

SENATE, No. 3511

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 26, 2023

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

**Senators Sarlo, Singleton, Pou, Bramnick, Corrado, O'Scanlon, Schepisi,
Testa, Burgess, Codey and Ruiz**

SYNOPSIS

Replaces statutory terms regarding alcohol and substance use.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2023)

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

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to
8 read as follows:

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

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

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

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

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

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

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

36 (c) first degree robbery;

37 (d) carjacking;

38 (e) aggravated sexual assault;

39 (f) sexual assault;

40 (g) second degree aggravated assault;

41 (h) kidnapping;

42 (i) aggravated arson;

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

21 (d) Age and maturity of the juvenile;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) Upon application by the prosecutor, the court may sentence a
43 juvenile who has been convicted of a crime of the first, second, or
44 third degree if committed by an adult, to an extended term of
45 incarceration beyond the maximum set forth in paragraph (1) of this
46 subsection, if it finds that the juvenile was previously adjudged
47 delinquent on at least two separate occasions, for offenses which, if
48 committed by an adult, would constitute a crime of the first or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36

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

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

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

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

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

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

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

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

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

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

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

4 (1) a crime of the first degree;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 c. Pendente lite; Temporary Guardian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39

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

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

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

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

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

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

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

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

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

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

19

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

22 2. The Legislature finds and declares that:

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

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

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

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

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

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

28

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

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

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

44

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

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

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

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

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

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

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

40

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

43 8. The board shall:

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

46 (1) The cause of death is undetermined;

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

- 1 (3) Homicide, child abuse or neglect;
- 2 (4) Death where child abuse or neglect may have been a
- 3 contributing factor;
- 4 (5) Malnutrition, dehydration, or medical neglect or failure to
- 5 thrive;
- 6 (6) Sexual abuse;
- 7 (7) Head trauma, fractures or blunt force trauma without
- 8 obvious innocent reason such as auto accidents;
- 9 (8) Suffocation or asphyxia;
- 10 (9) Burns without obvious innocent reason such as auto accident
- 11 or house fire; and
- 12 (10) Suicide.

13 b. Identify fatalities and near fatalities among children whose

14 family, currently or within the last 12 months, were receiving

15 services from the division.

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

17

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

19 read as follows:

20 2. Each center shall demonstrate a multidisciplinary approach

21 to identifying and responding to child abuse and neglect. The

22 center staff shall include, at a minimum, a pediatrician, a consulting

23 psychiatrist, a psychologist and a social worker who are trained to

24 evaluate and treat children who have been abused or neglected and

25 their families. Each center shall establish a liaison with the district

26 office of the Division of Youth and Family Services in the

27 Department of Children and Families and the prosecutor's office

28 from the county in which the child who is undergoing evaluation

29 and treatment resides. At least one member of the staff shall also

30 have an appropriate professional credential or significant training

31 and experience in the identification and treatment of substance

32 **[abuse]** use disorder.

33 Each center shall develop an intake, referral and case tracking

34 process which assists the division and prosecutor's office in

35 assuring that child victims receive appropriate and timely diagnostic

36 and treatment services.

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

38

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

40 read as follows:

41 4. Services provided by the center's staff shall include, but not

42 be limited to:

43 a. Providing psychological and medical evaluation and

44 treatment of the child, counseling for family members and

45 substance **[abuse]** use disorder assessment and mental health and

46 substance **[abuse]** use disorder counseling for the parents or

47 guardians of the child;

1 b. Providing referral for appropriate social services and
2 medical care;

3 c. Providing testimony regarding alleged child abuse or neglect
4 at judicial proceedings;

5 d. Providing treatment recommendations for the child and
6 mental health and substance [abuse] use disorder treatment
7 recommendations for his family, and providing mental health and
8 substance [abuse] use disorder treatment recommendations for
9 persons convicted of child abuse or neglect;

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

13 f. Providing educational material and seminars on child abuse
14 and neglect and the services the center provides to children, parents,
15 teachers, law enforcement officials, the judiciary, attorneys and
16 other citizens.

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

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

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

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

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

3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 o. As used in this section:

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

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

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

40
41 17. Section 1 of P.L.2015, c.92 (C.18A:3B-70) is amended to
42 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34
35 20. Section 1 of P.L.2019, c.412 (C.18A:37-38) is amended to
36 read as follows:

37 1. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10
11 23. Section 1 of P.L.2013, c.146 (C.18A:40-44) is amended to
12 read as follows:

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

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

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

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

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

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

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

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

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

11
12 24. Section 2 of P.L.1987, c.389 (C.18A:40A-2) is amended to
13 read as follows:

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

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

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

30 c. Decision making and coping skills; and,

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

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

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

37
38 25. Section 1 of P.L.2016, c.46 (C.18A:40A-2.1) is amended to
39 read as follows:

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

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

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

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

12

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

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

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

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

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

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

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

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

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

18

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

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

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

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

39 (2) pursuant to a court order;

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

45 (4) to the Division of Child Protection and Permanency or to a
46 law enforcement agency, if the information would cause a person to
47 reasonably suspect that the elementary or secondary school pupil or

1 another child may be an abused or neglected child as the terms are
2 used in R.S.9:6-1, or as the terms are defined in section 2 of
3 P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-
4 8.21).

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

22 d. The prohibition on the disclosure of information provided by
23 a pupil pursuant to subsection a. of this section shall apply whether
24 the person to whom the information was provided believes that the
25 person seeking the information already has it, has other means of
26 obtaining it, is a law enforcement or other public official, has
27 obtained a subpoena, or asserts any other justification for the
28 disclosure of this information.
29 (cf: P.L.2012, c.16, s.43)

30

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

33 2. For the purposes of this act:

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

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

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

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

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

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

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

23

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

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

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

39

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

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

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

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

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

1 schools, if there be one, or the administrative principal and shall
2 arrange for an examination of the pupil by a doctor selected by the
3 parent or guardian or by the medical inspector. The pupil shall be
4 examined as soon as possible for the purpose of diagnosing whether
5 or not the pupil has been using anabolic steroids. A written report
6 of that examination shall be furnished by the examining physician
7 to the parent or guardian of the pupil and to the superintendent of
8 schools or administrative principal. If it is determined that the pupil
9 has been using anabolic steroids, the pupil shall be interviewed by a
10 student assistance coordinator or another appropriately trained
11 teaching staff member for the purpose of determining the extent of
12 the pupil's involvement with these substances and possible need for
13 treatment. In order to make this determination the coordinator or
14 other teaching staff member may conduct a reasonable investigation
15 which may include interviews with the pupil's teachers and parents.
16 The coordinator or other teaching staff member may also consult
17 with experts in the field of substance **[abuse]** use disorder as may
18 be necessary and appropriate. If it is determined that the pupil's
19 involvement with and use of these substances represents a danger to
20 the pupil's health and well-being, the coordinator or other teaching
21 staff member shall refer the pupil to an appropriate treatment
22 program which has been approved by the Commissioner of Health.
23 (cf: P.L.2012, c.17, s.82)
24

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

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

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

35 (2) Appropriate intervention strategies; and,

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

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

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

1 policy of the board regarding the referral for treatment of pupils
2 **【involved in】** with substance **【abuse】** use disorder, as required
3 pursuant to section 5 of this act.

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

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

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

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

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

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

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

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

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

43 10. a. Under the guidelines established by the Commissioner of
44 Education, each local board of education shall establish an outreach
45 program to provide substance **【abuse】** use disorder education for
46 the parents or legal guardians of the pupils of the district. In
47 establishing the program, the local board of education shall consult

1 with such local organizations and agencies as are recommended by
2 the commissioner. The board of education shall insure that the
3 program is offered at times and places convenient to the parents of
4 the district on school premises, or in other suitable facilities.

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

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

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

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

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

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

1 amount necessary to pay the salary of its student assistance
2 coordinator.

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

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

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

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

40

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

43 12. The Commissioner of Education is authorized to make
44 grants to local school districts in such amounts as he shall
45 determine, to assist the districts in the implementation of innovative
46 pilot programs designed to educate pupils of elementary and
47 secondary schools and members of the general public on the subject

1 of substance **[abuse]** use disorder, and to prevent the abuse of those
2 substances. Application for grants shall be made on forms
3 furnished by the Commissioner of Education and shall set forth the
4 program proposed and appropriate administrative procedures for the
5 proper and efficient implementation of the program. These pilot
6 programs shall, at a minimum, include:

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

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

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

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

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

39

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

42 13. The Commissioner of Education, in consultation with the
43 Commissioner of Health and the Commissioner of Human Services,
44 shall develop procedures for the evaluation of the impact of the
45 programs established pursuant to this act and shall report annually
46 to the Governor and the Legislature on the effects of these
47 programs. That report shall include data concerning the incidence

1 of substance **【abuse】** use disorder in the public schools; the nature
2 and scope of intervention, prevention and treatment referral
3 programs; an assessment of the impact of those programs on the
4 problem of substance **【abuse】** use disorder; and, any
5 recommendations for modifications in the programs established
6 pursuant to this act.

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

8
9 39. Section 1 of P.L.2021, c.445 (C.18A:61D-19) is amended to
10 read as follows:

11 1. a. Beginning with the 2021-2022 academic year and in each
12 academic year thereafter, a public and independent institution of
13 higher education shall:

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

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

18 (3) provide each newly enrolled student with information
19 concerning the location and availability of those programs and
20 services.

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

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

33 c. The operators of the hotline shall be, to the greatest extent
34 possible, persons who, by experience or education, are (1) familiar
35 with the emotional and psychological tensions, depressions, and
36 anxieties unique to higher education students; or (2) trained to
37 provide counseling services involving substance **【abuse】** use
38 disorder, personal stress management, and other emotional or
39 psychological disorders or conditions which may be likely to
40 adversely affect the well-being of students.

41 d. An institution of higher education may satisfy the hotline
42 requirement established pursuant to subsection b. of this section by
43 providing each student with the hotline number for the National
44 Suicide Prevention Lifeline, the NJ Hopeline, or any 24/7 mental
45 health hotline deemed appropriate by the Secretary of Higher
46 Education. In addition to providing students with the hotline
47 numbers, the institution shall post the hotline numbers in each
48 dormitory, library, and student center, and any other facility or area

1 on campus that the institution determines to be appropriate.
2 (cf: P.L.2021, c.445, s.1)

3
4 40. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
5 read as follows:

6 2. The Legislature finds and declares that:

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

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

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

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

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

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

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

39
40 41. Section 3 of P.L.2013, c.175 (C.18A:72P-3) is amended to
41 read as follows:

42 3. The advisory council shall:

43 a. examine issues related to school-aged children and students
44 attending public or independent institutions of higher education in
45 the State, including, but not limited to, education, employment,
46 strategies to promote the involvement of children and young adults
47 in government affairs, the accessibility of government services by

1 children and young adults, and substance **【abuse】** use disorder
2 prevention, intervention, treatment, and rehabilitation;

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

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

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

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

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

23 19. Application For License or Conditional License.

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

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

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

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

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

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

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

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

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

44 (a) begin accepting and processing applications from applicants
45 within 30 days after the commission's initial rules and regulations
46 have been adopted pursuant to subparagraph (a) of paragraph (1) of
47 subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), and
48 ensure that at least 35 percent of the total licenses issued for each

1 class of cannabis establishment, and for cannabis distributors and
2 delivery services, are conditional licenses, which 35 percent figure
3 shall also include any conditional license issued to an applicant
4 which is subsequently replaced by the commission with an annual
5 license due to that applicant's compliance for the annual license
6 pursuant to subsubparagraph (i) of subparagraph (d) of this
7 paragraph;

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

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

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

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

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

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

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

1 (vi) a certification that each person with a financial interest who
2 also has decision making authority for the proposed cannabis
3 establishment, distributor, or delivery service does not have any
4 financial interest in an application for an annual license under
5 review before the commission or a cannabis establishment,
6 distributor, or delivery service that is currently operating with an
7 annual license;

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

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

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

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

21 (xi) any other requirements established by the commission
22 pursuant to regulation; and

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

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

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

1 provisions of section 31 of P.L.2021, c.16 (C.24:6I-45) and in effect
2 at the time of application, provided, if a municipality has enacted a
3 numerical limit on the number of marijuana cannabis
4 establishments, distributors, or delivery services and a greater
5 number of applicants seek licenses, the commission shall solicit and
6 consider input from the municipality as to the municipality's
7 preference or preferences for licensure. For each license issued, the
8 commission shall also provide the approved licensee with
9 documentation setting forth the remaining conditions to be satisfied
10 under section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-
11 37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43),
12 or relevant regulations, based upon the applicable class of cannabis
13 establishment for which the conditional license was issued, or based
14 upon the conditional license issued for a cannabis distributor or
15 delivery service, and which were not already required for the
16 issuance of that license, to be completed within 120 days of
17 issuance of the conditional license, which period may be extended
18 upon request to the commission for an additional period of up to 45
19 days at the discretion of the commission. If the commission
20 subsequently determines during that 120-day period, or during any
21 additional period granted, that the conditional licensee is in
22 compliance with all applicable conditions and is implementing the
23 plans, procedures, protocols, actions, or other measures set forth in
24 its application, the commission shall replace the conditional license
25 by issuing an annual license, which will expire one year from its
26 date of issuance; if the conditional licensee is not in compliance
27 with all applicable conditions or not implementing the plans,
28 procedures, protocols, actions, or other measures set forth in its
29 application, the conditional license shall automatically expire at the
30 end of the 120-day period, or at the end of any additional period
31 granted by the commission;

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

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

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

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

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

1 utilize a public lottery to determine which applicants receive a
2 license or conditional license, as the case may be.

3 (a) An initial application for licensure shall be evaluated
4 according to criteria to be developed by the commission. There
5 shall be included bonus points for applicants who are residents of
6 New Jersey.

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

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

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

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

- 40 - manufacture and creation of cannabis products using
41 appropriate extraction methods, including intended use and sourcing
42 of extraction equipment and associated solvents or intended
43 methods and equipment for non-solvent extraction;
- 44 - quality control and quality assurance;
- 45 - recall plans;
- 46 - packaging and labeling;

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

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

1 wholesaler, cannabis distributor, cannabis retailer, or cannabis
2 delivery service as will be conducted at the proposed facility; and

3 - the submission of proof of local support for the suitability of
4 the location, which may be demonstrated by a resolution adopted by
5 the municipality's governing body indicating that the intended
6 location is appropriately located or otherwise suitable for activities
7 related to the operations of the proposed cannabis cultivator,
8 cannabis manufacturer, cannabis wholesaler, cannabis distributor,
9 cannabis retailer, or cannabis delivery service.

