 c. The term "employer" means local school district, regional  
21 school district, county vocational school district, county special  
22 services school district, jointure commission, educational services  
23 commission, State-operated school district, charter school, county  
24 college, any officer, board, or commission under the authority of  
25 the Commissioner of Education or of the State Board of Education,  
26 and any other public entity which is established pursuant to  
27 authority provided by Title 18A of the New Jersey Statutes, but  
28 excluding the State public institutions of higher education and  
29 excluding those public entities where the employer is the State of  
30 New Jersey.

31 d. (1) The term "employee" means a person employed in any  
32 full time capacity by an employer, and shall include persons defined  
33 as a school employee by the regulations of the State Health Benefits  
34 Commission in effect on the effective date of the School  
35 Employees' Health Benefits Program Act. "Full-time" shall have the  
36 same meaning as in the regulation of the State Health Benefits  
37 Commission regarding local coverage in effect on the effective date  
38 of the School Employees' Health Benefits Program Act.

39 (2) After the effective date of P.L.2010, c.2, the term  
40 "employee" means (a) a person employed in any full-time capacity  
41 by an employer who appears on a regular payroll and receives a  
42 salary or wages for an average of the number of hours per week as  
43 prescribed by the governing body of the participating employer  
44 which number of hours worked shall be considered full-time,  
45 determined by resolution, and not less than 25, and shall include  
46 persons defined as a school employee by the regulations of the State  
47 Health Benefits Commission in effect on the effective date of the  
48 School Employees' Health Benefits Program Act, or (b) a person

1 employed in any full-time capacity by an employer who has or is  
2 eligible for health benefits coverage provided under P.L.1961, c.49  
3 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103  
4 (C.52:14-17.46.1 et seq.) on that effective date and continuously  
5 thereafter provided the person is covered by the definition in  
6 paragraph (1) of this subsection. The term "employee" shall not  
7 include persons employed on a short-term, seasonal, intermittent, or  
8 emergency basis, persons compensated on a fee basis, persons  
9 having less than two months of continuous service or persons whose  
10 compensation is limited to reimbursement of necessary expenses  
11 actually incurred in the discharge of their official duties. An  
12 employee paid on a 10-month basis, pursuant to an annual contract,  
13 shall be deemed to have satisfied the two-month waiting period if  
14 the employee begins employment at the beginning of the contract  
15 year. The term "employee" shall also not include retired persons  
16 who are otherwise eligible for benefits under the School Employees'  
17 Health Benefits Program but who, although they meet the age or  
18 disability eligibility requirement of Medicare, are not covered by  
19 Medicare Hospital Insurance, also known as Medicare Part A, and  
20 Medicare Medical Insurance, also known as Medicare Part B. A  
21 determination by the commission that a person is an eligible  
22 employee for the purposes of the School Employees' Health  
23 Benefits Program shall be final and binding on all parties.

24 e. The term "dependents" means an employee's spouse,  
25 domestic partner, or partner in a civil union couple, and unmarried  
26 children under the age of 23 years who live in a regular parent/child  
27 relationship. "Children" shall include stepchildren, legally adopted  
28 children and children placed by the Division of **【Youth and Family**  
29 **Services】** Child Protection and Permanency in the Department of  
30 Children and Families, provided they are reported for coverage and  
31 are wholly dependent upon the employee for support and  
32 maintenance. A spouse, domestic partner, partner in a civil union  
33 couple, or child enlisting or inducted into military service shall not  
34 be considered a dependent during the military service. The term  
35 "dependents" shall not include spouses, domestic partners, or  
36 partners in a civil union couple, of retired persons who are  
37 otherwise eligible for the benefits under the School Employees'  
38 Health Benefits Program but who, although they meet the age or  
39 disability eligibility requirement of Medicare, are not covered by  
40 Medicare Hospital Insurance, also known as Medicare Part A, and  
41 Medicare Medical Insurance, also known as Medicare Part B.

42 f. The term "carrier" means a voluntary association,  
43 corporation or other organization, including but not limited to a  
44 health maintenance organization as defined in section 2 of the  
45 "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-  
46 2), which is lawfully engaged in providing or paying for or  
47 reimbursing the cost of, personal health services, including  
48 hospitalization, medical and surgical services under insurance

1 policies or contracts, membership or subscription contracts, or the  
2 like, in consideration of premiums or other periodic charges payable  
3 to the carrier.

4 g. The term "hospital" means:

5 (1) an institution operated pursuant to law which is primarily  
6 engaged in providing on its own premises, for compensation from  
7 its patients, medical diagnostic and major surgical facilities for the  
8 care and treatment of sick and injured persons on an inpatient basis,  
9 and which provides such facilities under the supervision of a staff  
10 of physicians and with 24 hour a day nursing service by registered  
11 graduate nurses, or

12 (2) an institution not meeting all of the requirements of  
13 paragraph (1) but which is accredited as a hospital by the Joint  
14 Commission on Accreditation of Hospitals. In no event shall the  
15 term "hospital" include a convalescent nursing home or any  
16 institution or part thereof which is used principally as a  
17 convalescent facility, residential center for the treatment and  
18 education of children with mental disorders, rest facility, nursing  
19 facility or facility for the aged or for the care of [drug addicts or  
20 alcoholics] persons with substance use disorder.

21 h. The term "Medicare" means the program established by the  
22 "Health Insurance for the Aged Act," Title XVIII of the "Social  
23 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
24 or its successor plan or plans.

25 i. The term "managed care plan" means a health care plan  
26 under which comprehensive health care services and supplies are  
27 provided to eligible employees, retirees, and dependents: (1)  
28 through a group of doctors and other providers employed by the  
29 plan; or (2) through an individual practice association, preferred  
30 provider organization, or point of service plan under which services  
31 and supplies are furnished to plan participants through a network of  
32 doctors and other providers under contracts or agreements with the  
33 plan on a prepayment or reimbursement basis and which may  
34 provide for payment or reimbursement for services and supplies  
35 obtained outside the network. The plan may be provided on an  
36 insured basis through contracts with carriers or on a self-insured  
37 basis, and may be operated and administered by the State or by  
38 carriers under contracts with the State.

39 j. The term "successor plan" means a managed care plan that  
40 shall replace the "traditional plan," as defined in section 2 of  
41 P.L.1961, c.49 (C.52:14-17.26), and that shall provide benefits as  
42 set forth in section 36 of P.L.2007, c.103 (C.52:14-17.46.6), and  
43 provide out-of-network benefits to participants with a payment by  
44 the plan of 80[%] percent of reasonable and customary charges as  
45 set forth in section 37 of P.L.2007, c.103 (C.52:14-17.46.7) and as  
46 may be adjusted in accordance with section 40 of P.L.2007, c.103  
47 (C.52:14-17.46.10).<sup>1</sup>

48 (cf: P.L.2010, c.2, s.10)



1       <sup>1</sup>141. Section 36 of P.L.2007, c.103 (C.52:14-17.46.6) is  
2 amended to read as follows:

3       36. a. Notwithstanding the provisions of any other law to the  
4 contrary, the commission shall not enter into a contract under the  
5 School Employees' Health Benefits Program Act, sections 31  
6 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-  
7 17.46.11), for the benefits provided pursuant to the act, unless the  
8 level of benefits provided under the contract entered into is equal to  
9 or exceeds the level of benefits provided in this section, or as  
10 modified pursuant to section 40 of that act (C.52:14-17.46.10). Only  
11 benefits for medically necessary services that are not deemed  
12 experimental, investigative or otherwise not eligible medical  
13 services shall be provided. The determination that services are not  
14 "eligible medical services" shall be made by the commission  
15 consistent with the best interests of the State, participating  
16 employers and those persons covered hereunder. Benefits for  
17 services provided pursuant to the School Employees' Health  
18 Benefits Act shall be subject to limits or exclusions consistent with  
19 those that apply to benefits provided pursuant to the New Jersey  
20 State Health Benefits Program Act. The services provided pursuant  
21 to this section shall include all services, subject to applicable limits  
22 and exclusions, provided through the State Health Benefits Program  
23 as of July 1, 2007. The list of services in subsection b. of this  
24 section is not intended to be exclusive or to require that any limits  
25 or exclusions be exceeded.

26       b. The services covered hereunder by the School Employees'  
27 Health Benefits Program shall include:

28       (1) Physician services, including:

29       (a) Inpatient services, including:

30       (i) medical care including consultations;

31       (ii) surgical services and services related thereto; and

32       (iii) obstetrical services including normal delivery, cesarean  
33 section, and abortion.

34       (b) Outpatient/out-of-hospital services, including:

35       (i) office visits for covered services and care;

36       (ii) allergy testing and related diagnostic/therapy services;

37       (iii) dialysis center care;

38       (iv) maternity care;

39       (v) well child care;

40       (vi) child immunizations/lead screening;

41       (vii) routine adult physicals including pap, mammography, and  
42 prostate examinations; and

43       (viii) annual routine obstetrical/gynecological exam.

44       (2) Hospital services, both inpatient and outpatient, including:

45       (a) room and board;

46       (b) intensive care and other required levels of care;

47       (c) semi-private room;

48       (d) therapy and diagnostic services;

- 1 (e) surgical services or facilities and treatment related thereto;
- 2 (f) nursing care;
- 3 (g) necessary supplies, medicines, and equipment for care; and
- 4 (h) maternity care and related services.
- 5 (3) Other facility and services, including:
- 6 (a) approved treatment centers for medical
- 7 emergency/accidental injury;
- 8 (b) approved surgical center;
- 9 (c) hospice;
- 10 (d) chemotherapy;
- 11 (e) diagnostic x-ray and lab tests;
- 12 (f) ambulance;
- 13 (g) durable medical equipment;
- 14 (h) prosthetic devices;
- 15 (i) foot orthotics;
- 16 (j) diabetic supplies and education; and
- 17 (k) oxygen and oxygen administration.
- 18 c. Benefits under the contract or contracts purchased as
- 19 authorized by the School Employees' Health Benefits Program Act
- 20 shall include those for the treatment of **alcoholism** alcohol use
- 21 disorder where such treatment is prescribed by a physician and shall
- 22 also include treatment while confined in or as an outpatient of a
- 23 licensed hospital or residential treatment program which meets
- 24 minimum standards of care equivalent to those prescribed by the
- 25 Joint Commission on Hospital Accreditation. No benefits shall be
- 26 provided beyond those stipulated in the contracts held by the School
- 27 Employees' Health Benefits Commission.
- 28 d. Benefits under the contract or contracts purchased as
- 29 authorized by the School Employees' Health Benefits Program Act
- 30 shall include those for mental health services subject to limits and
- 31 exclusions consistent with those that apply to benefits for such
- 32 services pursuant to the New Jersey State Health Benefits Program
- 33 Act. Coverage for biologically-based mental illness, as defined in
- 34 section 1 of P.L.1999, c.441 (C.52:14-17.29d), shall be provided in
- 35 accordance with section 2 of P.L.1999, c.441 (C.52:14-17.29e).
- 36 e. Coverage provided under the School Employees' Health
- 37 Benefits Program Act shall include coverage for all services for
- 38 which coverage is mandated in the State Health Benefits Program
- 39 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.).
- 40 f. (1) As used in this subsection:
- 41 (a) "brand name" means the proprietary or trade name assigned
- 42 to a drug product by the manufacturer or distributor of the drug
- 43 product.
- 44 (b) "carrier" means an insurance company, hospital, medical, or
- 45 health service corporation, preferred provider organization, or
- 46 health maintenance organization under agreement or contract with
- 47 the commission to administer the School Employee Prescription
- 48 Drug Plan.

1 (c) "School Employee Prescription Drug Plan" means the plan  
2 for providing payment for eligible prescription drug expenses of  
3 members of the School Employees' Health Benefits Program and  
4 their eligible dependents.

5 (d) "generic drug products" means prescription drug products  
6 and insulin approved and designated by the United States Food and  
7 Drug Administration as therapeutic equivalents for reference listed  
8 drug products. The term includes drug products listed in the New  
9 Jersey Generic Formulary by the Drug Utilization Review Council  
10 pursuant to P.L.1977, c.240 (C.24:6E-1 et al.).

11 (e) "mail-order pharmacy" means the mail order program  
12 available through the carrier.

13 (f) "preferred brands" means brand name prescription drug  
14 products and insulin determined by the carrier to be a more cost  
15 effective alternative for prescription drug products and insulin with  
16 comparable therapeutic efficacy within a therapeutic class, as  
17 defined or recognized in the United States Pharmacopeia or the  
18 American Hospital Formulary Service Drug Information, or by the  
19 American Society of Health Systems Pharmacists. A drug product  
20 for which there is no other therapeutically equivalent drug product  
21 shall be a preferred brand. Determinations of preferred brands by  
22 the carrier shall be subject to review and modification by the  
23 commission.

24 (g) "retail pharmacy" means a pharmacy, drug store or other  
25 retail establishment in this State at which prescription drugs are  
26 dispensed by a registered pharmacist under the laws of this State, or  
27 a pharmacy, drug store or other retail establishment in another state  
28 at which prescription drug products are dispensed by a registered  
29 pharmacist under the laws of that state if expenses for prescription  
30 drug products dispensed at the pharmacy, drug store, or other retail  
31 establishment are eligible for payment under the School Employee  
32 Prescription Drug Plan.

33 (h) "other brands" means prescription drug products which are  
34 not preferred brands or generic drug products. A new drug product  
35 approved by the United States Food and Drug Administration which  
36 is not a generic drug product shall be included in this category until  
37 the carrier makes a determination concerning inclusion of the drug  
38 product in the list of preferred brands.

39 (2) (a) Employers that participate in the School Employees'  
40 Health Benefits Program may offer to their employees and eligible  
41 dependents:

42 (i) enrollment in the School Employee Prescription Drug Plan,  
43 or

44 (ii) enrollment in another free-standing prescription drug plan,  
45 or

46 (iii) election of prescription drug coverage under their health  
47 care coverage through the School Employees' Health Benefits  
48 Program plan or as otherwise determined by the commission.

1 (b) A co-payment shall be required for each prescription drug  
2 expense if the employer chooses to participate in the School  
3 Employee Prescription Drug Plan. The initial amounts of the co-  
4 payments shall be the same as those in effect on July 1, 2007 for the  
5 employee prescription drug plan offered through the State Health  
6 Benefits Program.

7 (c) If the employer elects to offer a free-standing prescription  
8 drug plan, the employee's share of the cost for this prescription drug  
9 plan may be determined by means of a binding collective  
10 negotiations agreement, including any agreements in force at the  
11 time the employer commences participation in the School  
12 Employees' Health Benefits Program.

13 (d) If an employee declines the employer's offering of a free-  
14 standing prescription drug plan, no reimbursement for prescription  
15 drugs shall be provided under the health care coverage through the  
16 School Employees' Health Benefits Program plan in which the  
17 employee is enrolled.

18 (e) Prescription drug classifications that are not eligible for  
19 coverage under the employer's prescription drug plan shall also not  
20 be eligible for coverage under the health care coverage through the  
21 School Employees' Health Benefits Program plan except as  
22 federally or State mandated.

23 (f) If the employer elects to not offer a free-standing  
24 prescription drug plan, then the employer shall offer prescription  
25 drug coverage under the health care coverage through the School  
26 Employees' Health Benefits Program plan or as determined by the  
27 commission. Any plan that has in-network and out-of-network  
28 coverage shall cover prescription drugs at 90【%】 percent in-  
29 network and at the out-of-network rate applicable to health care  
30 coverage in the plan. The out-of-pocket amounts paid towards  
31 prescription drugs shall be combined with out-of-pocket medical  
32 payments to reach all out-of-pocket maximums.

33 (g) Health care coverages through the School Employees' Health  
34 Benefits Program that only have in-network benefits shall include a  
35 prescription card with co-payment amounts the same as those in  
36 effect on July 1, 2007 for such coverages offered through the State  
37 Health Benefits Program.

38 (h) In the fifth year following the initial appointment of all of its  
39 members, the commission shall, as part of the fifth year audit and  
40 review undertaken pursuant to section 40 of that act (C.52:14-  
41 17.46.10), review the prescription drug program established in this  
42 subsection and may make changes in the program pursuant to the  
43 terms of section 40 by majority vote of the full authorized  
44 membership of the commission.

45 g. Beginning January 1, 2012, the School Employees' Health  
46 Benefits Plan Design Committee shall provide to employees the  
47 option to select one of at least three levels of coverage each for

1 family, individual, individual and spouse, and individual and  
2 dependent, or equivalent categories, for each plan offered by the  
3 program differentiated by out of pocket costs to employees  
4 including co-payments and deductibles. Notwithstanding any other  
5 provision of law to the contrary, the committee shall have the sole  
6 discretion to set the amounts for maximums, co-pays, deductibles,  
7 and other such participant costs for all plans in the program. The  
8 committee shall also provide for a high deductible health plan that  
9 conforms with Internal Revenue Code Section 223.

10 There shall be appropriated annually for each State fiscal year,  
11 through the annual appropriations act, such amounts as shall be  
12 necessary as funding by the State with regard to retirees who have  
13 enrolled in a high deductible health plan that conforms with Internal  
14 Revenue Code Section 223.<sup>1</sup>

15 (cf: P.L.2011, c.78, s.48)

16  
17 <sup>1</sup>**[81.] 142.**<sup>1</sup> Section 1 of P.L.2021, c.455 (C.52:17B-71.11) is  
18 amended to read as follows:

19 1. a. The Attorney General, in consultation with the  
20 Commissioner of Human Services, shall develop a pilot program to  
21 promote and encourage law enforcement officers Statewide to  
22 complete training that applies the Crisis Intervention Team model,  
23 which program may include support for and coordination between  
24 the Police Training Commission in the Division of Criminal Justice  
25 in the Department of Law and Public Safety and the Division of  
26 Mental Health and Addiction Services in the Department of Human  
27 Services to increase the frequency of, number of locations, and  
28 geographic accessibility to training courses offered that apply the  
29 Crisis Intervention Team model.

30 b. The Police Training Commission shall develop and  
31 implement or incorporate into an existing training course, in  
32 consultation with a crisis intervention training center, a curriculum  
33 that applies the Crisis Intervention Team model to persons  
34 experiencing an economic crisis or struggling with a substance  
35 **[abuse]** use disorder who come into contact with law enforcement  
36 first responders.

37 c. As used in this section:

38 "Crisis Intervention Team model" means the best practice jail  
39 diversion model originally developed by the Memphis Tennessee  
40 Police Department and implemented in New Jersey as a county  
41 based collaboration of professionals committed to improving the  
42 law enforcement and mental health systems' response to persons  
43 experiencing a psychiatric crisis who come into contact with law  
44 enforcement first responders.

45 "Crisis intervention training center" means a program or entity  
46 that has operated as a crisis intervention support center in the State  
47 for a period of at least five years and that has experience in assisting

1 political subdivisions in New Jersey in developing and  
2 implementing the Crisis Intervention Team model.

3 (cf: P.L.2021, c.455, s.1)

4  
5 <sup>1</sup>**[82.] 143.**<sup>1</sup> Section 2 of P.L.1995, c.330 (C.52:17B-182) is  
6 amended to read as follows:

7 2. The Legislature finds and declares that there is a present  
8 need to provide for certain juvenile and young adult offenders a  
9 special program of incarceration stressing a highly structured  
10 routine of discipline, regimentation, exercise and work therapy,  
11 together with substance **[abuse]** use disorder and self-improvement  
12 counseling, education and an intensive program of aftercare  
13 supervision.

14 The Legislature further finds and declares that such a program  
15 would:

16 a. Develop positive attitude and behavior traits which will  
17 foster the work ethic and contribute to the maturity of the  
18 participants by utilizing proven techniques of regimentation and  
19 structured discipline;

20 b. Foster self-control, self-respect, teamwork and improved  
21 work habits for such offenders so as to enable these offenders to  
22 return to society as law-abiding citizens;

23 c. Provide young adult and juvenile offenders with a  
24 rehabilitative experience which will positively influence their  
25 behavior and help thwart future criminal activity;

26 d. Allow for a more creative use of correctional resources than  
27 the simple custody of prisoners;

28 e. Reduce corrections costs by shortening stays of  
29 incarceration;

30 f. Increase an offender's potential for rehabilitation and  
31 decrease recidivism by providing a structured, integrated and  
32 comprehensive treatment program which includes both an  
33 institutional regimen and an intensively supervised aftercare  
34 component in the community;

35 g. Provide meaningful and productive work opportunities and  
36 vocational training to enhance and expand offenders' marketable  
37 skills; and

38 h. Help to alleviate overcrowding in prisons and juvenile  
39 facilities.

40 (cf: P.L.1995, c.330, s.2)

41  
42 <sup>1</sup>**[83.] 144.**<sup>1</sup> Section 5 of P.L.1995, c.330 (C.52:17B-185) is  
43 amended to read as follows:

44 5. The SRP shall include the following components:

45 a. Stage I: A comprehensive, residential program consisting of  
46 appropriate:

47 (1) Highly structured routines of discipline;

48 (2) Physical exercise;

- 1 (3) Work;
- 2 (4) Substance **【abuse】** use disorder counseling;
- 3 (5) Education and vocational training;
- 4 (6) Psychological counseling; and
- 5 (7) Self-improvement and personal growth counseling stressing
- 6 moral values and cognitive reasoning.

7 b. Stage II: An intensive after-care program which includes  
8 work opportunities and vocational training. Offenders shall remain  
9 on parole during this period and shall be subject to reincarceration  
10 for parole violations.

11 (cf: P.L.1995, c.330, s.5)

12  
13 <sup>1</sup>**【84.】** 145.<sup>1</sup> Section 1 of P.L.2019, c.365 (C.52:17B-242.1) is  
14 amended to read as follows:

15 1. The Legislature finds and declares that:

16 a. In New Jersey, community violence is a public health crisis  
17 that disproportionately impacts underserved communities of color  
18 and firearm violence specifically is a major component of that  
19 violence;

20 b. Each year, New Jersey suffers more than 1,000 interpersonal  
21 shootings and, in 2016, African American and Latino men  
22 constituted 90 percent of the total firearm homicide victims in the  
23 State;

24 c. A few New Jersey cities suffer the vast majority of  
25 homicides in this State, most of which are committed with a  
26 firearm, and in 2015, more than half of the State's total homicides  
27 occurred in the cities of Camden, Jersey City, Newark, Paterson,  
28 and Trenton;

29 d. This violence results in enormous trauma, lifelong health  
30 impairments, immeasurable human suffering, and significant  
31 economic costs;

32 e. The direct costs of firearm violence in New Jersey are over  
33 \$1.2 billion per year including healthcare expenses, law  
34 enforcement and criminal justice expenses, costs to employers, and  
35 lost income, and when reduced quality of life attributable to pain  
36 and suffering is considered, the overall economic cost of firearm  
37 violence is \$3.3 billion per year;

38 f. The vast majority of victims and perpetrators of violence are  
39 young men of color who are at heightened risk for exposure to  
40 violence because of a number of risk factors, including lack of  
41 educational and economic opportunity, unaddressed mental health  
42 needs, substance **【abuse】** use disorder issues, unstable housing  
43 situations, and previous exposure to violence;

44 g. Research indicates that in most cities in the United States  
45 less than a half percent of a given city's population is responsible  
46 for the vast majority of violence <sup>1,1</sup> and <sup>1</sup>that<sup>1</sup> effectively  
47 intervening with this high risk population is essential to addressing  
48 and preventing interpersonal violence;

- 1 h. Historically, community-based violence intervention  
2 strategies have demonstrated remarkable success at reducing  
3 shootings and other incidents involving the use of firearms in  
4 heavily impacted communities <sup>1,1</sup> and <sup>1,1</sup> when properly  
5 implemented and consistently funded, these programs produce  
6 impressive life-saving and cost-saving results in a short period of  
7 time;
- 8 i. Large reductions in violence have been seen in cities that  
9 centrally coordinate multiple violence reduction strategies,  
10 including New York City; and
- 11 j. Providing consistent funding and support to the evidence-  
12 based violence reduction initiatives is an essential part of New  
13 Jersey's comprehensive response to interpersonal firearm violence  
14 <sup>1,1</sup> and given the extremely high cost of firearm violence, public  
15 investment in these solutions is very likely to generate significant  
16 savings for New Jersey taxpayers.  
17 (cf: P.L.2019, c.365, s.1)

18  
19 <sup>1</sup>**[85.]** 146.<sup>1</sup> Section 2 of P.L.2019, c.309 (C.52:27D-25mm) is  
20 amended to read as follows:

21 2. a. The division, in conjunction with the university, shall  
22 establish and maintain, on a 24-hour daily basis, a toll-free "New  
23 Jersey Fire and EMS Crisis Intervention Services" telephone  
24 hotline. The hotline shall receive and respond to calls from fire and  
25 emergency services personnel who experience depression, anxiety,  
26 stress, or any other psychological or emotional disorder or  
27 condition. The operators of the hotline shall identify and refer  
28 callers to further debriefing and counseling services.

29 b. The operators of the hotline shall be trained by the division  
30 and the university, and, to the greatest extent possible, shall be  
31 persons who are: (1) familiar with the post-trauma disorders and  
32 psychological and emotional disorders and conditions that are  
33 frequently experienced by fire and emergency services personnel; or  
34 (2) trained to provide counseling services involving marriage and  
35 family life, substance **[abuse]** use disorder, personal stress  
36 management, and other emotional or psychological disorders or  
37 conditions that may adversely affect fire and emergency services  
38 personnel.

39 c. The division and the university shall provide for the  
40 confidentiality of the names of the fire and emergency services  
41 personnel calling, the information discussed by a caller and  
42 operator, and any referrals for further debriefing or counseling.  
43 However, the division, after consultation with the university, may,  
44 by rule and regulation, establish guidelines for monitoring any fire  
45 or emergency services caller who exhibits signs of a severe  
46 emotional or psychological disorder or condition which the operator



1 handling the call reasonably believes may result in harm to the  
2 caller or any other person.

3 (cf: P.L.2019, c.309, s.2)

4  
5 <sup>1</sup>【86.】 147.<sup>1</sup> Section 5 of P.L.1990, c.83 (C.52:27D-43.29) is  
6 amended to read as follows:

7 5. The centers shall provide:

8 a. Outreach to the Hispanic community to inform the  
9 community of the center's resources;

10 b. Basic English language skills and bilingual and bicultural  
11 resources;

12 c. Training in assertiveness, survival and coping skills;

13 d. Educational evaluation services by a qualified bilingual  
14 counselor employed by the center, which services include  
15 screening, assessment and referral to basic educational, vocational  
16 training and other educational programs;

17 e. Job counseling services which are specifically designed to  
18 prepare women to enter or reenter the work force by assisting them  
19 in acquiring knowledge of their talents and skills in relation to  
20 existing traditional and nontraditional job opportunities and to those  
21 which are emerging as a result of new employment trends;

22 f. Self-help programs and mentoring projects, including  
23 workshops, group discussions, and dissemination of information  
24 about existing federal, State and local employment, education,  
25 health, and other community services which provide assistance in  
26 overcoming barriers to employment. These programs shall include  
27 outreach and information about other programs which are  
28 determined to be of interest and benefit to working parents, women  
29 newly entering or reentering the work force after a prolonged  
30 absence from it, those in need of financial management services,  
31 including information and assistance with respect to credit,  
32 insurance, taxes, loans and related financial matters, and women  
33 who need information about a diversity of housing problems;

34 g. Career information services, job training including  
35 internships, and job placement services which assist participants in  
36 gaining admission to existing public and private job training  
37 programs and in gaining job opportunities by cooperating,  
38 whenever possible, with appropriate State and local government  
39 agencies and private employers. These training and placement  
40 services shall foster the development of partnerships with industry,  
41 particularly those concerns which are associated with urban  
42 enterprise zones, and the enhancement of the neighborhood and  
43 communities which surround the centers. To the extent possible,  
44 the training and placement services shall consult with the area  
45 private industry councils established pursuant to the provisions of  
46 the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C.  
47 s. 1501 et seq.), and <sup>1</sup>【the Division of Employment Services in】<sup>1</sup>  
48 the Department of Labor <sup>1</sup>and Workforce Development<sup>1</sup> in order to

1 help identify local job opportunities or areas of expansion in private  
2 industry;

3 h. Information and referral services concerning: legal issues  
4 such as domestic violence, sexual assault, family support and sex  
5 discrimination; health care issues such as family planning,  
6 substance **[abuse]** use disorder, nutrition and mental health; public  
7 assistance programs; and child care services.

8 Each center may purchase services from or contract with  
9 individuals, county or municipal governments, school districts,  
10 county colleges or county vocational schools to carry out the  
11 provisions of this section.

12 (cf: P.L.1990, c.83, s.5)

13

14 <sup>1</sup>148. Section 6 of P.L.1991, c.51 (C.52:27D-400) is amended to  
15 read as follows:

16 6. Community action programs shall have, but not be limited  
17 to, the following goals:

18 a. Securing and retaining employment, attaining adequate  
19 education and obtaining decent and affordable housing for  
20 community residents;

21 b. Assisting community residents in improving the allocation  
22 of available income;

23 c. Promoting family planning, consistent with personal and  
24 family goals;

25 d. Securing services for the prevention of **[narcotic addiction**  
26 **and alcoholism]** substance use disorder and for the rehabilitation of  
27 persons **[addicted to alcohol, narcotics and other addictive**  
28 **substances]** with a substance use disorder;

29 e. Obtaining emergency assistance to meet individual and  
30 family needs including health, housing, employment and energy  
31 assistance services; and

32 f. Increasing the participation of community residents in  
33 community affairs.<sup>1</sup>

34 (cf: P.L.1991, c.51, s.6)

35

36 <sup>1</sup>**[87.] 149.**<sup>1</sup> Section 9 of P.L.2019, c.288 (C.52:27EE-28.2) is  
37 amended to read as follows:

38 9. The corrections ombudsperson shall conduct inspections of  
39 State correctional facilities in accordance with the provisions of this  
40 section.

41 a. The ombudsperson shall conduct regular inspections of all  
42 department facilities and issue public reports of all inspections.

43 b. Except for ongoing criminal investigations, Prison Rape  
44 Elimination Act (PREA) investigations, or other information,  
45 records, or investigations deemed confidential by the Special  
46 Investigations Division of the department, and with the exception of  
47 Special Investigations Division evidence rooms, the ombudsperson

- 1 may inspect, examine, or assess all aspects of a facility's operations  
2 and conditions including, but not limited to:
- 3 (1) staff recruitment, training, supervision, and discipline;
  - 4 (2) inmate deaths or serious injuries;
  - 5 (3) incidences of physical and sexual assault;
  - 6 (4) medical and <sup>1</sup>**【mental-health】** mental health<sup>1</sup> care;
  - 7 (5) use of force;
  - 8 (6) inmate violence;
  - 9 (7) conditions of confinement;
  - 10 (8) inmate disciplinary processes;
  - 11 (9) inmate grievance processes;
  - 12 (10)**【substance-abuse】** substance use disorder treatment;
  - 13 (11)educational, vocational, and other programming;
  - 14 (12)family visitation and communication practices; and
  - 15 (13)rehabilitation, reentry, and integration practices.
- 16 c. Except as provided in subsection b. of this section, the  
17 ombudsperson shall utilize a range of methods to gather and  
18 substantiate facts, including observations, interviews with inmates,  
19 inmate surveys, document and record reviews, reports, statistics,  
20 and performance-based outcome measures.
- 21 d. Facility and other governmental officials are authorized and  
22 shall be required to cooperate fully and promptly with inspections.
- 23 e. Except as provided in subsection b. of this section, the  
24 ombudsperson shall be vested with the authority to conduct both  
25 scheduled and unannounced inspections of any part or all of the  
26 facility at any time. The ombudsperson shall adopt procedures to  
27 ensure that unannounced inspections are conducted in a reasonable  
28 manner.
- 29 f. Facility administrators shall be provided an opportunity to  
30 review reports and provide feedback about them to the  
31 ombudsperson before their dissemination to the public, but the  
32 release of the reports is not subject to approval from any entity or  
33 person outside the office.
- 34 g. Reports shall apply legal requirements, best correctional  
35 practices, and other criteria to objectively and accurately review and  
36 assess a facility's policies, procedures, programs, and practices;  
37 identify systemic problems and the reasons for them; and proffer  
38 possible solutions to those problems.
- 39 h. Subject to reasonable privacy and security requirements, or  
40 as may be necessary to protect the safety or privacy of persons or  
41 the safe, secure, and orderly operation of State correctional  
42 facilities, as determined by the department or the Special  
43 Investigations Division, the ombudsperson's reports shall be public,  
44 accessible through the Internet, and distributed to the media,  
45 Legislature, Attorney General, and Governor.
- 46 i. Facility administrators shall publicly respond to monitoring  
47 reports; develop and implement in a timely fashion action plans to  
48 rectify problems identified in those reports; and <sup>1</sup>**【to】**<sup>1</sup> semi-

1 annually inform the public of their progress in implementing these  
2 action plans.

3 j. The ombudsperson shall continue to assess and report on  
4 previously identified problems and the progress made in resolving  
5 them until the problems are resolved.

6 (cf: P.L.2019, c.288, s.9)

7

8 <sup>1</sup>§88. Section 2 of P.L.2021, c.16 (C.24:6I-32) is amended to  
9 read as follows:

10 2. The Legislature finds and declares that:

11 a. It is the intent of the people of New Jersey to adopt a new  
12 approach to our marijuana policies by controlling and legalizing a  
13 form of marijuana, to be referred to as cannabis, in a similar fashion  
14 to the regulation of alcohol for adults;

15 b. It is the intent of the people of New Jersey that the  
16 provisions of this act will prevent the sale or distribution of  
17 cannabis to persons under 21 years of age;

18 c. This act is designed to eliminate the problems caused by the  
19 unregulated manufacturing, distribution, and use of illegal  
20 marijuana within New Jersey;

21 d. This act will divert funds from marijuana sales from going to  
22 illegal enterprises, gangs, and cartels;

23 e. Black New Jerseyans are nearly three times more likely to be  
24 arrested for marijuana possession than white New Jerseyans, despite  
25 similar usage rates;

26 f. New Jersey spends approximately \$127 million per year on  
27 marijuana possession enforcement costs;

28 g. Controlling and legalizing cannabis for adults in a similar  
29 fashion to alcohol will free up precious resources to allow our  
30 criminal justice system to focus on serious criminal activities and  
31 public safety issues;

32 h. Controlling and legalizing cannabis for adults in a similar  
33 fashion to alcohol will strike a blow at the illegal enterprises that  
34 profit from New Jersey's current, unregulated illegal marijuana  
35 market;

36 i. New Jersey must strengthen its support for evidence-based,  
37 drug use prevention programs that work to educate New Jerseyans,  
38 particularly young New Jerseyans, about the harms of **【drug abuse】**  
39 substance use disorder;

40 j. New Jersey must enhance State-supported programming that  
41 provides appropriate, evidence-based treatment for those who suffer  
42 from the illness of **【drug addiction】** substance use disorder;

43 k. Controlling and regulating the manufacturing, distribution,  
44 and sales of cannabis will strengthen our ability to keep it along  
45 with illegal marijuana away from minors;

46 l. A controlled system of cannabis manufacturing, distribution,  
47 and sales must be designed in a way that enhances public health and  
48 minimizes harm to New Jersey communities and families;

1 m. The legalized cannabis marketplace in New Jersey must be  
2 regulated so as to prevent persons younger than 21 years of age  
3 from accessing or purchasing cannabis;

4 n. A marijuana arrest in New Jersey can have a debilitating  
5 impact on a person's future, including consequences for one's job  
6 prospects, housing access, financial health, familial integrity,  
7 immigration status, and educational opportunities; and

8 o. New Jersey cannot afford to sacrifice public safety and  
9 individuals' civil rights by continuing its ineffective and wasteful  
10 past marijuana enforcement policies.

11 (cf: P.L.2021, c.16, s.2)]<sup>1</sup>

12  
13 <sup>1</sup>§89. R.S.30:1-12 is amended to read as follows:

14 30:1-12. a. The Legislature finds that the Commissioner of  
15 Human Services is obligated by State and federal law to assure that  
16 programs that serve eligible, low-income, handicapped, elderly,  
17 abused, and disabled persons are provided in an accessible,  
18 efficient, cost-effective and high quality manner. In order to meet  
19 these ends, the commissioner must have sufficient authority to  
20 require institutions and agencies that are under his direct or indirect  
21 supervision to meet State and federal mandates. This authority is  
22 especially necessary given the manner in which certain services are  
23 provided by county or local agencies, but are funded in whole or  
24 part by the State. The Legislature finds that the commissioner must  
25 have the authority to establish rules, regulations and directives,  
26 including incentives and sanctions, to assure that these institutions  
27 and agencies are providing services in a manner consistent with  
28 these mandates.

29 b. The commissioner shall have power to determine all matters  
30 relating to the unified and continuous development of the  
31 institutions and noninstitutional agencies within his jurisdiction. He  
32 shall determine all matters of policy and shall have power to  
33 regulate the administration of the institutions or noninstitutional  
34 agencies within his jurisdiction, correct and adjust the same so that  
35 each shall function as an integral part of a general system. The  
36 rules, regulations, orders and directions issued by the commissioner  
37 pursuant thereto, for this purpose shall be accepted and enforced by  
38 the executive having charge of any institution or group of  
39 institutions or noninstitutional agencies or any phase of the work  
40 within the jurisdiction of the department.

41 In order to implement the public policy of this State concerning  
42 the provision of charitable, hospital, relief and training institutions  
43 established for diagnosis, care, treatment, training, rehabilitation  
44 and welfare of persons in need thereof, for research and for training  
45 of personnel, and in order that the personnel, buildings, land, and  
46 other facilities provided be most effectively used to these ends and  
47 to advance the public interest, the commissioner is hereby  
48 empowered to classify and designate from time to time the specific

1 functions to be performed at and by any of the aforesaid institutions  
2 under his jurisdiction and to designate, by general classification of  
3 disease or disability, age or sex, the classes of persons who may be  
4 admitted to, or served by, these institutions or agencies.

5 In addition to and in conjunction with its general facilities and  
6 services for persons with mental illness, developmental disabilities,  
7 or tuberculosis, the department may at its discretion establish and  
8 maintain specialized facilities and services for the residential care,  
9 treatment and rehabilitation of persons who are suffering from  
10 chronic mental or neurological disorders, including, but not limited  
11 to **[alcoholism]** alcohol use disorder, **[drug addiction]** substance  
12 use disorder, epilepsy and cerebral palsy.

13 The commissioner shall have the power to regulate the  
14 administration of agencies under his supervision including, but not  
15 limited to, municipal and county agencies that administer public  
16 assistance. The commissioner may issue rules, regulations, orders  
17 and directions to assure that programs administered by the agencies  
18 are financially and programmatically efficient and effective, and to  
19 establish incentives and impose sanctions to assure the appropriate  
20 operation of programs and compliance with State and federal laws  
21 and regulations.

22 In addition, the commissioner shall have the authority to:

23 (1) review and approve county and municipal budgets for public  
24 assistance; and

25 (2) take appropriate interim action, including withholding State  
26 and federal administrative funds, or take over and operate county or  
27 municipal public assistance operations in situations in which the  
28 commissioner determines that the public assistance agency is failing  
29 to substantially follow federal or State law, thereby placing clients,  
30 who are dependent on public assistance benefits to survive in a  
31 humane and healthy manner, at serious risk. In this situation, the  
32 commissioner shall have the authority to bill the county for the cost  
33 of such operations and for necessary changes to assure that services  
34 are provided to accomplish federal and State mandates in an  
35 effective and efficient manner.

36 No rule, regulation, order or direction shall abridge the authority  
37 of a county or municipality to establish wages and terms and  
38 conditions of employment for its employees through collective  
39 negotiation with an authorized employee organization pursuant to  
40 P.L.1984, c.14 (C.44:7-6.1 et seq.).

41 The commissioner shall have the power to promulgate  
42 regulations to assure that services in State and county psychiatric  
43 facilities are provided in an efficient and accessible manner and are  
44 of the highest quality. Regulations shall include, but shall not be  
45 limited to, the transfer of patients between facilities; the  
46 maintenance of quality in order to obtain certification by the United  
47 States Department of Health and Human Services; the review of the  
48 facility's budget; and the establishment of sanctions to assure the

1 appropriate operation of facilities in compliance with State and  
2 federal laws and regulations.

3 The commissioner shall have the power to promulgate  
4 regulations to assure that county adjusters effectively and  
5 efficiently conduct investigations, notify legally responsible persons  
6 of amounts to be assessed against them, petition the courts,  
7 represent patients in psychiatric facilities, and as necessary reopen  
8 the question of payment for maintenance of persons residing in  
9 psychiatric facilities. Regulations may include minimum standards  
10 for determining payment of care by legally responsible persons; a  
11 uniform reporting system of findings, conclusions and  
12 recommendations; and the establishment of sanctions to assure  
13 compliance with State laws and regulations.

14 c. The commissioner shall have the power to conduct an  
15 investigation into the financial ability to pay, directly or indirectly,  
16 of any person receiving services from the department, or his  
17 chargeable relatives. This authority shall include the power to issue  
18 subpoenas to compel testimony and the production of documents.  
19 The commissioner may contract with a public or private entity to  
20 perform the functions set forth in this subsection, subject to terms  
21 and conditions required by the commissioner.

22 (cf: P.L.2010, c.50, s.19)]<sup>1</sup>

23

24 <sup>1</sup>[90. Section 1 of P.L.1964, c.226 (C.30:6C-1) is amended to  
25 read as follows:

26 1. It is declared to be the public policy of this State that the  
27 human suffering and social and economic loss caused by [drug  
28 addiction] substance use disorder are matters of grave concern to  
29 the people of the State and it is imperative that a comprehensive  
30 program be established and implemented through the facilities of  
31 the State, the several counties, the Federal Government and local  
32 and private agencies to prevent [drug addiction] substance use  
33 disorder and to provide diagnosis, treatment, care and rehabilitation  
34 for [drug addicts] persons who have substance use disorder to the  
35 end that these unfortunate individuals may be restored to good  
36 health and again become useful citizens in the community.

37 (cf: P.L.1964, c.226, s.1)]<sup>1</sup>

38

39 <sup>1</sup>[91. Section 2 of P.L.2016, c.70 (C.30:8-16.13) is amended to  
40 read as follows:

41 2. a. The chief executive officer, warden, or keeper of any county  
42 correctional institution shall ensure that each incarcerated person  
43 under the institution's custody continues to receive any medications  
44 prescribed by a physician prior to the person's incarceration for the  
45 treatment of chronic conditions. The provision of the prescribed  
46 medications shall be continued during admittance to a correctional  
47 facility, while placed in that facility, and during transfers to other  
48 facilities.

1       b. Medications provided pursuant to subsection a. of this  
2 section shall continue to be administered to the incarcerated person  
3 in a county correctional facility for a minimum of 30 days from the  
4 date the person is committed to the custody of a facility. The  
5 facility receiving these persons shall resume appropriate and  
6 commensurate management of the chronic condition including, but  
7 not limited to, the use of appropriate therapeutic treatments and  
8 medications or their generic substitution in accordance with State  
9 law and regulations established by the Commissioner of  
10 Corrections. Nothing in this subsection shall prohibit an examining  
11 physician from changing a course of treatment or prescription  
12 within the 30 day period to ensure that the incarcerated person  
13 receives clinically appropriate medical care.

14       c. The chief executive officer, warden, or keeper of any county  
15 correctional institution shall establish a system to ensure that all  
16 necessary medications are given to incarcerated persons in a timely  
17 manner while in the custody of a county correctional facility.  
18 Necessary medications shall include those medications which, if  
19 missed, may cause serious illness, death, or other harmful effects.  
20 The system shall include, but shall not be limited to, the following:

21       (1) a screening staff for each facility, which shall include any  
22 medical professional currently employed by the facility who shall  
23 be trained to determine the medications for which timely  
24 continuation is an urgent matter;

25       (2) a method for determining which medications shall be  
26 deemed necessary;

27       (3) a method for contacting the prescribing physician;

28       (4) a method for validating the prescription;

29       (5) a method for checking that all medications brought into a  
30 facility are labeled to ensure that the container contains the correct  
31 medication;

32       (6) a method for providing necessary medications to an  
33 incarcerated person who has been taken into custody without a  
34 supply of the medication;

35       (7) a method for notifying in advance a facility receiving a  
36 transferred incarcerated person, that the person has been prescribed  
37 a necessary medication and the continuation of the medication is an  
38 urgent matter; and

39       (8) a method for maintaining a supply of the most common  
40 necessary medications at each facility or an on-call physician, or  
41 other medical professional capable of prescribing medications,  
42 available to prescribe medications, and with the ability to fill  
43 prescriptions.

44       d. The chief executive officer, warden, or keeper of any county  
45 correctional institution shall not be required under the provisions of  
46 this section to supply an incarcerated person with any medication  
47 which has no currently accepted medical use in treatment in the  
48 United States as a matter of federal law.



1 e. The requirement to administer medication pursuant to this  
2 section shall not apply to synthetic opioid **【drug addiction】**  
3 substance use disorder detoxifiers, unless the facility employs a  
4 medical professional who is trained to administer this type of  
5 medication.

6 f. To the extent possible, a generic substitution of a  
7 prescription drug shall be given to an incarcerated person who is  
8 provided with medication under the provisions of this section.

9 (cf: P.L.2016, c.70, s.2)】<sup>1</sup>

10  
11 <sup>1</sup>【92. Section 1 of P.L.2016, J.R.12 (C.36:2-283) is amended to  
12 read as follows:

13 1. November 19th of each year, or the Thursday one week  
14 before Thanksgiving if the 19th falls on a Friday, Saturday, or  
15 Sunday, is designated as the "Night of Conversation" in which  
16 families are encouraged to talk about **【drug addiction】** substance  
17 use disorder and **【alcoholism】** alcohol use disorder.

18 (cf: P.L.2016, J.R.12, s.1)】<sup>1</sup>

19  
20 <sup>1</sup>【93. Section 1 of P.L.1974, c.120 (C.40:9B-3) is amended to  
21 read as follows:

22 1. The Legislature hereby recognizes that it is the declared  
23 public policy of this State that the social and personal anguish of  
24 **【drug addiction】** substance use disorder is a grave public concern,  
25 and that priority should be given to the establishment of a  
26 comprehensive program to be achieved through the coordinated  
27 efforts and resources both of public and private agencies to prevent  
28 and control **【drug addiction】** substance use disorder and to provide  
29 diagnosis, treatment care and rehabilitation for **【drug addicts】**  
30 persons who have substance use disorder. The Legislature further  
31 recognizes that the costs incurred in treating and rehabilitating the  
32 **【addict】** person who has substance use disorder and in counseling  
33 the potential **【addict】** person who has substance use disorder have  
34 become increasingly expensive, and that current financial  
35 exigencies are creating additional burdens for private, nonprofit  
36 agencies performing this important public service, while also  
37 rendering the cost of establishing new treatment centers prohibitive  
38 for local units of government. Therefore, the Legislature hereby  
39 finds that because private, nonprofit agencies are providing services  
40 which are in furtherance of a policy in an area of grave public  
41 concern, it is in the public interest to authorize counties and  
42 municipalities to appropriate funds for the purpose of helping to  
43 defray expenses incurred by such private agencies in the provision  
44 of **【narcotic and drug abuse】** substance use treatment facilities and  
45 programs to community residents.

46 (cf: P.L.1974, c.120, s.1)】<sup>1</sup>

1       <sup>1</sup>¶94. Section 2 of P.L.1982, c.80 (2A:4A-77) is amended to read  
2 as follows:

3       2. The purpose of the unit shall be to provide a continuous 24-  
4 hour on call service designed to attend and stabilize juvenile-family  
5 crises as defined pursuant to section 3 of P.L.1982, c.77 (C.2A:4A-  
6 22). The juvenile-family crisis intervention unit shall respond  
7 immediately to any referral, complaint or information made  
8 pursuant to section 5 or 6 of this act, except if, upon preliminary  
9 investigation, it appears that a juvenile-family crisis within the  
10 meaning of this act does not exist or that an immediate referral to  
11 another agency would be more appropriate.

12       Upon the receipt of any referral pursuant to section 5 and 6 of  
13 this act, the crisis intervention unit shall request information  
14 through the use of a form developed by the unit and approved by  
15 the Administrative Office of the Courts concerning the juvenile-  
16 family crisis. The form shall provide but shall not be limited to the  
17 following information:

18       a. The name, address, date of birth, and other appropriate  
19 personal data of the juvenile and parents or guardian;

20       b. Facts concerning the conduct of the juvenile or family which  
21 may contribute to the crisis, including evidence of **【alcoholism】**  
22 substance use disorder **【as defined in section 2 of P.L.1975, c.305**  
23 **(C.26:2B-8), drug dependency as defined in section 2 of the "New**  
24 **Jersey Controlled Dangerous Substances Act," P.L.1970, c.226**  
25 **(C.24:21-2)】** or that a juvenile is an "abused or neglected child" as  
26 defined in P.L.1974, c.119 (C.9:6-8.21).  
27 (cf: P.L.1982, c.60, s.2.)<sup>1</sup>  
28

29       <sup>1</sup>¶95. R.S.3B:1-2 is amended to read as follows:

30       3B:1-2. "Incapacitated individual" means an individual who is  
31 impaired by reason of mental illness or intellectual disability to the  
32 extent that the individual lacks sufficient capacity to govern himself  
33 and manage his affairs.

34       The term incapacitated individual is also used to designate an  
35 individual who is impaired by reason of physical illness or  
36 disability, chronic use of drugs, chronic **【alcoholism】** alcohol use  
37 disorder, or other cause (except minority) to the extent that the  
38 individual lacks sufficient capacity to govern himself and manage  
39 the individual's affairs.

40       The terms incapacity and incapacitated refer to the state or  
41 condition of an incapacitated individual as hereinbefore defined.

42       "Intellectual disability" means a significant subaverage general  
43 intellectual functioning existing concurrently with deficits in  
44 adaptive behavior which are manifested during the development  
45 period.

46       "Issue" of an individual means a descendant as defined in  
47 N.J.S.3B:1-1.

1 "Joint tenants with the right of survivorship" means co-owners of  
2 property held under circumstances that entitle one or more to the  
3 whole of the property on the death of the other or others, but  
4 excludes forms of co-ownership in which the underlying ownership  
5 of each party is in proportion to that party's contribution.

6 "Local administration" means administration by a personal  
7 representative appointed in this State.

8 "Local fiduciary" means any fiduciary who has received letters  
9 in this State and excludes foreign fiduciaries who acquire the power  
10 of local fiduciary pursuant to this title.

11 "Minor" means an individual who is under 18 years of age.

12 "Nonresident decedent" means a decedent who was domiciled in  
13 another jurisdiction at the time of his death.

14 "Parent" means any person entitled to take or who would be  
15 entitled to take if the child, natural or adopted, died without a will,  
16 by intestate succession from the child whose relationship is in  
17 question and excludes any person who is a stepparent, resource  
18 family parent, or grandparent.

19 "Per capita." If a governing instrument requires property to be  
20 distributed "per capita," the property is divided to provide equal  
21 shares for each of the takers, without regard to their shares or the  
22 right of representation.

23 "Payor" means a trustee, insurer, business entity, employer,  
24 government, governmental agency or subdivision, or any other  
25 person authorized or obligated by law or a governing instrument to  
26 make payments.

27 "Person" means an individual or an organization.

28 "Per Stirpes." If a governing instrument requires property to be  
29 distributed "per stirpes," the property is divided into as many equal  
30 shares as there are: (1) surviving children of the designated  
31 ancestor; and (2) deceased children who left surviving descendants.  
32 Each surviving child is allocated one share. The share of each  
33 deceased child with surviving descendants is divided in the same  
34 manner, with subdivision repeating at each succeeding generation  
35 until the property is fully allocated among surviving descendants.

36 "Personal representative" includes executor, administrator,  
37 successor personal representative, special administrator, and  
38 persons who perform substantially the same function under the law  
39 governing their status. "General personal representative" excludes  
40 special administrator.

41 "Representation; Per Capita at Each Generation." If an applicable  
42 statute or a governing instrument requires property to be distributed  
43 "by representation" or "per capita at each generation," the property  
44 is divided into as many equal shares as there are: (1) surviving  
45 descendants in the generation nearest to the designated ancestor  
46 which contains one or more surviving descendants; and (2)  
47 deceased descendants in the same generation who left surviving  
48 descendants, if any. Each surviving descendant in the nearest

1 generation is allocated one share. The remaining shares, if any, are  
2 combined and then divided in the same manner among the surviving  
3 descendants of the deceased descendants, as if the surviving  
4 descendants who were allocated a share and their surviving  
5 descendants had predeceased the designated ancestor.

6 "Resident creditor" means a person domiciled in, or doing  
7 business in this State, who is, or could be, a claimant against an  
8 estate.

9 "Security" includes any note, stock, treasury stock, bond,  
10 mortgage, financing statement, debenture, evidence of indebtedness,  
11 certificate of interest or participation in an oil, gas, or mining title  
12 or lease or in payments out of production under the title or lease,  
13 collateral, trust certificate, transferable share, voting trust certificate  
14 or, in general, any interest or instrument commonly known as a  
15 security or as a security interest or any certificate of interest or  
16 participation, any temporary or interim certificate, receipt or  
17 certificate of deposit for, or any warrant or right to subscribe to or  
18 purchase, any of the foregoing.

19 "Stepchild" means a child of the surviving, deceased, or former  
20 spouse who is not a child of the decedent.

21 "Successor personal representative" means a personal  
22 representative, other than a special administrator, who is appointed  
23 to succeed a previously appointed personal representative.

24 "Successors" means those persons, other than creditors, who are  
25 entitled to real and personal property of a decedent under a  
26 decedent's will or the laws governing intestate succession.

27 "Testamentary trustee" means a trustee designated by will or  
28 appointed to exercise a trust created by will.

29 "Testator" includes an individual and means male or female.

30 "Trust" includes any express trust, private or charitable, with  
31 additions thereto, wherever and however created. It also includes a  
32 trust created by judgment under which the trust is to be  
33 administered in the manner of an express trust. "Trust" excludes  
34 other constructive trusts, and it excludes resulting trusts,  
35 guardianships, personal representatives, trust accounts created  
36 under the "Multiple-party Deposit Account Act," P.L.1979, c.491  
37 (C.17:16I-1 et seq.), gifts to minors under the "New Jersey Uniform  
38 Gifts to Minors Act," P.L.1963, c.177 (C.46:38-13 et seq.), or the  
39 "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et  
40 seq., business trusts providing for certificates to be issued to  
41 beneficiaries, common trusts, security arrangements, liquidation  
42 trusts, and trusts for the primary purpose of paying debts, dividends,  
43 interest, salaries, wages, profits, pensions or employee benefits of  
44 any kind, and any arrangement under which a person is nominee or  
45 escrowee for another.

46 "Trustee" includes an original, additional or successor trustee,  
47 whether or not appointed or confirmed by court.

1 "Ward" means an individual for whom a guardian is appointed or  
2 an individual under the protection of the court.

3 "Will" means the last will and testament of a testator or testatrix  
4 and includes any codicil and any testamentary instrument that  
5 merely appoints an executor, revokes or revises another will,  
6 nominates a guardian, or expressly excludes or limits the right of a  
7 person or class to succeed to property of the decedent passing by  
8 intestate succession.

9 (cf: P.L.2013, c.103, s.21)】<sup>1</sup>

10

11 <sup>1</sup>【96. R.S.3B:12-28 is amended to read as follows:

12 3B:12-28. Return to competency; restoration of estate.

13 The Superior Court may, on summary action filed by the person  
14 adjudicated incapacitated or the guardian, adjudicate that the  
15 incapacitated person has returned to full or partial competency and  
16 restore to that person his civil rights and estate as it exists at the  
17 time of the return to competency if the court is satisfied that the  
18 person has recovered his sound reason and is fit to govern himself  
19 and manage his affairs, or, in the case of an incapacitated person  
20 determined to be incapacitated by reason of chronic **【alcoholism】**  
21 alcohol use disorder, that the person has reformed and become  
22 habitually sober and has continued so for one year next preceding  
23 the commencement of the action, and in the case of an incapacitated  
24 person determined to be incapacitated by reason of chronic use of  
25 drugs that the person has reformed and has not been a chronic user  
26 of drugs for one year next preceding the commencement of the  
27 action.

28 (cf: P.L.2005, c.304, s.16)】<sup>1</sup>

29

30 <sup>1</sup>【97. R.S.3B:12-39 is amended to read as follows:

31 3B:12-39. Delegation of parent's, custodian's, or guardian's  
32 powers regarding child's or minor ward's care, custody or property;  
33 limitations.

34 a. A parent, other than where sole or full legal and physical  
35 custody of the parent's minor child has been awarded to another by  
36 a court of competent jurisdiction, with the consent of the other  
37 parent, unless the other parent is deceased, incapacitated, or  
38 unavailable, or a custodian of a minor child who is not that child's  
39 parent, with the consent of a parent with whom the custodian shares  
40 legal custody, unless that parent is deceased, incapacitated, or  
41 unavailable, or a guardian of a minor child or a minor ward may:

42 by a properly executed power of attorney, delegate to another  
43 person any of the parent's, custodian's, or guardian's powers  
44 regarding care, custody, or property of the minor child or minor  
45 ward.

46 b. A delegation made under this section shall: (1) expire one  
47 year from the effective date of the properly executed power of  
48 attorney, provided, however, that the parent, custodian, or guardian

1 shall be permitted to renew the delegation for additional one-year  
2 periods using the same process as applies to the original delegation,  
3 and may be extended for an additional six months in exigent  
4 circumstances; and

5 (2) may become effective upon proper execution of the power of  
6 attorney or upon another activating event specified in a properly  
7 executed power of attorney.

8 c. A parent, custodian, or guardian may revoke a delegation  
9 made under this section by notifying the attorney-in-fact named in  
10 the power of attorney orally, in writing, or by any other act  
11 evidencing a specific intent to revoke the power of attorney.

12 d. A parent, custodian, or guardian may delegate under this  
13 section only such powers as the parent, custodian, or guardian  
14 possesses.

15 e. A delegation made under this section shall not deprive the  
16 parent, custodian, or guardian of the parent's, custodian's, or  
17 guardian's existing powers regarding care, custody, or property of  
18 the minor child or minor ward, but the parent, custodian, or  
19 guardian shall exercise such powers, insofar as the parent,  
20 custodian, or guardian is able, concurrently with the attorney-in-fact  
21 named in the power of attorney. In the event of a disagreement  
22 between a parent, custodian, or guardian and the attorney-in-fact  
23 regarding the care, custody, or property of the minor child or minor  
24 ward, the decision of the parent, custodian, or guardian shall  
25 control.

26 f. Nothing in this section shall be construed to involuntarily  
27 deprive any parent of parental rights.

28 g. As used in this section:

29 "Activating event" means an event stated in the delegation that  
30 empowers the attorney-in-fact to assume the duties of the office.  
31 Activating events include, but are not limited to: the execution of a  
32 power of attorney pursuant to this section; the parent's, custodian's,  
33 or guardian's attending physician concludes that the parent,  
34 custodian, or guardian is incapacitated; the parent's, custodian's, or  
35 guardian's attending physician concludes that the parent, custodian,  
36 or guardian is debilitated; the parent, custodian, or guardian is  
37 subject to immigration administrative action; the parent, custodian,  
38 or guardian is subject to criminal proceedings; the parent,  
39 custodian, or guardian is in military service; or the death of the  
40 parent, custodian, or guardian in circumstances in which no  
41 testamentary guardianship or other more permanent care  
42 arrangement has been made for the minor child or minor ward,  
43 provided, however, that in no case shall a power of attorney  
44 activated by the death of a parent, guardian, or custodian extend  
45 beyond the year that the power of attorney is in effect.

46 "Attending physician" means the physician who has primary  
47 responsibility for the treatment and care for the parent, custodian, or  
48 guardian making the delegation. When more than one physician

1 shares this responsibility, or when a physician is acting on the  
2 primary physician's behalf, any such physician may act as the  
3 attending physician pursuant to this section. When no physician has  
4 this responsibility, a physician who is familiar with the parent's,  
5 custodian's, or legal guardian's medical condition may act as the  
6 attending physician.

7 "Attorney-in-fact" means the person to whom a parent,  
8 custodian, or guardian delegates powers under a properly executed  
9 power of attorney pursuant to this section.

10 "Consent" means written consent of a non-delegating parent as  
11 evidenced by that person's signature on the power of attorney, in the  
12 presence of two witnesses.

13 "Criminal proceeding" means any incarceration on criminal  
14 charges, including pending charges, or a criminal sentence that  
15 separates a parent, custodian, or guardian from a minor child or  
16 minor ward.

17 "Custodian" means a person, other than a parent, who has been  
18 granted legal and physical custody of a minor child by a court of  
19 competent jurisdiction.

20 "Debilitated" means the parent, custodian, or guardian has a  
21 chronic and substantial inability, as a result of a physically  
22 debilitating illness, disease, or injury, to care for the parent's,  
23 custodian's, or guardian's minor child or minor ward.

24 "Exigent circumstances" means circumstances that render the  
25 parent, custodian, or guardian who makes a delegation unable to  
26 execute a renewal of the delegation for reasons including, but not  
27 limited to, that the parent, custodian, or guardian is debilitated or  
28 incapacitated, and that would cause imminent harm or threatened  
29 harm to the well-being of the parent's, custodian's, or guardian's  
30 minor child or minor ward without such renewal.

31 "Guardian" means a person who has qualified as a guardian of  
32 the person of a minor pursuant to court appointment, including, but  
33 not limited to, a kinship legal guardian, but does not mean a person  
34 who is serving only as a guardian ad litem.

35 "Immigration administrative action" means any immigration  
36 proceeding, enforcement action, detention, removal, or deportation  
37 that separates a parent, custodian, or guardian from a minor child or  
38 minor ward.

39 "Incapacitated" means the parent, custodian, or guardian is  
40 impaired by reason of mental illness, intellectual disability, physical  
41 illness or disability, chronic use of drugs, chronic **alcoholism**  
42 alcohol use disorder, or other cause, except minority, to the extent  
43 that the person lacks sufficient capacity to manage the affairs of and  
44 provide care for the parent's, custodian's, or guardian's minor child  
45 or minor ward, and a consequent inability to make these decisions.

46 "Military service" means duty by any person in the active  
47 military service of the United States or the active military service of  
48 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 child for whom a guardian is  
9 appointed.

10 "Parent" means the biological or adoptive parent of a minor  
11 child.

12 "Unavailable" means: a parent who has not been involved in  
13 raising or financially supporting the child for two years or a third of  
14 the life of the child, whichever is less, immediately preceding the  
15 delegation made pursuant to this section; a parent whose identity or  
16 whereabouts are unknown; or a parent who cannot be reached after  
17 diligent efforts.

18 h. A delegation made under this section may, but need not, be  
19 in the following form:

20 POWER OF ATTORNEY AND DELEGATION OF AUTHORITY  
21 BY PARENT, CUSTODIAN, OR GUARDIAN CONCERNING  
22 MINOR CHILD(REN) OR MINOR WARD(S) PURSUANT TO  
23 N.J.S. 3B:12-39

24 This power of attorney is made between (name(s), of parent(s),  
25 custodian(s), or guardian(s)), residing at (address(es) of parent(s),  
26 custodian(s), or guardian(s)) and reachable at (telephone number(s)  
27 of parent(s), custodian(s), or guardian(s)) and (name of alternative  
28 caregiver), referred to here as "attorney-in-fact," residing at (home  
29 address of alternative caregiver) and reachable at (telephone  
30 number of alternative caregiver).

31 If a parent is signing, the other parent must generally also sign  
32 below to show consent. Similarly, if a custodian who shares legal  
33 custody with a parent is signing, the parent who shares legal  
34 custody must generally also sign below to show consent. If such  
35 parent does not sign below, please check off reason(s) to explain  
36 why:

37 ☐ Such parent is deceased.

38 ☐ By order of a court of competent jurisdiction, such parent  
39 retains neither legal nor physical custody of child(ren).

40 ☐ Such parent is mentally or physically unable to give consent.

41 ☐ Such parent has not been involved in raising or financially  
42 supporting child(ren) for two years or a third of the life of the  
43 child(ren), whichever is less, immediately preceding the date of the  
44 latest signature below.

45 ☐ Identity or whereabouts of such parent are unknown to me.

46 ☐ Despite diligent efforts described below, I was unable to reach  
47 such parent.