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

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

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

34 - a community impact plan summarizing how the applicant
35 intends to have a positive impact on the community in which the
36 proposed cannabis establishment, distributor, or delivery service is
37 to be located, which shall include an economic impact plan and a
38 description of outreach activities;

39 - a written description of the applicant's record of social
40 responsibility, philanthropy, and ties to the proposed host
41 community;

42 - a written description of any research the applicant has
43 conducted on the adverse effects of the use of cannabis items,
44 substance **【abuse】** use disorder **【or addiction】**, and the applicant's
45 participation in or support of cannabis-related research and
46 educational activities; and

47 - a written plan describing any research and development
48 regarding the adverse effects of cannabis, and any cannabis-related

1 educational and outreach activities, which the applicant intends to
2 conduct if issued a license by the commission.

3 In evaluating the information submitted pursuant to this
4 subsubparagraph, the commission shall afford the greatest weight to
5 responses pertaining to the applicant itself, controlling owners, and
6 entities with common ownership or control with the applicant;
7 followed by those with a 15 percent or greater ownership interest in
8 the applicant's organization; followed by significantly involved
9 persons in the applicant's organization; followed by other officers,
10 directors, and current and prospective employees of the applicant
11 who have a bona fide relationship with the applicant's organization
12 as of the date of the application.

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

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

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

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

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

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

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

8 (b) Applicants that are party to a collective bargaining
9 agreement with a bona fide labor organization that currently
10 represents, or is actively seeking to represent cannabis workers in
11 New Jersey.

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

15 (d) Applicants that submit a signed project labor agreement with
16 a bona fide building trades labor organization, which is a form of
17 pre-hire collective bargaining agreement covering terms and
18 conditions of a specific project, including labor issues and worker
19 grievances associated with that project, for the construction or
20 retrofit of the facilities associated with the licensed entity.

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

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

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

45 (4) The commission shall give special consideration to any
46 applicant that has entered into an agreement with an institution of
47 higher education to create an integrated curriculum involving the
48 cultivation, manufacturing, wholesaling, distributing, retail sales, or

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

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

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

46 e. (1) The commission shall also prioritize applications on the
47 basis of impact zones, for which past criminal marijuana enterprises
48 contributed to higher concentrations of law enforcement activity,

1 unemployment, and poverty, or any combination thereof, within
2 parts of or throughout these zones, regardless of whether there is
3 any competition among applications for a particular class of license.

4 An "impact zone" means any municipality that:

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

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

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

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

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

20 (c) is a municipality located in a county of the third class, based
21 upon the county's population according to the most recently
22 compiled federal decennial census as of the effective date of
23 P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set
24 forth in subparagraph (b) other than having a crime index total of
25 825 or higher; or

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

30 (i) with a population of less than 60,000 according to the most
31 recently compiled federal decennial census, that for calendar year
32 2019 ranks in the top 40 percent of municipalities in the State for
33 marijuana- or hashish-related arrests for violation of paragraph (4)
34 of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000
35 or higher based upon the indexes listed in the 2019 annual Uniform
36 Crime Report by the Division of State Police; but for calendar year
37 2019 does not have a local average annual unemployment rate that
38 ranks in the top 15 percent of all municipalities, based upon average
39 annual unemployment rates estimated for the relevant calendar year
40 by the Office of Research and Information in the Department of
41 Labor and Workforce Development; or

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

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

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

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

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

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

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

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

4 (b) at least 51 percent of the owners, directors, officers, or
5 employees of the microbusiness shall be residents of the
6 municipality in which the microbusiness is located, or to be located,
7 or a municipality bordering the municipality in which the
8 microbusiness is located, or to be located;

9 (c) concerning business operations, and capacity and quantity
10 restrictions:

11 (i) employ no more than 10 employees;

12 (ii) operate a cannabis establishment occupying an area of no
13 more than 2,500 square feet, and in the case of a cannabis
14 cultivator, grow cannabis on an area no more than 2,500 square feet
15 measured on a horizontal plane and grow above that plane not
16 higher than 24 feet; provided, that a cannabis cultivator's grow
17 space may, if approved by the commission, be part of a larger
18 premises that is owned or operated by a cannabis cultivator that is
19 not a licensed microbusiness, allowing for the sharing of a physical
20 premises and certain business operations, but only the
21 microbusiness cannabis cultivator shall grow cannabis on and above
22 the cultivator's grow space;

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

26 (iv) in the case of a cannabis manufacturer, acquire no more than
27 1,000 pounds of usable cannabis each month;

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

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

36 (d) no owner, director, officer, or other person with a financial
37 interest who also has decision making authority for the
38 microbusiness shall hold any financial interest in any other licensed
39 cannabis establishment, distributor, or delivery service, whether or
40 not a microbusiness;

41 (e) no owner, director, officer, or other person with a financial
42 interest who also has decision making authority for a licensed
43 cannabis establishment, distributor, or delivery service, whether or
44 not a microbusiness, shall hold any financial interest in a
45 microbusiness;

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

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

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

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

23 (b) Any new annual license issued pursuant to this paragraph
24 allowing a microbusiness to convert and continue its operations as a
25 licensed person or entity that is not a microbusiness subject to the
26 provisions of this subsection shall be counted towards the
27 percentages of licenses that are designated for and only issued to
28 microbusinesses as set forth in paragraph (1) of this subsection,
29 notwithstanding the microbusiness' converted operations.

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

31

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

34 6. a. The Commissioner of Human Services may award grants,
35 based upon any monies appropriated by the Legislature, to create or
36 support local opioid overdose prevention, recognition, and response
37 projects. County and municipal health departments, correctional
38 institutions, hospitals, and universities, as well as organizations
39 operating community-based programs, substance **abuse** use
40 disorder programs, syringe access programs, or other programs
41 which address medical or social issues related to **drug addiction**
42 substance use disorder may apply to the Department of Human
43 Services for a grant under this section, on forms and in the manner
44 prescribed by the commissioner.

45 b. In awarding any grant, the commissioner shall consider the
46 necessity for overdose prevention projects in various health care
47 facility and non-health care facility settings, and the applicant's

1 ability to develop interventions that will be effective and viable in
2 the local area to be served by the grant.

3 c. In awarding any grant, the commissioner shall give
4 preference to applications that include one or more of the following
5 elements:

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

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

12 (3) opioid overdose prevention, recognition, and response
13 education projects in syringe access programs, drug treatment
14 centers, outreach programs, and other programs operated by
15 organizations that work with, or have access to, opioid users and
16 their families and communities;

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

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

23 (6) the institution of education and training projects on opioid
24 overdose response and treatment for emergency services and law
25 enforcement personnel; and

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

28 d. In addition to any moneys appropriated by the Legislature,
29 the commissioner may seek money from the federal government,
30 private foundations, and any other source to fund the grants
31 established pursuant to this section, as well as to fund on-going
32 monitoring and evaluation of the programs supported by the grants.
33 (cf: P.L.2013, c.46, s.6)

34
35 44. Section 11 of P.L.2017, c.28 (C.24:21-15.2) is amended to
36 read as follows:

37 11. a. A practitioner shall not issue an initial prescription for an
38 opioid drug which is a prescription drug as defined in section 2 of
39 P.L.2003, c.280 (C.45:14-41) in a quantity exceeding a five-day
40 supply for treatment of acute pain. Any prescription for acute pain
41 pursuant to this subsection shall be for the lowest effective dose of
42 immediate-release opioid drug.

43 b. Prior to issuing an initial prescription of a Schedule II
44 controlled dangerous substance or any other opioid drug which is a
45 prescription drug as defined in section 2 of P.L.2003, c.280
46 (C.45:14-41) in a course of treatment for acute or chronic pain, a
47 practitioner shall:

1 (1) take and document the results of a thorough medical history,
2 including the patient's experience with non-opioid medication and
3 non-pharmacological pain management approaches and substance
4 **【abuse】** use disorder history;

5 (2) conduct, as appropriate, and document the results of a
6 physical examination;

7 (3) develop a treatment plan, with particular attention focused
8 on determining the cause of the patient's pain;

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

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

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

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

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

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

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

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

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

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

42 (4) risks associated with the use of the drugs being prescribed,
43 specifically that opioids are highly addictive, even when taken as
44 prescribed, that there is a risk of developing a physical or
45 psychological dependence on the controlled dangerous substance,
46 and that the risks of taking more opioids than prescribed, or mixing
47 sedatives, benzodiazepines or alcohol with opioids, can result in
48 fatal respiratory depression.

1 The practitioner shall include a note in the patient's medical
2 record that the patient or the patient's parent or guardian, as
3 applicable, has discussed with the practitioner the risks of
4 developing a physical or psychological dependence on the
5 controlled dangerous substance and alternative treatments that may
6 be available. The Division of Consumer Affairs shall develop and
7 make available to practitioners guidelines for the discussion
8 required pursuant to this subsection.

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

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

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

20 (2) assess the patient prior to every renewal to determine
21 whether the patient is experiencing problems associated with
22 physical and psychological dependence and document the results of
23 that assessment;

24 (3) periodically make reasonable efforts, unless clinically
25 contraindicated, to either stop the use of the controlled substance,
26 decrease the dosage, try other drugs or treatment modalities in an
27 effort to reduce the potential for abuse or the development of
28 physical or psychological dependence and document with
29 specificity the efforts undertaken;

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

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

34 g. As used in this section:

35 "Acute pain" means pain, whether resulting from disease,
36 accidental or intentional trauma, or other cause, that the practitioner
37 reasonably expects to last only a short period of time. "Acute pain"
38 does not include chronic pain, pain being treated as part of cancer
39 care, hospice or other end of life care, or pain being treated as part
40 of palliative care.

41 "Chronic pain" means pain that persists or recurs for more than
42 three months.

43 "Initial prescription" means a prescription issued to a patient
44 who:

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

47 (2) was previously issued a prescription for, or used or was
48 administered the drug or its pharmaceutical equivalent, but the date

1 on which the current prescription is being issued is more than one
2 year after the date the patient last used or was administered the drug
3 or its equivalent.

4 When determining whether a patient was previously issued a
5 prescription for, or used or was administered a drug or its
6 pharmaceutical equivalent, the practitioner shall consult with the
7 patient and review the patient's medical record and prescription
8 monitoring information.

9 "Opioid antidote" means any drug, regardless of dosage amount
10 or method of administration, which has been approved by the
11 United States Food and Drug Administration (FDA) for the
12 treatment of an opioid overdose. "Opioid antidote" includes, but is
13 not limited to, naloxone hydrochloride, in any dosage amount,
14 which is administered through nasal spray or any other FDA-
15 approved means or methods.

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

22 (1) prevent the possible development of physical or
23 psychological dependence in the patient;

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

26 (3) establish the patient's rights in association with treatment,
27 and the patient's obligations in relation to the responsible use,
28 discontinuation of use, and storage of Schedule II controlled
29 dangerous substances, including any restrictions on the refill of
30 prescriptions or the acceptance of Schedule II prescriptions from
31 practitioners;

32 (4) identify the specific medications and other modes of
33 treatment, including physical therapy or exercise, relaxation, or
34 psychological counseling, that are included as a part of the pain
35 management plan;

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

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

42 "Practitioner" means a medical doctor, doctor of osteopathy,
43 dentist, optometrist, podiatrist, physician assistant, certified nurse
44 midwife, or advanced practice nurse, acting within the scope of
45 practice of their professional license pursuant to Title 45 of the
46 Revised Statutes.

47 h. This section shall not apply to a prescription for a patient
48 who is currently in active treatment for cancer, receiving hospice

1 care from a licensed hospice or palliative care, or is a resident of a
2 long term care facility, or to any medications that are being
3 prescribed for use in the treatment of substance **[abuse]** use
4 disorder or opioid dependence.

5 i. Every policy, contract or plan delivered, issued, executed or
6 renewed in this State, or approved for issuance or renewal in this
7 State by the Commissioner of Banking and Insurance, and every
8 contract purchased by the School Employees' Health Benefits
9 Commission or State Health Benefits Commission, on or after the
10 effective date of this act, that provides coverage for prescription
11 drugs subject to a co-payment, coinsurance or deductible shall
12 charge a co-payment, coinsurance or deductible for an initial
13 prescription of an opioid drug prescribed pursuant to this section
14 that is either:

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

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

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

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

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

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

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

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

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

41
42 45. Section 1 of P.L.1995, c.318 (C.26:2B-36) is amended to
43 read as follows:

44 1. The Legislature finds and declares that: there is growing
45 evidence that people with deafness, hearing loss or other disabilities
46 are at greater risk of **[being involved with alcohol or other drugs of**
47 **abuse]** having substance use disorder than the general population;
48 the deaf and hard of hearing have a communication disability which

1 prevents them from receiving and communicating information that
2 would enable them to make more informed decisions about their
3 **【own use, abuse or addiction to alcohol and other drugs】** alcohol or
4 substance use disorder; and the combined impact of physical
5 impairment, attitudinal and architectural barriers, societal
6 discrimination and the psychological stresses that accompany
7 disability may create a special vulnerability for substance **【abuse】**
8 use disorder in people with disabilities.

9 The Legislature further finds and declares that: few rehabilitation
10 centers and professionals working with the deaf, hard of hearing
11 and other disabled persons are adequately prepared or trained to
12 identify, recognize or deal with the signs of substance **【abuse】** use
13 disorder; and New Jersey needs the development of specialized
14 services for people with disabilities who **【abuse, misuse and are**
15 **addicted to alcohol and other drugs】** have an alcohol or a substance
16 use disorder.

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

18
19 46. Section 115 of P.L.2008, c.29 (C.26:2NN-1) is amended to
20 reads as follows:

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

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

38 b. The operators of the hotline shall be trained by the
39 Department of Human Services and, to the greatest extent possible,
40 shall be persons, who by experience or education, are: (1) familiar
41 with post trauma disorders and the emotional and psychological
42 tensions, depressions, and anxieties unique to law enforcement
43 officers and sheriff's officers; or (2) trained to provide counseling
44 services involving marriage and family life, substance **【abuse】** use
45 disorder, personal stress management, and other emotional or
46 psychological disorders or conditions which may be likely to

1 adversely affect the personal and professional well-being of a law
2 enforcement officer and a sheriff's officer.

3 c. To ensure the integrity of the telephone hotline and to
4 encourage officers to utilize it, the commissioner shall provide for
5 the confidentiality of the names of the officers calling, the
6 information discussed by that officer and the operator, and any
7 referrals for further debriefing or counseling; provided, however,
8 the commissioner may, by rule and regulation, (1) establish
9 guidelines providing for the tracking of any officer who exhibits a
10 severe emotional or psychological disorder or condition which the
11 operator handling the call reasonably believes might result in harm
12 to the officer or others and (2) establish a confidential registry of
13 wounded New Jersey law enforcement officers.

14 (cf: P.L.2012, c.45, s.117)

15
16 47. Section 1 of P.L.2021, c.396 (C.26:5C-26.1) is amended to
17 read as follows:

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

19 "Authorized harm reduction services" means a suite of harm
20 reduction services, approved by the Department of Health and
21 provided in a manner that is consistent with State and federal law,
22 which services shall include, but shall not be limited to: syringe
23 access, syringe disposal, referrals to health and social services,
24 harm reduction counseling and supplies including, but not limited
25 to, fentanyl test strips, and HIV and hepatitis C testing.

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

31 "Harm reduction supplies" means any materials or equipment
32 designed to identify or analyze the presence, strength, effectiveness,
33 or purity of controlled dangerous substances or controlled substance
34 analogs, including, but not limited to, fentanyl test strips; opioid
35 antidotes and associated supplies; and any other materials or
36 equipment that may be used to prevent, reduce or mitigate the
37 harms of disease transmission, overdose, and other harms associated
38 with personal drug use as are designated through rules prescribed
39 by the Commissioners of Health or Human Services.

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

41
42 48. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to read
43 as follows:

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

1 (1) An entity authorized to provide harm reduction services may
2 provide the services at a fixed location or through a mobile access
3 component, and may operate the program directly or contract with
4 one or more of the following entities to operate the program: a
5 hospital or other health care facility licensed pursuant to P.L.1971,
6 c.136 (C.26:2H-1 et seq.), a federally qualified health center, a
7 public health agency, a substance [abuse] use disorder treatment
8 program, an AIDS service organization, or another nonprofit entity
9 designated by the department. An entity authorized to provide harm
10 reduction services shall be managed in accordance with standards or
11 guidance issued by the Division of HIV, STD, and TB Services in
12 the Department of Health and in a manner that is consistent with
13 national best practices for the provision of harm reduction services
14 and all applicable State laws and regulations that are not otherwise
15 to the contrary.

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

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

18 (4) To the extent permitted under federal law, and subject to the
19 requirements of federal law, notwithstanding any provision of State
20 law to the contrary, an authorized entity may deliver harm reduction
21 services or other related supplies, as determined by the
22 commissioner, to consumers via postal mail or other delivery
23 service.

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

26 (1) Sterile syringes and needles shall be provided at no cost to
27 consumers 18 years of age and older, provided that the department
28 may authorize sterile syringes and needles to be provided at no cost
29 to consumers under 18 years of age in limited circumstances, at the
30 department's discretion;

31 (2) An entity authorized to provide harm reduction services shall
32 be responsible for training program staff in the following subjects:
33 harm reduction; substance use disorder; medical and social service
34 referrals; infection control procedures, including universal
35 precautions and needle stick injury protocol; and other subjects as
36 determined by the entity authorized to provide harm reduction
37 services and the department. Entities authorized to provide harm
38 reduction services shall maintain records of staff and volunteer
39 training;

40 (3) Entities authorized to provide harm reduction services shall
41 offer information about HIV, hepatitis C and other bloodborne
42 pathogens and information concerning the safe use of drugs by
43 intravenous injection at no cost to consumers, and shall seek to
44 educate all consumers about safe and proper disposal of needles and
45 syringes;

46 (4) Entities authorized to provide harm reduction services shall
47 provide information and referrals to consumers, including HIV,
48 hepatitis C, and sexually transmitted infection testing options,

- 1 access to medication-assisted substance use disorder treatment
2 programs and other substance use disorder treatment programs, and
3 available health and social service options relevant to the needs of
4 consumers. The entity shall encourage consumers to receive HIV,
5 hepatitis C, and sexually transmitted infection tests;
- 6 (5) Except as may otherwise be authorized by the department
7 pursuant to paragraph (1) of this subsection, entities authorized to
8 provide harm reduction services shall screen out consumers under
9 18 years of age from access to syringes and needles, and shall refer
10 them to substance use disorder treatment and other appropriate
11 programs for youth;
- 12 (6) Entities authorized to provide harm reduction services shall
13 develop a plan for the handling and disposal of used syringes and
14 needles in accordance with requirements set forth at N.J.A.C.7:26-
15 3A.1 et seq. for regulated medical waste disposal pursuant to the
16 "Comprehensive Regulated Medical Waste Management Act,"
17 P.L.1989, c.34 (C.13:1E-48.1 et al.), and shall also develop and
18 maintain protocols for post-exposure treatment;
- 19 (7) (a) Entities authorized to provide harm reduction
20 services may obtain and distribute naloxone hydrochloride or
21 another opioid antidote to consumers, to family members and
22 friends of consumers, and to any member of the general public, in
23 accordance with the "Overdose Prevention Act," P.L.2013, c.46
24 (C.24:6J-1 et al.) and P.L.2021, c.152;
- 25 (b) Entities authorized to provide harm reduction services shall
26 provide overdose prevention information to consumers and to
27 family members and friends of consumers, and to members of the
28 general public, in accordance with the provisions of section 5 of the
29 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-5);
- 30 (8) Entities authorized to provide harm reduction services shall
31 maintain the confidentiality and security of information about
32 consumers receiving harm reduction services through appropriate
33 administrative, technical, and physical controls and safeguards that
34 protect the confidentiality, integrity, and availability of individually
35 identifiable information about consumers;
- 36 (9) Entities authorized to provide harm reduction services shall
37 provide a uniform membership card that has been approved by the
38 department to consumers and to staff and volunteers involved in
39 transporting, exchanging or possessing syringes and needles, or
40 shall provide for such other uniform Statewide means of
41 identification as may be approved by the department for this
42 purpose;
- 43 (10) Entities authorized to provide harm reduction services shall
44 provide consumers at the time of enrollment with a schedule of the
45 entity's operation hours and locations, in addition to information
46 about prevention and harm reduction and substance use disorder
47 treatment services; and

(11) Entities authorized to provide harm reduction services shall establish and implement accurate data collection methods and procedures as required by the department for the purpose of evaluating the provision of harm reduction services.

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

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

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

c. The department shall have sole authority to terminate authorization for an entity to provide harm reduction services that was approved by the department, without the need for application or approval by the host municipality.

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

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

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

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

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

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

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

1. As used in this act:

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

"Nursing direct care staff" means a Human Services Assistant, Human Services Technician or a nurse licensed pursuant to Title 45

1 of the Revised Statutes.
2 (cf: P.L.1997, c.68, s.1)

3

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

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

10 Appropriate staff within the Department of Corrections and State
11 Parole Board shall be responsible for engaging with each inmate to
12 develop and implement an individualized, comprehensive reentry
13 plan for services during the inmate's incarceration. This plan may
14 be refined and updated during incarceration as needed, and shall
15 include recommendations for community-based services prior to the
16 inmate's actual return to the community. Appropriate staff within
17 the Department of Corrections and State Parole Board shall
18 determine what medical, psychiatric, psychological, educational,
19 vocational, substance **[abuse]** use disorder, and social rehabilitative
20 services shall be incorporated into a comprehensive reentry plan in
21 order to prepare each inmate for successful integration upon release.
22 The Department of Corrections shall establish guidelines, timelines,
23 and procedures to govern the institutional reentry plan process.

24 b. Appropriate staff within the Department of Corrections and
25 State Parole Board shall compile and disseminate to inmates
26 information concerning organizations and programs, whether faith-
27 based or secular programs, which provide assistance and services to
28 inmates reentering society after a period of incarceration. In
29 compiling this information, the appropriate staff shall consult with
30 non-profit entities that provide informational services concerning
31 reentry, the Executive Director of the Office of Faith-based
32 Initiatives in the Department of State, and the Corrections
33 Ombudsperson in, but not of, the Department of the Treasury.

34 c. The State Parole Board shall ensure that all inmates are
35 made aware of and referred to organizations which provide services
36 in the county where the inmate is to reside after being released from
37 incarceration. The State Parole Board shall assist inmates in gaining
38 access to programs and procuring the appropriate post-release
39 services.

40 d. The Department of Corrections and State Parole Board may
41 employ professional and clerical staff as necessary within the limits
42 of available appropriations.

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

44

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

47 1. For the purposes of this act:

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

5 "Immediate family member" includes the staff member's spouse
6 and children, the staff member's siblings and parents, the staff
7 member's spouse's siblings and parents and the spouses of the staff
8 member's children.

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

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

13
14 53. Section 1 of P. L.1997, c.70 (C.30:4-3.15) is amended to
15 read as follows:

16 1. For the purposes of this act:

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

21 "Employee" means a person employed by the State to work at a
22 State psychiatric hospital or a person employed by a private entity
23 under contract with the State to provide contracted services at a
24 State psychiatric hospital.

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

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

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

31
32 54. Section 1 of P.L.1999, c.243 (C.30:4-91.9) is amended to
33 read as follows:

34 1. As used in this act:

35 "Eligible inmate" means an inmate who (1) was not convicted of
36 a sexual offense as defined in this section or an arson offense, (2)
37 does not demonstrate an undue risk to public safety and (3) has less
38 than one year remaining to be served before the inmate's parole
39 eligibility date, provided, however, that an eligible inmate may
40 include an inmate who is otherwise eligible but who has more than
41 one year but less than 18 months remaining to be served before the
42 inmate's parole eligibility date and is determined by the
43 Commissioner of Corrections or a designee to be appropriate to be
44 authorized for confinement in a private facility; and further
45 provided, however, that an eligible inmate may include an inmate
46 who is otherwise eligible but who has more than one year but less
47 than two years remaining to be served before the inmate's parole
48 eligibility date and is determined by the Commissioner of

1 Corrections or a designee to be appropriate to be authorized for
2 confinement in a private facility for participation in a substance
3 **【abuse】** use disorder treatment program.

4 "Private facility" means a residential center, operated by a
5 private nonprofit entity, contracted by the Department of
6 Corrections to provide for the care, custody, subsistence, treatment,
7 education, training or welfare of inmates sentenced to the custody
8 of the Commissioner of Corrections.

9 "Sexual offense" means a violation of 2C:14-2, 2C:14-3 or
10 2C:24-4, or of any other substantially equivalent provision
11 contained in Title 2A of the New Jersey Statutes now repealed,
12 conspiracy to commit any of these offenses or an attempt to commit
13 any of these offenses.

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

15

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

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

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

42 c. The Commissioners of Human Services and Children and
43 Families, pursuant to the "Administrative Procedure Act," P.L.1968,
44 c.410 (C.52:14B-1 et seq.), shall adopt, notwithstanding any
45 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
46 immediately upon filing with the Office of Administrative Law,
47 such rules and regulations as the Commissioners deem necessary to
48 effectuate the purposes of section 159 of P.L.2012, c.16 (C.30:4C-

1 4.5), which shall be effective for a period not to exceed 12 months
2 following the effective date of P.L.2012, c.16 (C.52:27D-43.9a et
3 al.). The regulations shall thereafter be amended, adopted, or
4 readopted by the commissioners in accordance with the provisions
5 of P.L.1968, c.410 (C.52:14B-1 et seq.).

6 d. Whenever any current law, rule, regulation, or order
7 pertaining to the treatment of **【alcoholism】** alcohol use disorder and
8 substance **【abuse】** use disorder for persons under 21 years of age
9 refers to the Division of Mental Health and Addiction Services in
10 the Department of Human Services, the same shall mean and refer
11 to the Division of Children's System of Care in the Department of
12 Children and Families, except where the Division of Mental Health
13 and Addiction Services continues to exclusively provide, manage,
14 and coordinate programs and services consistent with this section.
15 (cf: P.L.2012, c.16, s.159)

16
17 56. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to
18 read as follows:

19 6. The plan shall:

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

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

29 c. Be consistent with principles set forth in section 7 of this
30 act;

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

35 e. Specify the role and function of the CARTs and CIACCs in
36 developing the individualized, appropriate child and family driven
37 care system;

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

40 g. Specify the interdepartmental amounts and sources of
41 financial resources required to implement and maintain a
42 coordinated system of care;

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

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

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

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

9 l. Describe all services, both public and private, including
10 rehabilitation services, vocational services, substance **[abuse]** use
11 disorder services, housing services, educational services, medical
12 and dental care to be provided by local school systems under the
13 "Education of the Handicapped Act," (20 U.S.C. s.1401 et seq.);
14 and

15 m. Describe how parents will be involved in the development of
16 the plan and how the plan will insure their full participation in the
17 CART/CIAAC process.

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

19
20 57. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to
21 read as follows:

22 3. a. The Department of Children and Families may establish,
23 through purchase of service contracts with community-based
24 organizations, at least one family preservation services program in
25 each county in the State. The program shall provide services to
26 families whose children are at imminent risk of placement as
27 determined by agencies authorized to place children, or whose
28 children are being prepared for reunification.

29 b. The family preservation services program shall be based on
30 the following objectives:

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

33 (2) The development of appropriate crisis management and
34 parenting skills;

35 (3) The provision of services to families, as needed, including
36 transportation, emergency financial assistance for food, clothing
37 and housing, family counseling and substance **[abuse]** use disorder
38 treatment; and

39 (4) The development of linkages with service networks and
40 community resources.

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

42
43 58. Section 1 of P.L.2005, c.111 (C.30:4D-6j) is amended to
44 read as follows:

45 1. a. Subject to federal financial participation under Title XIX
46 of the federal Social Security Act (42 U.S.C. s.1396 et seq.), the
47 Commissioner of Health **[and Senior Services]** shall establish
48 special long-term care facility admission criteria for Medicaid-

1 eligible persons with HIV infection or AIDS, which would apply to
2 facilities that only serve persons with HIV infection or AIDS.

3 b. The criteria shall enable admission of:

4 (1) persons with HIV infection who have medical or psycho-
5 social co-morbidities, including, but not limited to: diabetes, cancer,
6 hypertension, hyperlipidemia, asthma, chronic obstructive
7 pulmonary disease, hepatitis B or C, substance **【abuse】** use
8 disorder, mental illness or dementia; and

9 (2) persons with AIDS-defining illness and infection, including
10 those persons newly diagnosed with HIV infection, which illness or
11 infection includes, but is not limited to: pneumocystis carinii
12 pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-
13 esophageal candidiasis, wasting, bacterial pneumonia, lymphoma,
14 cryptococcal meningitis, mycobacterium avium complex (MAC) or
15 Kaposi's sarcoma.