1 Diligent efforts included:  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 Other: \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 I/we appoint said attorney-in-fact, pursuant to N.J.S.3B:12-39, and  
13 delegate to said attorney-in-fact the following powers, all of which  
14 I/we possess, concerning the care, custody, and/or property of  
15 my/our minor child/minor ward, (name of minor child/minor ward),  
16 born on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (add other minor children's or  
17 minor wards' names and birthdates as appropriate)  
18 \_\_\_\_Care-Giving. The attorney-in-fact shall have temporary care-  
19 giving authority for the minor child(ren)/minor ward(s), until such  
20 time as the minor child(ren)/minor ward(s) is/are returned to my/our  
21 physical custody, or his/her/their custody status is altered by a  
22 federal, state, or local agency; or changed by a court of law.  
23 \_\_\_\_Well-Being. The attorney-in-fact shall have the power to  
24 provide for the physical and mental well-being of the minor  
25 child(ren)/minor ward(s), including, but not limited to, providing  
26 food and shelter.  
27 \_\_\_\_Education. The attorney-in-fact shall have the authority to  
28 enroll the minor child(ren)/minor ward(s) in the appropriate  
29 educational institutions; obtain access to his/her/their school  
30 records; authorize his/her/their participation in school activities; and  
31 make any and all decisions related to his/her/their education,  
32 including, but not limited to, those related to special education.  
33 \_\_\_\_Health Care. The attorney-in-fact shall have the authority, to the  
34 same extent that a parent/custodian/guardian would have the  
35 authority, to make medical, dental, and mental health decisions; to  
36 sign documents, waivers, and releases required by a hospital or  
37 physician; to access medical, dental, or mental health records  
38 concerning the minor child(ren)/minor ward(s); to authorize the  
39 minor child(ren)/ minor ward(s)' admission to or discharge from  
40 any hospital or medical care facility; to consult with any health care  
41 provider; to consent to the provision, withholding, modification, or  
42 withdrawal of any health care procedure; and to make other  
43 decisions related to the health care needs of the minor  
44 child(ren)/minor ward(s).  
45 \_\_\_\_Travel. The attorney-in-fact shall have the authority to make  
46 travel arrangements on behalf of the minor child(ren)/ minor  
47 ward(s) for destinations both inside and outside of the United States  
48 by air and/or ground transportation; to accompany the minor

1 child(ren)/minor ward(s) on any such trips; and to make any and all  
2 related arrangements on behalf of the minor child(ren)/minor  
3 ward(s), including, but not limited to, hotel accommodations.

4 \_\_\_\_Financial Interests. The attorney-in-fact may handle any and  
5 all financial affairs and any and all personal and legal matters  
6 concerning the minor child(ren)/minor ward(s).

7 \_\_\_\_All Other Powers. The attorney-in-fact shall have the authority  
8 to handle and engage in any and all other matters relating to the  
9 care, custody, and property of the minor child(ren)/minor ward(s)  
10 which are permitted pursuant to applicable State law.

11 By this delegation, I/we provide that the attorney-in-fact's  
12 authority shall take effect upon the following "activating event(s)"  
13 (check all that apply):

14 \_\_\_\_The execution of this document on the latest date below; or

15 \_\_\_\_My attending physician concludes that I am incapacitated, and  
16 thus unable to care for my minor child(ren)/minor ward(s); or

17 \_\_\_\_My attending physician concludes that I am physically  
18 debilitated, and thus unable to care for my minor child(ren)/minor  
19 ward(s); or

20 \_\_\_\_I am detained in immigration detention, removed, or deported;  
21 or

22 \_\_\_\_I am incarcerated based on criminal charges, including pending  
23 charges, or conviction; or

24 \_\_\_\_I am deployed in military service; or

25 \_\_\_\_Upon my death, if I have made no more permanent care  
26 arrangements for my minor child or minor ward; or

27 \_\_\_\_Other (specify reason).

28 In the event that the person designated above is unable or unwilling  
29 to act as attorney-in-fact to my minor child(ren)/minor ward(s), I  
30 hereby name (name, address, and telephone number of alternate  
31 attorney-in-fact), as alternate attorney-in-fact of my minor  
32 child(ren)/minor ward(s).

33 I/we understand that this delegation will expire one year from the  
34 execution of this document on the latest date below, and that the  
35 authority of the attorney-in-fact, if any, will cease, unless by that  
36 date (i) I renew this delegation, by the same process applicable to  
37 the original delegation; (ii) a court of competent jurisdiction  
38 appoints a custodian, guardian, or standby guardian for the minor  
39 child(ren)/minor ward(s); or (iii) exigent circumstances make it  
40 impossible for me to renew this delegation, and I have not made  
41 alternative care arrangements for my minor child(ren)/minor  
42 ward(s).

43 I/we hereby authorize that the attorney-in-fact as set forth above  
44 shall be provided with a copy of my/our attending physician's  
45 statement(s), if applicable.

46 In the event that an activating event occurs and a power of attorney  
47 is activated pursuant to this statement, I declare that it is my  
48 intention to retain full parental rights to the extent consistent with

1 my condition and circumstances and, further, that I retain the  
2 authority to revoke the power of attorney consistent with my rights  
3 herein at any time.

4 Parent's/Custodian's/Guardian's Signature:

5 Date:

6 Signature of other parent or of parent who shares legal custody with  
7 a custodian who signed above:

8 Date:

9 Witness's Signature:

10 Address:

11 Date:

12 Witness's Signature:

13 Address:

14 Date:

15 (cf: P.L.2021, c.192, s.1)]<sup>1</sup>

16

17 <sup>1</sup>[98. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to  
18 read as follows:

19 3. As used in P.L.1995, c.76 (C.3B:12-67 et seq.):

20 "Activating event" means an event stated in the petition or decree  
21 that empowers the standby guardian to assume the duties of the  
22 office. Activating events include, but are not limited to: the  
23 appointment of a standby guardian by a court of competent  
24 jurisdiction; the parent's, custodian's, or guardian's attending  
25 physician concludes that the parent, custodian, or guardian is  
26 incapacitated; the parent's, custodian's, or guardian's attending  
27 physician concludes that the parent, custodian, or guardian is  
28 debilitated; the parent, custodian, or guardian is subject to  
29 immigration administrative action; the parent, custodian, or  
30 guardian is subject to criminal proceedings; the parent, custodian,  
31 or guardian is in military service; or the death of the parent,  
32 custodian, or guardian in circumstances in which no testamentary  
33 guardianship or other more permanent care arrangement has been  
34 made for the minor child or minor ward; provided, however, that in  
35 no case shall a power of attorney triggered by the death of a parent,  
36 guardian, or custodian extend beyond the year that the power of  
37 attorney is in effect.

38 "Appointed standby guardian" means a person appointed  
39 pursuant to section 6 of P.L.1995, c.76 (C.3B:12-72) to assume the  
40 duties of guardian over the person and, when applicable, the  
41 property of a minor child or minor ward upon an activating event.

42 "Attending physician" means the physician who has primary  
43 responsibility for the treatment and care for the petitioning parent,  
44 custodian, or guardian. When more than one physician shares this  
45 responsibility, or when a physician is acting on the primary  
46 physician's behalf, any such physician may act as the attending  
47 physician pursuant to this act. When no physician has this  
48 responsibility, a physician who is familiar with the petitioner's

1 medical condition may act as the attending physician pursuant to  
2 P.L.1995, c.76 (C.3B:12-67 et seq.).

3 "Criminal proceeding" means any incarceration on criminal  
4 charges, including pending charges, or a criminal sentence that  
5 separates a parent, custodian, or guardian from a minor child or  
6 minor ward.

7 "Custodian" means a person, other than a parent, who has been  
8 granted legal and physical custody of a minor child by a court of  
9 competent jurisdiction.

10 "Debilitated" means the parent, custodian, or guardian has a  
11 chronic and substantial inability, as a result of a physically  
12 debilitating illness, disease, or injury, to care for the parent's,  
13 custodian's, or guardian's minor child or minor ward.

14 "Guardian" means a person who has qualified as a guardian of  
15 the person of a minor pursuant to court appointment, including, but  
16 not limited to, a kinship legal guardian, but does not mean a person  
17 who is serving only as a guardian ad litem.

18 "Immigration administrative action" means any immigration  
19 proceeding, enforcement action, detention, removal, or deportation  
20 that separates a parent, custodian, or guardian from a minor child or  
21 ward.

22 "Incapacitated" means the parent, custodian, or guardian is  
23 impaired by reason of mental illness, intellectual disability, physical  
24 illness or disability, chronic use of drugs, chronic **【alcoholism】**  
25 alcohol use disorder, or other cause, except minority, to the extent  
26 that the person lacks sufficient capacity to manage the affairs of and  
27 provide care for the parent's, custodian's, or guardian's minor child  
28 or minor ward.

29 "Military service" means duty by any person in the active  
30 military service of the United States or the active military service of  
31 the State, including in the National Guard or State Guard, that  
32 separates a parent, custodian, or guardian from a minor child or  
33 minor ward.

34 "Minor child" means a child under the age of 18 years but  
35 excludes a child residing in a placement funded or approved by the  
36 Division of Child Protection and Permanency in the Department of  
37 Children and Families pursuant to either a voluntary placement  
38 agreement or court order.

39 "Minor ward" means a minor for whom a guardian is appointed.

40 (cf: P.L.2021, c.192, s.3)**】<sup>1</sup>**

41  
42 <sup>1</sup>**【**99. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to  
43 read as follows:

44 3. a. No person shall operate a vessel on the waters of this State  
45 while under the influence of intoxicating liquor, a narcotic,  
46 hallucinogenic, or habit-producing drug or with a blood alcohol  
47 concentration of 0.08% or more by weight of alcohol. No person  
48 shall permit another who is under the influence of intoxicating

1 liquor, a narcotic, hallucinogenic or habit-producing drug, or who  
2 has a blood alcohol concentration of 0.08% by weight of alcohol, to  
3 operate any vessel owned by the person or in his custody or control.

4 As used in this section, "vessel" means a power vessel as defined  
5 by section 2 of P.L.1995, c.401 (C.12:7-71) or a vessel which is 12  
6 feet or greater in length.

7 A person who violates this section shall be subject to the  
8 following:

9 (1) For a first offense:

10 (i) if the person's blood alcohol concentration is 0.08% or  
11 higher but less than 0.10%, or the person operates a vessel while  
12 under the influence of intoxicating liquor, or the person permits  
13 another person who is under the influence of intoxicating liquor to  
14 operate a vessel owned by him or in his custody or control or  
15 permits another person with a blood alcohol concentration of 0.08%  
16 or higher but less than 0.10% to operate a vessel, to a fine of not  
17 less than \$250 nor more than \$400; and to the revocation of the  
18 privilege to operate a vessel on the waters of this State for a period  
19 of one year from the date of conviction and to the forfeiting of the  
20 privilege to operate a motor vehicle over the highways of this State  
21 for a period of three months;

22 (ii) if the person's blood alcohol concentration is 0.10% or  
23 higher, or the person operates a vessel while under the influence of  
24 a narcotic, hallucinogenic or habit-producing drug, or the person  
25 permits another person who is under the influence of a narcotic,  
26 hallucinogenic or habit-producing drug to operate a vessel owned  
27 by him or in his custody or control, or permits another person with a  
28 blood alcohol concentration of 0.10% or more to operate a vessel, to  
29 a fine of not less than \$300 nor more than \$500; and to the  
30 revocation of the privilege to operate a vessel on the waters of this  
31 State for a period of one year from the date of conviction and to the  
32 forfeiting of the privilege to operate a motor vehicle over the  
33 highways of this State for a period of not less than seven months  
34 nor more than one year.

35 (2) For a second offense, to a fine of not less than \$500 nor  
36 more than \$1,000; to the performance of community service for a  
37 period of 30 days, in the form and on the terms as the court deems  
38 appropriate under the circumstances; and to imprisonment for a  
39 term of not less than 48 hours nor more than 90 days, which shall  
40 not be suspended or served on probation; and to the revocation of  
41 the privilege to operate a vessel on the waters of this State for a  
42 period of two years after the date of conviction and to the forfeiting  
43 of the privilege to operate a motor vehicle over the highways of this  
44 State for a period of two years.

45 (3) For a third or subsequent offense, to a fine of \$1,000; to  
46 imprisonment for a term of not less than 180 days, except that the  
47 court may lower this term for each day not exceeding 90 days  
48 during which the person performs community service, in the form

1 and on the terms as the court deems appropriate under the  
2 circumstances; and to the revocation of the privilege to operate a  
3 vessel on the waters of this State for a period of 10 years from the  
4 date of conviction and to the forfeiting of the privilege to operate a  
5 motor vehicle over the highways of this State for a period of 10  
6 years.

7 Upon conviction of a violation of this section, the court shall  
8 collect forthwith the New Jersey driver's license or licenses of the  
9 person so convicted and forward such license or licenses to the  
10 Chief Administrator of the New Jersey Motor Vehicle Commission.  
11 In the event that a person convicted under this section is the holder  
12 of any out-of-State motor vehicle driver's or vessel operator's  
13 license, the court shall not collect the license but shall notify  
14 forthwith the Chief Administrator of the New Jersey Motor Vehicle  
15 Commission, who shall, in turn, notify appropriate officials in the  
16 licensing jurisdiction. The court shall, however, revoke the  
17 nonresident's driving privilege to operate a motor vehicle and the  
18 nonresident's privilege to operate a vessel in this State.

19 b. A person who has been convicted of a previous violation of  
20 this section need not be charged as a second or subsequent offender  
21 in the complaint made against him in order to render him liable to  
22 the punishment imposed by this section against a second or  
23 subsequent offender. If a second offense occurs more than 10 years  
24 after the first offense, the court shall treat a second conviction as a  
25 first offense for sentencing purposes and, if a third offense occurs  
26 more than 10 years after the second offense, the court shall treat a  
27 third conviction as a second offense for sentencing purposes.

28 c. If a court imposes a term of imprisonment under this section,  
29 the person may be sentenced to the county jail, to the workhouse of  
30 the county where the offense was committed, or to an inpatient  
31 rehabilitation program approved by the Chief Administrator of the  
32 New Jersey Motor Vehicle Commission and the Director of the  
33 Division of **【Alcoholism and Drug Abuse】** Alcohol Use Disorder  
34 and Substance Use Disorder in the Department of Health **【and**  
35 **Senior Services】**.

36 d. In the case of any person who at the time of the imposition  
37 of sentence is less than 17 years of age, the period of the suspension  
38 of driving privileges authorized herein, including a suspension of  
39 the privilege of operating a motorized bicycle, shall commence on  
40 the day the sentence is imposed and shall run for a period as fixed  
41 by the court of not less than three months after the day the person  
42 reaches the age of 17 years. If the driving or vessel operating  
43 privilege of any person is under revocation, suspension, or  
44 postponement for a violation of any provision of this title or Title  
45 39 of the Revised Statutes at the time of any conviction of any  
46 offense defined in this section, the revocation, suspension, or  
47 postponement period imposed herein shall commence as of the date  
48 of termination of the existing revocation, suspension or

1 postponement. A second offense shall result in the suspension or  
2 postponement of the person's privilege to operate a motor vehicle  
3 for six months. A third or subsequent offense shall result in the  
4 suspension or postponement of the person's privilege to operate a  
5 motor vehicle for two years. The court before whom any person is  
6 convicted of or adjudicated delinquent for a violation shall collect  
7 forthwith the New Jersey driver's license or licenses of the person  
8 and forward such license or licenses to the Chief Administrator of  
9 the New Jersey Motor Vehicle Commission along with a report  
10 indicating the first and last day of the suspension or postponement  
11 period imposed by the court pursuant to this section. If the court is  
12 for any reason unable to collect the license or licenses of the person,  
13 the court shall cause a report of the conviction or adjudication of  
14 delinquency to be filed with the chief administrator. That report  
15 shall include the complete name, address, date of birth, eye color,  
16 and sex of the person and shall indicate the first and last day of the  
17 suspension or postponement period imposed by the court pursuant  
18 to this section. The court shall inform the person orally and in  
19 writing that if the person is convicted of personally operating a  
20 motor vehicle or a vessel during the period of license suspension or  
21 postponement imposed pursuant to this section, the person shall,  
22 upon conviction, be subject to the penalties set forth in R.S.39:3-40  
23 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is  
24 appropriate. A person shall be required to acknowledge receipt of  
25 the written notice in writing. Failure to receive a written notice or  
26 failure to acknowledge in writing the receipt of a written notice  
27 shall not be a defense to a subsequent charge of a violation of  
28 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the  
29 person is the holder of a driver's or vessel operator's license from  
30 another jurisdiction, the court shall not collect the license but shall  
31 notify forthwith the chief administrator who shall notify the  
32 appropriate officials in the licensing jurisdiction. The court shall,  
33 however, in accordance with the provisions of this section, revoke  
34 the person's non-resident driving or vessel operating privilege,  
35 whichever is appropriate, in this State.

36 e. In addition to any other requirements provided by law, a  
37 person convicted under this section shall satisfy the screening,  
38 evaluation, referral program and fee requirements of the Division of  
39 **【Alcoholism's】** Alcohol Use Disorder's Intoxicated Driving  
40 Programs Unit. A fee of \$80 shall be payable to the Alcohol  
41 Education, Rehabilitation and Enforcement Fund established under  
42 section 3 of P.L.1983, c.531 (C.26:2B-32), by the convicted person  
43 in order to defray the costs of the screening, evaluation and referral  
44 by the Intoxicated Driving Programs Unit. Failure to satisfy this  
45 requirement shall result in the immediate forfeiture of the privilege  
46 to operate a vessel on the waters of this State or the continuation of  
47 revocation until the requirements are satisfied.

1 f. In addition to any other requirements provided by law, a  
2 person convicted under this section shall be required after  
3 conviction to complete a boat safety course from the list approved  
4 by the Superintendent of State Police pursuant to section 1 of  
5 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the  
6 restoration of the privilege to operate a vessel which may have been  
7 revoked or suspended for a violation of the provisions of this  
8 section. Failure to satisfy this requirement shall result in the  
9 immediate revocation of the privilege to operate a vessel on the  
10 waters of this State, or the continuation of revocation until the  
11 requirements of this subsection are satisfied.

12 (cf: P.L.2004, c.80, s.1)]<sup>1</sup>

13  
14 <sup>1</sup>[100. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to  
15 read as follows:

16 9. a. A court shall revoke the privilege of a person to operate a  
17 power vessel or a vessel which is 12 feet or greater in length, if  
18 after being arrested for a violation of section 3 of P.L.1952, c.157  
19 (C.12:7-46), the person refuses to submit to the chemical test  
20 provided for in section 7 of P.L.1986, c.39 (C.12:7-55) when  
21 requested to do so. The revocation shall be for one year unless the  
22 refusal was in connection with a second offense under section 3 of  
23 P.L.1952, c.157 (C.12:7-46), in which case the revocation period  
24 shall be for two years. If the refusal was in connection with a third  
25 or subsequent offense under section 3 of P.L.1952, c.157 (C.12:7-  
26 46), the revocation shall be for 10 years. The court also shall  
27 revoke the privilege of a person to operate a motor vehicle over the  
28 highways of this State for a period of: not less than seven months  
29 or more than one year for a first offense; two years for a second  
30 offense; and 10 years for a third or subsequent offense. The court  
31 shall also fine a person convicted under this section: not less than  
32 \$300 nor more than \$500 for a first offense; not less than \$500 or  
33 more than \$1,000 for a second offense; and \$1,000 for a third or  
34 subsequent offense.

35 b. The court shall determine by a preponderance of the  
36 evidence whether the arresting officer had probable cause to believe  
37 that the person had been operating or was in actual physical control  
38 of the vessel while under the influence of intoxicating liquor, or a  
39 narcotic, hallucinogenic or habit-producing drug, whether the  
40 person was placed under arrest, and whether the person refused to  
41 submit to the test upon request of the officer. If these elements of  
42 the violation are not established, no conviction shall issue.

43 c. In addition to any other requirements provided by law, a  
44 person whose privilege to operate a vessel is revoked for refusing to  
45 submit to a chemical test shall satisfy the screening, evaluation,  
46 referral and program requirements of the Bureau of Alcohol  
47 Countermeasures in the Division of **[Alcoholism]** Alcohol Use  
48 Disorder in the Department of Health **[and Senior Services]**. A fee



1 of \$40 shall be payable to the Alcohol Education, Rehabilitation  
2 and Enforcement Fund established under section 3 of P.L.1983,  
3 c.531 (C.26:2B-32), by the convicted person in order to defray the  
4 costs of the screening, evaluation and referral by the Bureau of  
5 Alcohol Countermeasures and the cost of an education or  
6 rehabilitation program. Failure to satisfy this requirement shall  
7 result in the immediate revocation of the privilege to operate a  
8 vessel on the waters of this State or the continuation of revocation  
9 until the requirements are satisfied. The revocation for a first  
10 offense may be concurrent with or consecutive to a revocation  
11 imposed for a conviction under the provisions of section 3 of  
12 P.L.1952, c.157 (C.12:7-46) arising out of the same incident; the  
13 revocation for a second or subsequent offense shall be consecutive  
14 to a revocation imposed for a conviction under the provisions of  
15 section 3 of P.L.1952, c.157 (C.12:7-46).

16 d. In addition to any other requirements provided by law, a  
17 person convicted under this section shall be required after  
18 conviction to complete a boat safety course from the list approved  
19 by the Superintendent of State Police pursuant to section 1 of  
20 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the  
21 restoration of the privilege to operate a vessel which may have been  
22 revoked or suspended for a violation of the provisions of this  
23 section. Failure to satisfy this requirement shall result in the  
24 immediate revocation of the privilege to operate a vessel on the  
25 waters of this State, or the continuation of revocation until the  
26 requirements of this subsection are satisfied.

27 (cf: P.L.2004, c.80, s.4)]<sup>1</sup>

28

29 <sup>1</sup> [101. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to  
30 read as follows:

31 2. The following words as used in P.L.1975, c.305 (C.26:2B-7  
32 et seq.) shall, unless the context requires otherwise, have the  
33 following meanings:

34 "Administrator" means the person in charge of the operation of a  
35 facility, or his designee.

36 "Admitted" means accepted for treatment at a facility.

37 ["Alcoholic" means a person with an alcohol use disorder, as  
38 defined in this section.]

39 "Authorized persons" means persons who serve as volunteer first  
40 aid or ambulance squad members, para-professional medical  
41 personnel, and rehabilitated persons with alcohol use disorder.

42 "Commissioner" means the Commissioner of Health.

43 "Department" means the Department of Health.

44 "Director" means the Director of the Division of [Alcoholism]  
45 Alcohol Use Disorder.

46 "Division" means the Division of [Alcoholism] Alcohol Use  
47 Disorder.

1 "Facility" means any public, private place, or portion thereof  
2 providing services especially designed for the treatment of  
3 intoxicated persons or persons with alcohol use disorder; including,  
4 but not limited to intoxication treatment centers, inpatient treatment  
5 facilities, outpatient facilities, and residential aftercare facilities.

6 "Incapacitated" means the condition of a person who is: a. as a  
7 result of the use of alcohol, unconscious or has judgment so  
8 impaired that the person is incapable of realizing and making a  
9 rational decision with respect to the person's need for treatment, b.  
10 in need of substantial medical attention, or c. likely to suffer  
11 substantial physical harm.

12 "Independent physician" means a physician other than one  
13 holding an office or appointment in any department, board or  
14 agency of the State or in any public facility.

15 "Intoxicated person" means a person whose mental or physical  
16 functioning is substantially impaired as a result of the use of  
17 alcoholic beverages.

18 "Patient" means any person admitted to a facility.

19 "Person with **[an]** alcohol use disorder" means any person who  
20 chronically, habitually, or periodically consumes alcoholic  
21 beverages to the extent that: a. such use substantially injures the  
22 person's health or substantially interferes with the person's social or  
23 economic functioning in the community on a continuing basis, or b.  
24 the person has lost the power of self-control with respect to the use  
25 of such beverages.

26 "Private facility" means a facility other than one operated by the  
27 federal government, the State of New Jersey, or any political  
28 subdivision thereof.

29 "Public facility" means a facility operated by the State of New  
30 Jersey or any political subdivision thereof.

31 "Treatment" means services and programs for the care or  
32 rehabilitation of intoxicated persons and persons with alcohol use  
33 disorder, including, but not limited to, medical, psychiatric,  
34 psychological, vocational, educational, recreational, and social  
35 services and programs.

36 (cf: P.L.2017, c.131, s.70)<sup>1</sup>

37

38 <sup>1</sup>[102. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to  
39 read as follows:

40 3. There is hereby established in the Department of Health a  
41 Division of **[Alcoholism]** Alcohol Use Disorder under the direction  
42 of a division director. The director shall be an individual with  
43 training and experience in such areas as public administration or  
44 public health or rehabilitation and training in the social sciences or  
45 a qualified professional with training or experience in the treatment  
46 of behavioral disorders or medical-social problems, or in the  
47 organization or administration of treatment services for persons  
48 with behavioral disorders or medical-social problems.

1       There shall be an assistant to the director, who shall have  
2 experience in the field of alcohol use disorder.

3       The director and the director's assistant shall be appointed by the  
4 commissioner, with the consent of the public health council.

5       The commissioner shall appoint and may remove such officers  
6 and employees of the division as the commissioner may deem  
7 necessary. There shall be an administrator of each facility operated  
8 by the department pursuant to this act. Each such administrator  
9 shall be a person qualified by training and experience to operate a  
10 facility for the treatment of persons with alcohol use disorder or  
11 intoxicated persons. The commissioner may establish such other  
12 positions in the division and employ such consultants as the  
13 commissioner may deem appropriate. Except as otherwise provided  
14 by law, all offices and positions in the division shall be subject to  
15 the provisions of Title 11A, Civil Service; provided, however, that  
16 the provisions of said title shall not apply to the director,  
17 physicians, and psychiatrists who have full medical-psychiatric, as  
18 opposed to administrative, responsibility; and provided, further, and  
19 notwithstanding the preceding proviso or any other provision of  
20 law, that all offices and positions, which as a condition of receiving  
21 federal grants for programs and activities to which federal standards  
22 for a merit system of personnel administration relate and make  
23 necessary the application of provisions of the Civil Service law,  
24 shall be subject to the provisions of Title 11A, Civil Service, if such  
25 federal standards are uniform in all states.

26 (cf: P.L.2017, c.131, s.71)】<sup>1</sup>

27

28       <sup>1</sup>【103. Section 2 of P.L.1984, c.243 (C.26:2B-9.1) is amended  
29 to read as follows:

30       2. The Bureau of Alcohol Countermeasures in the Division of  
31 Motor Vehicles in the Department of Law and Public Safety is  
32 transferred to the Division of **【Alcoholism】** Alcohol Use Disorder  
33 in the Department of Health, pursuant to the provisions of the "State  
34 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

35 (cf: P.L.1984, c.243, s.2)】<sup>1</sup>

36

37       <sup>1</sup>【104. Section 2 of P.L.2001, c.48 (C.26:2B-9.2) is amended to  
38 read as follows:

39       2. a. There is created within the Department of Health **【and**  
40 **Senior Services】** a special nonlapsing revolving fund to be known  
41 as the "Alcohol Treatment Programs Fund." The fund shall consist  
42 of such monies as are deposited pursuant to section 12 of P.L.1994,  
43 c.57 (C.34:1B-21.12), any other monies as may be appropriated to  
44 the fund by the Legislature or otherwise provided to the fund, and  
45 interest or other income derived from the investment of monies in  
46 the fund.

47       b. Except as provided in subsection c. of this section, monies in  
48 the fund shall be used exclusively for making grants, approved by

1 the Director of the Division of Addiction Services in the  
2 Department of Health [and Senior Services], to programs that  
3 provide treatment for [alcoholism,] alcohol [abuse] use disorder  
4 and other conditions related to the excessive consumption of  
5 alcoholic beverages among persons convicted of violating the  
6 State's drunk driving laws and others.

7 c. An amount not to exceed \$150,000 in Fiscal Year 2002 and  
8 five percent of the total annual revenue allocated to the fund in each  
9 fiscal year thereafter may be expended from the fund to defray  
10 actual expenses incurred by the department in the administration of  
11 the fund subject to approval by the Director of the Division of  
12 Budget and Accounting.

13 (cf: P.L.2001, c.48, s.2)]<sup>1</sup>  
14

15 <sup>1</sup>[105. Section 8 of P.L.1975, c.305 (C.26:2B-14) is amended to  
16 read as follows:

17 8. The department shall issue for a term of 2 years, and may  
18 renew for like terms, a license, subject to revocation by it for cause,  
19 to any person, partnership, corporation, society, association or other  
20 agency or entity of any kind, other than a licensed general hospital,  
21 a department, agency, or institution of the Federal Government, the  
22 State or any political subdivision thereof, deemed by it to be  
23 responsible and suitable to establish and maintain a facility and to  
24 meet applicable licensure standards and requirements. In the case  
25 of a department, agency or institution of the State or any political  
26 subdivision thereof, the department shall grant approval to establish  
27 and maintain a facility for a term of 2 years, and may renew such  
28 approval for like terms, subject to revocation by it for cause.

29 The department shall in the cases of public facilities, private  
30 facilities which contract on a fee-for-service basis with the State,  
31 and private facilities which accept for treatment persons assisted  
32 pursuant to section 10, promulgate rules and regulations  
33 establishing licensure and approval standards and requirements  
34 including, but not limited to:

- 35 a. the need for a facility in the community;  
36 b. the financial and other qualifications of the applicant;  
37 c. the proper operation of facilities;  
38 d. the health and safety standards to be met by a facility;  
39 e. the quality and nature of the treatment to be afforded patients  
40 at a facility;  
41 f. licensing fees, and procedures for making and approving  
42 license and approval applications.

43 In the case of private facilities that neither contract on a fee-for-  
44 service basis with the State nor accept for treatment persons assisted  
45 by police officers pursuant to section 10, the department shall  
46 promulgate rules and regulations establishing licensure standards  
47 and requirements but such standards and requirements shall concern  
48 only:

- 1 a. the health and safety standards to be met by a facility;
- 2 b. misrepresentations as to the treatment to be afforded patients
- 3 at a facility;
- 4 c. licensing fees, and
- 5 d. procedures for making and approving license applications.

6 All facilities shall be individually licensed or approved.  
7 Different kinds of licenses or approvals may be granted for different  
8 kinds of facilities.

9 Each facility shall file with the department from time to time, on  
10 request, such data, statistics, schedules or information as the  
11 department may reasonably require for the purposes of this section,  
12 and any licensee or other person operating a private facility who  
13 fails to furnish any such data, statistics, schedules or information as  
14 requested, or who files fraudulent returns thereof, shall be punished  
15 by a fine of not more than \$500.00.

16 The department, after holding a hearing, may refuse to grant,  
17 suspend, revoke, limit or restrict the applicability of or refuse to  
18 renew any license or approval for any failure to meet the  
19 requirements of its rules and regulations or standards concerning  
20 such facilities. However, in the case of private facilities which  
21 neither contract on a fee-for-service basis with the State nor accept  
22 for treatment persons assisted by police officers pursuant to section  
23 10, the department, after holding a hearing may refuse to grant,  
24 suspend, revoke, limit or restrict the applicability of or refuse to  
25 renew any license for the following reasons only:

- 26 a. for failure to meet the requirements of its rules and
- 27 regulations concerning the health and safety standards of such
- 28 facilities or
- 29 b. if there is a reasonable basis for the department to conclude
- 30 that there is a discrepancy between representations by a facility as
- 31 to the treatment services to be afforded patients and the treatment
- 32 services actually rendered or to be rendered.

33 The department may temporarily suspend a license or approval in  
34 an emergency without holding a prior hearing; provided, however,  
35 that upon request of an aggrieved party, a hearing shall be held as  
36 soon after the license or approval is suspended as possible. Any  
37 party aggrieved by a final decision of the department pursuant to  
38 this section may petition for judicial review thereof.

39 No person, partnership, corporation, society, association, or other  
40 agency or entity of any kind, other than a licensed general hospital,  
41 a department, agency or institution of the Federal Government, the  
42 State or any political subdivision thereof, shall operate a facility  
43 without a license and no department, agency or institution of the  
44 State or any political subdivision thereof shall operate a facility  
45 without approval from the department pursuant to this section. The  
46 Superior Court shall have jurisdiction in equity upon petition of the  
47 department to restrain any violation of the provisions of this section  
48 and to take such other action as equity and justice may require to

1 enforce its provisions. Whoever knowingly establishes or maintains  
2 a private facility without a license granted pursuant to this section  
3 shall, for a first offense, be punished by a fine of not more than  
4 \$500.00 and for each subsequent offense by a fine of not more than  
5 \$1,000.00 or imprisonment for not more than **[2]** two years, or  
6 both.

7 Each facility shall be subject to visitation and inspection by the  
8 department and the department shall inspect each facility prior to  
9 granting or renewing a license or approval. The department may  
10 examine the books and accounts of any facility if it deems such  
11 examination necessary for the purposes of this section. The  
12 department is hereby authorized to make a complaint to a judge of  
13 any court of record, who may thereupon issue a warrant to any  
14 officers or employees of the department authorizing them to enter  
15 and inspect at reasonable times, and to examine the books and  
16 accounts of, any private facility refusing to consent to such  
17 inspection or examination by the department which the department  
18 has reason to believe is operating in violation of the provisions of  
19 this act. Refusal by the operator or owner to allow such entry and  
20 inspection pursuant to such a warrant shall for a first offense be  
21 punishable by a fine of not more than \$100.00 and for each  
22 subsequent offense by a fine of not more than \$1,000.00 or  
23 imprisonment for not more than **[2]** two years, or both.

24 The director may require public facilities, private facilities which  
25 contract on a fee-for-service basis with the State, and private  
26 facilities which accept for treatment persons assisted pursuant to  
27 section 10 to admit as an inpatient or outpatient any person to be  
28 afforded treatment pursuant to this act. The department shall  
29 promulgate rules and regulations governing the extent to which the  
30 department may require other private facilities to admit as an  
31 inpatient or outpatient any person to be afforded treatment pursuant  
32 to this act; provided, however, that no licensed general hospital  
33 shall refuse treatment for intoxication or **[alcoholism]** alcohol use  
34 disorder.

35 (cf: P.L.1975, c.305, s.8)]<sup>1</sup>

36  
37 <sup>1</sup>**[106.** Section 22 of P.L.1975, c.305 (C.26:2B-28) is amended  
38 to read as follows:

39 22. All books, papers, records, documents, and equipment in the  
40 custody of or maintained for the use of the Department of Health  
41 pursuant to sections 1 through 5, inclusive, of P.L.1948, c.453 are  
42 hereby transferred to the custody and control of the division  
43 created by this act.

44 All moneys heretofore appropriated for the Department of Health  
45 for activities authorized by said sections 1 through 5, inclusive, of  
46 P.L.1948, c. 453 and remaining unexpended on the effective date of  
47 this act are hereby transferred to, and shall remain immediately  
48 available for expenditure by, the division created by this act.

1 All duly existing contracts, leases, and obligations of the  
2 Department of Health entered into pursuant to said sections 1  
3 through 5, inclusive, of P.L.1948, c. 453 shall remain in effect and  
4 shall be performed by the division created by this act. This act shall  
5 not affect any renewal provisions or option to renew contained in  
6 any such lease in existence on the effective date of this act.  
7 Without limiting the generality of the foregoing, all approvals of  
8 plans, projects, and Federal and State financial aid applications  
9 heretofore granted shall remain in full force and effect; provided,  
10 however, that nothing in this section shall prevent said division  
11 from withdrawing such approval if such action is otherwise in  
12 accordance with law.

13 All gifts and special grants made to the Department of Health  
14 under sections 1 through 5 of P.L.1948, c. 453 and remaining  
15 unexpended on the effective date of this act shall be available for  
16 expenditure by the division created by this act in accordance with  
17 the conditions of the gift or grant without specific appropriation.

18 All hospital and clinic facilities established pursuant to section 3  
19 of P.L.1948, c. 453 shall remain subject to the control and  
20 supervision of the department.

21 All officers and employees of the Department of Health engaged  
22 in activities authorized by sections 1 through 5, inclusive, of  
23 P.L.1948, c. 453 who immediately prior to the effective date of this  
24 act hold permanent appointment in positions classified under Title  
25 11 of the Revised Statutes, or have tenure in their positions by  
26 reason of law are hereby transferred to the Division of  
27 **【Alcoholism】** Alcohol Use Disorder created by this act, every such  
28 transfer to be without impairment of civil service status, seniority,  
29 retirement, and other rights of the employee, without interruption  
30 of service, and without reduction in compensation and salary grade,  
31 notwithstanding any change in his title or duties made as a result of  
32 such transfer; subject, however, to the provisions of Title 11, and  
33 the rules and regulations established thereunder. All such officers  
34 and employees who immediately prior to the effective date do not  
35 hold permanent appointment in such positions, or do not hold such  
36 tenure, are hereby transferred to the Division of **【Alcoholism】**  
37 Alcohol Use Disorder created by this act without impairment of  
38 seniority, retirement and other rights, without interruption of  
39 service, and without reduction in compensation and salary grade.  
40 Nothing in this section shall be construed to confer upon an officer  
41 or employee any rights not held prior to the transfer or to prohibit  
42 any subsequent reduction in compensation or salary grade not  
43 prohibited prior to the transfer.

44 (cf: P.L.1975, c.305, s.22)】<sup>1</sup>  
45

46 <sup>1</sup>【107. Section 26 of P.L.1975, c.305 (C.26:2B-31) is amended to  
47 read as follows:

1       26. This act shall be known and may be cited as the  
2       "【Alcoholism】 Alcohol Use Disorder Treatment and Rehabilitation  
3       Act."

4       (cf: P.L.1975, c.305, s.26)】<sup>1</sup>

5  
6       <sup>1</sup>【108. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to  
7       read as follows:

8       4. a. The governing body of each county, in conjunction with the  
9       county agency or individual designated by the county with the  
10      responsibility for planning services and programs for the care or  
11      rehabilitation of persons with alcohol use disorder and persons with  
12      a substance use disorder involving drugs, shall submit to the Deputy  
13      Commissioner for the Division of Mental Health and Addiction  
14      Services and the Governor's Council on 【Alcoholism and Drug  
15      Abuse】 Alcohol Use Disorder and Substance Use Disorder an  
16      annual comprehensive plan for the provision of community services  
17      to meet the needs of persons with alcohol use disorder and persons  
18      with a substance use disorder involving drugs.

19      b. The annual comprehensive plan shall address the needs of  
20      urban areas with a population of 100,000 or over and shall  
21      demonstrate linkage with existing resources which serve persons  
22      with alcohol use disorder and persons with a substance use disorder  
23      and their families. Special attention in the plan shall be given to  
24      alcohol use disorder and substance use disorder and youth;  
25      intoxicated drivers and drivers with substance use disorder; women  
26      and alcohol use disorder and substance use disorder; persons with  
27      disabilities and alcohol use disorder and substance use disorder;  
28      alcohol use disorder and substance use disorder on the job; alcohol  
29      use disorder and substance use disorder and crime; public  
30      information; and educational programs as defined in subsection c.  
31      of this section. Each county shall identify, within its annual  
32      comprehensive plan, the Intoxicated Driver Resource Center which  
33      shall service its population, as is required under subsection (f) of  
34      R.S.39:4-50. The plan may involve the provision of programs and  
35      services by the county, by an agreement with a State agency, by  
36      private organizations, including volunteer groups, or by some  
37      specified combination of the above.

38      If the State in any year fails to deposit the amount of tax receipts  
39      as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a  
40      county may reduce or eliminate, or both, the operation of existing  
41      programs currently being funded from the proceeds deposited in the  
42      Alcohol Education, Rehabilitation and Enforcement Fund.

43      c. Programs established with the funding for education from  
44      the fund shall include all courses in the public schools required  
45      pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for  
46      students included in the annual comprehensive plan for each county,  
47      and in-service training programs for teachers and administrative  
48      support staff including nurses, guidance counselors, child study



1 team members, and librarians. All moneys dedicated to education  
2 from the fund shall be allocated through the designated county  
3 alcohol use disorder and substance use disorder agency and all  
4 programs shall be consistent with the annual comprehensive county  
5 plan submitted to the Deputy Commissioner for the Division of  
6 Mental Health and Addiction Services and the Governor's Council  
7 on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
8 Substance Use Disorder pursuant to this section. Moneys dedicated  
9 to education from the fund shall be first allocated in an amount not  
10 to exceed 20 percent of the annual education allotment for the in-  
11 service training programs, which shall be conducted in each county  
12 through the office of the county alcohol use disorder and substance  
13 use disorder coordinator in consultation with the county  
14 superintendent of schools, local boards of education, local councils  
15 on alcohol use disorder and substance use disorder and institutions  
16 of higher learning, including the Rutgers University Center of  
17 Alcohol Studies. The remaining money in the education allotment  
18 shall be assigned to offset the costs of programs such as those  
19 which assist employees, provide intervention for staff members,  
20 assist and provide intervention for students and focus on research  
21 and education concerning youth and alcohol use disorder and  
22 substance use disorder. These funds shall not replace any funds  
23 being currently spent on education and training by the county.

24 d. The governing body of each county, in conjunction with the  
25 county agency, or individual, designated by the county with  
26 responsibility for services and programs for the care or  
27 rehabilitation of persons with alcohol use disorder and persons with  
28 substance use disorder, shall establish a Local Advisory Committee  
29 on Alcohol Use Disorder and Substance Use Disorder to assist the  
30 governing body in development of the annual comprehensive plan.  
31 The advisory committee shall consist of no less than 10 nor more  
32 than 16 members and shall be appointed by the governing body. At  
33 least two of the members shall be persons recovering from alcohol  
34 use disorder and at least two of the members shall be persons  
35 recovering from substance use disorder. The committee shall  
36 include the county prosecutor or his designee, a wide range of  
37 public and private organizations involved in the treatment of  
38 alcohol use disorders and substance use disorder-related problems  
39 and other individuals with interest or experience in issues  
40 concerning alcohol substance use disorder and substance use  
41 disorder. Each committee shall, to the maximum extent feasible,  
42 represent the various socioeconomic, racial and ethnic groups of the  
43 county in which it serves.

44 Within 60 days of the effective date of P.L.1989, c.51  
45 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcohol Use  
46 Disorder and Substance Use Disorder shall organize and elect a  
47 chairman from among its members.

e. The Deputy Commissioner for the Division of Mental Health and Addiction Services shall review the county plan pursuant to a procedure developed by the deputy commissioner. In determining whether to approve an annual comprehensive plan under this act, the deputy commissioner shall consider whether the plan is designed to meet the goals and objectives of the "[Alcoholism] Alcohol Use Disorder Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of the plan is feasible. Each county plan submitted to the deputy commissioner shall be presumed valid; provided it is in substantial compliance with the provisions of this act. Where the department fails to approve a county plan, the county may request a court hearing on that determination.  
(cf: P.L.2017, c.131, s.81)<sup>1</sup>

<sup>1</sup>[109. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to read as follows:

5. a. Allotments to each county whose annual comprehensive plan is approved pursuant to the provisions of section 4 of this act shall be made on the basis of the following formula:

County Allotment = Population of County x Total Funds  
Appropriated

$$\begin{aligned} & \frac{\text{Population of State}}{\text{Per Capita Income of State (3 yr. average)}} \\ & \times \left( .5 \times \frac{\text{Per Capita Income of County (3 yr. average)}}{\text{Need in County}} \right) \\ & + .5 \times \frac{\text{Need in State}}{\text{Need in State}} \end{aligned}$$

in which Need in County and Need in State are estimates of the prevalence of [alcoholism] alcohol use disorder according to the current New Jersey Behavioral Health Services Plan. The funds dedicated for the provision of educational programs from the Alcohol Education, Rehabilitation and Enforcement Fund shall be allocated to the counties on the basis of this formula.

b. As a condition for receiving the allotment calculated in subsection a. of this section, a county shall contribute a sum not less than 25[%] percent of that county's allotment to fund community services for [alcoholics] persons with alcohol use disorder pursuant to the county's annual comprehensive plan. Those [alcoholism] alcohol use disorder education, prevention and treatment programs already existing in a county may be combined under the county plan which establishes the annual comprehensive plan to be approved by the Deputy Commissioner for the Division of [Alcoholism and Drug Abuse] Alcohol Use Disorder and Substance Use Disorder in the Department of Health. In determining the sum of money to be

1 contributed by each county, the required 25【%】 percent minimum  
2 county contribution may include any moneys currently appropriated  
3 by the county to meet the needs of the 【alcoholism】 alcohol use  
4 disorder programs.

5 (cf: P.L.1990, c.41, s.6)】<sup>1</sup>

6  
7 <sup>1</sup>【110. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to  
8 read as follows:

9 2. a. The Commissioner of Health shall establish an  
10 "【Alcoholism】 Alcohol Use Disorder and 【Drug Abuse】 Substance  
11 Use Disorder Program for the Deaf, Hard of Hearing and  
12 Disabled".

13 b. Pursuant to Reorganization Plan No. 002-2004, the  
14 Commissioner of Human Services shall continue to operate the  
15 program established pursuant to subsection a. of this section  
16 through the Division of Mental Health and Addiction Services in  
17 the Department of Human Services, in consultation with the  
18 Governor's Council on 【Alcoholism and Drug Abuse】 Alcohol Use  
19 Disorder and Substance Use Disorder.

20 (cf: P.L.2013, c.253, s.4)】<sup>1</sup>

21  
22 <sup>1</sup>【111. Section 1 of P.L.1989, c.51 (C.26:2BB-1) is amended to  
23 read as follows:

24 1. The Legislature finds and declares that: 【alcoholism and drug  
25 abuse】 alcohol use disorder and substance use disorder are major  
26 health problems facing the residents of this State; aspects of these  
27 problems extend into many areas under various State departments;  
28 placement in, but not of, the State Department of the Treasury is the  
29 most appropriate and logical location for focusing a coordinated  
30 planning and review effort to ameliorate these problems and for  
31 establishing a Governor's Council on 【Alcoholism and Drug  
32 Abuse】 Alcohol Use Disorder and Substance Use Disorder as an  
33 independent coordinating, planning, research and review body  
34 regarding all aspects of 【alcoholism and drug abuse】 alcohol use  
35 disorder and substance use disorder; and a merger of the Division of  
36 【Alcoholism】 Alcohol Use Disorder and the Division of Narcotic  
37 and Drug Abuse Control within the State Department of Health will  
38 enhance the effectiveness of the State's role in formulating  
39 comprehensive and integrated public policy and providing effective  
40 treatment, prevention and public awareness efforts against  
41 【alcoholism and drug abuse】 alcohol use disorder and substance  
42 use disorder.

43 The Legislature further finds and declares that: as the  
44 cooperation and active participation of all communities in the State  
45 is necessary to achieve the goal of reducing 【alcoholism and drug  
46 abuse】 alcohol use disorder and substance use disorder, there  
47 should be established within the Governor's Council on

1 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
2 Substance Use Disorder, an Alliance to Prevent **【Alcoholism and**  
3 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder, to  
4 unite the communities of this State in a coordinated and  
5 comprehensive effort; and that the full resources of this State  
6 including counties, municipalities and residents of the State must be  
7 mobilized in a persistent and sustained manner in order to achieve a  
8 response capable of meaningfully addressing not only the symptoms  
9 but the root causes of this pervasive problem.

10 (cf: P.L.1989, c.51, s.1)】<sup>1</sup>

11

12 <sup>1</sup>【112. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to  
13 read as follows:

14 2. There is created a 26-member council in, but not of, the  
15 Department of the Treasury which shall be designated as the  
16 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use  
17 Disorder and Substance Use Disorder. For the purposes of  
18 complying with the provisions of Article V, Section IV, paragraph 1  
19 of the New Jersey Constitution, the Governor's Council on  
20 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
21 Substance Use Disorder is allocated to the Department of the  
22 Treasury, but, notwithstanding the allocation, the office shall be  
23 independent of any supervision or control by the department or by  
24 any board or officer thereof.

25 The council shall consist of 12 ex officio members and 14 public  
26 members.

27 a. The ex officio members of the council shall be: the Attorney  
28 General, the Commissioners of Labor and Workforce Development,  
29 Education, Human Services, Health, Children and Families,  
30 Community Affairs, Personnel and Corrections, the chair of the  
31 executive board of the New Jersey Presidents' Council, the  
32 Administrative Director of the Administrative Office of the Courts  
33 and the Adjutant General. An ex officio member may designate an  
34 officer or employee of the department or office which he heads to  
35 serve as his alternate and exercise his functions and duties as a  
36 member of the Governor's Council on **【Alcoholism and Drug**  
37 **Abuse】** Alcohol Use Disorder and Substance Use Disorder.

38 b. The 14 public members shall be residents of the State who  
39 are selected for their knowledge, competence, experience or interest  
40 in connection with alcohol or substance use disorder. They shall be  
41 appointed as follows: two shall be appointed by the President of the  
42 Senate, two shall be appointed by the Speaker of the General  
43 Assembly and 10 shall be appointed by the Governor, with the  
44 advice and consent of the Senate. At least two of the public  
45 members appointed by the Governor shall be persons rehabilitated  
46 from alcohol use disorder and at least two of the public members  
47 appointed by the Governor shall be persons rehabilitated from  
48 substance use disorders involving drugs.

1 c. The term of office of each public member shall be three  
2 years; except that of the first members appointed, four shall be  
3 appointed for a term of one year, five shall be appointed for a term  
4 of two years and five shall be appointed for a term of three years.  
5 Each member shall serve until his successor has been appointed and  
6 qualified, and vacancies shall be filled in the same manner as the  
7 original appointments for the remainder of the unexpired term. A  
8 public member is eligible for reappointment to the council.

9 d. The chairman of the council shall be appointed by the  
10 Governor from among the public members of the council and shall  
11 serve at the pleasure of the Governor during the Governor's term of  
12 office and until the appointment and qualification of the chairman's  
13 successor. The members of the council shall elect a vice-chairman  
14 from among the members of the council. The Governor may  
15 remove any public member for cause, upon notice and opportunity  
16 to be heard.

17 e. The council shall meet at least monthly and at such other  
18 times as designated by the chairman. Fourteen members of the  
19 council shall constitute a quorum. The council may establish any  
20 advisory committees it deems advisable and feasible.

21 f. The chairman shall be the request officer for the council  
22 within the meaning of such term as defined in section 6 of article 3  
23 of P.L.1944, c.112 (C.52:27B-15).

24 g. The public members of the council shall receive no  
25 compensation for their services, but shall be reimbursed for their  
26 expenses incurred in the discharge of their duties within the limits  
27 of funds appropriated or otherwise made available for this purpose.  
28 (cf: P.L.2017, c.131, s.99)]<sup>1</sup>

29

30 <sup>1</sup>[113. Section 3 of P.L.1989, c.51 (C.26:2BB-3) is amended to  
31 read as follows:

32 3. a. The Governor's Council on **Alcoholism and Drug Abuse**  
33 Alcohol Use Disorder and Substance Use Disorder shall be  
34 administered by an executive director who shall be appointed by the  
35 Governor, with the advice and consent of the Senate, and shall serve  
36 at the pleasure of the Governor during the Governor's term of office  
37 and until the appointment and qualification of the executive  
38 director's successor.

39 b. The executive director shall be a person qualified by training  
40 and experience to perform the duties of the council.

41 c. The executive director shall have the authority to employ a  
42 deputy executive director, who shall be in the unclassified service  
43 of the Civil Service, and such staff as are necessary to accomplish  
44 the work of the council within the limits of available appropriations.  
45 The executive director may delegate to subordinate officers or  
46 employees of the council any of his powers which he deems  
47 desirable to be exercised under his supervision and control. All  
48 employees of the council except the executive director and the

1 deputy executive director shall be in the career service of the Civil  
2 Service.

3 d. The executive director shall attend all meetings of the  
4 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use  
5 Disorder and Substance Use Disorder.

6 (cf: P.L.1989, c.51, s.3)】<sup>1</sup>

7

8 <sup>1</sup>【114. Section 4 of P.L.1989, c.51 (C.26:2BB-4) is amended to  
9 read as follows:

10 4. The Governor's Council on **【Alcoholism and Drug Abuse】**  
11 Alcohol Use Disorder and Substance Use Disorder is authorized and  
12 empowered to:

13 a. Review and coordinate all State departments' efforts in regard  
14 to the planning and provision of treatment, prevention, research,  
15 evaluation, and education services for, and public awareness of,  
16 **【alcoholism and drug abuse】** alcohol use disorder and substance  
17 use disorder;

18 b. Prepare by July 1 of each year, the State government  
19 component of the Comprehensive Statewide **【Alcoholism and Drug**  
20 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master  
21 Plan for the treatment, prevention, research, evaluation, education  
22 and public awareness of **【alcoholism and drug abuse】** alcohol use  
23 disorder and substance use disorder in this State, which plan shall  
24 include an emphasis on prevention, community awareness, and  
25 family and youth services;

26 c. Review each County Annual Alliance Plan and the  
27 recommendations of the Division of **【Alcoholism and Drug Abuse】**  
28 Alcohol Use Disorder and Substance Use Disorder in the  
29 Department of Health for awarding the Alliance grants and, by  
30 October 1 of each year, return the plan to the Local Advisory  
31 Committee on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder  
32 and Substance Use Disorder with the council's proposed  
33 recommendations for awarding Alliance grants;

34 d. Submit to the Governor and the Legislature by December 1  
35 of each year the Comprehensive Statewide **【Alcoholism and Drug**  
36 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master  
37 Plan which shall include recommended appropriate allocations to  
38 State departments, local governments and local agencies and service  
39 providers of all State and federal funds for the treatment,  
40 prevention, research, evaluation, education and public awareness of  
41 **【alcoholism and drug abuse】** alcohol use disorder and substance  
42 use disorder in accordance with the regular budget cycle, and shall  
43 incorporate and unify all State, county, local and private **【alcohol**  
44 **and drug abuse】** alcohol use disorder and substance use disorder  
45 initiatives;

46 e. Distribute grants, upon the recommendation of the executive  
47 director of the council, by August 1 of each year to counties and

1 municipalities for alcohol and drug abuse programs established  
2 under the Alliance to Prevent **【Alcoholism and Drug Abuse】**  
3 Alcohol Use Disorder and Substance Use Disorder;

4 f. Evaluate the existing funding mechanisms for **【alcoholism**  
5 **and drug abuse】** alcohol use disorder and substance use disorder  
6 services and recommend to the Governor and the Legislature any  
7 changes which may improve the coordination of services to citizens  
8 in this State;

9 g. Encourage the development or expansion of employee  
10 assistance programs for employees in both government and the  
11 private sector;

12 h. Evaluate the need for, and feasibility of, including other  
13 addictions, such as smoking and gambling, within the scope and  
14 responsibility of the council;

15 i. Collect from any State, county, local governmental entity or  
16 any other appropriate source data, reports, statistics or other  
17 materials which are necessary to carry out the council's functions;  
18 and

19 j. Pursuant to the "Administrative Procedure Act," P.L.1968,  
20 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to  
21 carry out the purposes of this act.

22 The council shall not accept or receive moneys from any source  
23 other than moneys deposited in, and appropriated from, the "Drug  
24 Enforcement and Demand Reduction Fund" established pursuant to  
25 N.J.S.2C:35-15 and any moneys appropriated by law for operating  
26 expenses of the council or appropriated pursuant to section 19 of  
27 P.L.1989, c.51.

28 (cf: P.L.1989, c.51, s.4)】<sup>1</sup>  
29

30 <sup>1</sup>**【115. Section 5 of P.L.1989, c.51 (C.26:2BB-5) is amended to**  
31 **read as follows:**

32 5. There is established in the Department of Health a Division of  
33 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
34 Substance Use Disorder.

35 The division shall be administered by a Deputy Commissioner of  
36 Health. The deputy commissioner shall be a person qualified by  
37 training and experience to perform the duties of his office. The  
38 deputy commissioner shall be appointed by the commissioner with  
39 the approval of the Governor and shall serve at the pleasure of the  
40 commissioner during the commissioner's term of office and until the  
41 appointment and qualification of the deputy commissioner's  
42 successor. The deputy commissioner shall receive a salary which  
43 shall be provided by law.

44 The Commissioner of Health shall report annually to the  
45 Governor and the Legislature on the activities of the division and  
46 include in that annual report an assessment of the adequacy of the  
47 current delivery of treatment services in the State and of the need

1 for additional treatment services.

2 (cf: P.L.1989, c.51, s.5)]<sup>1</sup>

3  
4 <sup>1</sup>[116. Section 6 of P.L.1989, c.51 (C26:2BB-6) is amended to  
5 read as follows:

6 6. All the functions, powers and duties of the Director of the  
7 Division of **Alcoholism** Alcohol Use Disorder and the Director of  
8 the Division of Narcotic and Drug Abuse Control are transferred to  
9 and vested in the Deputy Commissioner of Health for the Division  
10 of **Alcoholism and Drug Abuse** Alcohol Use Disorder and  
11 Substance Use Disorder, pursuant to the "State Agency Transfer  
12 Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

13 (cf: P.L.1989, c.51, s.6)]<sup>1</sup>

14  
15 <sup>1</sup>[117. Section 7 of P.L.1989, c.51 (C.26:2BB-7) is amended to  
16 read as follows:

17 7. a. There is created an Alliance to Prevent **Alcoholism and**  
18 **Drug Abuse** Alcohol Use Disorder and Substance Use Disorder  
19 hereinafter referred to as the "Alliance," in the Governor's Council  
20 on **Alcoholism and Drug Abuse** Alcohol Use Disorder and  
21 Substance Use Disorder. The purpose of the Alliance is to create a  
22 network comprised of all the communities in New Jersey which is  
23 dedicated to a comprehensive and coordinated effort against  
24 **alcoholism and drug abuse** alcohol use disorder and substance  
25 use disorder. The Alliance shall be a mechanism both for  
26 implementing policies to reduce **alcoholism and drug abuse**  
27 alcohol use disorder and substance use disorder at the municipal  
28 level, and for providing funds, including moneys from mandatory  
29 penalties on drug offenders, to member communities to support  
30 appropriate county and municipal-based **alcoholism and drug**  
31 **abuse** alcohol use disorder and substance use disorder education  
32 and public awareness activities.

33 b. The Governor's Council on **Alcoholism and Drug Abuse**  
34 Alcohol Use Disorder and Substance Use Disorder shall adopt rules  
35 and regulations for participation in, and the operation of, the  
36 Alliance and for the awarding of grants to municipalities and  
37 counties from funds appropriated for such purposes pursuant to  
38 P.L.1989, c.51 (C.26:2BB-1 et al.), section 5 of P.L.1993, c.216  
39 (C.54:43-1.3) and funds derived from the "Drug Enforcement and  
40 Demand Reduction Fund" established pursuant to N.J.S.2C:35-15,  
41 for the purpose of developing:

42 (1) Organized and coordinated efforts involving schools, law  
43 enforcement, business groups and other community organizations  
44 for the purpose of reducing **alcoholism and drug abuse** alcohol  
45 use disorder and substance use disorder;

46 (2) In cooperation with local school districts, comprehensive  
47 and effective **alcoholism and drug abuse** alcohol use disorder and



1 substance use disorder education programs in grades kindergarten  
2 through 12;

3 (3) In cooperation with local school districts, procedures for the  
4 intervention, treatment, and discipline of students **【abusing】** using  
5 alcohol or drugs;

6 (4) Comprehensive **【alcoholism and drug abuse】** alcohol use  
7 disorder and substance use disorder education, support and outreach  
8 efforts for parents in the community; and

9 (5) Comprehensive **【alcoholism and drug abuse】** alcohol use  
10 disorder and substance use disorder community awareness  
11 programs.

12 c. Funds disbursed under this section shall not supplant local  
13 funds that would have otherwise been made available for  
14 **【alcoholism and drug abuse】** alcohol use disorder and substance  
15 use disorder initiatives. Communities shall provide matching funds  
16 when and to the extent required by the regulations adopted pursuant  
17 to this section.

18 d. The county agency or individual designated by the  
19 governing body of each county pursuant to subsection a. of section  
20 4 of P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the  
21 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use  
22 Disorder and Substance Use Disorder moneys made available  
23 pursuant to this section. The designated county agency or individual  
24 shall establish a separate fund for the receipt and disbursement of  
25 these moneys.

26 (cf: P.L.1993, c.216, s.4)】<sup>1</sup>

27  
28 <sup>1</sup>【118. Section 8 of P.L.1989, c.51 (C.26:2BB-8) is amended to  
29 read as follows:

30 8. a. Each Local Advisory Committee on **【Alcoholism and Drug**  
31 **Abuse】** Alcohol Use Disorder and Substance Use Disorder,  
32 established pursuant to section 4 of P.L.1983, c.531 (C.26:2B-33),  
33 shall establish a County Alliance Steering Subcommittee in  
34 conjunction with regulations adopted by the Governor's Council on  
35 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
36 Substance Use Disorder. The members of the subcommittee shall  
37 include, but not be limited to, private citizens and representatives of  
38 the:

39 (1) Local Advisory Committee on **【Alcoholism and Drug**  
40 **Abuse】** Alcohol Use Disorder and Substance Use Disorder;

41 (2) County Human Services Advisory Council;

42 (3) County Superintendent of Schools;

43 (4) Existing county council on **【alcoholism】** alcohol use  
44 disorder, if any;

45 (5) County Prosecutor's office;

46 (6) Family part of the Chancery Division of the Superior Court;

47 (7) Youth Services Commission;

1 (8) County School Board Association;  
2 (9) County health agency;  
3 (10) County mental health agency;  
4 (11) Local businesses;  
5 (12) County affiliate of the New Jersey Education Association;  
6 and  
7 (13) Other service providers.

8 b. The functions of the County Alliance Steering Subcommittee  
9 shall include:

10 (1) Development and submission of a County Annual Alliance  
11 Plan for the expenditure of funds derived from the "Drug  
12 Enforcement and Demand Reduction Fund," N.J.S. 2C:35-15;  
13 (2) Development of programs and fiscal guidelines consistent  
14 with directives of the Governor's Council on **【Alcoholism and Drug**  
15 **Abuse】** Alcohol Use Disorder and Substance Use Disorder for the  
16 awarding of funds to counties and municipalities for drug and  
17 alcohol Alliance activities;  
18 (3) Identification of a network of community leadership for the  
19 expansion, replication and development of successful community  
20 model programs throughout the county; and  
21 (4) Coordination of projects among and within municipalities to  
22 assure cost effectiveness and avoid fragmentation and duplication.

23 c. The County Alliance Steering Subcommittee shall ensure that  
24 the funds dedicated to education pursuant to section 2 of P.L.1983,  
25 c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

26 d. The Local Advisory Committee on **【Alcoholism and Drug**  
27 **Abuse】** Alcohol Use Disorder and Substance Use Disorder shall  
28 review and approve the County Annual Alliance Plan and submit  
29 this plan by July 1 of each year to the Division of **【Alcoholism and**  
30 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder in  
31 the Department of Health and to the Governor's Council on  
32 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and  
33 Substance Use Disorder.

34 e. After the County Annual Alliance Plan is returned by the  
35 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use  
36 Disorder and Substance Use Disorder to the Local Advisory  
37 Committee on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder  
38 and Substance Use Disorder with the council's proposed  
39 recommendations for awarding the Alliance grants, pursuant to  
40 subsection c. of section 4 of this amendatory and supplementary act,  
41 the committee, in conjunction with the council, may revise its plan  
42 in accordance with the council's proposed recommendations.

43 The revised plan shall be completed in such time that it can be  
44 included in the council's recommendations to the Governor and the  
45 Legislature that are due on December 1 of each year.

46 (cf: P.L.1989, c.51, s.8)】<sup>1</sup>

1       <sup>1</sup>119. Section 9 of P.L.1989, c.51 (C.26:2BB-9) is amended to  
2 read as follows:

3       9. The governing body of each municipality may appoint a  
4 Municipal Alliance Committee, or join with one or more  
5 municipalities to appoint a Municipal Alliance Committee.  
6 Membership on the Municipal Alliance Committee may include the  
7 chief of police; the president of the school board; the superintendent  
8 of schools; a student assistance coordinator; a representative of the  
9 parent-teacher association; a representative of the local bargaining  
10 unit for teachers; a representative of the Chamber of Commerce; a  
11 municipal court judge; representatives of local civic associations;  
12 representatives of local religious groups; and private citizens.