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

17
18 59. Section 2 of P.L.2016, c.58 (C.30:6C-12) is amended to read
19 as follows:

20 2. The Director of the Division of Mental Health and Addiction
21 Services in the Department of Human Services, in consultation with
22 the Attorney General, shall provide for the establishment, upon the
23 request of the department or force, of a law enforcement assisted
24 addiction and recovery referral program in accordance with section
25 5 of P.L.2016, c.58 (C.30:6C-15). In providing for the
26 establishment of these programs, the director shall:

27 a. prescribe by regulation requirements for a law enforcement
28 department to establish, or otherwise authorize the operation within
29 that department, of a law enforcement assisted addiction and
30 recovery referral program;

31 b. develop and implement guidelines for the recruitment and
32 training of law enforcement officers and personnel, volunteers, and
33 treatment providers to participate in the program, provided that law
34 enforcement officers may refer or transport program participants to
35 a program volunteer or to a treatment provider for substance
36 **【abuse】** use disorder recovery services, health care services,
37 including mental health services, medication-assisted drug
38 treatment services, and other substance **【abuse】** use disorder
39 treatment services but shall not be involved in the provision of such
40 services;

41 c. support and facilitate, to the maximum extent practicable,
42 the linkage of law enforcement assisted addiction and recovery
43 referral programs to facilities and programs that may provide
44 appropriate substance **【abuse】** use disorder recovery services,
45 health care services, including mental health services, medication-
46 assisted drug treatment services, and other substance **【abuse】** use
47 disorder treatment services to program participants;

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

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

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

12 g. provide procedures for maintaining the confidentiality of
13 information pertaining to the identity, diagnosis, treatment and
14 health information of any program participant.

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

16
17 60. Section 3 of P.L.2016, c.58 (C.30:6C-13) is amended to read
18 as follows:

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

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

34
35 61. Section 2 of P.L.1997, c.81 (C.30:8-62) is amended to read
36 as follows:

37 2. The Legislature finds that specialized rehabilitation programs
38 which utilize proven military techniques of regimentation and
39 structured discipline have been shown to develop positive attitudes
40 and behavior traits in juvenile offenders; such programs foster self-
41 control, self-respect, and dramatically improve a juvenile offender's
42 potential for rehabilitation and re-integration into the community;
43 and, by complementing that regimen and structure with education,
44 vocational training, counseling, and aftercare services, such a
45 program can significantly reduce recidivism among juvenile
46 offenders.

47 The Legislature, therefore, declares that the counties of this State
48 should be authorized to establish and maintain specialized

1 rehabilitation programs for juvenile offenders; these specialized
2 programs should be designed as short-term incarcerations during
3 which the juvenile offender is exposed to a highly structured routine
4 of discipline, intensive regimentation, exercise and work therapy,
5 together with substance **[abuse]** use disorder treatment, self-
6 improvement counseling, and educational and vocational training;
7 and following the term of incarceration, the program should provide
8 a period of intensive aftercare supervision or mentoring for the
9 juvenile offender.

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

11
12 62. Section 5 of P.L.1997, c.81 (C.30:8-65) is amended to read
13 as follows:

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

17 a. A comprehensive, residential program for a minimum period
18 of four weeks consisting of:

19 (1) Highly structured routines of discipline;

20 (2) Physical exercise;

21 (3) Work;

22 (4) Substance **[abuse]** use disorder counseling;

23 (5) Educational and vocational counseling; and

24 (6) Self-improvement and personal growth counseling stressing
25 moral values and cognitive reasoning.

26 b. A six to nine month aftercare or mentoring program. The
27 program, which may include a residential period, shall consist of
28 counseling services and assistance, including, but not limited to:
29 educational and vocational counseling and assistance; psychological
30 counseling; substance **[abuse]** use disorder counseling and
31 assistance; personal development and self-improvement counseling;
32 and counseling and assistance relating to the juvenile's re-
33 integration into his family and the community.

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

35
36 63. Section 1 of P.L.2011, c.166 (C.30:9A-29) is amended to
37 read as follows:

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

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

45 (1) identification of existing State and local sources of data
46 concerning youth suicide deaths, youth suicide attempts, and self-
47 inflicted injuries by youth;

1 (2) coordination and sharing of such data among identified State
2 and local sources;

3 (3) promotion of greater public awareness about youth suicide
4 prevention services and resources;

5 (4) identification of barriers to accessing mental health and
6 substance **【abuse】** use disorder services, and opportunities to
7 enhance access; and

8 (5) promotion of evidenced-based and best practice programs,
9 listed on the Suicide Prevention Resource Center's Best Practices
10 Registry, for the prevention and treatment of youth suicide and self-
11 injury.

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

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

16 1. For the purposes of this act:

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

19 "Employee assistance program" means a program in which a
20 public employer provides or contracts with a service provider to
21 provide assistance to the employer's employees and their
22 dependents to resolve problems which may affect employee work
23 performance, irrespective of whether the problems originate on the
24 job, including, but not limited to, marital and family problems,
25 emotional problems, substance **【abuse】** use disorder, compulsive
26 gambling, financial problems, and medical problems.

27 "Dependent" means an employee's spouse, civil union partner, or
28 domestic partner, an unmarried child of the employee who is less
29 than 31 years of age and lives with the employee in a regular
30 parent-child relationship, or an unmarried child of the employee
31 who is not less than 31 years of age and is not capable of self
32 support. "Child of the employee" includes any child, stepchild,
33 legally adopted child, or foster child of the employee, or of a
34 domestic partner or civil union partner of the employee, who is
35 reported for coverage and dependent upon the employee for support
36 and maintenance.

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

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

40 "Public employer" means the State of New Jersey, or the
41 counties and municipalities thereof, or any other political
42 subdivision of the State, or a school district, or any special district,
43 or any authority, including a bi-state authority, or any commission,
44 or board, or any branch or agency of the public service.

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

46
47 65. Section 1 of P.L.1999, c.279 (C.34:15F-1) is amended to
48 read as follows:

1 1. The Legislature finds and declares that there are a significant
2 number of students in New Jersey who are economically and
3 socially disadvantaged and who are alienated from the community
4 and school. These students are at-risk of substance **【abuse】** use
5 disorder, teen pregnancy or other behavioral problems that inhibit
6 academic achievement and successful integration into society.

7 The Legislature further finds that mentoring programs that
8 develop relationships between professionally trained and committed
9 adult volunteers and at-risk students, for the purpose of providing
10 support, counseling, reinforcement and constructive examples,
11 create an environment in which students can achieve their full
12 academic potential and which fosters their future success as
13 productive citizens of the State.

14 (cf: P.L.1999, c.279, s.1)

15

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

18 2. a. The Department of Military and Veterans' Affairs shall
19 establish, in coordination with University Behavioral HealthCare of
20 Rutgers, The State University of New Jersey, a toll free veteran to
21 veteran peer support helpline.

22 b. The helpline shall be accessible 24 hours a day seven days
23 per week and shall respond to calls from veterans, servicemembers
24 and their families. The operators of the helpline shall seek to
25 identify the veterans, servicemembers and their families who should
26 be referred to further peer support and counseling services, and
27 provide referrals.

28 c. The operators of the helpline shall be trained by University
29 Behavioral Healthcare of Rutgers, The State University of New
30 Jersey and, to the greatest extent possible, shall be trained veterans
31 or mental health professionals with military service expertise and
32 (1) familiar with post traumatic stress disorder, traumatic brain
33 injury and the emotional and psychological tensions, depressions,
34 and anxieties unique to veterans, servicemembers, and their families
35 or (2) trained to provide counseling services involving marriage and
36 family life, substance **【abuse】** use disorder, personal stress
37 management and other emotional or psychological disorders or
38 conditions which may be likely to adversely affect the personal and
39 service related well-being of veterans, servicemembers, and their
40 families.

41 d. The Department of Military and Veterans' Affairs and
42 Rutgers, The State University of New Jersey shall provide for the
43 confidentiality of the names of the persons calling, the information
44 discussed, and any referrals for further peer support or counseling;
45 provided, however, the Department of Military and Veterans'
46 Affairs and Rutgers, The State University of New Jersey may
47 establish guidelines providing for the tracking of any person who
48 exhibits a severe emotional or psychological disorder or condition

1 which the operator handling the call reasonably believes might
2 result in harm to the veteran or servicemember or any other person.
3 (cf: P.L.2012, c.45, s.121)
4

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

7 1. a. Upon proper application, the Chief Administrator of the
8 New Jersey Motor Vehicle Commission shall issue support
9 recovery license plates for any motor vehicle owned or leased and
10 registered in this State. In addition to the registration number and
11 other markings or identification otherwise prescribed by law, the
12 license plates shall display an emblem, consisting of an image of a
13 compass rose with cardinal direction indicators enclosed in a circle,
14 and the words "SUPPORT RECOVERY" beneath the image. The
15 chief administrator shall, in consultation with the Commissioner of
16 Human Services and Parents in Connection for Kids, Inc., select the
17 design and color scheme of the support recovery license plates. The
18 support recovery license plates shall be subject to the provisions of
19 chapter 3 of Title 39 of the Revised Statutes, except as hereinafter
20 otherwise specifically provided.

21 b. Application for issuance of support recovery license plates
22 shall be made to the chief administrator on forms and in a manner
23 prescribed by the chief administrator. In order to be deemed
24 complete, an application shall be accompanied by a fee of \$50,
25 payable to the New Jersey Motor Vehicle Commission, which shall
26 be in addition to the fees otherwise prescribed by law for the
27 registration of a motor vehicle. The chief administrator shall collect
28 annually, subsequent to the year of issuance of the support recovery
29 license plates, a \$10 fee for the license plates in addition to the fees
30 otherwise prescribed by law for the registration of a motor vehicle.
31 The additional fees required by this subsection shall be deposited in
32 the "Support Recovery License Plate Fund" created pursuant to
33 subsection c. of this section.

34 c. There is created in the Department of the Treasury a special
35 non-lapsing fund to be known as the "Support Recovery License
36 Plate Fund." There shall be deposited in the fund the amount
37 collected from all license plate fees collected pursuant to subsection
38 b. of this section, less the amounts necessary to reimburse the
39 commission for administrative costs pursuant to subsection d. of
40 this section. Monies deposited in the fund shall be appropriated
41 annually to the Division of Mental Health and Addiction Services
42 within the Department of Human Services to be used to secure
43 permanent sober living housing for individuals who have completed
44 substance **[abuse]** use disorder treatment or temporary sober living
45 housing for individuals waiting to be placed in a substance **[abuse]**
46 use disorder treatment program. Monies appropriated to the
47 division shall not be provided to any individual seeking housing
48 assistance but may be provided to housing facilities to be used as

1 deposits or monthly rent payments for individuals seeking housing
2 assistance. Monies deposited in the fund shall be held in interest-
3 bearing accounts in public depositories as defined pursuant to
4 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
5 reinvested in securities approved by the State Treasurer. Interest or
6 other income earned on monies deposited into the fund, and any
7 monies which may be appropriated or otherwise become available
8 for the purposes of the fund, shall be credited to and deposited in
9 the fund for use as set forth in P.L.2019, c.325 (C.39:3-27.158 et
10 seq.).

11 d. Prior to the deposit of the additional fees collected pursuant
12 to subsection b. of this section into the "Support Recovery License
13 Plate Fund," amounts thereof as are necessary shall be used to
14 reimburse the commission for all costs reasonably and actually
15 incurred, as stipulated by the chief administrator, for:

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

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

21 The chief administrator shall annually certify to the State
22 Treasurer the average cost per license plate incurred in the
23 immediately preceding year by the commission in producing,
24 issuing, renewing, and publicizing the availability of the support
25 recovery license plates. The annual certification of the average cost
26 per license plate shall be approved by the Joint Budget Oversight
27 Committee, or its successor.

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

34 e. The chief administrator shall notify eligible motorists of the
35 opportunity to obtain support recovery license plates by publicizing
36 the availability of the license plates on the commission's website.
37 The Department of Human Services, and any other individual or
38 entity designated by the Department of Human Services, may
39 publicize the availability of the support recovery license plates in
40 any manner that the department deems appropriate.

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

46 g. The Commissioner of Human Services shall appoint a
47 representative who shall act as a liaison between the Department of
48 Human Services and the commission. The liaison shall represent

1 the department in any and all communications with the commission
2 regarding the support recovery license plates established by
3 P.L.2019, c.325 (C.39:3-27.158 et seq.).
4 (cf: P.L.2019, c.325, s.1)
5

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

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

9 "Body worn camera" means a mobile audio and video recording
10 system worn by a law enforcement officer, but shall not include a
11 recording device worn by a law enforcement officer while engaging
12 in an undercover assignment or a recording device used during a
13 custodial interrogation conducted in a place of detention in
14 compliance with Rule 3:17 of the Rules Governing the Courts of the
15 State of New Jersey.

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

21 "Force" shall include physical, mechanical, enhanced
22 mechanical, and deadly force.

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

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

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

33 "Subject of the video footage" means any law enforcement
34 officer, suspect, victim, detainee, conversant, injured party, or other
35 similarly situated person who appears on the body worn camera
36 recording, and shall not include a person who only incidentally
37 appears on the recording.

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

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

45 c. (1) Except as otherwise provided in this subsection or in
46 subsection e. of this section, the video and audio recording
47 functions of a body worn camera shall be activated whenever the
48 officer is responding to a call for service or at the initiation of any

1 other law enforcement or investigative encounter between an officer
2 and a member of the public, in accordance with applicable
3 guidelines or directives promulgated by the Attorney General;
4 provided however, if an immediate threat to the officer's life or
5 safety makes activating the body worn camera impossible or
6 dangerous, the officer shall activate the body worn camera at the
7 first reasonable opportunity to do so. The body worn camera shall
8 remain activated until the encounter has fully concluded and the
9 officer leaves the scene.

10 (2) The video and audio recording functions of a body worn
11 camera may be deactivated, consistent with directives or guidelines
12 promulgated by the Attorney General, under the following
13 circumstances:

14 (a) when a civilian conversing with the officer requests that the
15 device be deactivated where it reasonably appears that the person
16 will not provide information or otherwise cooperate with the officer
17 unless that request is respected;

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

21 (c) while the officer is participating in a discussion pertaining to
22 criminal investigation strategy and planning, provided that the
23 discussion is not conducted in the immediate presence of a civilian
24 and further provided that the officer is not actively engaged in the
25 collection of physical evidence; or

26 (d) when specifically authorized to do so by an assistant
27 prosecutor or an assistant or deputy attorney general for good and
28 sufficient cause as determined by the assistant prosecutor or
29 assistant or deputy attorney general.