13       The Municipal Alliance Committee, in consultation with the  
14 Local Advisory Committee on **Alcoholism and Drug Abuse**  
15 Alcohol Use Disorder and Substance Use Disorder, shall identify  
16 **alcoholism** alcohol use disorder and drug prevention, education  
17 and community needs. The committee also shall implement the  
18 Alliance programs formulated pursuant to section 8 of P.L.1989,  
19 c.51 (C.26:2BB-8). The governing body of a municipality may  
20 match any funds it receives from the Alliance.

21 (cf: P.L.1989, c.51, s.9)]<sup>1</sup>

22

23       <sup>1</sup>120. Section 10 of P.L.1989, c.51 (C.26:2BB-10) is amended  
24 to read as follows:

25       10. Pursuant to the "Administrative Procedure Act," P.L.1968,  
26 c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt  
27 rules and regulations necessary to establish the Division of  
28 **Alcoholism and Drug Abuse** Alcohol Use Disorder and  
29 Substance Use Disorder pursuant to this act.

30 (cf: P.L.1989, c.51, s.10)]<sup>1</sup>

31

32       <sup>1</sup>121. Section 17 of P.L.1989, c.51 (C.26:2BB-13) is amended  
33 to read as follows:

34       17. Two years after the date of enactment of this amendatory and  
35 supplementary act, the Governor shall contract with an independent  
36 evaluator who shall review and evaluate the effectiveness of the  
37 Governor's Council on **Alcoholism and Drug Abuse** Alcohol Use  
38 Disorder and Substance Use Disorder in, but not of, the Department  
39 of the Treasury and the Division on **Alcoholism and Drug Abuse**  
40 Alcohol Use Disorder and Substance Use Disorder in the  
41 Department of Health. Within one year after being appointed, the  
42 evaluator shall make recommendations to the Governor and the  
43 Legislature regarding the continuation of the council and the  
44 organization of the division as they are structured pursuant to  
45 P.L.1989, c.51 (C. 26:2BB-1 et al.).

46 (cf: P.L.1989, c.51, s.17)]<sup>1</sup>

1       <sup>1</sup>122. Section 18 of P.L.1989, c.51 (C.26:2BB-14) is amended  
2 to read as follows:

3       18. The funding mechanisms, including the awarding of grants  
4 for drug abuse services by the Department of Health, that are in  
5 effect on the date of enactment of P.L.1989, c.51 (C.26:2BB-1 et  
6 al.) for **alcoholism** alcohol use disorder services and **drug**  
7 **abuse** substance use disorder services, exclusively, shall continue  
8 until such time as recommendations of the Governor's Council on  
9 **Alcoholism and Drug Abuse** Alcohol Use Disorder and  
10 Substance Use Disorder pursuant to P.L.1989, c.51 (C.26:2BB-1 et  
11 al.) are approved by the Commissioner of Health and enacted into  
12 law.  
13 (cf: P.L.1989, c.51, s.18)]<sup>1</sup>  
14

15       <sup>1</sup>123. Section 2 of P.L.1977, c.332 (C.26:2F-2.1) is amended to  
16 read as follows:

17       2. The Legislature finds and declares that there exists in New  
18 Jersey a serious and increasing incidence of various communicable  
19 and chronic diseases such as cancer, hypertension, heart disease,  
20 diabetes, venereal disease, **alcoholism** alcohol use disorder and  
21 **drug abuse** substance use disorder which requires a continuing  
22 commitment of public health personnel and resources; and that  
23 there has been in recent years a diminished financial support for  
24 agencies engaged in providing primary prevention programs.

25       The Legislature also recognizes that there exists a framework for  
26 the provision of such services at the municipal, regional and county  
27 levels but that changing socio-economic, environmental and  
28 technological conditions warrant a redirection of the ways of  
29 addressing these health problems. The Legislature finds that there  
30 should be provided funds to support certain public health priority  
31 activities.

32 (cf: P.L.1977, c.332, s.2)]<sup>1</sup>  
33

34       <sup>1</sup>124. Section 4 of P.L.1996, c.29 (C.26:2H-18.58a) is amended  
35 to read as follows:

36       4. The Commissioner of Health shall transfer to the Division of  
37 **Alcoholism, Drug Abuse and Addiction** Alcohol Use Disorder  
38 and Substance Use Disorder Services in the Department of Health  
39 from the Health Care Subsidy Fund, \$10 million in Fiscal Year  
40 1997 and \$20 million in Fiscal Year 1998 and each fiscal year  
41 thereafter, or such sums as are made available pursuant to section 5  
42 of P.L.1996, c.29 (C.52:18A-2a), whichever amount is less,  
43 according to a schedule to be determined by the Commissioner of  
44 Health, to fund community-based **drug abuse** substance use  
45 disorder treatment programs in the following order of priority:  
46 residential, inpatient, intensive day and outpatient treatment.

47 (cf: P.L.1996, c.29, s.4)]<sup>1</sup>

1       <sup>1</sup>125. Section 1 of P.L.1997, c.215 (C.30:4-123.47a) is amended  
2 to read as follows:

3       1. There is hereby established a Parole Advisory Board in, but  
4 not of, the State Parole Board. Notwithstanding the allocation of the  
5 board within the State Parole Board, the State Parole Board or any  
6 employee thereof shall not exercise any control over the Parole  
7 Advisory Board. The advisory board shall consist of 23 members.  
8 It shall include in its membership the Chairman of the State Parole  
9 Board or his designee, who shall serve ex officio; one member  
10 representing each of the following organizations and groups, who  
11 shall be appointed by the Governor: the Department of Corrections,  
12 the Department of Health [and Senior Services], the Department of  
13 Law and Public Safety, Office of the Governor, the Administrative  
14 Office of the Courts, the Victims of Crime Compensation Board,  
15 the New Jersey Chapter of the American Correctional Association,  
16 the County Prosecutors Association of New Jersey, the Sheriffs'  
17 Association of New Jersey, the New Jersey Wardens Association,  
18 the New Jersey State Association of Chiefs of Police, the American  
19 Parole and Probation Association, Governor's Council on  
20 [Alcoholism and Drug Abuse] Alcohol Use Disorder and  
21 Substance Use Disorder, the community at large, treatment  
22 providers, victims' rights groups and former inmates who have  
23 successfully completed parole. Two members of the Senate, who  
24 shall not be of the same political party and who shall serve during  
25 their terms of office, shall be appointed by the President of the  
26 Senate. Two members of the General Assembly, who shall not be  
27 of the same political party and who shall serve during their terms of  
28 office, shall be appointed by the Speaker of the General Assembly.

29       Members of the advisory board shall be appointed with the  
30 advice and consent of the Senate, and serve a term of three years,  
31 except for the initial gubernatorial appointees, six of whom shall  
32 serve for two years and six of whom shall serve for four years.  
33 Each member shall serve for the term of appointment and until a  
34 successor is appointed. A member may be reappointed to the  
35 advisory board. A member appointed to fill a vacancy occurring in  
36 the membership of the advisory board for any reason other than the  
37 expiration of the term shall serve a term of appointment for the  
38 unexpired term only. All vacancies shall be filled in the same  
39 manner as the original appointments. Any appointed member of the  
40 advisory board, except the legislative members, may be removed  
41 from the advisory board by the Governor, for cause, after a hearing,  
42 and may be suspended by the Governor pending the completion of  
43 the hearing. Legislative members may be removed for cause by the  
44 leader of their respective houses. Motions and resolutions may be  
45 adopted by the advisory board at a board meeting by an affirmative  
46 vote of not less than 12 members.

1 Members of the advisory board shall serve without compensation  
2 but shall be entitled to reimbursement for actual expenses of serving  
3 on the board, to the extent that funds are available for this purpose.

4 The advisory board shall organize as soon as possible after the  
5 appointment of its members. The members shall select a chair from  
6 among their number.

7 (cf: P.L.2001, c.79, s.3)]<sup>1</sup>

8  
9 <sup>1</sup>[126. Section 2 of P.L.1956, c.214 (C.30:8-16.2) is amended to  
10 read as follows:

11 2. It shall be lawful for any board of chosen freeholders in this  
12 State to erect and maintain as a part of its jail, workhouse or  
13 penitentiary, a suitable building, buildings or additions for the  
14 treatment, while confined in such jail, workhouse or penitentiary, of  
15 inmates having a history of [alcoholism] alcohol use disorder; such  
16 board shall have power to appropriate and expend the moneys  
17 necessary in its judgment for such purpose.

18 (cf: P.L.1956, c.214, s.2)]<sup>1</sup>

19

20 <sup>1</sup>[127. Section 1 of P.L.1956, c.213 (C.30:9-12.16) is amended  
21 to read as follows:

22 1. The board of chosen freeholders of any county, by resolution,  
23 may provide for the establishment of an institution for the medical  
24 treatment of [alcoholics] persons with alcohol use disorder and for  
25 the prevention of [alcoholism] alcohol use disorder as a separate  
26 institution or as an institution connected with a county hospital.

27 (cf: P.L.1956, c.213, s.1)]<sup>1</sup>

28

29 <sup>1</sup>[128. Section 5 of P.L.1956, c.213 (C.30:9-12.20) is amended  
30 to read as follows:

31 5. Admission to said institution or the use of the said facilities  
32 shall also be provided by the board of managers when ordered by a  
33 Superior Court judge or by a judge of a municipal court situated in  
34 the county where such judge shall have jurisdiction of the person to  
35 be admitted or provided with the use of said facilities by reason of  
36 the pendency before him of a criminal charge against such person  
37 and where said judge shall be satisfied that the person suffers from  
38 acute [alcoholism] alcohol use disorder. Any such order so made  
39 by a judge may provide for the commitment, of the person so  
40 charged, to the said institution as a part or the whole of a sentence  
41 imposed. In the event of any such commitment, the said board of  
42 managers shall detain the person committed for the term prescribed  
43 in accordance with the terms and conditions of such order. Unless  
44 otherwise provided by the State Department of Human Services or  
45 by the rules of court the said board of managers shall provide the  
46 necessary forms for use in connection with commitments to the said

1 institution.  
2 (cf: P.L.1991, c.91, s.331)]<sup>1</sup>

3  
4 <sup>1</sup>[129. Section 6 of P.L.1956, c.213 (C.30:9-12.21) is amended  
5 to read as follows:

6 6. Commitments to the said institution may also be made by any  
7 such judge or magistrate upon a determination, after notice and  
8 hearing that a person is suffering from acute **【alcoholism】** alcohol  
9 use disorder. Application for such a commitment may be made to  
10 the said court or judge by a person having an interest therein by  
11 reason of relationship or marriage or by a police officer, sheriff,  
12 municipal or county director of welfare or person charged with the  
13 care and relief of the poor where the person charged as suffering  
14 from acute **【alcoholism】** alcohol use disorder may reside. Every  
15 such application shall be supported by a certificate in writing, under  
16 oath, executed by 2 physicians who are permanent residents and  
17 duly licensed to practice medicine in this State. Each such  
18 certificate shall set forth the date of the making of the examination  
19 which shall be within 10 days of the date of the making of the  
20 application to the said judge or magistrate and shall set forth the  
21 facts and circumstances on which the opinions of such physicians  
22 are based and shall include a precise personal description sufficient  
23 to identify the person so examined and of the facts relating thereto  
24 and shall further certify that the condition of the person examined is  
25 such as to require care and treatment in an institution for acute  
26 **【alcoholics】** persons with alcohol use disorder. Every such  
27 application shall be heard in a summary manner, without a jury,  
28 and the said judge or magistrate shall, by order, fix the time for the  
29 hearing which shall be not less than 10 days after the service of a  
30 notice of hearing upon the person so charged. The person charged  
31 shall be entitled to counsel and any order of commitment made  
32 upon such application shall be subject to review by the Superior  
33 Court in a proceeding in lieu of prerogative writ. The judge or  
34 magistrate may require the testimony at the hearing to be taken and  
35 transcribed by a court reporter and the expense thereof shall be  
36 paid by the county treasurer of the county, on order of the board of  
37 chosen freeholders, in the same manner as other court expenses  
38 chargeable to a county are paid. In connection with any such  
39 commitment the judge or magistrate shall determine the indigency  
40 or nonindigency of the person committed and make an appropriate  
41 order for the payment to the institution of the cost of maintaining  
42 the person committed in such institution. Pending any such  
43 application the judge or magistrate may order the temporary  
44 detention of the person charged to be suffering from acute  
45 **【alcoholism】** alcohol use disorder in such institution for  
46 observation and treatment where it appears that such temporary  
47 detention is needed for the welfare and safety of the said person.  
48 No commitment or temporary commitment upon any such

1 application shall continue for more than 90 days and the  
2 commitment may be terminated sooner if the judge or magistrate  
3 shall so order, upon application of the board of managers, and the  
4 certificate of a physician on the staff of the said institution that  
5 maximum treatment has been given to the person committed.

6 (cf: P.L.1956, c.213, s.6)]<sup>1</sup>

7  
8 <sup>1</sup>[130. Section 1 of P.L.1945, c.94 (C.33:4-1) is amended to read  
9 as follows:

10 1. The Commissioner of Alcoholic Beverage Control, the  
11 Commissioner of Institutions and Agencies, the Commissioner of  
12 Education and the Director of Health, are hereby constituted a  
13 commission, to be known as the Commission on [Alcoholism]  
14 Alcohol Use Disorder and Promotion of Temperance, and  
15 empowered to prepare and administer a program for the  
16 rehabilitation of [alcoholics] persons with alcohol use disorder and  
17 the promotion and furtherance of temperance and temperance  
18 education in this State; to utilize such facilities in this State,  
19 including equipment, and professional and other personnel, as may  
20 be made available for said purposes; and to expend such sums for  
21 said purposes as may, from time to time, be appropriated therefor  
22 by the Legislature.

23 (cf: P.L.1945, c.94, s.1)]<sup>1</sup>

24  
25 <sup>1</sup>[131. R.S.39:4-50 is amended to read as follows:

26 39:4-50. (a) A person who operates a motor vehicle while under  
27 the influence of intoxicating liquor, narcotic, hallucinogenic or  
28 habit-producing drug, or operates a motor vehicle with a blood  
29 alcohol concentration of 0.08% or more by weight of alcohol in the  
30 defendant's blood or permits another person who is under the  
31 influence of intoxicating liquor, narcotic, hallucinogenic or habit-  
32 producing drug to operate a motor vehicle the person owns or which  
33 is in the person's custody or control or permits another to operate a  
34 motor vehicle with a blood alcohol concentration of 0.08% or more  
35 by weight of alcohol in the defendant's blood shall be subject:

36 (1) For the first offense:

37 (i) if the person's blood alcohol concentration is 0.08% or  
38 higher but less than 0.10%, or the person operates a motor vehicle  
39 while under the influence of intoxicating liquor, or the person  
40 permits another person who is under the influence of intoxicating  
41 liquor to operate a motor vehicle owned by him or in his custody or  
42 control or permits another person with a blood alcohol  
43 concentration of 0.08% or higher but less than 0.10% to operate a  
44 motor vehicle, to a fine of not less than \$250 nor more than \$400  
45 and a period of detainment of not less than 12 hours nor more than  
46 48 hours spent during two consecutive days of not less than six  
47 hours each day and served as prescribed by the program  
48 requirements of the Intoxicated Driver Resource Centers established



1 under subsection (f) of this section and, in the discretion of the  
2 court, a term of imprisonment of not more than 30 days. In addition,  
3 the court shall order the person to forfeit the right to operate a  
4 motor vehicle over the highways of this State until the person  
5 installs an ignition interlock device in one motor vehicle the person  
6 owns, leases, or principally operates, whichever the person most  
7 often operates, for the purpose of complying with the provisions of  
8 P.L.1999, c.417 (C.39:4-50.16 et al.);

9 (ii) if the person's blood alcohol concentration is 0.10% or  
10 higher, or the person operates a motor vehicle while under the  
11 influence of a narcotic, hallucinogenic or habit-producing drug, or  
12 the person permits another person who is under the influence of a  
13 narcotic, hallucinogenic or habit-producing drug to operate a motor  
14 vehicle owned by him or in his custody or control, or permits  
15 another person with a blood alcohol concentration of 0.10% or more  
16 to operate a motor vehicle, to a fine of not less than \$300 nor more  
17 than \$500 and a period of detainment of not less than 12 hours nor  
18 more than 48 hours spent during two consecutive days of not less  
19 than six hours each day and served as prescribed by the program  
20 requirements of the Intoxicated Driver Resource Centers established  
21 under subsection (f) of this section and, in the discretion of the  
22 court, a term of imprisonment of not more than 30 days;

23 in the case of a person who is convicted of operating a motor  
24 vehicle while under the influence of a narcotic, hallucinogenic or  
25 habit-producing drug or permitting another person who is under the  
26 influence of a narcotic, hallucinogenic or habit-producing drug to  
27 operate a motor vehicle owned by the person or under the person's  
28 custody or control, the person shall forfeit the right to operate a  
29 motor vehicle over the highways of this State for a period of not  
30 less than seven months nor more than one year;

31 in the case of a person whose blood alcohol concentration is  
32 0.10% or higher but less than 0.15%, the person shall forfeit the  
33 right to operate a motor vehicle over the highways of this State until  
34 the person installs an ignition interlock device in one motor vehicle  
35 the person owns, leases, or principally operates, whichever the  
36 person most often operates, for the purpose of complying with the  
37 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

38 in the case of a person whose blood alcohol concentration is  
39 0.15% or higher, the person shall forfeit the right to operate a motor  
40 vehicle over the highways of this State for a period of not less than  
41 four months or more than six months following installation of an  
42 ignition interlock device in one motor vehicle the person owns,  
43 leases, or principally operates, whichever the person most often  
44 operates, for the purpose of complying with the provisions of  
45 P.L.1999, c.417 (C.39:4-50.16 et al.);

46 (iii) (Deleted by amendment, P.L.2019, c.248)

47 (2) For a second violation, a person shall be subject to a fine of  
48 not less than \$500 nor more than \$1,000, and shall be ordered by

1 the court to perform community service for a period of 30 days,  
2 which shall be of such form and on terms the court shall deem  
3 appropriate under the circumstances, and shall be sentenced to  
4 imprisonment for a term of not less than 48 consecutive hours,  
5 which shall not be suspended or served on probation, or more than  
6 90 days, and shall forfeit the right to operate a motor vehicle over  
7 the highways of this State for a period of not less than one year or  
8 more than two years upon conviction.

9 After the expiration of the license forfeiture period, the person  
10 may make application to the Chief Administrator of the New Jersey  
11 Motor Vehicle Commission for a license to operate a motor vehicle,  
12 which application may be granted at the discretion of the chief  
13 administrator, consistent with subsection (b) of this section. For a  
14 second violation, a person also shall be required to install an  
15 ignition interlock device under the provisions of P.L.1999, c.417  
16 (C.39:4-50.16 et al.).

17 (3) For a third or subsequent violation, a person shall be subject  
18 to a fine of \$1,000, and shall be sentenced to imprisonment for a  
19 term of not less than 180 days in a county jail or workhouse, except  
20 that the court may lower such term for each day, not exceeding 90  
21 days, served participating in a drug or alcohol inpatient  
22 rehabilitation program approved by the Intoxicated Driver Resource  
23 Center and shall thereafter forfeit the right to operate a motor  
24 vehicle over the highways of this State for eight years.

25 For a third or subsequent violation, a person also shall be  
26 required to install an ignition interlock device under the provisions  
27 of P.L.1999, c.417 (C.39:4-50.16 et al.).

28 As used in this section, the phrase "narcotic, hallucinogenic or  
29 habit-producing drug" includes an inhalant or other substance  
30 containing a chemical capable of releasing any toxic vapors or  
31 fumes for the purpose of inducing a condition of intoxication, such  
32 as any glue, cement or any other substance containing one or more  
33 of the following chemical compounds: acetone and acetate, amyl  
34 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl  
35 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,  
36 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or  
37 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous  
38 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl  
39 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or  
40 any other chemical substance capable of causing a condition of  
41 intoxication, inebriation, excitement, stupefaction or the dulling of  
42 the brain or nervous system as a result of the inhalation of the  
43 fumes or vapors of such chemical substance.

44 Whenever an operator of a motor vehicle has been involved in an  
45 accident resulting in death, bodily injury or property damage, a  
46 police officer shall consider that fact along with all other facts and  
47 circumstances in determining whether there are reasonable grounds

1 to believe that person was operating a motor vehicle in violation of  
2 this section.

3 A conviction of a violation of a law of a substantially similar  
4 nature in another jurisdiction, regardless of whether that jurisdiction  
5 is a signatory to the Interstate Driver License Compact pursuant to  
6 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior  
7 conviction under this subsection unless the defendant can  
8 demonstrate by clear and convincing evidence that the conviction in  
9 the other jurisdiction was based exclusively upon a violation of a  
10 proscribed blood alcohol concentration of less than 0.08%.

11 If the driving privilege of any person is under revocation or  
12 suspension for a violation of any provision of this Title or Title 2C  
13 of the New Jersey Statutes at the time of any conviction for a  
14 violation of this section, the revocation or suspension period  
15 imposed shall commence as of the date of termination of the  
16 existing revocation or suspension period. In the case of any person  
17 who at the time of the imposition of sentence is less than 17 years  
18 of age, the forfeiture, suspension or revocation of the driving  
19 privilege imposed by the court under this section shall commence  
20 immediately, run through the offender's seventeenth birthday and  
21 continue from that date for the period set by the court pursuant to  
22 paragraphs (1) through (3) of this subsection. A court that imposes  
23 a term of imprisonment for a first or second offense under this  
24 section may sentence the person so convicted to the county jail, to  
25 the workhouse of the county wherein the offense was committed, to  
26 an inpatient rehabilitation program or to an Intoxicated Driver  
27 Resource Center or other facility approved by the chief of the  
28 Intoxicated Driving Program Unit in the Division of Mental Health  
29 and Addiction Services in the Department of Health. For a third or  
30 subsequent offense a person shall not serve a term of imprisonment  
31 at an Intoxicated Driver Resource Center as provided in subsection  
32 (f).

33 A person who has been convicted of a previous violation of this  
34 section need not be charged as a second or subsequent offender in  
35 the complaint made against him in order to render him liable to the  
36 punishment imposed by this section on a second or subsequent  
37 offender, but if the second offense occurs more than 10 years after  
38 the first offense, the court shall treat the second conviction as a first  
39 offense for sentencing purposes and if a third offense occurs more  
40 than 10 years after the second offense, the court shall treat the third  
41 conviction as a second offense for sentencing purposes.

42 (b) A person convicted under this section must satisfy the  
43 screening, evaluation, referral, program and fee requirements of the  
44 Division of Mental Health and Addiction Services' Intoxicated  
45 Driving Program Unit, and of the Intoxicated Driver Resource  
46 Centers and a program of alcohol and drug education and highway  
47 safety, as prescribed by the chief administrator. The sentencing  
48 court shall inform the person convicted that failure to satisfy such

1 requirements shall result in a mandatory two-day term of  
2 imprisonment in a county jail and a driver license revocation or  
3 suspension and continuation of revocation or suspension until such  
4 requirements are satisfied, unless stayed by court order in  
5 accordance with the Rules Governing the Courts of the State of  
6 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall  
7 forward to the Division of Mental Health and Addiction Services'  
8 Intoxicated Driving Program Unit a copy of a person's conviction  
9 record. A fee of \$100 shall be payable to the Alcohol Education,  
10 Rehabilitation and Enforcement Fund established pursuant to  
11 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
12 Intoxicated Driving Program Unit.

13 (c) Upon conviction of a violation of this section, the court shall  
14 collect forthwith the New Jersey driver's license or licenses of the  
15 person so convicted and forward such license or licenses to the  
16 chief administrator. The court shall inform the person convicted  
17 that if he is convicted of personally operating a motor vehicle  
18 during the period of license suspension imposed pursuant to  
19 subsection (a) of this section, he shall, upon conviction, be subject  
20 to the penalties established in R.S.39:3-40. The person convicted  
21 shall be informed orally and in writing. A person shall be required  
22 to acknowledge receipt of that written notice in writing. Failure to  
23 receive a written notice or failure to acknowledge in writing the  
24 receipt of a written notice shall not be a defense to a subsequent  
25 charge of a violation of R.S.39:3-40. In the event that a person  
26 convicted under this section is the holder of any out-of-State  
27 driver's license, the court shall not collect the license but shall  
28 notify forthwith the chief administrator, who shall, in turn, notify  
29 appropriate officials in the licensing jurisdiction. The court shall,  
30 however, revoke the nonresident's driving privilege to operate a  
31 motor vehicle in this State, in accordance with this section. Upon  
32 conviction of a violation of this section, the court shall notify the  
33 person convicted, orally and in writing, of the penalties for a  
34 second, third or subsequent violation of this section. A person shall  
35 be required to acknowledge receipt of that written notice in writing.  
36 Failure to receive a written notice or failure to acknowledge in  
37 writing the receipt of a written notice shall not be a defense to a  
38 subsequent charge of a violation of this section.

39 (d) The chief administrator shall promulgate rules and  
40 regulations pursuant to the "Administrative Procedure Act,"  
41 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program  
42 of alcohol education and highway safety, as prescribed by this act.

43 (e) Any person accused of a violation of this section who is  
44 liable to punishment imposed by this section as a second or  
45 subsequent offender shall be entitled to the same rights of discovery  
46 as allowed defendants pursuant to the Rules Governing the Courts  
47 of the State of New Jersey.

1 (f) The counties, in cooperation with the Division of Mental  
2 Health and Addiction Services and the commission, but subject to  
3 the approval of the Division of Mental Health and Addiction  
4 Services, shall designate and establish on a county or regional basis  
5 Intoxicated Driver Resource Centers. These centers shall have the  
6 capability of serving as community treatment referral centers and as  
7 court monitors of a person's compliance with the ordered treatment,  
8 service alternative or community service. All centers established  
9 pursuant to this subsection shall be administered by a counselor  
10 certified by the Addiction Professionals Certification Board of New  
11 Jersey or other professional with a minimum of five years'  
12 experience in the treatment of **alcoholism** alcohol use disorder.  
13 All centers shall be required to develop individualized treatment  
14 plans for all persons attending the centers; provided that the  
15 duration of any ordered treatment or referral shall not exceed one  
16 year. It shall be the center's responsibility to establish networks  
17 with the community alcohol and drug education, treatment and  
18 rehabilitation resources and to receive monthly reports from the  
19 referral agencies regarding a person's participation and compliance  
20 with the program. Nothing in this subsection shall bar these centers  
21 from developing their own education and treatment programs;  
22 provided that they are approved by the Division of Mental Health  
23 and Addiction Services.

24 Upon a person's failure to report to the initial screening or any  
25 subsequent ordered referral, the Intoxicated Driver Resource Center  
26 shall promptly notify the sentencing court of the person's failure to  
27 comply.

28 Required detention periods at the Intoxicated Driver Resource  
29 Centers shall be determined according to the individual treatment  
30 classification assigned by the Intoxicated Driving Program Unit.  
31 Upon attendance at an Intoxicated Driver Resource Center, a person  
32 shall be required to pay a per diem fee of \$75 for the first offender  
33 program or a per diem fee of \$100 for the second offender program,  
34 as appropriate. Any increases in the per diem fees after the first full  
35 year shall be determined pursuant to rules and regulations adopted  
36 by the Commissioner of Health in consultation with the Governor's  
37 Council on **Alcoholism and Drug Abuse** Alcohol Use Disorder  
38 and Substance Use Disorder pursuant to the "Administrative  
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

40 The centers shall conduct a program of alcohol and drug  
41 education and highway safety, as prescribed by the chief  
42 administrator.

43 The Commissioner of Health shall adopt rules and regulations  
44 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
45 (C.52:14B-1 et seq.), in order to effectuate the purposes of this  
46 subsection.

47 (g) (Deleted by amendment, P.L.2019, c.248)

1 (h) A court also may order a person convicted pursuant to  
2 subsection (a) of this section, to participate in a supervised  
3 visitation program as either a condition of probation or a form of  
4 community service, giving preference to those who were under the  
5 age of 21 at the time of the offense. Prior to ordering a person to  
6 participate in such a program, the court may consult with any  
7 person who may provide useful information on the defendant's  
8 physical, emotional and mental suitability for the visit to ensure that  
9 it will not cause any injury to the defendant. The court also may  
10 order that the defendant participate in a counseling session under  
11 the supervision of the Intoxicated Driving Program Unit prior to  
12 participating in the supervised visitation program. The supervised  
13 visitation program shall be at one or more of the following facilities  
14 which have agreed to participate in the program under the  
15 supervision of the facility's personnel and the probation department:

16 (1) a trauma center, critical care center or acute care hospital  
17 having basic emergency services, which receives victims of motor  
18 vehicle accidents for the purpose of observing appropriate victims  
19 of drunk drivers and victims who are, themselves, drunk drivers;

20 (2) a facility which cares for advanced **alcoholics or drug**  
21 **abusers** persons with alcohol or substance use disorder, to observe  
22 persons in the advanced stages of **alcoholism and drug abuse**  
23 alcohol use disorder and substance use disorder; or

24 (3) if approved by a county medical examiner, the office of the  
25 county medical examiner or a public morgue to observe appropriate  
26 victims of vehicle accidents involving drunk drivers.

27 As used in this section, "appropriate victim" means a victim  
28 whose condition is determined by the facility's supervisory  
29 personnel and the probation officer to be appropriate for  
30 demonstrating the results of accidents involving drunk drivers  
31 without being unnecessarily gruesome or traumatic to the  
32 defendant.

33 If at any time before or during a visitation the facility's  
34 supervisory personnel and the probation officer determine that the  
35 visitation may be or is traumatic or otherwise inappropriate for that  
36 defendant, the visitation shall be terminated without prejudice to the  
37 defendant. The program may include a personal conference after  
38 the visitation, which may include the sentencing judge or the judge  
39 who coordinates the program for the court, the defendant,  
40 defendant's counsel, and, if available, the defendant's parents to  
41 discuss the visitation and its effect on the defendant's future  
42 conduct. If a personal conference is not practicable because of the  
43 defendant's absence from the jurisdiction, conflicting time  
44 schedules, or any other reason, the court shall require the defendant  
45 to submit a written report concerning the visitation experience and  
46 its impact on the defendant. The county, a court, any facility visited  
47 pursuant to the program, any agents, employees, or independent  
48 contractors of the court, county, or facility visited pursuant to the

1 program, and any person supervising a defendant during the  
2 visitation, are not liable for any civil damages resulting from injury  
3 to the defendant, or for civil damages associated with the visitation  
4 which are caused by the defendant, except for willful or grossly  
5 negligent acts intended to, or reasonably expected to result in, that  
6 injury or damage.

7 The Supreme Court may adopt court rules or directives to  
8 effectuate the purposes of this subsection.

9 (i) In addition to any other fine, fee, or other charge imposed  
10 pursuant to law, the court shall assess a person convicted of a  
11 violation of the provisions of this section a surcharge of \$125, of  
12 which amount \$50 shall be payable to the municipality in which the  
13 conviction was obtained, \$50 shall be payable to the Treasurer of  
14 the State of New Jersey for deposit into the General Fund, and \$25  
15 which shall be payable as follows: in a matter where the summons  
16 was issued by a municipality's law enforcement agency, to that  
17 municipality to be used for the cost of equipping police vehicles  
18 with mobile video recording systems pursuant to the provisions of  
19 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the  
20 summons was issued by a county's law enforcement agency, to that  
21 county; and in a matter where the summons was issued by a State  
22 law enforcement agency, to the General Fund.

23 (cf: P.L.2019, c.248, s.2)]<sup>1</sup>

24  
25 <sup>1</sup>§132. Section 8 of P.L.1997, c.331, s.8 (C.45:2D-8) is amended  
26 to read as follows:

27 8. a. No person shall engage in the practice of alcohol and drug  
28 counseling as a licensed clinical alcohol and drug counselor unless  
29 licensed under this act. No person shall engage in the practice of  
30 alcohol and drug counseling as a certified alcohol and drug  
31 counselor unless certified under this act. No person shall present,  
32 call or represent himself as a licensed clinical alcohol and drug  
33 counselor unless licensed under this act. No person shall present,  
34 call or represent himself as a certified alcohol and drug counselor  
35 unless certified under this act.