30 (3) Unless the officer is actively engaged in investigating the
31 commission of a criminal offense, or is responding to an emergency
32 or call for service, or reasonably believes that he or she will be
33 required to use constructive authority or force, the officer shall not
34 activate the video and audio recording functions of a body worn
35 camera, or shall deactivate a device that has been activated, while
36 the officer:

37 (a) is in a school or youth facility or on school or youth facility
38 property under circumstances where minor children would be in
39 view of the device;

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

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

45 (4) The officer shall not activate the video and audio recording
46 functions of a body worn camera, or shall deactivate a device that
47 has been activated, if the officer knows or reasonably believes that
48 the recording would risk revealing the identity of an individual as

1 an undercover officer or confidential informant or otherwise would
2 pose a risk to the safety of an undercover officer or confidential
3 informant, unless such activation is expressly authorized by a
4 supervisor, or unless the exigency of the situation and danger posed
5 to an officer require that the encounter or incident be recorded, in
6 which event the officer shall inform his or her supervisor that the
7 recording risks revealing the identity of an individual as an
8 undercover officer or confidential informant.

9 (5) An officer shall not activate a body worn camera while in a
10 courtroom during court proceedings, unless the officer is
11 responding to a call for service or is authorized to use constructive
12 force or authority.

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

27 d. A law enforcement officer who is wearing a body worn
28 camera shall notify the subject of the recording that the subject is
29 being recorded by the body worn camera unless it is unsafe or
30 infeasible to provide such notification. Such notification shall be
31 made as close to the inception of the encounter as is reasonably
32 possible. If the officer does not provide the required notification
33 because it is unsafe or infeasible to do so, the officer shall
34 document the reasons for that decision in a report or by narrating
35 the reasons on the body worn camera recording, or both. The
36 failure to verbally notify a person pursuant to this section shall not
37 affect the admissibility of any statement or evidence.

38 e. Notwithstanding the requirements of subsection c. of this
39 section:

40 (1) prior to entering a private residence, a law enforcement
41 officer shall notify the occupant that the occupant is being recorded
42 by the body worn camera and, if the occupant requests the officer to
43 discontinue use of the officer's body worn camera, the officer shall
44 immediately discontinue use of the body worn camera unless the
45 officer is actively engaged in investigating the commission of a
46 criminal offense, or is responding to an emergency, or reasonably
47 believes that the officer will be required to use constructive
48 authority or force;

1 (2) when interacting with an apparent crime victim, a law
2 enforcement officer shall, as soon as practicable, notify the apparent
3 crime victim that he or she is being recorded by the body worn
4 camera and, if the apparent crime victim requests the officer to
5 discontinue use of the body worn camera, the officer shall
6 immediately discontinue use of the body worn camera; and

7 (3) when interacting with a person seeking to anonymously
8 report a crime or assist in an ongoing law enforcement
9 investigation, a law enforcement officer, if the person requests that
10 the officer discontinue use of the body worn camera, shall evaluate
11 the circumstances and, if appropriate, discontinue use of the body
12 worn camera.

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

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

18 h. A body worn camera shall not be used to gather intelligence
19 information based on First Amendment protected speech,
20 associations, or religion, or to record activity that is unrelated to a
21 response to a call for service or a law enforcement or investigative
22 encounter between a law enforcement officer and a member of the
23 public, provided that nothing in this subsection shall be construed to
24 prohibit activation of video and audio recording functions of a body
25 worn camera as authorized under this law and in accordance with
26 any applicable guidelines or directives promulgated by the Attorney
27 General.

28 i. Every law enforcement agency shall promulgate and adhere
29 to a policy, standing operating procedure, directive, or order which
30 meets the requirements of subsection j. of this act and any
31 applicable guideline or directive promulgated by the Attorney
32 General that specifies the period of time during which a body worn
33 camera recording shall be retained.

34 j. A body worn camera recording shall be retained by the law
35 enforcement agency that employs the officer for a retention period
36 consistent with the provisions of this section, after which time the
37 recording shall be permanently deleted. A body worn camera
38 recording shall be retained for not less than 180 days from the date
39 it was recorded, which minimum time frame for retention shall be
40 applicable to all contracts for retention of body worn camera
41 recordings executed by or on behalf of a law enforcement agency
42 on or after the effective date of this act, and shall be subject to the
43 following additional retention periods:

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

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

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

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

11 (c) any immediate supervisor of a law enforcement officer
12 whose body worn camera made the recording or who is a subject of
13 the body worn camera recording, if that immediate supervisor
14 reasonably asserts the recording has evidentiary or exculpatory
15 value;

16 (d) any law enforcement officer, if the body worn camera
17 recording is being retained solely and exclusively for police training
18 purposes;

19 (e) any member of the public who is a subject of the body worn
20 camera recording;

21 (f) any parent or legal guardian of a minor who is a subject of
22 the body worn camera recording; or

23 (g) a deceased subject's next of kin or legally authorized
24 designee.

25 (3) Notwithstanding the provisions of paragraph (1) or (2) of
26 this subsection, a body worn camera recording shall be subject to
27 the following additional retention requirements:

28 (a) when a body worn camera recording pertains to a criminal
29 investigation or otherwise records information that may be subject
30 to discovery in a prosecution, the recording shall be treated as
31 evidence and shall be kept in accordance with the retention period
32 for evidence in a criminal prosecution;

33 (b) when a body worn camera records an arrest that did not
34 result in an ongoing prosecution, or records the use of police force,
35 the recording shall be kept until the expiration of the statute of
36 limitations for filing a civil complaint against the officer or the
37 employing law enforcement agency;

38 (c) when a body worn camera records an incident that is the
39 subject of an internal affairs complaint, the recording shall be kept
40 pending final resolution of the internal affairs investigation and any
41 resulting administrative action.

42 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)
43 of subsection j. of this section, the member of the public, parent or
44 legal guardian, or next of kin or designee shall be permitted to
45 review the body worn camera recording in accordance with the
46 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine
47 whether to request a three-year retention period.

1 1. Notwithstanding that a criminal investigatory record does
2 not constitute a government record under section 1 of P.L.1995,
3 c.23 (C.47:1A-1.1), only the following body worn camera
4 recordings shall be exempt from public inspection:

5 (1) body worn camera recordings not subject to a minimum
6 three-year retention period or additional retention requirements
7 pursuant to subsection j. of this section;

8 (2) body worn camera recordings subject to a minimum three-
9 year retention period solely and exclusively pursuant to paragraph
10 (1) of subsection j. of this section if the subject of the body worn
11 camera recording making the complaint requests the body worn
12 camera recording not be made available to the public;

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

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

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

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

32 (a) the use of force by the officer where the officer knows or
33 should know that the use of force resulted in significant or serious
34 bodily injury or death;

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

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

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

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

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

46 (2) In the event a law enforcement officer reviews or receives an
47 accounting of a body worn camera recording prior to the creation of
48 any report, statement, or interview, the law enforcement officer

1 shall be required to acknowledge that prior review or receipt either
2 verbally or in writing within each such report, statement, or
3 interview.

4 (3) Nothing in this subsection shall be construed to require a law
5 enforcement officer to review a body worn camera recording prior
6 to creating any required initial reports, statements, and interviews
7 regarding the recorded event, nor to prevent a law enforcement
8 officer from reviewing or receiving an accounting of such a body
9 worn camera recording subsequent to the creation of any required
10 initial report, statement, or interview regarding the recorded event.

11 o. Body worn camera recordings shall not be divulged or used
12 by any law enforcement agency for any commercial or other non-
13 law enforcement purpose.

14 p. If a law enforcement agency authorizes a third party to act as
15 its agent in maintaining recordings from a body worn camera, the
16 agent shall be prohibited from independently accessing, viewing, or
17 altering any recordings, except to delete recordings as required by
18 law or agency retention policies.

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

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

25 (2) there shall be a rebuttable presumption that exculpatory
26 evidence was destroyed or not captured in favor of a criminal
27 defendant who reasonably asserts that exculpatory evidence was
28 destroyed or not captured; and

29 (3) there shall be a rebuttable presumption that evidence
30 supporting the plaintiff's claim was destroyed or not captured in
31 favor of a civil plaintiff suing the government, a law enforcement
32 agency, or a law enforcement officer for damages based on police
33 misconduct if the plaintiff reasonably asserts that evidence
34 supporting the plaintiff's claim was destroyed or not captured.

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

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

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

43
44 69. Section 3 of P.L.1998, c.148 (C.40A:14-197) is amended to
45 read as follows:

46 3. a. The debriefing and counseling services available under a
47 program established pursuant to P.L.1998, c.148 (C.40A:14-195 et
48 seq.) shall be provided by appropriately licensed or certified

1 psychologists and social workers who are either employees of the
2 county or under contract to provide such professional services to the
3 county. No employee of a county or municipal law enforcement
4 agency, department or force shall provide any debriefing or
5 counseling services under the program; provided, however, nothing
6 herein shall be construed to prohibit any county or municipal law
7 enforcement agency, department or force from establishing an
8 internal, administrative debriefing and counseling program to
9 identify law enforcement officers or sheriff's officers who may
10 benefit from the services available under the county crisis
11 intervention services program and to refer those officers to those
12 services.

13 b. Former law enforcement officers and other persons who are
14 not licensed or certified as psychologists or social workers and who
15 are not currently employed by any county or municipal law
16 enforcement agency may be employed by the county to provide
17 debriefing and counseling services; provided those former law
18 enforcement officers and other persons are:

19 (1) currently enrolled in an educational program to acquire such
20 licensing or certification; or

21 (2) familiar with the emotional crises and psychological
22 stresses, tensions and anxieties associated with law enforcement
23 duty; or

24 (3) trained to provide specialized or supplemental counseling
25 services involving domestic violence, substance **[abuse]** use
26 disorder, gambling, marriage and family life, and such other topics
27 as the county crisis intervention services advisory council,
28 established pursuant to section 4 of this act, may deem necessary;
29 and

30 (4) perform those debriefing and counseling services under the
31 direct supervision of a licensed or certified psychologist,
32 psychiatrist, or social worker.

33 (cf: P.L.1998, c.148, s.3)

34

35 70. R.S.43:21-5 is amended to read as follows:

36 43:21-5. An individual shall be disqualified for benefits:

37 (a) For the week in which the individual has left work
38 voluntarily without good cause attributable to such work, and for
39 each week thereafter until the individual becomes reemployed and
40 works eight weeks in employment, which may include employment
41 for the federal government, and has earned in employment at least
42 ten times the individual's weekly benefit rate, as determined in each
43 case. This subsection shall apply to any individual seeking
44 unemployment benefits on the basis of employment in the
45 production and harvesting of agricultural crops, including any
46 individual who was employed in the production and harvesting of
47 agricultural crops on a contract basis and who has refused an offer
48 of continuing work with that employer following the completion of

1 the minimum period of work required to fulfill the contract. This
2 subsection shall not apply to an individual who voluntarily leaves
3 work with one employer to accept from another employer
4 employment which commences not more than seven days after the
5 individual leaves employment with the first employer, if the
6 employment with the second employer has weekly hours or pay not
7 less than the hours or pay of the employment of the first employer,
8 except that if the individual gives notice to the first employer that
9 the individual will leave employment on a specified date and the
10 first employer terminates the individual before that date, the seven-
11 day period will commence from the specified date.

12 (b) For the week in which the individual has been suspended or
13 discharged for misconduct connected with the work, and for the five
14 weeks which immediately follow that week, as determined in each
15 case.

16 "Misconduct" means conduct which is improper, intentional,
17 connected with the individual's work, within the individual's
18 control, not a good faith error of judgment or discretion, and is
19 either a deliberate refusal, without good cause, to comply with the
20 employer's lawful and reasonable rules made known to the
21 employee or a deliberate disregard of standards of behavior the
22 employer has a reasonable right to expect, including reasonable
23 safety standards and reasonable standards for a workplace free of
24 substance [abuse] use.

25 In the event the discharge should be rescinded by the employer
26 voluntarily or as a result of mediation or arbitration, this subsection
27 (b) shall not apply, provided, however, an individual who is
28 restored to employment with back pay shall return any benefits
29 received under this chapter for any week of unemployment for
30 which the individual is subsequently compensated by the employer.

31 If the discharge was for gross misconduct connected with the
32 work because of the commission of an act punishable as a crime of
33 the first, second, third or fourth degree under the "New Jersey Code
34 of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be
35 disqualified in accordance with the disqualification prescribed in
36 subsection (a) of this section and no benefit rights shall accrue to
37 any individual based upon wages from that employer for services
38 rendered prior to the day upon which the individual was discharged.

39 The director shall insure that any appeal of a determination
40 holding the individual disqualified for gross misconduct in
41 connection with the work shall be expeditiously processed by the
42 appeal tribunal.

43 To sustain disqualification from benefits because of misconduct
44 under this subsection (b), the burden of proof is upon the employer,
45 who shall, prior to a determination by the department of
46 misconduct, provide written documentation demonstrating that the
47 employee's actions constitute misconduct or gross misconduct.

1 Nothing within this subsection (b) shall be construed to interfere
2 with the exercise of rights protected under the "National Labor
3 Relations Act," (29 U.S.C. s.151 et seq.) or the "New Jersey
4 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
5 et seq.).

6 (c) If it is found that the individual has failed, without good
7 cause, either to apply for available, suitable work when so directed
8 by the employment office or the director or to accept suitable work
9 when it is offered, or to return to the individual's customary self-
10 employment (if any) when so directed by the director. The
11 disqualification shall continue for the week in which the failure
12 occurred and for the three weeks which immediately follow that
13 week, as determined:

14 (1) In determining whether or not any work is suitable for an
15 individual, consideration shall be given to the degree of risk
16 involved to health, safety, and morals, the individual's physical
17 fitness and prior training, experience and prior earnings, the
18 individual's length of unemployment and prospects for securing
19 local work in the individual's customary occupation, and the
20 distance of the available work from the individual's residence. In
21 the case of work in the production and harvesting of agricultural
22 crops, the work shall be deemed to be suitable without regard to the
23 distance of the available work from the individual's residence if all
24 costs of transportation are provided to the individual and the terms
25 and conditions of hire are as favorable or more favorable to the
26 individual as the terms and conditions of the individual's base year
27 employment.

28 (2) Notwithstanding any other provisions of this chapter, no
29 work shall be deemed suitable and benefits shall not be denied
30 under this chapter to any otherwise eligible individual for refusing
31 to accept new work under any of the following conditions: the
32 position offered is vacant due directly to a strike, lockout, or other
33 labor dispute; the remuneration, hours, or other conditions of the
34 work offered are substantially less favorable to the individual than
35 those prevailing for similar work in the locality; or, the individual,
36 as a condition of being employed, would be required to join a
37 company union or to resign from or refrain from joining any bona
38 fide labor organization.

39 (d) If it is found that this unemployment is due to a stoppage of
40 work which exists because of a labor dispute at the factory,
41 establishment or other premises at which the individual is or was
42 last employed, except as otherwise provided by this subsection (d).

43 (1) No disqualification under this subsection (d) shall apply if it
44 is shown that:

45 (a) The individual is not participating in or financing or directly
46 interested in the labor dispute which caused the stoppage of work;
47 and

1 (b) The individual does not belong to a grade or class of workers
2 of which, immediately before the commencement of the stoppage,
3 there were members employed at the premises at which the
4 stoppage occurs, any of whom are participating in or financing or
5 directly interested in the dispute; provided that if in any case in
6 which (a) or (b) above applies, separate branches of work which are
7 commonly conducted as separate businesses in separate premises
8 are conducted in separate departments of the same premises, each
9 department shall, for the purpose of this subsection, be deemed to
10 be a separate factory, establishment, or other premises.

11 (2) For any claim for a period of unemployment commencing on
12 or after December 1, 2004, no disqualification under this subsection
13 (d) shall apply if it is shown that the individual has been prevented
14 from working by the employer, even though the individual's
15 recognized or certified majority representative has directed the
16 employees in the individual's collective bargaining unit to work
17 under the preexisting terms and conditions of employment, and the
18 employees had not engaged in a strike immediately before being
19 prevented from working.

20 (3) For any claim for a period of unemployment commencing on
21 or after July 1, 2018, no disqualification under this subsection (d)
22 shall apply if the labor dispute is caused by the failure or refusal of
23 the employer to comply with an agreement or contract between the
24 employer and the claimant, including a collective bargaining
25 agreement with a union representing the claimant, or a State or
26 federal law pertaining to hours, wages, or other conditions of work.

27 (4) For any claim for a period of unemployment commencing on
28 or after July 1, 2018, if the unemployment is caused by a labor
29 dispute, including a strike or other concerted activities of employees
30 at the claimant's workplace, whether or not authorized or sanctioned
31 by a union representing the claimant, but not including a dispute
32 subject to the provisions of paragraph (2) or (3) of this subsection
33 (d), the claimant shall not be provided benefits for a period of the
34 first 30 days following the commencement of the unemployment
35 caused by the labor dispute, except that the period without benefits
36 shall not apply if the employer hires a permanent replacement
37 worker for the claimant's position. A replacement worker shall be
38 presumed to be permanent unless the employer certifies in writing
39 that the claimant will be permitted to return to his or her prior
40 position upon conclusion of the dispute. If the employer does not
41 permit the return, the claimant shall be entitled to recover any
42 benefits lost as a result of the 30-day waiting period before
43 receiving benefits, and the department may impose a penalty upon
44 the employer of up to \$750 per employee per week of benefits lost.
45 The penalty collected shall be paid into the unemployment
46 compensation auxiliary fund established pursuant to subsection (g)
47 of R.S.43:21-14.

1 (e) For any week with respect to which the individual is
2 receiving or has received remuneration in lieu of notice.

3 (f) For any week with respect to which or a part of which the
4 individual has received or is seeking unemployment benefits under
5 an unemployment compensation law of any other state or of the
6 United States; provided that if the appropriate agency of the other
7 state or of the United States finally determines that the individual is
8 not entitled to unemployment benefits, this disqualification shall not
9 apply.

10 (g) (1) For a period of one year from the date of the discovery
11 by the division of the illegal receipt or attempted receipt of benefits
12 contrary to the provisions of this chapter, as the result of any false
13 or fraudulent representation; provided that any disqualification may
14 be appealed in the same manner as any other disqualification
15 imposed hereunder; and provided further that a conviction in the
16 courts of this State arising out of the illegal receipt or attempted
17 receipt of these benefits in any proceeding instituted against the
18 individual under the provisions of this chapter or any other law of
19 this State shall be conclusive upon the appeals tribunal and the
20 board of review.

21 (2) A disqualification under this subsection shall not preclude
22 the prosecution of any civil, criminal or administrative action or
23 proceeding to enforce other provisions of this chapter for the
24 assessment and collection of penalties or the refund of any amounts
25 collected as benefits under the provisions of R.S.43:21-16, or to
26 enforce any other law, where an individual obtains or attempts to
27 obtain by theft or robbery or false statements or representations any
28 money from any fund created or established under this chapter or
29 any negotiable or nonnegotiable instrument for the payment of
30 money from these funds, or to recover money erroneously or
31 illegally obtained by an individual from any fund created or
32 established under this chapter.

33 (h) (1) Notwithstanding any other provisions of this chapter
34 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
35 denied benefits for any week because the individual is in training
36 approved under section 236(a)(1) of the "Trade Act of 1974,"
37 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be
38 denied benefits by reason of leaving work to enter this training,
39 provided the work left is not suitable employment, or because of the
40 application to any week in training of provisions in this chapter
41 (R.S.43:21-1 et seq.), or any applicable federal unemployment
42 compensation law, relating to availability for work, active search
43 for work, or refusal to accept work.

44 (2) For purposes of this subsection (h), the term "suitable"
45 employment means, with respect to an individual, work of a
46 substantially equal or higher skill level than the individual's past
47 adversely affected employment, as defined for purposes of the
48 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and

1 wages for this work at not less than 80% of the individual's average
2 weekly wage, as determined for the purposes of the "Trade Act of
3 1974."

4 (i) For benefit years commencing after June 30, 1984, for any
5 week in which the individual is a student in full attendance at, or on
6 vacation from, an educational institution, as defined in subsection
7 (y) of R.S.43:21-19; except that this subsection shall not apply to
8 any individual attending a training program approved by the
9 division to enhance the individual's employment opportunities, as
10 defined under subsection (c) of R.S.43:21-4; nor shall this
11 subsection apply to any individual who, during the individual's base
12 year, earned sufficient wages, as defined under subsection (e) of
13 R.S.43:21-4, while attending an educational institution during
14 periods other than established and customary vacation periods or
15 holiday recesses at the educational institution, to establish a claim
16 for benefits. For purposes of this subsection, an individual shall be
17 treated as a full-time student for any period:

18 (1) During which the individual is enrolled as a full-time student
19 at an educational institution, or

20 (2) Which is between academic years or terms, if the individual
21 was enrolled as a full-time student at an educational institution for
22 the immediately preceding academic year or term.

23 (j) Notwithstanding any other provisions of this chapter
24 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
25 denied benefits because the individual left work or was discharged
26 due to circumstances resulting from the individual being a victim of
27 domestic violence as defined in section 3 of P.L.1991, c.261
28 (C.2C:25-19). No employer's account shall be charged for the
29 payment of benefits to an individual who left work due to
30 circumstances resulting from the individual being a victim of
31 domestic violence.

32 For the purposes of this subsection (j), the individual shall be
33 treated as being a victim of domestic violence if the individual
34 provides one or more of the following:

35 (1) A restraining order or other documentation of equitable
36 relief issued by a court of competent jurisdiction;

37 (2) A police record documenting the domestic violence;

38 (3) Documentation that the perpetrator of the domestic violence
39 has been convicted of one or more of the offenses enumerated in
40 section 3 of P.L.1991, c.261 (C.2C:25-19);

41 (4) Medical documentation of the domestic violence;

42 (5) Certification from a certified Domestic Violence Specialist
43 or the director of a designated domestic violence agency that the
44 individual is a victim of domestic violence; or

45 (6) Other documentation or certification of the domestic
46 violence provided by a social worker, member of the clergy, shelter
47 worker or other professional who has assisted the individual in
48 dealing with the domestic violence.

1 For the purposes of this subsection (j):

2 "Certified Domestic Violence Specialist" means a person who
3 has fulfilled the requirements of certification as a Domestic
4 Violence Specialist established by the New Jersey Association of
5 Domestic Violence Professionals; and "designated domestic
6 violence agency" means a county-wide organization with a primary
7 purpose to provide services to victims of domestic violence, and
8 which provides services that conform to the core domestic violence
9 services profile as defined by the Division of Youth and Family
10 Services in the Department of Children and Families and is under
11 contract with the division for the express purpose of providing such
12 services.

13 (k) Notwithstanding any other provisions of this chapter
14 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be
15 denied benefits for any week in which the individual left work
16 voluntarily and without good cause attributable to the work, if the
17 individual left work to accompany his or her spouse who is an
18 active member of the United States Armed Forces, as defined in
19 N.J.S.38A:1-1(g), to a new place of residence outside the State, due
20 to the armed forces member's transfer to a new assignment in a
21 different geographical location outside the State, and the individual
22 moves to the new place of residence not more than nine months
23 after the spouse is transferred, and upon arrival at the new place of
24 residence the individual was in all respects available for suitable
25 work. No employer's account shall be charged for the payment of
26 benefits to an individual who left work under the circumstances
27 contained in this subsection (k), except that this shall not be
28 construed as relieving the State of New Jersey and any other
29 governmental entity or instrumentality or nonprofit organization
30 electing or required to make payments in lieu of contributions from
31 its responsibility to make all benefit payments otherwise required
32 by law and from being charged for those benefits as otherwise
33 required by law.

34 (cf: P.L.2018, c.112, s.1)

35

36 71. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
37 as follows:

38 8. a. As defined by the commissioner, each adult recipient shall
39 continuously and actively seek employment in an effort to remove
40 the assistance unit of which the recipient is a member from the
41 program. A recipient may be assigned to a work activity as
42 determined by the commissioner. The recipient shall sign an
43 individual responsibility plan, as provided in subsection f. of this
44 section, in order to be able to participate in the program, which
45 shall indicate the terms of the work activity requirements that the
46 recipient must fulfill in order to continue to receive benefits.

47 b. In accordance with Pub.L.104-193 (42 U.S.C. s. 601 et seq.),
48 a recipient in an assistance unit with dependent children shall

1 commence participation in a work activity, self-directed job search
2 or other activities as determined by the commissioner at some time
3 prior to having received 24 months of benefits; except that if the
4 recipient is a full-time post-secondary student in a course of study
5 related to employment as defined by regulation of the
6 commissioner, the recipient shall be required to engage in another
7 work activity for no more than 15 hours a week, subject to the
8 recipient making satisfactory progress toward the completion of the
9 post-secondary course of study as determined by the commissioner.

10 c. A recipient shall comply with work activity participation
11 requirements as a condition of remaining eligible for benefits. In
12 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
13 601 et seq.), a minimum participation rate of 25% shall be realized
14 in federal fiscal year 1997. The participation rate shall increase by
15 5% in each federal fiscal year to a level of 50% in federal fiscal
16 year 2002 and thereafter. For two-parent assistance units with
17 dependent children receiving benefits, the participation rate shall be
18 75% for federal fiscal years 1997 and 1998 and 90% in federal
19 fiscal year 1999 and thereafter. The participation rate shall be
20 calculated in accordance with federal requirements. A recipient
21 may be required to participate in one or more work activities for a
22 maximum aggregate hourly total of 40 hours per week.

23 d. A recipient shall not be required to engage in a work activity
24 if child care, including the unavailability of after-school child care
25 for children over six years of age, is unavailable for the recipient's
26 dependent child, as determined by regulation of the commissioner.

27 e. A recipient may temporarily be deferred from work activity
28 requirements as provided for by the commissioner if the recipient
29 is:

30 (1) a woman in the third trimester of pregnancy;

31 (2) a person certified by an examining legally licensed physician
32 or legally licensed certified nurse midwife, acting within the scope
33 of the practitioner's profession, to be unable, by reason of a physical
34 or mental defect, disease or impairment, to engage in any gainful
35 occupation for any period less than 12 months; or

36 (3) the parent or relative of a child under the age of 12 weeks
37 who is providing care for that child, except that, the deferral may be
38 extended for an appropriate period of time if determined to be
39 medically necessary for the parent or child.

40 f. Upon a determination of eligibility for benefits, each adult
41 recipient not otherwise deferred or exempted under this act shall be
42 given an assessment of that person's potential and readiness for
43 work, including, but not limited to, skills, education, past work
44 experience and any barriers to securing employment, including a
45 screening and assessment for substance **[abuse]** use disorder, as
46 appropriate. For all recipients not deferred or exempt, an annual
47 individual responsibility plan shall be developed jointly by the
48 county agency or municipal welfare agency, as appropriate, and the

1 recipient specifying the steps that will be taken by each to assist the
2 recipient to secure employment. The individual responsibility plan
3 shall include specific goals for each adult member or minor parent
4 in the assistance unit, and may include specific goals for a
5 dependent child member of the assistance unit. The goals, as
6 determined by regulation of the commissioner, shall include, but not
7 be limited to, requirements for parental participation in a dependent
8 child's primary school program, immunizations for a dependent
9 child, and regular school attendance by a dependent child.
10 Recipients who are job ready shall be placed immediately in a self-
11 directed job search. Within the amount of funds allocated by the
12 commissioner for this purpose, other recipients shall be placed in an
13 appropriate work activity as indicated by their individual
14 assessments.

15 g. The county agency or municipal welfare agency, as
16 appropriate, shall ensure the provision of necessary case
17 management for recipients, as appropriate to their degree of job
18 readiness, pursuant to regulations adopted by the commissioner.
19 The most intensive case management shall be directed to those
20 recipients facing the most serious barriers to employment.

21 h. (1) A recipient shall not be placed or utilized in a position at
22 a particular workplace:

23 (a) that was previously filled by a regular employee if that
24 position, or a substantially similar position at that workplace, has
25 been made vacant through a demotion, substantial reduction of
26 hours or a layoff of a regular employee in the previous 12 months,
27 or has been eliminated by the employer at any time during the
28 previous 12 months;

29 (b) in a manner that infringes upon a wage rate or an
30 employment benefit, or violates the contractual overtime provisions
31 of a regular employee at that workplace;

32 (c) in a manner that violates an existing collective bargaining
33 agreement or a statutory provision that applies to that workplace;

34 (d) in a manner that supplants or duplicates a position in an
35 existing, approved apprenticeship program;

36 (e) by or through an employment agency or temporary help
37 service firm as a community work experience or alternative work
38 experience worker;

39 (f) if there is a contractual or statutory recall right to that
40 position at that workplace; or

41 (g) if there is an ongoing strike or lockout at that workplace.