36 b. No person shall assume, represent himself as, or use the title  
37 or designation "[alcoholism] alcohol use disorder counselor,"  
38 "alcohol counselor," "drug counselor," "alcohol and drug  
39 counselor," "[alcoholism and drug] alcohol use disorder and  
40 substance use disorder counselor," "licensed clinical alcohol and  
41 drug counselor," "certified alcohol and drug counselor," "substance  
42 [abuse] use counselor," "chemical dependency counselor," or  
43 "chemical dependency supervisor," or any of the abbreviations for  
44 the above titles, unless licensed or certified under this act, and  
45 unless the title or designation corresponds to the license or  
46 certification held by the person pursuant to this act.

47 c. No person shall engage in the independent practice of  
48 alcohol and drug counseling for a fee unless the person is licensed

1 under this act as a licensed clinical alcohol and drug counselor or  
2 the person is a certified alcohol and drug counselor practicing under  
3 the supervision of a licensed clinical alcohol and drug counselor.

4 (cf: P.L.1997, c.331, s.8)】<sup>1</sup>

5  
6 <sup>1</sup>【133. Section 16 of P.L.1997, c.331 (C.45:2D-16) is amended  
7 to read as follows:

8 16. a. On or before the 730th day following the effective date of  
9 this act, upon application to the board on the form and in the  
10 manner the committee prescribes and the board approves, any  
11 person certified in New Jersey by the Alcohol and Drug Counselor  
12 Certification Board of New Jersey, Inc. as an 【alcoholism】 alcohol  
13 use disorder counselor on the enactment date of this act who  
14 demonstrates to the board that he has successfully completed 30  
15 classroom hours in drug education may acquire a certificate as a  
16 certified alcohol and drug counselor without meeting the  
17 requirements set forth in section 5 of this act.

18 b. 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 a drug counselor on the  
23 enactment date of this act who demonstrates to the board that he has  
24 successfully completed 50 classroom hours in alcohol education  
25 may acquire a certificate as a certified alcohol and drug counselor  
26 without meeting the requirements set forth in section 5 of this act.

27 c. On or before the 730th day following the effective date of  
28 this act, upon application to the board on the form and in the  
29 manner the committee prescribes and the board approves, any  
30 person who has practiced as an alcohol and drug counselor for at  
31 least five years and is certified in New Jersey by the Alcohol and  
32 Drug Counselor Certification Board of New Jersey, Inc. as an  
33 alcohol and drug counselor on the enactment date of this act may be  
34 licensed as a licensed clinical alcohol and drug counselor without  
35 meeting the requirements set forth in section 4 of this act.

36 (cf: P.L.1997, c.331, s.16)】<sup>1</sup>

37  
38 <sup>1</sup>【134. Section 15 of P.L.1993, c.340 (C.45:8B-48) is amended  
39 to read as follows:

40 15. Nothing in this act shall be construed to apply to:

41 a. The activities and services of qualified members of other  
42 professions, including physicians, psychologists, registered nurses,  
43 marriage and family therapists, attorneys, social workers or any  
44 other professionals licensed by the State, when acting within the  
45 scope of their profession and doing work of a nature consistent with  
46 their training, provided they do not hold themselves out to the  
47 public as possessing a license issued pursuant to this act or  
48 represent themselves by any professional title regulated by this act.



1       b. The activities, services and use of an official title on the part  
2 of a person employed as a counselor or rehabilitation counselor by  
3 any federal, State, county, or municipal agency; or public or private  
4 educational institution, but only when these persons are performing  
5 counseling, rehabilitation counseling or activities related to  
6 counseling or rehabilitation counseling within the scope of their  
7 employment.

8       c. The activities and services of a student, intern or trainee in  
9 counseling or rehabilitation counseling pursuing a course of study  
10 in counseling or rehabilitation counseling in a regionally accredited  
11 institution of higher education or training institution, if these  
12 activities are performed under supervision and constitute a part of  
13 the supervised course of study, and if the person is clearly  
14 designated a "Counselor intern" or a "Rehabilitation counselor  
15 intern".

16       d. The activities and services in this State of a nonresident  
17 person rendered on not more than 30 days during any calendar year,  
18 if that person is duly authorized to perform those activities and  
19 services under the laws of his residence.

20       e. The activities and services of a rabbi, priest, minister,  
21 Christian Science practitioner or clergyman of any religious  
22 denomination or sect, if those activities and services are within the  
23 scope of the performance of his regular or specialized ministerial  
24 duties and for which no separate charge is made, or when these  
25 activities are performed with or without charge, for or under  
26 auspices or sponsorship, individually or in conjunction with others,  
27 of an established and legally cognizable church, denomination, or  
28 sect, and when the person rendering the service remains accountable  
29 to the established authority thereof.

30       f. The activities, services, titles and descriptions of persons  
31 employed as professionals or volunteers in the practice of  
32 counseling or rehabilitation counseling for public or private  
33 nonprofit organizations or charities.

34       g. The activities and services of persons employed as peer  
35 counselors in organizations devoted to prevention of **alcoholism**  
36 **and drug abuse** alcohol use disorder and substance use disorder, or  
37 relief of emotional effects of rape or other crimes, and telephone  
38 "hotline" organizations.

39 (cf: P.L.1997, c.155, s.13)]<sup>1</sup>

41       <sup>1</sup>[135. Section 5 of P.L.1961, c.49 (C.52:14-17.29) is amended  
42 to read as follows:

43       5. (A) The contract or contracts purchased by the commission  
44 pursuant to subsection b. of section 4 of P.L.1961, c.49 (C.52:14-  
45 17.28) shall provide separate coverages or policies as follows:

46       (1) Basic benefits which shall include:

47       (a) Hospital benefits, including outpatient;

48       (b) Surgical benefits;

- 1 (c) Inpatient medical benefits;
- 2 (d) Obstetrical benefits; and
- 3 (e) Services rendered by an extended care facility or by a home
- 4 health agency and for specified medical care visits by a physician
- 5 during an eligible period of such services, without regard to
- 6 whether the patient has been hospitalized, to the extent and subject
- 7 to the conditions and limitations agreed to by the commission and
- 8 the carrier or carriers.

9 Basic benefits shall be substantially equivalent to those available  
10 on a group remittance basis to employees of the State and their  
11 dependents under the subscription contracts of the New Jersey  
12 "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall  
13 include benefits for:

- 14 (i) Additional days of inpatient medical service;
- 15 (ii) Surgery elsewhere than in a hospital;
- 16 (iii) X-ray, radioactive isotope therapy and pathology services;
- 17 (iv) Physical therapy services;
- 18 (v) Radium or radon therapy services;

19 and the extended basic benefits shall be subject to the same  
20 conditions and limitations, applicable to such benefits, as are set  
21 forth in "Extended Outpatient Hospital Benefits Rider," Form 1500,  
22 71(9-66), and in "Extended Benefit Rider" (as amended), Form MS  
23 7050J(9-66) issued by the New Jersey "Blue Cross" and "Blue  
24 Shield" Plans, respectively, and as the same may be amended or  
25 superseded, subject to filing by the Commissioner of Banking and  
26 Insurance; and

27 (2) Major medical expense benefits which shall provide benefit  
28 payments for reasonable and necessary eligible medical expenses  
29 for hospitalization, surgery, medical treatment and other related  
30 services and supplies to the extent they are not covered by basic  
31 benefits. The commission may, by regulation, determine what types  
32 of services and supplies shall be included as "eligible medical  
33 services" under the major medical expense benefits coverage as  
34 well as those which shall be excluded from or limited under such  
35 coverage. Benefit payments for major medical expense benefits  
36 shall be equal to a percentage of the reasonable charges for eligible  
37 medical services incurred by a covered employee or an employee's  
38 covered dependent, during a calendar year as exceed a deductible  
39 for such calendar year of \$100.00 subject to the maximums  
40 hereinafter provided and to the other terms and conditions  
41 authorized by this act. The percentage shall be 80% of the first  
42 \$2,000.00 of charges for eligible medical services incurred  
43 subsequent to satisfaction of the deductible and 100% thereafter.  
44 There shall be a separate deductible for each calendar year for (a)  
45 each enrolled employee and (b) all enrolled dependents of such  
46 employee. Not more than \$1,000,000.00 shall be paid for major  
47 medical expense benefits with respect to any one person for the  
48 entire period of such person's coverage under the plan, whether

1 continuous or interrupted except that this maximum may be  
2 reapplied to a covered person in amounts not to exceed \$2,000.00 a  
3 year. Maximums of \$10,000.00 per calendar year and \$20,000.00  
4 for the entire period of the person's coverage under the plan shall  
5 apply to eligible expenses incurred because of mental illness or  
6 functional nervous disorders, and such may be reapplied to a  
7 covered person, except as provided in P.L.1999, c.441 (C.52:14-  
8 17.29d et al.). The same provisions shall apply for retired  
9 employees and their dependents. Under the conditions agreed upon  
10 by the commission and the carriers as set forth in the contract, the  
11 deductible for a calendar year may be satisfied in whole or in part  
12 by eligible charges incurred during the last three months of the prior  
13 calendar year.

14 Any service determined by regulation of the commission to be an  
15 "eligible medical service" under the major medical expense benefits  
16 coverage which is performed by a duly licensed practicing  
17 psychologist within the lawful scope of his practice shall be  
18 recognized for reimbursement under the same conditions as would  
19 apply were such service performed by a physician.

20 (B) The contract or contracts purchased by the commission  
21 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-  
22 17.28) shall include coverage for services and benefits that are at a  
23 level that is equal to or exceeds the level of services and benefits set  
24 forth in this subsection, provided that such services and benefits  
25 shall include only those that are eligible medical services and not  
26 those deemed experimental, investigative or otherwise not eligible  
27 medical services. The determination of whether services or benefits  
28 are eligible medical services shall be made by the commission  
29 consistent with the best interests of the State and participating  
30 employers, employees, and dependents. The following list of  
31 services is not intended to be exclusive or to require that any limits  
32 or exclusions be exceeded.

33 Covered services shall include:

34 (1) Physician services, including:

35 (a) Inpatient services, including:

36 (i) medical care including consultations;

37 (ii) surgical services and services related thereto; and

38 (iii) obstetrical services including normal delivery, cesarean  
39 section, and abortion.

40 (b) Outpatient/out-of-hospital services, including:

41 (i) office visits for covered services and care;

42 (ii) allergy testing and related diagnostic/therapy services;

43 (iii) dialysis center care;

44 (iv) maternity care;

45 (v) well child care;

46 (vi) child immunizations/lead screening;

47 (vii) routine adult physicals including pap, mammography, and  
48 prostate examinations; and

- 1 (viii) annual routine obstetrical/gynecological exam.
- 2 (2) Hospital services, both inpatient and outpatient, including:
- 3 (a) room and board;
- 4 (b) intensive care and other required levels of care;
- 5 (c) semi-private room;
- 6 (d) therapy and diagnostic services;
- 7 (e) surgical services or facilities and treatment related thereto;
- 8 (f) nursing care;
- 9 (g) necessary supplies, medicines, and equipment for care; and
- 10 (h) maternity care and related services.
- 11 (3) Other facility and services, including:
- 12 (a) approved treatment centers for medical
- 13 emergency/accidental injury;
- 14 (b) approved surgical center;
- 15 (c) hospice;
- 16 (d) chemotherapy;
- 17 (e) diagnostic x-ray and lab tests;
- 18 (f) ambulance;
- 19 (g) durable medical equipment;
- 20 (h) prosthetic devices;
- 21 (i) foot orthotics;
- 22 (j) diabetic supplies and education; and
- 23 (k) oxygen and oxygen administration.
- 24 (4) All services for which coverage is required pursuant to
- 25 P.L.1961, c.49 (C.52:14-17.25 et seq.), as amended and
- 26 supplemented. Benefits under the contract or contracts purchased as
- 27 authorized by the State Health Benefits Program shall include those
- 28 for mental health services subject to limits and exclusions
- 29 consistent with the provisions of the New Jersey State Health
- 30 Benefits Program Act.
- 31 (C) The contract or contracts purchased by the commission
- 32 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
- 33 17.28) shall include the following provisions regarding
- 34 reimbursements and payments:
- 35 (1) In the successor plan, the co-payment for doctor's office
- 36 visits shall be \$10 per visit with a maximum out-of-pocket of \$400
- 37 per individual and \$1,000 per family for in-network services for
- 38 each calendar year. The out-of-network deductible shall be \$100 per
- 39 individual and \$250 per family for each calendar year, and the
- 40 participant shall receive reimbursement for out-of-network charges
- 41 at the rate of 80【%】 percent of reasonable and customary charges,
- 42 provided that the out-of-pocket maximum shall not exceed \$2,000
- 43 per individual and \$5,000 per family for each calendar year.
- 44 (2) In the State managed care plan that is required to be included
- 45 in a contract entered into pursuant to subsection c. of section 4 of
- 46 P.L.1961, c.49 (C.52:14-17.28), the co-payment for doctor's office
- 47 visits shall be \$15 per visit. The participant shall receive
- 48 reimbursement for out-of-network charges at the rate of 70% of

1 reasonable and customary charges. The in-network and out-of-  
2 network limits, exclusions, maximums, and deductibles shall be  
3 substantially equivalent to those in the NJ PLUS plan in effect on  
4 June 30, 2007, with adjustments to that plan pursuant to a binding  
5 collective negotiations agreement or pursuant to action by the  
6 commission, in its sole discretion, to apply such adjustments to  
7 State employees for whom there is no majority representative for  
8 collective negotiations purposes.

9 (3) "Reasonable and customary charges" means charges based  
10 upon the 90th percentile of the usual, customary, and reasonable  
11 (UCR) fee schedule determined by the Health Insurance  
12 Association of America or a similar nationally recognized database  
13 of prevailing health care charges.

14 (D) Benefits under the contract or contracts purchased as  
15 authorized by this act may be subject to such limitations,  
16 exclusions, or waiting periods as the commission finds to be  
17 necessary or desirable to avoid inequity, unnecessary utilization,  
18 duplication of services or benefits otherwise available, including  
19 coverage afforded under the laws of the United States, such as the  
20 federal Medicare program, or for other reasons.

21 Benefits under the contract or contracts purchased as authorized  
22 by this act shall include those for the treatment of **alcoholism**  
23 alcohol use disorder where such treatment is prescribed by a  
24 physician and shall also include treatment while confined in or as  
25 an outpatient of a licensed hospital or residential treatment program  
26 which meets minimum standards of care equivalent to those  
27 prescribed by the Joint Commission on Hospital Accreditation. No  
28 benefits shall be provided beyond those stipulated in the contracts  
29 held by the State Health Benefits Commission.

30 (E) The rates charged for any contract purchased under the  
31 authority of this act shall reasonably and equitably reflect the cost  
32 of the benefits provided based on principles which in the judgment  
33 of the commission are actuarially sound. The rates charged shall be  
34 determined by the carrier on accepted group rating principles with  
35 due regard to the experience, both past and contemplated, under the  
36 contract. The commission shall have the right to particularize  
37 subgroups for experience purposes and rates. No increase in rates  
38 shall be retroactive.

39 (F) The initial term of any contract purchased by the  
40 commission under the authority of this act shall be for such period  
41 to which the commission and the carrier may agree, but permission  
42 may be made for automatic renewal in the absence of notice of  
43 termination by the commission. Subsequent terms for which any  
44 contract may be renewed as herein provided shall each be limited to  
45 a period not to exceed one year.

46 (G) A contract purchased by the commission pursuant to  
47 subsection b. of section 4 of P.L.1961, c.49 (C.52:14-17.28) shall  
48 contain a provision that if basic benefits or major medical expense

1 benefits of an employee or of an eligible dependent under the  
2 contract, after having been in effect for at least one month in the  
3 case of basic benefits or at least three months in the case of major  
4 medical expense benefits, is terminated, other than by voluntary  
5 cancellation of enrollment, there shall be a 31-day period following  
6 the effective date of termination during which such employee or  
7 dependent may exercise the option to convert, without evidence of  
8 good health, to converted coverage issued by the carriers on a direct  
9 payment basis. Such converted coverage shall include benefits of  
10 the type classified as "basic benefits" or "major medical expense  
11 benefits" in subsection (A) hereof and shall be equivalent to the  
12 benefits which had been provided when the person was covered as  
13 an employee. The provision shall further stipulate that the employee  
14 or dependent exercising the option to convert shall pay the full  
15 periodic charges for the converted coverage which shall be subject  
16 to such terms and conditions as are normally prescribed by the  
17 carrier for this type of coverage.

18 (H) The commission may purchase a contract or contracts to  
19 provide drug prescription and other health care benefits or authorize  
20 the purchase of a contract or contracts to provide drug prescription  
21 and other health care benefits as may be required to implement a  
22 duly executed collective negotiations agreement or as may be  
23 required to implement a determination by a public employer to  
24 provide such benefit or benefits to employees not included in  
25 collective negotiations units.

26 (I) The commission shall take action as necessary, in  
27 cooperation with the School Employees' Health Benefits  
28 Commission established pursuant to section 33 of P.L.2007, c.103  
29 (C.52:14-17.46.3), to effectuate the purposes of the School  
30 Employees' Health Benefits Program Act as provided in sections 31  
31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-  
32 17.46.11) and to enable the School Employees' Health Benefits  
33 Commission to begin providing coverage to participants pursuant to  
34 the School Employees' Health Benefits Program Act as of July 1,  
35 2008.

36 (J) Beginning January 1, 2012, the State Health Benefits Plan  
37 Design Committee shall provide to employees the option to select  
38 one of at least three levels of coverage each for family, individual,  
39 individual and spouse, and individual and dependent, or equivalent  
40 categories, for each plan offered by the program differentiated by  
41 out of pocket costs to employees including co-payments and  
42 deductibles. Notwithstanding any other provision of law to the  
43 contrary, the committee shall have the sole discretion to set the  
44 amounts for maximums, co-pays, deductibles, and other such  
45 participant costs for all plans in the program. The committee shall  
46 also provide for a high deductible health plan that conforms with  
47 Internal Revenue Code Section 223.

1       There shall be appropriated annually for each State fiscal year,  
2 through the annual appropriations act, such amounts as shall be  
3 necessary as funding by the State as an employer, or as otherwise  
4 required, with regard to employees or retirees who have enrolled in  
5 a high deductible health plan that conforms with Internal Revenue  
6 Code Section 223.

7 (cf: P.L.2011, c.78, s.47)]<sup>1</sup>

8  
9       <sup>1</sup>[136. Section 36 of P.L.2007, c.103 (C.52:14-17.46.6) is  
10 amended to read as follows:

11       36. a. Notwithstanding the provisions of any other law to the  
12 contrary, the commission shall not enter into a contract under the  
13 School Employees' Health Benefits Program Act, sections 31  
14 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-  
15 17.46.11), for the benefits provided pursuant to the act, unless the  
16 level of benefits provided under the contract entered into is equal to  
17 or exceeds the level of benefits provided in this section, or as  
18 modified pursuant to section 40 of that act (C.52:14-17.46.10). Only  
19 benefits for medically necessary services that are not deemed  
20 experimental, investigative or otherwise not eligible medical  
21 services shall be provided. The determination that services are not  
22 "eligible medical services" shall be made by the commission  
23 consistent with the best interests of the State, participating  
24 employers and those persons covered hereunder. Benefits for  
25 services provided pursuant to the School Employees' Health  
26 Benefits Act shall be subject to limits or exclusions consistent with  
27 those that apply to benefits provided pursuant to the New Jersey  
28 State Health Benefits Program Act. The services provided pursuant  
29 to this section shall include all services, subject to applicable limits  
30 and exclusions, provided through the State Health Benefits Program  
31 as of July 1, 2007. The list of services in subsection b. of this  
32 section is not intended to be exclusive or to require that any limits  
33 or exclusions be exceeded.

34       b. The services covered hereunder by the School Employees'  
35 Health Benefits Program shall include:

36       (1) Physician services, including:

37       (a) Inpatient services, including:

38       (i) medical care including consultations;

39       (ii) surgical services and services related thereto; and

40       (iii) obstetrical services including normal delivery, cesarean  
41 section, and abortion.

42       (b) Outpatient/out-of-hospital services, including:

43       (i) office visits for covered services and care;

44       (ii) allergy testing and related diagnostic/therapy services;

45       (iii) dialysis center care;

46       (iv) maternity care;

47       (v) well child care;

48       (vi) child immunizations/lead screening;

- 1 (vii) routine adult physicals including pap, mammography, and  
2 prostate examinations; and  
3 (viii) annual routine obstetrical/gynecological exam.
- 4 (2) Hospital services, both inpatient and outpatient, including:  
5 (a) room and board;  
6 (b) intensive care and other required levels of care;  
7 (c) semi-private room;  
8 (d) therapy and diagnostic services;  
9 (e) surgical services or facilities and treatment related thereto;  
10 (f) nursing care;  
11 (g) necessary supplies, medicines, and equipment for care; and  
12 (h) maternity care and related services.
- 13 (3) Other facility and services, including:  
14 (a) approved treatment centers for medical  
15 emergency/accidental injury;  
16 (b) approved surgical center;  
17 (c) hospice;  
18 (d) chemotherapy;  
19 (e) diagnostic x-ray and lab tests;  
20 (f) ambulance;  
21 (g) durable medical equipment;  
22 (h) prosthetic devices;  
23 (i) foot orthotics;  
24 (j) diabetic supplies and education; and  
25 (k) oxygen and oxygen administration.
- 26 c. Benefits under the contract or contracts purchased as  
27 authorized by the School Employees' Health Benefits Program Act  
28 shall include those for the treatment of **[alcoholism]** alcohol use  
29 disorder where such treatment is prescribed by a physician and shall  
30 also include treatment while confined in or as an outpatient of a  
31 licensed hospital or residential treatment program which meets  
32 minimum standards of care equivalent to those prescribed by the  
33 Joint Commission on Hospital Accreditation. No benefits shall be  
34 provided beyond those stipulated in the contracts held by the School  
35 Employees' Health Benefits Commission.
- 36 d. Benefits under the contract or contracts purchased as  
37 authorized by the School Employees' Health Benefits Program Act  
38 shall include those for mental health services subject to limits and  
39 exclusions consistent with those that apply to benefits for such  
40 services pursuant to the New Jersey State Health Benefits Program  
41 Act. Coverage for biologically-based mental illness, as defined in  
42 section 1 of P.L.1999, c.441 (C.52:14-17.29d), shall be provided in  
43 accordance with section 2 of P.L.1999, c.441 (C.52:14-17.29e).
- 44 e. Coverage provided under the School Employees' Health  
45 Benefits Program Act shall include coverage for all services for  
46 which coverage is mandated in the State Health Benefits Program  
47 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.).
- 48 f. (1) As used in this subsection:



- 1 (a) "brand name" means the proprietary or trade name assigned  
2 to a drug product by the manufacturer or distributor of the drug  
3 product.
- 4 (b) "carrier" means an insurance company, hospital, medical, or  
5 health service corporation, preferred provider organization, or  
6 health maintenance organization under agreement or contract with  
7 the commission to administer the School Employee Prescription  
8 Drug Plan.
- 9 (c) "School Employee Prescription Drug Plan" means the plan  
10 for providing payment for eligible prescription drug expenses of  
11 members of the School Employees' Health Benefits Program and  
12 their eligible dependents.
- 13 (d) "generic drug products" means prescription drug products  
14 and insulin approved and designated by the United States Food and  
15 Drug Administration as therapeutic equivalents for reference listed  
16 drug products. The term includes drug products listed in the New  
17 Jersey Generic Formulary by the Drug Utilization Review Council  
18 pursuant to P.L.1977, c.240 (C.24:6E-1 et al.).
- 19 (e) "mail-order pharmacy" means the mail order program  
20 available through the carrier.
- 21 (f) "preferred brands" means brand name prescription drug  
22 products and insulin determined by the carrier to be a more cost  
23 effective alternative for prescription drug products and insulin with  
24 comparable therapeutic efficacy within a therapeutic class, as  
25 defined or recognized in the United States Pharmacopeia or the  
26 American Hospital Formulary Service Drug Information, or by the  
27 American Society of Health Systems Pharmacists. A drug product  
28 for which there is no other therapeutically equivalent drug product  
29 shall be a preferred brand. Determinations of preferred brands by  
30 the carrier shall be subject to review and modification by the  
31 commission.
- 32 (g) "retail pharmacy" means a pharmacy, drug store or other  
33 retail establishment in this State at which prescription drugs are  
34 dispensed by a registered pharmacist under the laws of this State, or  
35 a pharmacy, drug store or other retail establishment in another state  
36 at which prescription drug products are dispensed by a registered  
37 pharmacist under the laws of that state if expenses for prescription  
38 drug products dispensed at the pharmacy, drug store, or other retail  
39 establishment are eligible for payment under the School Employee  
40 Prescription Drug Plan.
- 41 (h) "other brands" means prescription drug products which are  
42 not preferred brands or generic drug products. A new drug product  
43 approved by the United States Food and Drug Administration which  
44 is not a generic drug product shall be included in this category until  
45 the carrier makes a determination concerning inclusion of the drug  
46 product in the list of preferred brands.

- 1       (2) (a) Employers that participate in the School Employees'
- 2       Health Benefits Program may offer to their employees and eligible
- 3       dependents:
- 4       (i) enrollment in the School Employee Prescription Drug Plan,
- 5       or
- 6       (ii) enrollment in another free-standing prescription drug plan,
- 7       or
- 8       (iii) election of prescription drug coverage under their health
- 9       care coverage through the School Employees' Health Benefits
- 10      Program plan or as otherwise determined by the commission.
- 11      (b) A co-payment shall be required for each prescription drug
- 12      expense if the employer chooses to participate in the School
- 13      Employee Prescription Drug Plan. The initial amounts of the co-
- 14      payments shall be the same as those in effect on July 1, 2007 for the
- 15      employee prescription drug plan offered through the State Health
- 16      Benefits Program.
- 17      (c) If the employer elects to offer a free-standing prescription
- 18      drug plan, the employee's share of the cost for this prescription drug
- 19      plan may be determined by means of a binding collective
- 20      negotiations agreement, including any agreements in force at the
- 21      time the employer commences participation in the School
- 22      Employees' Health Benefits Program.
- 23      (d) If an employee declines the employer's offering of a free-
- 24      standing prescription drug plan, no reimbursement for prescription
- 25      drugs shall be provided under the health care coverage through the
- 26      School Employees' Health Benefits Program plan in which the
- 27      employee is enrolled.
- 28      (e) Prescription drug classifications that are not eligible for
- 29      coverage under the employer's prescription drug plan shall also not
- 30      be eligible for coverage under the health care coverage through the
- 31      School Employees' Health Benefits Program plan except as
- 32      federally or State mandated.
- 33      (f) If the employer elects to not offer a free-standing
- 34      prescription drug plan, then the employer shall offer prescription
- 35      drug coverage under the health care coverage through the School
- 36      Employees' Health Benefits Program plan or as determined by the
- 37      commission. Any plan that has in-network and out-of-network
- 38      coverage shall cover prescription drugs at 90% in-network and at
- 39      the out-of-network rate applicable to health care coverage in the
- 40      plan. The out-of-pocket amounts paid towards prescription drugs
- 41      shall be combined with out-of-pocket medical payments to reach all
- 42      out-of-pocket maximums.
- 43      (g) Health care coverages through the School Employees' Health
- 44      Benefits Program that only have in-network benefits shall include a
- 45      prescription card with co-payment amounts the same as those in
- 46      effect on July 1, 2007 for such coverages offered through the State
- 47      Health Benefits Program.

1 (h) In the fifth year following the initial appointment of all of its  
2 members, the commission shall, as part of the fifth year audit and  
3 review undertaken pursuant to section 40 of that act (C.52:14-  
4 17.46.10), review the prescription drug program established in this  
5 subsection and may make changes in the program pursuant to the  
6 terms of section 40 by majority vote of the full authorized  
7 membership of the commission.

8 g. Beginning January 1, 2012, the School Employees' Health  
9 Benefits Plan Design Committee shall provide to employees the  
10 option to select one of at least three levels of coverage each for  
11 family, individual, individual and spouse, and individual and  
12 dependent, or equivalent categories, for each plan offered by the  
13 program differentiated by out of pocket costs to employees  
14 including co-payments and deductibles. Notwithstanding any other  
15 provision of law to the contrary, the committee shall have the sole  
16 discretion to set the amounts for maximums, co-pays, deductibles,  
17 and other such participant costs for all plans in the program. The  
18 committee shall also provide for a high deductible health plan that  
19 conforms with Internal Revenue Code Section 223.

20 There shall be appropriated annually for each State fiscal year,  
21 through the annual appropriations act, such amounts as shall be  
22 necessary as funding by the State with regard to retirees who have  
23 enrolled in a high deductible health plan that conforms with Internal  
24 Revenue Code Section 223.

25 (cf: P.L.2011, c.78, s.48)]<sup>1</sup>  
26

27 <sup>1</sup> [137. Section 6 of P.L.1991, c.51 (C.52:27D-400) is amended  
28 to read as follows:

29 6. Community action programs shall have, but not be limited to,  
30 the following goals:

31 a. Securing and retaining employment, attaining adequate  
32 education and obtaining decent and affordable housing for  
33 community residents;

34 b. Assisting community residents in improving the allocation of  
35 available income;

36 c. Promoting family planning, consistent with personal and  
37 family goals;

38 d. Securing services for the prevention of narcotic [addiction]  
39 use and [alcoholism] alcohol use disorder and for the rehabilitation  
40 of persons [addicted to alcohol, narcotics and other addictive  
41 substances] who have alcohol use disorder or substance use  
42 disorder;

43 e. Obtaining emergency assistance to meet individual and family  
44 needs including health, housing, employment and energy assistance  
45 services; and

46 f. Increasing the participation of community residents in  
47 community affairs.

48 (cf: P.L.1991, c.51, s.6)]<sup>1</sup>

1       <sup>1</sup>~~138.~~ 150.<sup>1</sup> Section 1 of P.L.1948, c.259 (C.54:4-3.30) is  
2 amended to read as follows:

3       1. a. The dwelling house and the lot or curtilage whereon the  
4 same is erected, of any citizen and resident of this State, now or  
5 hereafter honorably discharged or released under honorable  
6 circumstances, from active service in any branch of the Armed  
7 Forces of the United States, who has been or shall be declared by  
8 the United States Department of Veterans' Affairs or its successor to  
9 have a service-connected disability from paraplegia, sarcoidosis,  
10 osteochondritis resulting in permanent loss of the use of both legs,  
11 or permanent paralysis of both legs and lower parts of the body, or  
12 from hemiplegia and has permanent paralysis of one leg and one  
13 arm or either side of the body, resulting from injury to the spinal  
14 cord, skeletal structure, or brain or from disease of the spinal cord  
15 not resulting from any form of syphilis; or from total blindness; or  
16 from amputation of both arms or both legs, or both hands or both  
17 feet, or the combination of a hand and a foot; or from other service-  
18 connected disability declared by the United States Veterans  
19 Administration or its successor to be a total or 100~~[%]~~ percent  
20 permanent disability, and not so evaluated solely because of  
21 hospitalization or surgery and recuperation, sustained through  
22 enemy action, or accident, or resulting from disease contracted  
23 while in such active service, shall be exempt from taxation, on  
24 proper claim made therefor, and such exemption shall be in addition  
25 to any other exemption of such person's real and personal property  
26 which now is or hereafter shall be prescribed or allowed by the  
27 Constitution or by law but no taxpayer shall be allowed more than  
28 one exemption under this act.

29       b. (1) The surviving spouse of any such citizen and resident of  
30 this State, who at the time of death was entitled to the exemption  
31 provided under this act, shall be entitled, on proper claim made  
32 therefor, to the same exemption as the deceased had, during the  
33 surviving spouse's widowhood or widowerhood, as the case may be,  
34 and while a resident of this State, for the time that the surviving  
35 spouse is the legal owner thereof and actually occupies the said  
36 dwelling house or any other dwelling house thereafter acquired.

37       (2) The surviving spouse of any citizen and resident of this State  
38 who was honorably discharged and, after the citizen and resident's  
39 death, is declared to have suffered a service-connected disability as  
40 provided in subsection a. of this section, shall be entitled, on proper  
41 claim made therefor, to the same exemption the deceased would  
42 have become eligible for. The exemption shall continue during the  
43 surviving spouse's widowhood or widowerhood, as the case may be,  
44 and while a resident of this State, for the time that the surviving  
45 spouse is the legal owner thereof and actually occupies the dwelling  
46 house or any other dwelling house thereafter acquired.

47       c. The surviving spouse of any citizen and resident of this  
48 State, who died in active service in any branch of the Armed Forces

1 of the United States, shall be entitled, on proper claim made  
2 therefor, to an exemption from taxation on the dwelling house and  
3 lot or curtilage whereon the same is erected, during the surviving  
4 spouse's widowhood or widowerhood, as the case may be, and  
5 while a resident of this State, for the time that the surviving spouse  
6 is the legal owner thereof and actually occupies the said dwelling or  
7 any other dwelling house thereafter acquired.

8 d. The surviving spouse of any citizen and resident of this State  
9 who died prior to January 10, 1972, that being the effective date of  
10 P.L.1971, c.398, and whose circumstances were such that, had said  
11 law become effective during the deceased's lifetime, the deceased  
12 would have become eligible for the exemption granted under this  
13 section as amended by said law, shall be entitled, on proper claim  
14 made therefor, to the same exemption as the deceased would have  
15 become eligible for upon the dwelling house and lot or curtilage  
16 occupied by the deceased at the time of death, during the surviving  
17 spouse's widowhood or widowerhood, as the case may be, and  
18 while a resident of this State, for the time that the surviving spouse  
19 is the legal owner thereof and actually occupies the said dwelling  
20 house on the premises to be exempted.

21 e. Nothing in this act shall be intended to include paraplegia or  
22 hemiplegia resulting from locomotor ataxia or other forms of  
23 syphilis of the central nervous system, or from chronic  
24 **【alcoholism】** alcohol use disorder, or to include other forms of  
25 disease resulting from the veteran's own misconduct which may  
26 produce signs and symptoms similar to those resulting from  
27 paraplegia, osteochondritis, or hemiplegia.

28 (cf: P.L.2019, c.413, s.1)

29  
30 <sup>1</sup>**【139.】** 151.<sup>1</sup> Section 5 of P.L.1993, c.216 (C.54:43-1.3) is  
31 amended to read as follows:

32 5. Any amounts collected pursuant to the "Alcoholic Beverage  
33 Tax Law," R.S.54:41-1 et seq., from a restricted brewery license  
34 issued pursuant to subsection 1c. of R.S.33:1-10 shall be credited to  
35 the Governor's Council on **【Alcoholism and Drug Abuse】**  
36 <sup>1</sup>**【Alcohol Use Disorder and】**<sup>1</sup> Substance Use Disorder to be  
37 allocated exclusively to the Alliance to Prevent Alcoholism and  
38 Drug Abuse for the purpose of awarding grants to municipalities  
39 and counties as provided in subsection b. of section 7 of P.L.1989,  
40 c.51 (C.26:2BB-7).

41 (cf: P.L.1993, c.216, s.5)

42  
43 <sup>1</sup>**【140.** Section 1 of P.L.1956, c.214 (C.30:8-16.1) is amended to  
44 read as follows:

45 1. It shall be lawful for the board of chosen freeholders of any  
46 county in this State to establish and maintain facilities to provide  
47 services for therapy for **【drug addicts or users】** persons with  
48 substance use disorder while confined to the jail, workhouse or

1 penitentiary of any such county. It shall also be lawful for such  
2 board to provide therapy for such **【drug addicts or users】** persons  
3 with substance use disorder after discharge from the jail, workhouse  
4 or penitentiary. Such facilities may be provided as a part of the jail,  
5 workhouse or penitentiary, and at such other locations as the board  
6 shall determine. It shall also be lawful for such board to contract  
7 with any municipality or any other county to provide such needed  
8 facilities and services, and to pay the whole or any part of the cost  
9 of such facilities under such contract. Each board of chosen  
10 freeholders is authorized to appropriate and expend the moneys  
11 necessary to carry out the purposes of this act.

12 (cf: P.L.1956, c.214, s.1)】<sup>1</sup>

13  
14 <sup>1</sup>【141. Section 1 of P.L.1964, c.254 (C.40:9B-1) is amended to  
15 read as follows:

16 1. The board of chosen freeholders of any county or the  
17 governing body of any municipality may establish and maintain a  
18 narcotic treatment program for the operation or the support of  
19 centers for the diagnosis and treatment of **【narcotic addicts】**  
20 persons with substance use disorder. Such program may be carried  
21 on by the establishment and operation of separate facilities or by  
22 conducting the same in connection with an existing county or  
23 municipal institution or by contract with a licensed hospital or the  
24 governing body of another municipality.

25 (cf: P.L.1964, c.254, s.1)】<sup>1</sup>

26  
27 <sup>1</sup>【142. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended  
28 to read as follows:

29 2. As used in P.L.1961, c.49 (C.52:14-17.26 et seq.):

30 (a) The term "State" means the State of New Jersey.

31 (b) The term "commission" means the State Health Benefits  
32 Commission, created by section 3 of P.L.1961, c.49 (C.52:14-  
33 17.27).

34 (c) (1) The term "employee" means an appointive or elective  
35 officer, a full-time employee of the State of New Jersey, or a full-  
36 time employee of an employer other than the State who appears on  
37 a regular payroll and receives a salary or wages for an average of  
38 the number of hours per week as prescribed by the governing body  
39 of the participating employer which number of hours worked shall  
40 be considered full-time, determined by resolution, and not less than  
41 20.

42 (2) After the effective date of P.L.2010, c.2, the term  
43 "employee" means: (i) a full-time appointive or elective officer  
44 whose hours of work are fixed at 35 or more per week, a full-time  
45 employee of the State, or a full-time employee of an employer other  
46 than the State who appears on a regular payroll and receives a  
47 salary or wages for an average of the number of hours per week as  
48 prescribed by the governing body of the participating employer

1 which number of hours worked shall be considered full-time,  
2 determined by resolution, and not less than 25; (ii) an appointive or  
3 elective officer, an employee of the State, or an employee of an  
4 employer other than the State who has or is eligible for health  
5 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
6 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
7 et seq.) on that effective date and continuously thereafter, provided  
8 the officer or employee is covered by the definition in paragraph (1)  
9 of this subsection; or (iii) every commissioner appointed to the New  
10 Jersey Maritime Pilot and Docking Pilot Commission pursuant to  
11 R.S.12:8-1. Any hour or part thereof, during which an employee  
12 does not work due to the employee's participation in a voluntary or  
13 mandatory furlough program shall not be deducted in determining if  
14 a person's hours of work are fixed at fewer than 35 or 32 per week,  
15 as appropriate, for the purpose of eligibility for health benefits  
16 coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.),  
17 provided the employee continues to pay contributions for coverage  
18 during the period of furlough. If the pay of a furloughed employee  
19 is insufficient to withhold the entirety of the employee's  
20 contribution, then the employee shall remit the portion of the  
21 contribution not withheld from the employee's pay to the Division  
22 of Pensions and Benefits in the Department of the Treasury in a  
23 manner determined by the division, except that no deduction for the  
24 payment of such contributions shall be made from the  
25 unemployment compensation benefits of the employee. For the  
26 purposes of this act, an employee of Rutgers, The State University  
27 of New Jersey, shall be deemed to be an employee of the State, and  
28 an employee of the New Jersey Institute of Technology shall be  
29 considered to be an employee of the State during such time as the  
30 Trustees of the Institute are party to a contractual agreement with  
31 the State Treasurer for the provision of educational services. The  
32 term "employee" shall further mean, for purposes of this act, a  
33 former employee of the South Jersey Port Corporation, who is  
34 employed by a subsidiary corporation or other corporation, which  
35 has been established by the Delaware River Port Authority pursuant  
36 to subdivision (m) of Article I of the compact creating the Delaware  
37 River Port Authority (R.S.32:3-2), as defined in section 3 of  
38 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued  
39 membership in the Public Employees' Retirement System pursuant  
40 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

41 For the purposes of this act the term "employee" shall not  
42 include persons employed on a short-term, seasonal, intermittent or  
43 emergency basis, persons compensated on a fee basis, persons  
44 having less than two months of continuous service or persons whose  
45 compensation from the State is limited to reimbursement of  
46 necessary expenses actually incurred in the discharge of their  
47 official duties, provided, however, that the term "employee" shall  
48 include persons employed on an intermittent basis to whom the

1 State has agreed to provide coverage under P.L.1961, c.49  
2 (C.52:14-17.25 et seq.) in accordance with a binding collective  
3 negotiations agreement. An employee paid on a 10-month basis,  
4 pursuant to an annual contract, will be deemed to have satisfied the  
5 two-month waiting period if the employee begins employment at  
6 the beginning of the contract year. The term "employee" shall also  
7 not include retired persons who are otherwise eligible for benefits  
8 under this act but who, although they meet the age or disability  
9 eligibility requirement of Medicare, are not covered by Medicare  
10 Hospital Insurance, also known as Medicare Part A, and Medicare  
11 Medical Insurance, also known as Medicare Part B. A  
12 determination by the commission that a person is an eligible  
13 employee within the meaning of this act shall be final and shall be  
14 binding on all parties.

15 (d) (1) The term "dependents" means an employee's spouse,  
16 partner in a civil union couple or an employee's domestic partner as  
17 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the  
18 employee's unmarried children under the age of 23 years who live  
19 with the employee in a regular parent-child relationship. "Children"  
20 shall include stepchildren, legally adopted children and children  
21 placed by the Division of Child Protection and Permanency in the  
22 Department of Children and Families, provided they are reported  
23 for coverage and are wholly dependent upon the employee for  
24 support and maintenance. A spouse, partner in a civil union couple,  
25 domestic partner or child enlisting or inducted into military service  
26 shall not be considered a dependent during the military service.  
27 The term "dependents" shall not include spouses, partners in a civil  
28 union couple or domestic partners of retired persons who are  
29 otherwise eligible for the benefits under this act but who, although  
30 they meet the age or disability eligibility requirement of Medicare,  
31 are not covered by Medicare Hospital Insurance, also known as  
32 Medicare Part A, and Medicare Medical Insurance, also known as  
33 Medicare Part B.

34 (2) Notwithstanding the provisions of paragraph (1) of this  
35 subsection to the contrary and subject to the provisions of paragraph  
36 (3) of this subsection, for the purposes of an employer other than  
37 the State that is participating in the State Health Benefits Program  
38 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
39 "dependents" means an employee's spouse or partner in a civil  
40 union couple and the employee's unmarried children under the age  
41 of 23 years who live with the employee in a regular parent-child  
42 relationship. "Children" shall include stepchildren, legally adopted  
43 children and children placed by the Division of Child Protection  
44 and Permanency in the Department of Children and Families  
45 provided they are reported for coverage and are wholly dependent  
46 upon the employee for support and maintenance. A spouse, partner  
47 in a civil union couple or child enlisting or inducted into military  
48 service shall not be considered a dependent during the military



1 service. The term "dependents" shall not include spouses or  
2 partners in a civil union couple of retired persons who are otherwise  
3 eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.)  
4 but who, although they meet the age or disability eligibility  
5 requirement of Medicare, are not covered by Medicare Hospital  
6 Insurance, also known as Medicare Part A, and Medicare Medical  
7 Insurance, also known as Medicare Part B.

8 (3) An employer other than the State that is participating in the  
9 State Health Benefits Program pursuant to section 3 of P.L.1964,  
10 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
11 term "dependents" as defined in paragraph (2) of this subsection  
12 shall include domestic partners as provided in paragraph (1) of this  
13 subsection.

14 (e) The term "carrier" means a voluntary association,  
15 corporation or other organization, including a health maintenance  
16 organization as defined in section 2 of the "Health Maintenance  
17 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully  
18 engaged in providing or paying for or reimbursing the cost of  
19 personal health services, including hospitalization, medical and  
20 surgical services, under insurance policies or contracts, membership  
21 or subscription contracts, or the like, in consideration of premiums  
22 or other periodic charges payable to the carrier.

23 (f) The term "hospital" means (1) an institution operated  
24 pursuant to law which is primarily engaged in providing on its own  
25 premises, for compensation from its patients, medical diagnostic  
26 and major surgical facilities for the care and treatment of sick and  
27 injured persons on an inpatient basis, and which provides such  
28 facilities under the supervision of a staff of physicians and with 24-  
29 hour-a-day nursing service by registered graduate nurses, or (2) an  
30 institution not meeting all of the requirements of (1) but which is  
31 accredited as a hospital by the Joint Commission on Accreditation  
32 of Hospitals. In no event shall the term "hospital" include a  
33 convalescent nursing home or any institution or part thereof which  
34 is used principally as a convalescent facility, residential center for  
35 the treatment and education of children with mental disorders, rest  
36 facility, nursing facility or facility for the aged or for the care of  
37 **【drug addicts or alcoholics】 persons with substance use disorder.**

38 (g) The term "State-managed care plan" means a health care  
39 plan under which comprehensive health care services and supplies  
40 are provided to eligible employees, retirees, and dependents: (1)  
41 through a group of doctors and other providers employed by the  
42 plan; or (2) through an individual practice association, preferred  
43 provider organization, or point of service plan under which services  
44 and supplies are furnished to plan participants through a network of  
45 doctors and other providers under contracts or agreements with the  
46 plan on a prepayment or reimbursement basis and which may  
47 provide for payment or reimbursement for services and supplies  
48 obtained outside the network. The plan may be provided on an

1 insured basis through contracts with carriers or on a self-insured  
2 basis, and may be operated and administered by the State or by  
3 carriers under contracts with the State.

4 (h) The term "Medicare" means the program established by the  
5 "Health Insurance for the Aged Act," Title XVIII of the "Social  
6 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
7 or its successor plan or plans.

8 (i) The term "traditional plan" means a health care plan which  
9 provides basic benefits, extended basic benefits and major medical  
10 expense benefits as set forth in section 5 of P.L.1961, c.49  
11 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
12 dependents for expenses for covered health care services and  
13 supplies through payments to providers or reimbursements to  
14 participants.

15 (j) The term "successor plan" means a State-managed care plan  
16 that shall replace the traditional plan and that shall provide benefits  
17 as set forth in subsection (B) of section 5 of P.L.1961, c.49  
18 (C.52:14-17.29) with provisions regarding reimbursements and  
19 payments as set forth in paragraph (1) of subsection (C) of section 5  
20 of P.L.1961, c.49 (C.52:14-17.29).

21 (cf: P.L.2021, c.418, s.4)]<sup>1</sup>

22

23 <sup>1</sup>143. Section 32 of P.L.2007, c.103 (C.52:14-17.46.2) is  
24 amended to read as follows:

25 32. As used in the School Employees' Health Benefits Program  
26 Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
27 through C.52:14-17.46.11):

28 a. The term "State" means the State of New Jersey.

29 b. The term "commission" means the School Employees'  
30 Health Benefits Commission, created by section 33 of P.L.2007,  
31 c.103 (C.52:14-17.46.3).

32 c. The term "employer" means local school district, regional  
33 school district, county vocational school district, county special  
34 services school district, jointure commission, educational services  
35 commission, State-operated school district, charter school, county  
36 college, any officer, board, or commission under the authority of  
37 the Commissioner of Education or of the State Board of Education,  
38 and any other public entity which is established pursuant to  
39 authority provided by Title 18A of the New Jersey Statutes, but  
40 excluding the State public institutions of higher education and  
41 excluding those public entities where the employer is the State of  
42 New Jersey.

43 d. (1) The term "employee" means a person employed in any full  
44 time capacity by an employer, and shall include persons defined as  
45 a school employee by the regulations of the State Health Benefits  
46 Commission in effect on the effective date of the School  
47 Employees' Health Benefits Program Act. "Full-time" shall have the  
48 same meaning as in the regulation of the State Health Benefits

1 Commission regarding local coverage in effect on the effective date  
2 of the School Employees' Health Benefits Program Act.

3 (2) After the effective date of P.L.2010, c.2, the term  
4 "employee" means (a) a person employed in any full-time capacity  
5 by an employer who appears on a regular payroll and receives a  
6 salary or wages for an average of the number of hours per week as  
7 prescribed by the governing body of the participating employer  
8 which number of hours worked shall be considered full-time,  
9 determined by resolution, and not less than 25, and shall include  
10 persons defined as a school employee by the regulations of the State  
11 Health Benefits Commission in effect on the effective date of the  
12 School Employees' Health Benefits Program Act, or (b) a person  
13 employed in any full-time capacity by an employer who has or is  
14 eligible for health benefits coverage provided under P.L.1961, c.49  
15 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103  
16 (C.52:14-17.46.1 et seq.) on that effective date and continuously  
17 thereafter provided the person is covered by the definition in  
18 paragraph (1) of this subsection. The term "employee" shall not  
19 include persons employed on a short-term, seasonal, intermittent, or  
20 emergency basis, persons compensated on a fee basis, persons  
21 having less than two months of continuous service or persons whose  
22 compensation is limited to reimbursement of necessary expenses  
23 actually incurred in the discharge of their official duties. An  
24 employee paid on a 10-month basis, pursuant to an annual contract,  
25 shall be deemed to have satisfied the two-month waiting period if  
26 the employee begins employment at the beginning of the contract  
27 year. The term "employee" shall also not include retired persons  
28 who are otherwise eligible for benefits under the School Employees'  
29 Health Benefits Program but who, although they meet the age or  
30 disability eligibility requirement of Medicare, are not covered by  
31 Medicare Hospital Insurance, also known as Medicare Part A, and  
32 Medicare Medical Insurance, also known as Medicare Part B. A  
33 determination by the commission that a person is an eligible  
34 employee for the purposes of the School Employees' Health  
35 Benefits Program shall be final and binding on all parties.

36 e. The term "dependents" means an employee's spouse,  
37 domestic partner, or partner in a civil union couple, and unmarried  
38 children under the age of 23 years who live in a regular parent/child  
39 relationship. "Children" shall include stepchildren, legally adopted  
40 children and children placed by the Division of Youth and Family  
41 Services in the Department of Children and Families, provided they  
42 are reported for coverage and are wholly dependent upon the  
43 employee for support and maintenance. A spouse, domestic partner,  
44 partner in a civil union couple, or child enlisting or inducted into  
45 military service shall not be considered a dependent during the  
46 military service. The term "dependents" shall not include spouses,  
47 domestic partners, or partners in a civil union couple, of retired  
48 persons who are otherwise eligible for the benefits under the School

1 Employees' Health Benefits Program but who, although they meet  
2 the age or disability eligibility requirement of Medicare, are not  
3 covered by Medicare Hospital Insurance, also known as Medicare  
4 Part A, and Medicare Medical Insurance, also known as Medicare  
5 Part B.

6 f. The term "carrier" means a voluntary association,  
7 corporation or other organization, including but not limited to a  
8 health maintenance organization as defined in section 2 of the  
9 "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-  
10 2), which is lawfully engaged in providing or paying for or  
11 reimbursing the cost of, personal health services, including  
12 hospitalization, medical and surgical services under insurance  
13 policies or contracts, membership or subscription contracts, or the  
14 like, in consideration of premiums or other periodic charges payable  
15 to the carrier.

16 g. The term "hospital" means:

17 (1) an institution operated pursuant to law which is primarily  
18 engaged in providing on its own premises, for compensation from  
19 its patients, medical diagnostic and major surgical facilities for the  
20 care and treatment of sick and injured persons on an inpatient basis,  
21 and which provides such facilities under the supervision of a staff  
22 of physicians and with 24 hour a day nursing service by registered  
23 graduate nurses, or

24 (2) an institution not meeting all of the requirements of  
25 paragraph (1) but which is accredited as a hospital by the Joint  
26 Commission on Accreditation of Hospitals. In no event shall the  
27 term "hospital" include a convalescent nursing home or any  
28 institution or part thereof which is used principally as a  
29 convalescent facility, residential center for the treatment and  
30 education of children with mental disorders, rest facility, nursing  
31 facility or facility for the aged or for the care of **【drug addicts or**  
32 **alcoholics】** persons with substance use disorder.

33 h. The term "Medicare" means the program established by the  
34 "Health Insurance for the Aged Act," Title XVIII of the "Social  
35 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
36 or its successor plan or plans.

37 i. The term "managed care plan" means a health care plan  
38 under which comprehensive health care services and supplies are  
39 provided to eligible employees, retirees, and dependents: (1)  
40 through a group of doctors and other providers employed by the  
41 plan; or (2) through an individual practice association, preferred  
42 provider organization, or point of service plan under which services  
43 and supplies are furnished to plan participants through a network of  
44 doctors and other providers under contracts or agreements with the  
45 plan on a prepayment or reimbursement basis and which may  
46 provide for payment or reimbursement for services and supplies  
47 obtained outside the network. The plan may be provided on an  
48 insured basis through contracts with carriers or on a self-insured

1 basis, and may be operated and administered by the State or by  
2 carriers under contracts with the State.

3 j. The term "successor plan" means a managed care plan that  
4 shall replace the "traditional plan," as defined in section 2 of  
5 P.L.1961, c.49 (C.52:14-17.26), and that shall provide benefits as  
6 set forth in section 36 of P.L.2007, c.103 (C.52:14-17.46.6), and  
7 provide out-of-network benefits to participants with a payment by  
8 the plan of 80% of reasonable and customary charges as set forth in  
9 section 37 of P.L.2007, c.103 (C.52:14-17.46.7) and as may be  
10 adjusted in accordance with section 40 of P.L.2007, c.103 (C.52:14-  
11 17.46.10).

12 (cf: P.L.2010, c.2, s.10)]<sup>1</sup>

13  
14 <sup>1</sup>[144. Section 3 of P.L.1982, c.81 (2A:4A-72) is amended to  
15 read as follows:

16 3. a. Where court intake services recommends diverting the  
17 juvenile, the reasons for the recommendation shall be submitted by  
18 intake services and approved by the court before the case is deemed  
19 diverted.

20 b. Where, in determining whether to recommend diversion,  
21 court intake services has reason to believe that a parent or guardian  
22 is a [drug dependent] person with a substance use disorder, as  
23 defined in section 2 of the "New Jersey Controlled Dangerous  
24 Substances Act," P.L.1970, c. 226 (C.24:21-2) or [an alcoholic] a  
25 person with alcohol use disorder as defined by P.L.1975, c. 305  
26 (C.26:2B-8), the basis for this determination shall be stated in its  
27 recommendation to the court.

28 c. The county prosecutor shall receive a copy of each complaint  
29 filed pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30)  
30 promptly after the filing of the complaint.

31 d. Within 5 days after receiving a complaint, the intake services  
32 officer shall advise the presiding judge and the prosecuting attorney  
33 of intake service's recommendation, as well as any other  
34 recommendations or objections received as to the complaint. In  
35 determining whether to divert, the court may hold a hearing to  
36 consider the recommendations and any objections submitted by  
37 court intake services in light of the factors provided in this section.  
38 The court shall give notice of the hearing to the juvenile, his parents  
39 or guardian, the prosecutor, arresting police officer and complainant  
40 or victim. Each party shall have the right to be heard on the matter.  
41 If the court finds that not enough information has been received to  
42 make a determination, a further hearing may be ordered. The court  
43 may dismiss the complaint upon a finding that the facts as alleged  
44 are not sufficient to establish jurisdiction, or that probable cause has  
45 not been shown that the juvenile committed a delinquent act.

46 (cf: P.L.1982, c.81, s.3)]<sup>1</sup>

1       <sup>1</sup>145. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to  
2 read as follows:

3       10. **Alcoholic, drug-dependent parent.** a. When a petition is  
4 filed and as a result of any information supplied on the family  
5 situation by the crisis intervention unit, court intake services has  
6 reason to believe that the parent or guardian is **an alcoholic** a  
7 person with alcohol use disorder, as defined by P.L.1975, c.305  
8 (C.26:2B-8), or a **drug-dependent** person, as defined by section  
9 2 of the "New Jersey Controlled Dangerous Substances Act,"  
10 P.L.1970, c.226 (C.24:21-2) with a substance use disorder, intake  
11 services shall state the basis for this determination and provide  
12 recommendations to the court.

13       b. When, as a result of any information supplied by the crisis  
14 intervention unit, court intake services has reason to believe that a  
15 juvenile is an "abused or neglected child," as defined in P.L.1974,  
16 c.119 (C.9:6-8.21), they shall handle the case pursuant to the  
17 procedure set forth in that law. The Division of Child Protection  
18 and Permanency shall, upon disposition of any case originated  
19 pursuant to this subsection, notify court intake services as to the  
20 nature of the disposition.

21       c. (1) When, as a result of any information supplied with regard  
22 to any juvenile by the crisis intervention unit or from any other  
23 source, court intake services has reason to believe that the juvenile  
24 may have an auditory or vision problem, intake services shall state  
25 the basis for this determination and provide recommendations to the  
26 court. Before arriving at its determination, intake services may  
27 request the court to order any appropriate school medical records of  
28 the juvenile. On the basis of this recommendation or on its own  
29 motion, the court may order any juvenile concerning whom a  
30 complaint is filed to be examined by a physician, optometrist,  
31 audiologist, or speech language pathologist.

32       (2) Any examination shall be made and the findings submitted  
33 to the court within 30 days of the date the order is entered, but this  
34 period may be extended by the court for good cause.

35       (3) Copies of any reports of findings submitted to the court shall  
36 be available to counsel for all parties prior to an adjudication of  
37 whether or not the juvenile is delinquent.

38 (cf: P.L.2012, c.16, s.2)]<sup>1</sup>  
39

40       <sup>1</sup>146. R.S.2C:58-3 is amended to read as follows:

41       2C:58-3. a. Permit to purchase a handgun.

42       (1) No person shall sell, give, transfer, assign or otherwise  
43 dispose of, nor receive, purchase, or otherwise acquire a handgun  
44 unless the purchaser, assignee, donee, receiver or holder is licensed  
45 as a dealer under this chapter or has first secured a permit to  
46 purchase a handgun as provided by this section.

47       (2) A person who is not a licensed retail dealer and sells, gives,  
48 transfers, assigns, or otherwise disposes of, or receives, purchases

1 or otherwise acquires a handgun pursuant to this section shall  
2 conduct the transaction through a licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction  
4 is:

5 (a) between members of an immediate family as defined in  
6 subsection n. of this section;

7 (b) between law enforcement officers;

8 (c) between collectors of firearms or ammunition as curios or  
9 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
10 in their possession a valid Collector of Curios and Relics License  
11 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
12 Explosives; or

13 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
14 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

15 (3) Prior to a transaction conducted pursuant to this subsection,  
16 the retail dealer shall complete a National Instant Criminal  
17 Background Check of the person acquiring the handgun. In  
18 addition:

19 (a) the retail dealer shall submit to the Superintendent of State  
20 Police, on a form approved by the superintendent, information  
21 identifying and confirming the background check;

22 (b) every retail dealer shall maintain a record of transactions  
23 conducted pursuant to this subsection, which shall be maintained at  
24 the address displayed on the retail dealer's license for inspection by  
25 a law enforcement officer during reasonable hours;

26 (c) a retail dealer may charge a fee for a transaction conducted  
27 pursuant to this subsection; and

28 (d) any record produced pursuant to this subsection shall not be  
29 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
30 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

31 b. Firearms purchaser identification card.

32 (1) No person shall sell, give, transfer, assign or otherwise  
33 dispose of nor receive, purchase or otherwise acquire an antique  
34 cannon or a rifle or shotgun, other than an antique rifle or shotgun,  
35 unless the purchaser, assignee, donee, receiver or holder is licensed  
36 as a dealer under this chapter or possesses a valid firearms  
37 purchaser identification card, and first exhibits the card to the seller,  
38 donor, transferor or assignor, and unless the purchaser, assignee,  
39 donee, receiver or holder signs a written certification, on a form  
40 prescribed by the superintendent, which shall indicate that he  
41 presently complies with the requirements of subsection c. of this  
42 section and shall contain his name, address and firearms purchaser  
43 identification card number or dealer's registration number. The  
44 certification shall be retained by the seller, as provided in paragraph  
45 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person  
46 who is not a dealer, it may be filed with the chief of police of the  
47 municipality in which he resides or with the superintendent.

1 (2) A person who is not a licensed retail dealer and sells, gives,  
2 transfers, assigns, or otherwise disposes of, or receives, purchases  
3 or otherwise acquires an antique cannon or a rifle or shotgun  
4 pursuant to this section shall conduct the transaction through a  
5 licensed retail dealer.

6 The provisions of this paragraph shall not apply if the transaction  
7 is:

8 (a) between members of an immediate family as defined in  
9 subsection n. of this section;

10 (b) between law enforcement officers;

11 (c) between collectors of firearms or ammunition as curios or  
12 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
13 in their possession a valid Collector of Curios and Relics License  
14 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
15 Explosives; or

16 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
17 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

18 (3) Prior to a transaction conducted pursuant to this subsection,  
19 the retail dealer shall complete a National Instant Criminal  
20 Background Check of the person acquiring an antique cannon or a  
21 rifle or shotgun. In addition:

22 (a) the retail dealer shall submit to the Superintendent of State  
23 Police, on a form approved by the superintendent, information  
24 identifying and confirming the background check;

25 (b) every retail dealer shall maintain a record of transactions  
26 conducted pursuant to this section which shall be maintained at the  
27 address set forth on the retail dealer's license for inspection by a law  
28 enforcement officer during reasonable hours;

29 (c) a retail dealer may charge a fee for a transaction conducted  
30 pursuant to this subsection; and

31 (d) any record produced pursuant to this subsection shall not be  
32 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
33 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

34 c. Who may obtain. No person of good character and good  
35 repute in the community in which he lives, and who is not subject to  
36 any of the disabilities set forth in this section or other sections of  
37 this chapter, shall be denied a permit to purchase a handgun or a  
38 firearms purchaser identification card, except as hereinafter set  
39 forth. No handgun purchase permit or firearms purchaser  
40 identification card shall be issued:

41 (1) To any person who has been convicted of any crime, or a  
42 disorderly persons offense involving an act of domestic violence as  
43 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or  
44 not armed with or possessing a weapon at the time of the offense;

45 (2) To any **【drug-dependent】** person **【as defined in section 2 of**  
46 **P.L.1970, c.226 (C.24:21-2)】** with a substance use disorder, to any  
47 person who is confined for a mental disorder to a hospital, mental



1 institution or sanitarium, or to any person who is presently an  
2 habitual drunkard;

3 (3) To any person who suffers from a physical defect or disease  
4 which would make it unsafe for him to handle firearms, to any  
5 person who has ever been confined for a mental disorder, or to any  
6 **【alcoholic】** person with alcohol use disorder unless any of the  
7 foregoing persons produces a certificate of a medical doctor or  
8 psychiatrist licensed in New Jersey, or other satisfactory proof, that  
9 he is no longer suffering from that particular disability in a manner  
10 that would interfere with or handicap him in the handling of  
11 firearms; to any person who knowingly falsifies any information on  
12 the application form for a handgun purchase permit or firearms  
13 purchaser identification card;

14 (4) To any person under the age of 18 years for a firearms  
15 purchaser identification card and to any person under the age of 21  
16 years for a permit to purchase a handgun;

17 (5) To any person where the issuance would not be in the interest  
18 of the public health, safety or welfare;

19 (6) To any person who is subject to a restraining order issued  
20 pursuant to the "Prevention of Domestic Violence Act of 1991",  
21 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
22 possessing any firearm;

23 (7) To any person who as a juvenile was adjudicated delinquent  
24 for an offense which, if committed by an adult, would constitute a  
25 crime and the offense involved the unlawful use or possession of a  
26 weapon, explosive or destructive device or is enumerated in  
27 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

28 (8) To any person whose firearm is seized pursuant to the  
29 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261  
30 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

31 (9) To any person named on the consolidated Terrorist Watchlist  
32 maintained by the Terrorist Screening Center administered by the  
33 Federal Bureau of Investigation;

34 (10) To any person who is subject to a court order prohibiting the  
35 custody, control, ownership, purchase, possession, or receipt of a  
36 firearm or ammunition issued pursuant to the "Extreme Risk  
37 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);  
38 or

39 (11) To any person who is subject to a court order prohibiting the  
40 custody, control, ownership, purchase, possession, or receipt of a  
41 firearm or ammunition issued pursuant to P.L.2021, c.327  
42 (C.2C:12-14 et al.).

43 In order to obtain a permit to purchase a handgun or a firearms  
44 purchaser identification card, the applicant shall demonstrate that,  
45 within four years prior to the date of the application, the applicant  
46 satisfactorily completed a course of instruction approved by the  
47 superintendent in the lawful and safe handling and storage of  
48 firearms. The applicant shall be required to demonstrate

1 completion of a course of instruction only once prior to obtaining  
2 either a firearms purchaser identification card or the applicant's first  
3 permit to purchase a handgun.