42 (2) A person who believes that he has been adversely affected
43 by a violation of this subsection, or the organization that is duly
44 authorized to represent the collective bargaining unit to which that
45 person belongs, shall be afforded an opportunity to meet with a
46 designee of the Commissioner of Labor and Workforce
47 Development or the Governor's Office of Employee Relations, as
48 appropriate. The designee shall attempt to resolve the complaint of

1 the alleged violation within 30 days of the date of the request for
2 the meeting. The Commissioner of Labor and Workforce
3 Development, in consultation with the Governor's Office of
4 Employee Relations, shall adopt regulations to effectuate the
5 provisions of this subsection. In the event that the complaint is not
6 resolved within the 30-day period, the complainant may appeal to
7 the New Jersey State Board of Mediation in the Department of
8 Labor and Workforce Development for expedited binding
9 arbitration in accordance with the rules of the board. If the
10 arbitrator determines that a violation has occurred, he shall provide
11 an appropriate remedy. The cost of the arbitration shall be borne
12 equally by both parties to the dispute.

13 (3) Nothing in this subsection shall be construed to prevent a
14 collective bargaining agreement from containing additional
15 protections for a regular employee.

16 i. The commissioner, acting in conjunction with the
17 Commissioners of Banking and Insurance, Community Affairs,
18 Education, Health and Senior Services, Labor and Workforce
19 Development and Transportation, shall implement all elements of
20 the program and establish initiatives to assist in moving recipients
21 towards self-sufficiency.

22 j. The commissioner shall take such actions as are necessary to
23 ensure that the program meets the requirements to qualify for the
24 maximum amount of federal funds due the State under Pub.L.104-
25 193 (42 U.S.C. s. 601 et seq.).

26 k. The commissioner is authorized to seek such waivers from
27 the federal government as are necessary to accomplish the goals of
28 the program.

29 (cf: P.L.2009, c.114, s.3)

30

31 72. Section 4 of P.L.2013, c.45 (C.44:10-98) is amended to read
32 as follows:

33 4. a. The commissioner shall issue a request for proposals from
34 qualifying agencies to participate in the project no later than 60
35 days following the effective date of P.L.2013, c.45 (C.44:10-95 et
36 seq.).

37 b. (1) The department shall select no fewer than three
38 partnering providers, from among qualifying agencies submitting
39 proposals, to participate in the project. Partnering providers shall
40 provide services under NJ SNAP ETP to eligible participants and be
41 eligible to receive federal reimbursements for those services
42 pursuant to the conditions of P.L.2013, c.45 (C.44:10-95 et seq.).

43 (2) The Commissioner of Labor and Workforce Development
44 shall extend the program beyond the initial four-year period. The
45 Commissioner of Labor and Workforce Development shall, subject
46 to the availability of federal funds, annually issue a new request for
47 proposals and maintain the participation of no fewer than three

1 partnering providers, from among qualifying agencies submitting
2 proposals, to participate in the project for each subsequent year.

3 c. Each qualifying agency shall be evaluated for participation
4 as a partnering provider in the project based on the agency's
5 capacity to: serve eligible participants under NJ SNAP ETP;
6 identify and utilize non-federal resources qualifying for federal
7 SNAP ETP reimbursements pursuant to the federal "Food and
8 Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.);
9 present and implement a coherent program plan for NJ SNAP ETP
10 activities, as described in subsection d. of this section; and perform
11 effectively each of the functions specified in section 6 of P.L.2013,
12 c.45 (C.44:10-100).

13 d. Each qualifying agency's proposal shall include a program
14 plan describing how the agency's activities under the project would
15 fulfill the purposes of NJ SNAP ETP. The program plan shall
16 include, but not be limited to, the following information:

17 (1) the program goals and objectives, including the agency's
18 priorities for serving eligible participants in the State;

19 (2) the program design, including: strategies for targeting and
20 recruiting eligible participants; educational skills and training
21 activities; work-related activities; job preparation, placement, and
22 retention activities; strategies for coordinating with the county
23 welfare agencies and the Department of Labor and Workforce
24 Development; and strategies for providing support services,
25 including case management, early intervention, career counseling,
26 and referrals to additional programs and services;

27 (3) the program budget, including the overall resources to be
28 used to support the agency's NJ SNAP ETP activities, the specific
29 non-federal resources to be used to generate federal SNAP ETP
30 reimbursements, and the intended utilization of anticipated federal
31 SNAP ETP reimbursements;

32 (4) the extent to which community partners, including
33 subcontractors, will be involved in the agency's activities; and

34 (5) the agency's plans for performing each of the functions
35 specified in section 6 of P.L.2013, c.45 (C.44:10-100).

36 e. In selecting partnering providers for participation in the
37 project, the Department of Labor and Workforce Development shall
38 prioritize partnering providers that would:

39 (1) serve SNAP recipients with significant barriers to
40 employment, including, but not limited to: able-bodied adults
41 without dependents required to participate in employment and
42 training programs as a condition of receiving SNAP benefits;
43 individuals with a history of substance **[abuse]** use disorder or
44 other work limitations; ex-offenders; individuals with low literacy
45 or limited English proficiency; veterans who are not eligible for
46 other employment and training programs; and persons who are 16
47 through 24 years of age;

1 (2) serve unemployed or underemployed parents, including non-
2 custodial parents and parents who have exceeded their Work First
3 New Jersey TANF 60-month lifetime limit on cash assistance;

4 (3) provide training in both vocational and technical skills, as
5 well as "soft skills," including, but not limited to: workplace
6 preparation training, teamwork, problem solving, time management,
7 and conflict resolution;

8 (4) provide training that results in marketable credentials and
9 that prepares participants for employment or reemployment in
10 industries with projections of growth;

11 (5) conduct job development activities and identify how job
12 opportunities will be secured to maximize SNAP recipients'
13 permanent placement in employment providing compensation at the
14 level of a living wage and opportunities for wage progression; and

15 (6) demonstrate a proven history of successful job placement
16 and retention.

17 f. The Department of Labor and Workforce Development may
18 select partnering providers that would provide NJ SNAP ETP
19 services within any service area including, but not limited to: the
20 entire State; one or more regions encompassing several counties; or
21 a single county.

22 g. Upon selection of a partnering provider, the Department of
23 Labor and Workforce Development shall negotiate and execute a
24 memorandum of understanding with the partnering provider, the
25 department, and county welfare agencies, as applicable. The
26 memorandum of understanding shall define the extent and degree of
27 assistance and delineate the respective expectations, duties, and
28 relations among the department, the Department of Labor and
29 Workforce Development, the county welfare agencies, and the
30 partnering provider.

31 h. The Commissioner of Labor and Workforce Development
32 shall establish standards of performance for partnering providers
33 conducting project activities pursuant to P.L.2013, c.45 (C.44:10-95
34 et seq.), including, but not limited to, standards for performing the
35 programmatic functions and financial functions required pursuant to
36 section 6 of P.L.2013, c.45 (C.44:10-100). The memorandum of
37 understanding negotiated and executed pursuant to subsection g. of
38 this section shall include a performance-based system for
39 distributing federal SNAP ETP reimbursements to each partnering
40 provider based upon the partnering provider's achievement of the
41 standards of performance.

42 i. Upon finding that a partnering provider has not conducted its
43 project activities in accordance with the standards of performance
44 established in subsection h. of this section or that a partnering
45 provider has otherwise failed to comply with the requirements of
46 P.L.2013, c.45 (C.44:10-95 et seq.), the Commissioner of Labor and
47 Workforce Development may: take such action as is necessary to
48 correct the deficiencies of the provider; and terminate the partnering

1 provider's participation in the project if the provider fails to take
2 remedial action.

3 (cf: P.L.2019, c.253, s.4)

4
5 73. Section 26 of P.L.2007, c.244 (C.45:1-46) is amended to
6 read as follows:

7 26. Access to prescription information.

8 a. The division shall maintain procedures to ensure privacy and
9 confidentiality of patients and that patient information collected,
10 recorded, transmitted, and maintained is not disclosed, except as
11 permitted in this section, including, but not limited to, the use of a
12 password-protected system for maintaining this information and
13 permitting access thereto as authorized under sections 25 through
14 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), and a
15 requirement that a person as listed in subsection h. or i. of this
16 section provide affirmation of the person's intent to comply with the
17 provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45
18 through C.45:1-50) as a condition of accessing the information.

19 b. The prescription monitoring information submitted to the
20 division shall be confidential and not be subject to public disclosure
21 under P.L.1963, c.73 (C.47:1A-1 et seq.), or P.L.2001, c.404
22 (C.47:1A-5 et al.).

23 c. The division shall review the prescription monitoring
24 information provided by a pharmacy permit holder pursuant to
25 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
26 C.45:1-50). The review shall include, but not be limited to:

27 (1) a review to identify whether any person is obtaining a
28 prescription in a manner that may be indicative of misuse, abuse, or
29 diversion of a controlled dangerous substance. The director shall
30 establish guidelines regarding the terms "misuse," "abuse," and
31 "diversion" for the purposes of this review. When an evaluation of
32 the information indicates that a person may be obtaining a
33 prescription for the same or a similar controlled dangerous
34 substance from multiple practitioners or pharmacists during the
35 same time period, the division may provide prescription monitoring
36 information about the person to practitioners and pharmacists; and

37 (2) a review to identify whether a violation of law or regulation
38 or a breach of the applicable standards of practice by any person
39 may have occurred, including, but not limited to, diversion of a
40 controlled dangerous substance. If the division determines that
41 such a violation or breach may have occurred, the division shall
42 notify the appropriate law enforcement agency or professional
43 licensing board, and provide the prescription monitoring
44 information required for an investigation.

45 d. (Deleted by amendment, P.L.2015, c.74)

46 e. (Deleted by amendment, P.L.2015, c.74)

47 f. (Deleted by amendment, P.L.2015, c.74)

48 g. (Deleted by amendment, P.L.2015, c.74)

1 h. (1) A practitioner shall register to access prescription
2 monitoring information upon initial application for, or renewal of ,
3 the practitioner's CDS registration.

4 (2) The division shall provide to a pharmacist who is employed
5 by a current pharmacy permit holder online access to prescription
6 monitoring information for the purpose of providing health care to a
7 current patient or verifying information with respect to a patient or
8 a prescriber.

9 (3) The division shall provide to a practitioner who has a current
10 CDS registration online access to prescription monitoring
11 information for the purpose of providing health care to a current
12 patient or verifying information with respect to a patient or a
13 prescriber. The division shall also grant online access to
14 prescription monitoring information to as many licensed health care
15 professionals as are authorized by a practitioner to access that
16 information and for whom the practitioner is responsible for the use
17 or misuse of that information, subject to a limit on the number of
18 such health care professionals as deemed appropriate by the
19 division for that particular type and size of professional practice, in
20 order to minimize the burden to practitioners to the extent
21 practicable while protecting the confidentiality of the prescription
22 monitoring information obtained. The director shall establish, by
23 regulation, the terms and conditions under which a practitioner may
24 delegate that authorization, including procedures for authorization
25 and termination of authorization, provisions for maintaining
26 confidentiality, and such other matters as the division may deem
27 appropriate.

28 (4) The division shall provide online access to prescription
29 monitoring information to as many medical or dental residents as
30 are authorized by a faculty member of a medical or dental teaching
31 facility to access that information and for whom the practitioner is
32 responsible for the use or misuse of that information. The director
33 shall establish, by regulation, the terms and conditions under which
34 a faculty member of a medical or dental teaching facility may
35 delegate that authorization, including procedures for authorization
36 and termination of authorization, provisions for maintaining
37 confidentiality, provisions regarding the duration of a medical or
38 dental resident's authorization to access prescription monitoring
39 information, and such other matters as the division may deem
40 appropriate.

41 (5) (a) The division shall provide online access to prescription
42 monitoring information to :

43 (i) as many certified medical assistants as are authorized by a
44 practitioner to access that information and for whom the
45 practitioner is responsible for the use or misuse of that information ;

46 (ii) as many medical scribes working in a hospital's emergency
47 department as are authorized by a practitioner to access that

1 information and for whom the practitioner is responsible for the use
2 or misuse of that information; and

3 (iii) as many licensed athletic trainers working in a clinical
4 setting as are authorized by a practitioner to access that information
5 and for whom the practitioner is responsible for the use or misuse of
6 that information.

7 (b) The director shall establish, by regulation, the terms and
8 conditions under which a practitioner may delegate authorization
9 pursuant to subparagraph (a) of this paragraph , including
10 procedures for authorization and termination of authorization,
11 provisions for maintaining confidentiality, provisions regarding the
12 duration of a certified medical assistant's , medical scribe's, or
13 licensed athletic trainer's authorization to access prescription
14 monitoring information, and provisions addressing such other
15 matters as the division may deem appropriate.

16 (6) The division shall provide online access to prescription
17 monitoring information to as many registered dental assistants as
18 are authorized by a licensed dentist to access that information and
19 for whom the licensed dentist is responsible for the use or misuse of
20 that information. The director shall establish, by regulation, the
21 terms and conditions under which a licensed dentist may delegate
22 that authorization, including procedures for authorization and
23 termination of authorization, provisions for maintaining
24 confidentiality, provisions regarding the duration of a registered
25 dental assistant's authorization to access prescription monitoring
26 information, and such other matters as the division may deem
27 appropriate.

28 (7) A person listed in this subsection, as a condition of
29 accessing prescription monitoring information pursuant thereto,
30 shall certify that the request is for the purpose of providing health
31 care to a current patient or verifying information with respect to a
32 patient or practitioner. Such certification shall be furnished through
33 means of an online statement or alternate means authorized by the
34 director, in a form and manner prescribed by rule or regulation
35 adopted by the director. If the information is being accessed by an
36 authorized person using an electronic system authorized pursuant to
37 subsection q. of this section, the certification may be furnished
38 through the electronic system.