4 The applicant shall not be required to demonstrate completion of  
5 a course of instruction in order to obtain any subsequent permit to  
6 purchase a handgun, to replace an existing firearms purchaser  
7 identification card, or to renew a firearms purchaser identification  
8 card.

9 An applicant who is a law enforcement officer who has satisfied  
10 the requirements of subsection j. of N.J.S.2C:39-6, a retired law  
11 enforcement officer who has satisfied the requirements of  
12 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably  
13 discharged as a member of the United States Armed Forces or  
14 National Guard who received substantially equivalent training shall  
15 not be required to complete the course of instruction required  
16 pursuant to the provisions of this subsection.

17 A person who obtained a permit to purchase a handgun or a  
18 firearms purchaser identification card prior to the effective date of  
19 P.L.2022, c.58 shall not be required to complete a course of  
20 instruction pursuant to this subsection.

21 d. Issuance. The chief of police of an organized full-time  
22 police department of the municipality where the applicant resides or  
23 the superintendent, in all other cases, shall upon application, issue  
24 to any person qualified under the provisions of subsection c. of this  
25 section a permit to purchase a handgun or a firearms purchaser  
26 identification card.

27 A firearms purchaser identification card issued following the  
28 effective date of P.L.2022, c.58 shall display a color photograph  
29 and a thumb print of the card holder. A person who obtained a  
30 firearms purchaser identification card prior to the effective date of  
31 P.L.2022, c.58 shall not be required to obtain a firearm purchaser  
32 identification card that displays a color photograph and a thumb  
33 print. The superintendent shall establish guidelines as necessary to  
34 effectuate the issuance of firearms purchaser identification cards  
35 that display a color photograph and a thumb print of the card  
36 holder.

37 Any person aggrieved by the denial of a permit or identification  
38 card may request a hearing in the Superior Court of the county in  
39 which he resides if he is a resident of New Jersey or in the Superior  
40 Court of the county in which his application was filed if he is a  
41 nonresident. The request for a hearing shall be made in writing  
42 within 30 days of the denial of the application for a permit or  
43 identification card. The applicant shall serve a copy of his request  
44 for a hearing upon the chief of police of the municipality in which  
45 he resides, if he is a resident of New Jersey, and upon the  
46 superintendent in all cases. The hearing shall be held and a record  
47 made thereof within 30 days of the receipt of the application for a  
48 hearing by the judge of the Superior Court. No formal pleading and

1 no filing fee shall be required as a preliminary to a hearing.  
2 Appeals from the results of a hearing shall be in accordance with  
3 law.

4 e. Applications. Applications for permits to purchase a  
5 handgun and for firearms purchaser identification cards shall be in  
6 the form prescribed by the superintendent and shall set forth the  
7 name, residence, place of business, age, date of birth, occupation,  
8 sex and physical description, including distinguishing physical  
9 characteristics, if any, of the applicant, and shall state whether the  
10 applicant is a citizen, whether he is [an alcoholic, habitual  
11 drunkard, drug-dependent] a person [as defined in section 2 of  
12 P.L.1970, c.226 (C.24:21-2)] with a substance use disorder,  
13 whether he has ever been confined or committed to a mental  
14 institution or hospital for treatment or observation of a mental or  
15 psychiatric condition on a temporary, interim or permanent basis,  
16 giving the name and location of the institution or hospital and the  
17 dates of confinement or commitment, whether he has been attended,  
18 treated or observed by any doctor or psychiatrist or at any hospital  
19 or mental institution on an inpatient or outpatient basis for any  
20 mental or psychiatric condition, giving the name and location of the  
21 doctor, psychiatrist, hospital or institution and the dates of the  
22 occurrence, whether he presently or ever has been a member of any  
23 organization which advocates or approves the commission of acts of  
24 force and violence to overthrow the Government of the United  
25 States or of this State, or which seeks to deny others their rights  
26 under the Constitution of either the United States or the State of  
27 New Jersey, whether he has ever been convicted of a crime or  
28 disorderly persons offense, whether the person is subject to a  
29 restraining order issued pursuant to the "Prevention of Domestic  
30 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)  
31 prohibiting the person from possessing any firearm, whether the  
32 person is subject to a protective order issued pursuant to the  
33 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35  
34 (C.2C:58-20 et al.), whether the person is subject to a protective  
35 order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.)  
36 prohibiting the person from possessing any firearm, and other  
37 information as the superintendent shall deem necessary for the  
38 proper enforcement of this chapter. For the purpose of complying  
39 with this subsection, the applicant shall waive any statutory or other  
40 right of confidentiality relating to institutional confinement. The  
41 application shall be signed by the applicant and shall contain as  
42 references the names and addresses of two reputable citizens  
43 personally acquainted with him.

44 Application blanks shall be obtainable from the superintendent,  
45 from any other officer authorized to grant a permit or identification  
46 card, and from licensed retail dealers, or shall be made available  
47 through an online process established or made available by the  
48 superintendent.

1       The chief police officer or the superintendent shall obtain the  
2 fingerprints of the applicant and shall have them compared with any  
3 and all records of fingerprints in the municipality and county in  
4 which the applicant resides and also the records of the State Bureau  
5 of Identification and the Federal Bureau of Investigation, provided  
6 that an applicant for a handgun purchase permit who possesses a  
7 valid firearms purchaser identification card, or who has previously  
8 obtained a handgun purchase permit from the same licensing  
9 authority for which he was previously fingerprinted, and who  
10 provides other reasonably satisfactory proof of his identity, need not  
11 be fingerprinted again; however, the chief police officer or the  
12 superintendent shall proceed to investigate the application to  
13 determine whether or not the applicant has become subject to any of  
14 the disabilities set forth in this chapter.

15       f. Granting of permit or identification card; fee; term; renewal;  
16 revocation. The application for the permit to purchase a handgun  
17 together with a fee of \$2, or the application for the firearms  
18 purchaser identification card together with a fee of \$5, shall be  
19 delivered or forwarded to the licensing authority who shall  
20 investigate the same and, unless good cause for the denial thereof  
21 appears, shall grant the permit or the identification card, or both, if  
22 application has been made therefor, within 30 days from the date of  
23 receipt of the application for residents of this State and within 45  
24 days for nonresident applicants. A permit to purchase a handgun  
25 shall be valid for a period of 90 days from the date of issuance and  
26 may be renewed by the issuing authority for good cause for an  
27 additional 90 days. A firearms purchaser identification card issued  
28 or renewed after the effective date of P.L.2022, c.58 shall expire  
29 during the tenth calendar year following its date of issuance and on  
30 the same calendar day as the person's date of birth.

31       If the date of birth of the firearms purchaser identification card  
32 holder does not correspond to a calendar day of the tenth calendar  
33 year, the card shall expire on the last day of the birth month of the  
34 card holder.

35       A firearms purchaser identification card issued pursuant to this  
36 section may be renewed upon filing of a renewal application and  
37 payment of the required fee, provided that the holder is not subject  
38 to any of the disabilities set forth in subsection c. of this section and  
39 complies with all other applicable requirements as set forth in  
40 statute and regulation.

41       A firearms purchaser identification card issued prior to the  
42 effective date of P.L.2022, c.58 shall not expire.

43       A firearms purchaser identification card shall be void if the  
44 holder becomes subject to any of the disabilities set forth in  
45 subsection c. of this section, whereupon the card shall be returned  
46 within five days by the holder to the superintendent, who shall then  
47 advise the licensing authority. Failure of the holder to return the  
48 firearms purchaser identification card to the superintendent within

1 the five days shall be an offense under subsection a. of N.J.S.2C:39-  
2 10. Any firearms purchaser identification card may be revoked by  
3 the Superior Court of the county wherein the card was issued, after  
4 hearing upon notice, upon a finding that the holder thereof no  
5 longer qualifies for the issuance of the permit. The county  
6 prosecutor of any county, the chief police officer of any  
7 municipality or any citizen may apply to the court at any time for  
8 the revocation of the card.

9 There shall be no conditions or requirements added to the form  
10 or content of the application, or required by the licensing authority  
11 for the issuance or renewal of a permit or identification card, other  
12 than those that are specifically set forth in this chapter.

13 g. Disposition of fees. All fees for permits shall be paid to the  
14 State Treasury if the permit is issued by the superintendent, to the  
15 municipality if issued by the chief of police, and to the county  
16 treasurer if issued by the judge of the Superior Court.

17 h. Form of permit; quadruplicate; disposition of copies. (1)  
18 Except as otherwise provided in paragraph (2) of this subsection,  
19 the permit shall be in the form prescribed by the superintendent and  
20 shall be issued to the applicant in quadruplicate. Prior to the time  
21 he receives the handgun from the seller, the applicant shall deliver  
22 to the seller the permit in quadruplicate and the seller shall  
23 complete all of the information required on the form. Within five  
24 days of the date of the sale, the seller shall forward the original  
25 copy to the superintendent and the second copy to the chief of  
26 police of the municipality in which the purchaser resides, except  
27 that in a municipality having no chief of police, the copy shall be  
28 forwarded to the superintendent. The third copy shall then be  
29 returned to the purchaser with the pistol or revolver and the fourth  
30 copy shall be kept by the seller as a permanent record.

31 (2) The requirements of this subsection concerning the delivery  
32 and form of permit and disposition of copies shall not be applicable  
33 when these functions may be completed by utilizing an electronic  
34 system as described in paragraph (2) of subsection b. of  
35 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

36 i. Restriction on number of firearms person may purchase.  
37 Only one handgun shall be purchased or delivered on each permit  
38 and no more than one handgun shall be purchased within any 30-  
39 day period, but this limitation shall not apply to:

40 (1) a federal, State, or local law enforcement officer or agency  
41 purchasing handguns for use by officers in the actual performance  
42 of their law enforcement duties;

43 (2) a collector of handguns as curios or relics as defined in Title  
44 18, United States Code, section 921 (a) (13) who has in his  
45 possession a valid Collector of Curios and Relics License issued by  
46 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

47 (3) transfers of handguns among licensed retail dealers,  
48 registered wholesale dealers and registered manufacturers;

1 (4) transfers of handguns from any person to a licensed retail  
2 dealer or a registered wholesale dealer or registered manufacturer;

3 (5) any transaction where the person has purchased a handgun  
4 from a licensed retail dealer and has returned that handgun to the  
5 dealer in exchange for another handgun within 30 days of the  
6 original transaction, provided the retail dealer reports the exchange  
7 transaction to the superintendent; or

8 (6) any transaction where the superintendent issues an exemption  
9 from the prohibition in this subsection pursuant to the provisions of  
10 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

11 The provisions of this subsection shall not be construed to afford  
12 or authorize any other exemption from the regulatory provisions  
13 governing firearms set forth in chapter 39 and chapter 58 of Title  
14 2C of the New Jersey Statutes;

15 A person shall not be restricted as to the number of rifles or  
16 shotguns he may purchase, provided he possesses a valid firearms  
17 purchaser identification card and provided further that he signs the  
18 certification required in subsection b. of this section for each  
19 transaction.

20 j. Firearms passing to heirs or legatees. Notwithstanding any  
21 other provision of this section concerning the transfer, receipt or  
22 acquisition of a firearm, a permit to purchase or a firearms  
23 purchaser identification card shall not be required for the passing of  
24 a firearm upon the death of an owner thereof to his heir or legatee,  
25 whether the same be by testamentary bequest or by the laws of  
26 intestacy. The person who shall so receive, or acquire the firearm  
27 shall, however, be subject to all other provisions of this chapter. If  
28 the heir or legatee of the firearm does not qualify to possess or carry  
29 it, he may retain ownership of the firearm for the purpose of sale for  
30 a period not exceeding 180 days, or for a further limited period as  
31 may be approved by the chief law enforcement officer of the  
32 municipality in which the heir or legatee resides or the  
33 superintendent, provided that the firearm is in the custody of the  
34 chief law enforcement officer of the municipality or the  
35 superintendent during that period.

36 k. Sawed-off shotguns. Nothing in this section shall be  
37 construed to authorize the purchase or possession of any sawed-off  
38 shotgun.

39 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
40 the sale or purchase of a visual distress signalling device approved  
41 by the United States Coast Guard, solely for possession on a private  
42 or commercial aircraft or any boat; provided, however, that no  
43 person under the age of 18 years shall purchase nor shall any person  
44 sell to a person under the age of 18 years a visual distress signalling  
45 device.

46 m. The provisions of subsections a. and b. of this section and  
47 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
48 apply to the purchase of firearms by a law enforcement agency for

1 use by law enforcement officers in the actual performance of the  
2 current or former judge's duties, which purchase may be made  
3 directly from a manufacturer or from a licensed dealer located in  
4 this State or any other state.

5 n. For the purposes of this section, "immediate family" means a  
6 spouse, domestic partner as defined in section 3 of P.L.2003, c.246  
7 (C.26:8A-3), partner in a civil union couple as defined in section 2  
8 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,  
9 sibling, stepsibling, child, stepchild, and grandchild, as related by  
10 blood or by law.

11 o. Registration of handguns owned by new residents. Any  
12 person who becomes a resident of this State following the effective  
13 date of P.L.2022, c.52 and who transports into this State a firearm  
14 that the person owned or acquired while residing in another state  
15 shall apply for a firearm purchaser identification card within 60  
16 days of becoming a New Jersey resident, and shall register any  
17 handgun so transported into this State within 60 days as provided in  
18 this subsection.

19 A person who registers a handgun pursuant to this subsection  
20 shall complete a registration statement, which shall be in a form  
21 prescribed by the superintendent. The information provided in the  
22 registration statement shall include, but shall not be limited to, the  
23 name and address of the person and the make, model, and serial  
24 number of the handgun being registered. Each registration  
25 statement shall be signed by the person, and the signature shall  
26 constitute a representation of the accuracy of the information  
27 contained in the registration statement.

28 The registration statement shall be submitted to the law  
29 enforcement agency of the municipality in which the person resides  
30 or, if the municipality does not have a municipal law enforcement  
31 agency, any State Police station.

32 Within 60 days prior to the effective date of P.L.2022, c.52, the  
33 superintendent shall prepare the form of registration statement as  
34 described in this subsection and shall provide a suitable supply of  
35 statements to each organized full-time municipal police department  
36 and each State Police station.

37 A person who fails to apply for a firearm purchaser identification  
38 card or register a handgun as required pursuant to this subsection  
39 shall be granted 30 days to comply with the provisions of this  
40 subsection. If the person does not comply within 30 days, the  
41 person shall be liable to a civil penalty of \$250 for a first offense  
42 and shall be guilty of a disorderly persons offense for a second or  
43 subsequent offense.

44 If a person is in possession of multiple firearms or handguns in  
45 violation of this subsection, the person shall be guilty of one  
46 offense under this subsection provided the violation is a single  
47 event.

1 The civil penalty shall be collected pursuant to the "Penalty  
2 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in  
3 a summary proceeding before the municipal court having  
4 jurisdiction. A law enforcement officer having enforcement  
5 authority in that municipality may issue a summons for a violation,  
6 and may serve and execute all process with respect to the  
7 enforcement of this subsection consistent with the Rules of Court.  
8 (cf: P.L.2022, c.58, s.1)】<sup>1</sup>

9  
10 <sup>1</sup>【147. Section 1 of P.L.1987, c.387 (C.18A:40A-8) is amended  
11 to read as follows:

12 1. The Legislature finds and declares that:

13 a. A significant number of young people are unfortunately  
14 already involved in the 【abuse】 use of alcohol and other drugs;

15 b. Research indicates that particular groups of youngsters, such  
16 as the children of 【alcoholic】 parents who are persons with alcohol  
17 use disorder, may in fact face an increased risk of developing  
18 alcohol and other substance 【abuse】 use problems and that early  
19 intervention services can be critical in their prevention, detection,  
20 and treatment; and,

21 c. School-based initiatives have proven particularly effective in  
22 identifying and assisting students at a high risk of developing  
23 alcohol and other drug disturbances and in reducing absenteeism,  
24 decreasing the consumption of alcohol and other drugs, and in  
25 lessening the problems associated with 【such addictions】 with  
26 alcohol and substance use disorder.

27 (cf: P.L.1987, c.387, s.1)】<sup>1</sup>

28  
29 <sup>1</sup>【148. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to  
30 read as follows:

31 3. An Alcohol Education, Rehabilitation and Enforcement Fund  
32 is established as a nonlapsing, revolving fund in a separate account  
33 in the Department of Health. The fund shall be credited from July  
34 1, 1990 through June 30, 1991, with 27.6【%】 percent of the tax  
35 revenues, and from July 1, 1991 through June 30, 1992, with  
36 53.3【%】 percent of the tax revenues, collected pursuant to section 3  
37 of P.L.1980, c.62 (C.54:32C-3), the amount thereof to be dedicated  
38 75【%】 percent to rehabilitation, 15【%】 percent to enforcement and  
39 10【%】 percent to education, and the fund thereafter shall be  
40 annually credited with the amount of tax revenues collected from  
41 the alcoholic beverage tax as is provided in section 2 of P.L.1990,  
42 c.41 (C.54:43-1.1), which amount shall be dedicated 75【%】 percent  
43 to rehabilitation, 15【%】 percent to enforcement and 10【%】 percent  
44 to education. Interest received on moneys in the fund shall be  
45 credited to the fund. Pursuant to the formula set forth in section 5 of  
46 this act, moneys appropriated pursuant to law shall only be  
47 distributed to the counties by the Department of Health, without the



1 assessment of administrative costs, to develop and implement an  
2 annual comprehensive plan for the treatment of **【alcoholics and**  
3 **drug abusers】** persons with alcohol use or substance use disorder  
4 and for expenditures according to the dedications provided herein.  
5 (cf: P.L.1990, c.41, s.4)】<sup>1</sup>

6  
7 <sup>1</sup>【149. Section 3 of P.L.1953, c.122 (C.30:4-177.14) is amended  
8 to read as follows:

9 3. The institute shall admit, retain and provide care and treatment  
10 for individuals suffering from diseases and disfunctions of the brain  
11 and nervous system, including acute **【alcoholics, drug addicts】**  
12 persons with alcohol use or substance use disorder, cerebral palsy  
13 cases and juvenile psychotics, and who require hospital care, and  
14 without which their health and welfare and that of others in the  
15 community will be jeopardized, subject to availability of facilities  
16 for hospitalization and treatment thereof.

17 (cf: P.L.1953, c.122, s.3)】<sup>1</sup>

18  
19 <sup>1</sup>【150. Section 3 of P.L.1956, c.213 (C.30:9-12.18) is amended  
20 to read as follows:

21 3. Where any such institution is provided for, the board of  
22 managers, subject to the approval of the board of chosen  
23 freeholders, may:

24 (a) arrange for, establish and maintain, a clinic or clinics for  
25 consultation concerning diagnosis, guidance, and treatment of  
26 **【alcoholics】** persons with alcohol use disorder to the end that they  
27 may be rehabilitated as useful members of society;

28 (b) arrange and provide for the temporary hospitalization of  
29 alcoholics;

30 (c) provide for the necessary facilities for the rendering of such  
31 hospitalization of **【alcoholics】** persons with alcohol use disorder  
32 and for the said clinics by the purchase or construction of such  
33 facilities or by the leasing thereof; and

34 (d) to provide such facilities by contract or arrangement with  
35 other hospitals, institutions, or organizations and by co-operation  
36 with the medical profession and interested groups and individuals.

37 (cf: P.L.1956, c.213, s.3)】<sup>1</sup>

38  
39 <sup>1</sup>【151. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to  
40 read as follows:

41 2. As used in this act:

42 "Narcotic and substance use disorder treatment center" means  
43 any establishment, facility or institution, public or private, whether  
44 operated for profit or not, which primarily offers, or purports to  
45 offer, maintain, or operate facilities for the residential or outpatient  
46 diagnosis, care, treatment, or rehabilitation of two or more  
47 nonrelated individuals, who are patients as defined herein,

1 excluding, however, any hospital or mental hospital otherwise  
2 licensed by Title 30 of the Revised Statutes.

3 "Patient" means a person who **[is addicted to]** has a substance  
4 use disorder, or otherwise has a physical or mental impairment from  
5 the use of narcotic drugs and who requires continuing care of a  
6 narcotic and substance use disorder treatment center.

7 "Narcotic drug" means any narcotic, drug, or dangerous  
8 controlled substance, as defined in any law of the State of New  
9 Jersey or of the United States.

10 "Commissioner" means the Commissioner of Health.

11 (cf: P.L.2017, c.131, s.88) **1**<sup>1</sup>

12

13 <sup>1</sup>**[152. N.J.S.2C:35-2 is amended to read as follows:**

14 2C:35-2. As used in this chapter:

15 "Administer" means the direct application of a controlled  
16 dangerous substance or controlled substance analog, whether by  
17 injection, inhalation, ingestion, or any other means, to the body of a  
18 patient or research subject by: (1) a practitioner, or, in his presence,  
19 by his lawfully authorized agent, or (2) the patient or research  
20 subject at the lawful direction and in the presence of the  
21 practitioner.

22 "Agent" means an authorized person who acts on behalf of or at  
23 the direction of a manufacturer, distributor, or dispenser but does  
24 not include a common or contract carrier, public warehouseman, or  
25 employee thereof.

26 "Controlled dangerous substance" means a drug, substance, or  
27 immediate precursor in Schedules I through V, marijuana and  
28 hashish as defined in this section, any substance the distribution of  
29 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of  
30 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194  
31 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in  
32 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or  
33 substance which, when ingested, is metabolized or otherwise  
34 becomes a controlled dangerous substance in the human body.  
35 When any statute refers to controlled dangerous substances, or to a  
36 specific controlled dangerous substance, it shall also be deemed to  
37 refer to any drug or substance which, when ingested, is metabolized  
38 or otherwise becomes a controlled dangerous substance or the  
39 specific controlled dangerous substance, and to any substance that  
40 is an immediate precursor of a controlled dangerous substance or  
41 the specific controlled dangerous substance. The term shall not  
42 include distilled spirits, wine, malt beverages, as those terms are  
43 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,  
44 or cannabis and cannabis as defined in section 3 of P.L.2021, c.16  
45 (C.24:6I-33). The term, wherever it appears in any law or  
46 administrative regulation of this State, shall include controlled  
47 substance analogs.

1 "Controlled substance analog" means a substance that has a  
2 chemical structure substantially similar to that of a controlled  
3 dangerous substance and that was specifically designed to produce  
4 an effect substantially similar to that of a controlled dangerous  
5 substance. The term shall not include a substance manufactured or  
6 distributed in conformance with the provisions of an approved new  
7 drug application or an exemption for investigational use within the  
8 meaning of section 505 of the "Federal Food, Drug and Cosmetic  
9 Act," 52 Stat. 1052 (21 U.S.C. s.355).

10 "Counterfeit substance" means a controlled dangerous substance  
11 or controlled substance analog which, or the container or labeling of  
12 which, without authorization, bears the trademark, trade name, or  
13 other identifying mark, imprint, number, or device, or any likeness  
14 thereof, of a manufacturer, distributor, or dispenser other than the  
15 person or persons who in fact manufactured, distributed, or  
16 dispensed the substance and which thereby falsely purports or is  
17 represented to be the product of, or to have been distributed by,  
18 such other manufacturer, distributor, or dispenser.

19 "Deliver" or "delivery" means the actual, constructive, or  
20 attempted transfer from one person to another of a controlled  
21 dangerous substance or controlled substance analog, whether or not  
22 there is an agency relationship.

23 "Dispense" means to deliver a controlled dangerous substance or  
24 controlled substance analog to an ultimate user or research subject  
25 by or pursuant to the lawful order of a practitioner, including the  
26 prescribing, administering, packaging, labeling, or compounding  
27 necessary to prepare the substance for that delivery. "Dispenser"  
28 means a practitioner who dispenses.

29 "Distribute" means to deliver other than by administering or  
30 dispensing a controlled dangerous substance or controlled substance  
31 analog. "Distributor" means a person who distributes.

32 "Drugs" means (1) substances recognized in the official United  
33 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
34 United States, or official National Formulary, or any supplement to  
35 any of them; and (2) substances intended for use in the diagnosis,  
36 cure, mitigation, treatment, or prevention of disease in man or other  
37 animals; and (3) substances, other than food, intended to affect the  
38 structure or any function of the body of man or other animals; and  
39 (4) substances intended for use as a component of any substance  
40 specified in (1), (2), and (3) of this definition; but does not include  
41 devices or their components, parts, or accessories. The term "drug"  
42 also does not include: hemp and hemp products cultivated, handled,  
43 processed, transported, or sold pursuant to the "New Jersey Hemp  
44 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined  
45 in section 3 of P.L.2021, c.16 (C.24:6I-31 et al.) which is cultivated  
46 and produced for use in a cannabis item, as defined in that section,  
47 in accordance with the "New Jersey Cannabis Regulatory,  
48 Enforcement Assistance, and Marketplace Modernization Act,"

1 P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in  
2 that section 3 (C.24:6I-33) which is extracted for use in a cannabis  
3 item, as defined in that section, in accordance with that act.

4 **["Drug or alcohol dependent person"]** "Person with a substance  
5 use disorder" means a person who as a result of using a controlled  
6 dangerous substance or controlled substance analog or alcohol has  
7 been in a state of psychic or physical dependence, or both, arising  
8 from the use of that controlled dangerous substance or controlled  
9 substance analog or alcohol on a continuous or repetitive basis.  
10 Drug or alcohol dependence is characterized by behavioral and  
11 other responses, including but not limited to a strong compulsion to  
12 take the substance on a recurring basis in order to experience its  
13 psychic effects, or to avoid the discomfort of its absence.

14 "Hashish" means the resin extracted from any part of the plant  
15 Cannabis sativa L. and any compound, manufacture, salt,  
16 derivative, mixture, or preparation of such resin. "Hashish" shall  
17 not mean: hemp and hemp products cultivated, handled, processed,  
18 transported, or sold pursuant to the "New Jersey Hemp Farming  
19 Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined  
20 in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for  
21 use in a cannabis item, as defined in that section, in accordance with  
22 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
23 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

24 "Manufacture" means the production, preparation, propagation,  
25 compounding, conversion, or processing of a controlled dangerous  
26 substance or controlled substance analog, either directly or by  
27 extraction from substances of natural origin, or independently by  
28 means of chemical synthesis, or by a combination of extraction and  
29 chemical synthesis, and includes any packaging or repackaging of  
30 the substance or labeling or relabeling of its container, except that  
31 this term does not include the preparation or compounding of a  
32 controlled dangerous substance or controlled substance analog by  
33 an individual for his own use or the preparation, compounding,  
34 packaging, or labeling of a controlled dangerous substance: (1) by  
35 a practitioner as an incident to his administering or dispensing of a  
36 controlled dangerous substance or controlled substance analog in  
37 the course of his professional practice, or (2) by a practitioner, or  
38 under his supervision, for the purpose of, or as an incident to,  
39 research, teaching, or chemical analysis and not for sale.

40 "Marijuana" means all parts of the plant Cannabis sativa L.,  
41 whether growing or not; the seeds thereof, and every compound,  
42 manufacture, salt, derivative, mixture, or preparation of the plant or  
43 its seeds, except those containing resin extracted from the plant.  
44 "Marijuana" shall not mean: hemp and hemp products cultivated,  
45 handled, processed, transported, or sold pursuant to the "New Jersey  
46 Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis  
47 as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is  
48 cultivated and produced for use in a cannabis item, as defined in

1 that section, in accordance with the "New Jersey Cannabis  
2 Regulatory, Enforcement Assistance, and Marketplace  
3 Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

4 "Narcotic drug" means any of the following, whether produced  
5 directly or indirectly by extraction from substances of vegetable  
6 origin, or independently by means of chemical synthesis, or by a  
7 combination of extraction and chemical synthesis:

8 (1) Opium, coca leaves, and opiates;

9 (2) A compound, manufacture, salt, derivative, or preparation of  
10 opium, coca leaves, or opiates;

11 (3) A substance, and any compound, manufacture, salt,  
12 derivative, or preparation thereof, which is chemically identical  
13 with any of the substances referred to in (1) and (3) of this  
14 definition, except that the words "narcotic drug" as used in this act  
15 shall not include decocainized coca leaves or extracts of coca  
16 leaves, which extracts do not contain cocaine or ecogine.

17 "Opiate" means any dangerous substance having an addiction-  
18 forming or addiction-sustaining liability similar to morphine or  
19 being capable of conversion into a drug having such addiction-  
20 forming or addiction-sustaining liability. It does not include, unless  
21 specifically designated as controlled pursuant to the provisions of  
22 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer  
23 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).  
24 It does include its racemic and levorotatory forms.

25 "Opium poppy" means the plant of the species *Papaver*  
26 *somniferum* L., except the seeds thereof.

27 "Person" means any corporation, association, partnership, trust,  
28 other institution or entity, or one or more individuals.

29 "Plant" means an organism having leaves and a readily  
30 observable root formation, including, but not limited to, a cutting  
31 having roots, a rootball or root hairs.

32 "Poppy straw" means all parts, except the seeds, of the opium  
33 poppy, after mowing.

34 "Practitioner" means a physician, dentist, veterinarian, scientific  
35 investigator, laboratory, pharmacy, hospital, or other person  
36 licensed, registered, or otherwise permitted to distribute, dispense,  
37 conduct research with respect to, or administer a controlled  
38 dangerous substance or controlled substance analog in the course of  
39 professional practice or research in this State. As used in this  
40 definition:

41 (1) "Physician" means a physician authorized by law to practice  
42 medicine in this or any other state and any other person authorized  
43 by law to treat sick and injured human beings in this or any other  
44 state.

45 (2) "Veterinarian" means a veterinarian authorized by law to  
46 practice veterinary medicine in this State.

47 (3) "Dentist" means a dentist authorized by law to practice  
48 dentistry in this State.

1 (4) "Hospital" means any federal institution, or any institution  
2 for the care and treatment of the sick and injured, operated or  
3 approved by the appropriate State department as proper to be  
4 entrusted with the custody and professional use of controlled  
5 dangerous substances or controlled substance analogs.

6 (5) "Laboratory" means a laboratory to be entrusted with the  
7 custody of narcotic drugs and the use of controlled dangerous  
8 substances or controlled substance analogs for scientific,  
9 experimental, and medical purposes and for purposes of instruction  
10 approved by the Department of Health.

11 "Production" includes the manufacture, planting, cultivation,  
12 growing, or harvesting of a controlled dangerous substance or  
13 controlled substance analog.

14 "Immediate precursor" means a substance which the Division of  
15 Consumer Affairs in the Department of Law and Public Safety has  
16 found to be and by regulation designates as being the principal  
17 compound commonly used or produced primarily for use, and  
18 which is an immediate chemical intermediary used or likely to be  
19 used in the manufacture of a controlled dangerous substance or  
20 controlled substance analog, the control of which is necessary to  
21 prevent, curtail, or limit such manufacture.

22 "Residential treatment facility" means any facility licensed and  
23 approved by the Department of Human Services and which is  
24 approved by any county probation department for the inpatient  
25 treatment and rehabilitation of **【drug or alcohol dependent】** persons  
26 with a substance use disorder.

27 "Schedules I, II, III, IV, and V" are the schedules set forth in  
28 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-  
29 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified  
30 by any regulations issued by the Director of the Division of  
31 Consumer Affairs in the Department of Law and Public Safety  
32 pursuant to the director's authority as provided in section 3 of  
33 P.L.1970, c.226 (C.24:21-3).

34 "State" means the State of New Jersey.

35 "Ultimate user" means a person who lawfully possesses a  
36 controlled dangerous substance or controlled substance analog for  
37 his own use or for the use of a member of his household or for  
38 administration to an animal owned by him or by a member of his  
39 household.

40 "Prescription legend drug" means any drug which under federal  
41 or State law requires dispensing by prescription or order of a  
42 licensed physician, veterinarian, or dentist and is required to bear  
43 the statement "Rx only" or similar wording indicating that such  
44 drug may be sold or dispensed only upon the prescription of a  
45 licensed medical practitioner and is not a controlled dangerous  
46 substance or stramonium preparation.

1 "Stramonium preparation" means a substance prepared from any  
2 part of the stramonium plant in the form of a powder, pipe mixture,  
3 cigarette, or any other form with or without other ingredients.

4 "Stramonium plant" means the plant Datura Stramonium Linne,  
5 including Datura Tatula Linne.

6 (cf: P.L.2021, c.16, s.54) **1**<sup>1</sup>

7

8 <sup>1</sup>**[153.] 152.**<sup>1</sup> This act shall take effect immediately.