39 i. The division may provide online access to prescription
40 monitoring information, or may provide access to prescription
41 monitoring information through any other means deemed
42 appropriate by the director, to the following persons:

43 (1) authorized personnel of the division or a vendor or
44 contractor responsible for maintaining the Prescription Monitoring
45 Program;

46 (2) authorized personnel of the division responsible for
47 administration of the provisions of P.L.1970, c.226 (C.24:21-1 et
48 seq.);

- 1 (3) the State Medical Examiner, a county medical examiner, a
2 deputy or assistant county medical examiner, or a qualified
3 designated assistant thereof, who certifies that the request is for the
4 purpose of investigating a death pursuant to P.L.1967, c.234
5 (C.52:17B-78 et seq.);
- 6 (4) a controlled dangerous substance monitoring program in
7 another state with which the division has established an
8 interoperability agreement, or which participates with the division
9 in a system that facilitates the secure sharing of information
10 between states;
- 11 (5) a designated representative of the State Board of Medical
12 Examiners, New Jersey State Board of Dentistry, State Board of
13 Nursing, New Jersey State Board of Optometrists, State Board of
14 Pharmacy, State Board of Veterinary Medical Examiners, or any
15 other board in this State or another state that regulates the practice
16 of persons who are authorized to prescribe or dispense controlled
17 dangerous substances, as applicable, who certifies that the
18 representative is engaged in a bona fide specific investigation of a
19 designated practitioner or pharmacist whose professional practice
20 was or is regulated by that board;
- 21 (6) a State, federal, or municipal law enforcement officer who is
22 acting pursuant to a court order and certifies that the officer is
23 engaged in a bona fide specific investigation of a designated
24 practitioner, pharmacist, or patient. A law enforcement agency that
25 obtains prescription monitoring information shall comply with
26 security protocols established by the director by regulation;
- 27 (7) a designated representative of a state Medicaid or other
28 program who certifies that the representative is engaged in a bona
29 fide investigation of a designated practitioner, pharmacist, or
30 patient;
- 31 (8) a properly convened grand jury pursuant to a subpoena
32 properly issued for the records; and
- 33 (9) a licensed mental health practitioner providing treatment for
34 substance **[abuse]** use disorder to patients at a residential or
35 outpatient substance **[abuse]** use disorder treatment center licensed
36 by the Division of Mental Health and Addiction Services in the
37 Department of Human Services, who certifies that the request is for
38 the purpose of providing health care to a current patient or verifying
39 information with respect to a patient or practitioner, and who
40 furnishes the division with the written consent of the patient for the
41 mental health practitioner to obtain prescription monitoring
42 information about the patient. The director shall establish, by
43 regulation, the terms and conditions under which a mental health
44 practitioner may request and receive prescription monitoring
45 information. Nothing in sections 25 through 30 of P.L.2007, c.244
46 (C.45:1-45 through C.45:1-50) shall be construed to require or
47 obligate a mental health practitioner to access or check the
48 prescription monitoring information in the course of treatment

1 beyond that which may be required as part of the mental health
2 practitioner's professional practice.

3 j. A person listed in subsection i. of this section, as a condition
4 of obtaining prescription monitoring information pursuant thereto,
5 shall certify the reasons for seeking to obtain that information.
6 Such certification shall be furnished through means of an online
7 statement or alternate means authorized by the director, in a form
8 and manner prescribed by rule or regulation adopted by the director.

9 k. The division shall offer an online tutorial for those persons
10 listed in subsections h. and i. of this section, which shall, at a
11 minimum, include: how to access prescription monitoring
12 information; the rights of persons who are the subject of this
13 information; the responsibilities of persons who access this
14 information; a summary of the other provisions of sections 25
15 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and
16 the regulations adopted pursuant thereto, regarding the permitted
17 uses of that information and penalties for violations thereof; and a
18 summary of the requirements of the federal health privacy rule set
19 forth at 45 CFR Parts 160 and 164 and a hypertext link to the
20 federal Department of Health and Human Services website for
21 further information about the specific provisions of the privacy rule.

22 l. The division may request and receive prescription
23 monitoring information from prescription monitoring programs in
24 other states and may use that information for the purposes of
25 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
26 C.45:1-50). When sharing data with programs in another state, the
27 division shall not be required to obtain a memorandum of
28 understanding unless required by the other state.

29 m. The director may provide nonidentifying prescription drug
30 monitoring information to public or private entities for statistical,
31 research, or educational purposes, in accordance with the provisions
32 of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
33 C.45:1-50).

34 n. Nothing shall be construed to prohibit the division from
35 obtaining unsolicited automated reports from the program or
36 disseminating such reports to pharmacists, practitioners, mental
37 health care practitioners, and other licensed health care
38 professionals.

39 o. (1) A current patient of a practitioner may request from that
40 practitioner that patient's own prescription monitoring information
41 that has been submitted to the division pursuant to sections 25
42 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). A
43 parent or legal guardian of a child who is a current patient of a
44 practitioner may request from that practitioner the child's
45 prescription monitoring information that has been submitted to the
46 division pursuant to sections 25 through 30 of P.L.2007, c.244
47 (C.45:1-45 through C.45:1-50).

1 (2) Upon receipt of a request pursuant to paragraph (1) of this
2 subsection, a practitioner or health care professional authorized by
3 that practitioner may provide the current patient or parent or legal
4 guardian, as the case may be, with access to or a copy of the
5 prescription monitoring information pertaining to that patient or
6 child.

7 (3) The division shall establish a process by which a patient, or
8 the parent or legal guardian of a child who is a patient, may request
9 a pharmacy permit holder that submitted prescription monitoring
10 information concerning a prescription for controlled dangerous
11 substances for that patient or child to the division pursuant to
12 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
13 C.45:1-50) to correct information that the person believes to have
14 been inaccurately entered into that patient's or child's prescription
15 profile. Upon confirmation of the inaccuracy of any such entry into
16 a patient's or child's prescription profile, the pharmacy permit
17 holder shall be authorized to correct any such inaccuracies by
18 submitting corrected information to the division pursuant to
19 sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through
20 C.45:1-50). The process shall provide for review by the Board of
21 Pharmacy of any disputed request for correction, which
22 determination shall be appealable to the director.

23 p. The division shall take steps to ensure that appropriate
24 channels of communication exist to enable any licensed health care
25 professional, licensed pharmacist, mental health practitioner,
26 pharmacy permit holder, or other practitioner who has online access
27 to the Prescription Monitoring Program pursuant to this section to
28 seek or provide information to the division related to the provisions
29 of this section.

30 q. (1) The division may make prescription monitoring
31 information available on electronic systems that collect and display
32 health information, such as an electronic system that connects
33 hospital emergency departments for the purpose of transmitting and
34 obtaining patient health data from multiple sources , or an
35 electronic system that notifies practitioners of information
36 pertaining to the treatment of overdoses ; provided that the division
37 determines that any such electronic system has appropriate security
38 protections in place.

39 (2) Practitioners who are required to access prescription
40 monitoring information pursuant to section 8 of P.L.2015, c.74
41 (C.45:1-46.1) may discharge that responsibility by accessing one or
42 more authorized electronic systems into which the prescription
43 monitoring information maintained by the division has been
44 integrated.

45 (cf: P.L.2017, c.341, s.3)

46
47 74. Section 8 of P.L.2015, c.74 (C.45:1-46.1) is amended to read
48 as follows:

1 8. a. (1) Except as provided in subsection b. of this section, a
2 practitioner or other person who is authorized by a practitioner to
3 access prescription monitoring information pursuant to subsection
4 h. of section 26 of P.L.2007, c.244 (C.45:1-46) shall access
5 prescription monitoring information:

6 (a) the first time the practitioner or other person prescribes a
7 Schedule II controlled dangerous substance or any opioid to a new
8 patient for acute or chronic pain;

9 (b) the first time a practitioner or other person prescribes a
10 benzodiazepine drug that is a Schedule III or Schedule IV
11 controlled dangerous substance;

12 (c) if the practitioner or other person has a reasonable belief that
13 the person may be seeking a controlled dangerous substance, in
14 whole or in part, for any purpose other than the treatment of an
15 existing medical condition, such as for purposes of misuse, abuse,
16 or diversion, the first time the practitioner or other person
17 prescribes a non-opioid drug other than a benzodiazepine drug that
18 is a Schedule III or IV controlled dangerous substance; and

19 (d) on or after the date that the division first makes prescription
20 monitoring information available on an electronic system that
21 collects and displays health information, pursuant to subsection q.
22 of section 26 of P.L.2007, c.244 (C.45:1-46), any time the
23 practitioner or other person prescribes a Schedule II controlled
24 dangerous substance for acute or chronic pain to a patient receiving
25 care or treatment in the emergency department of a general hospital.

26 In addition, in any case in which a prescription is issued to a new
27 patient, either on or after the effective date of P.L.2017, c.341
28 (C.45:16-9.4c et al.), for a Schedule II controlled dangerous
29 substance or opioid drug that has been prescribed for acute or
30 chronic pain, or for a benzodiazepine drug that is a Schedule III or
31 IV controlled dangerous substance, the practitioner or other
32 authorized person shall access prescription monitoring information
33 on a quarterly basis during the period of time the patient continues
34 to receive such prescription.

35 (2) (a) A pharmacist shall not dispense a Schedule II controlled
36 dangerous substance, any opioid, or a benzodiazepine drug that is a
37 Schedule III or IV controlled dangerous substance to any person
38 without first accessing the prescription monitoring information, as
39 authorized pursuant to subsection h. of section 26 of P.L.2007,
40 c.244 (C.45:1-46), to determine if the person has received other
41 prescriptions that indicate misuse, abuse, or diversion, if the
42 pharmacist has a reasonable belief that the person may be seeking a
43 controlled dangerous substance, in whole or in part, for any purpose
44 other than the treatment of an existing medical condition, such as
45 for purposes of misuse, abuse, or diversion.

46 (b) A pharmacist shall not dispense a prescription to a person
47 other than the patient for whom the prescription is intended, unless
48 the person picking up the prescription provides personal

1 identification to the pharmacist, and the pharmacist, as required by
2 subsection b. of section 25 of P.L.2007, c.244 (C.45:1-45), inputs
3 that identifying information into the Prescription Monitoring
4 Program if the pharmacist has a reasonable belief that the person
5 may be seeking a controlled dangerous substance, in whole or in
6 part, for any reason other than delivering the substance to the
7 patient for the treatment of an existing medical condition. The
8 provisions of this subparagraph shall not take effect until the
9 director determines that the Prescription Monitoring Program has
10 the technical capacity to accept such information.

11 b. The provisions of subsection a. of this section shall not
12 apply to:

13 (1) a veterinarian;

14 (2) a practitioner or the practitioner's agent administering
15 methadone, or another controlled dangerous substance designated
16 by the director as appropriate for treatment of a patient with a
17 substance **[abuse]** use disorder, as interim treatment for a patient
18 on a waiting list for admission to an authorized substance **[abuse]**
19 use disorder treatment program;

20 (3) a practitioner administering a controlled dangerous
21 substance directly to a patient;

22 (4) a practitioner prescribing a controlled dangerous substance
23 to be dispensed by an institutional pharmacy, as defined in
24 N.J.A.C.13:39-9.2;

25 (5) a practitioner prescribing a controlled dangerous substance
26 in the emergency department of a general hospital, provided that the
27 quantity prescribed does not exceed a five-day supply of the
28 substance; however, the exemption provided by this paragraph shall
29 have no force or effect on or after the date on which the division
30 first makes prescription monitoring information available on an
31 electronic system that collects and displays health information,
32 pursuant to subsection q. of section 26 of P.L.2007, c.244 (C.45:1-
33 46);

34 (6) a practitioner prescribing a controlled dangerous substance
35 to a patient under the care of a hospice;

36 (7) a situation in which it is not reasonably possible for the
37 practitioner or pharmacist to access the Prescription Monitoring
38 Program in a timely manner, no other individual authorized to
39 access the Prescription Monitoring Program is reasonably available,
40 and the quantity of controlled dangerous substance prescribed or
41 dispensed does not exceed a five-day supply of the substance;

42 (8) a practitioner or pharmacist acting in compliance with
43 regulations promulgated by the director as to circumstances under
44 which consultation of the Prescription Monitoring Program would
45 result in a patient's inability to obtain a prescription in a timely
46 manner, thereby adversely impacting the medical condition of the
47 patient;

1 (9) a situation in which the Prescription Monitoring Program is
2 not operational as determined by the division or where it cannot be
3 accessed by the practitioner due to a temporary technological or
4 electrical failure, as set forth in regulation;

5 (10) a practitioner or pharmacist who has been granted a waiver
6 due to technological limitations that are not reasonably within the
7 control of the practitioner or pharmacist, or other exceptional
8 circumstances demonstrated by the practitioner or pharmacist,
9 pursuant to a process established in regulation, and in the discretion
10 of the director; or

11 (11) a practitioner who is prescribing a controlled dangerous
12 substance to a patient immediately after the patient has undergone
13 an operation in a general hospital or a licensed ambulatory care
14 facility or treatment for acute trauma in a general hospital or a
15 licensed ambulatory care facility, so long as that operation or
16 treatment was not part of care or treatment in the emergency
17 department of a general hospital as provided in subsection a. of this
18 section, when no more than a five-day supply is prescribed.

19 (cf: P.L.2017, c.341, s.4)

20
21 75. Section 1 of P.L.2013, c.150 (C.45:1-54) is amended to read
22 as follows:

23 1. The Legislature finds and declares that:

24 a. Being lesbian, gay, or bisexual is not a disease, disorder,
25 illness, deficiency, or shortcoming. The major professional
26 associations of mental health practitioners and researchers in the
27 United States have recognized this fact for nearly 40 years;

28 b. The American Psychological Association convened a Task
29 Force on Appropriate Therapeutic Responses to Sexual Orientation.
30 The task force conducted a systematic review of peer-reviewed
31 journal literature on sexual orientation change efforts, and issued a
32 report in 2009. The task force concluded that sexual orientation
33 change efforts can pose critical health risks to lesbian, gay, and
34 bisexual people, including confusion, depression, guilt,
35 helplessness, hopelessness, shame, social withdrawal, suicidality,
36 substance [abuse] use disorder, stress, disappointment, self-blame,
37 decreased self-esteem and authenticity to others, increased self-
38 hatred, hostility and blame toward parents, feelings of anger and
39 betrayal, loss of friends and potential romantic partners, problems
40 in sexual and emotional intimacy, sexual dysfunction, high-risk
41 sexual behaviors, a feeling of being dehumanized and untrue to self,
42 a loss of faith, and a sense of having wasted time and resources;

43 c. The American Psychological Association issued a resolution
44 on Appropriate Affirmative Responses to Sexual Orientation
45 Distress and Change Efforts in 2009, which states: "[T]he
46 [American Psychological Association] advises parents, guardians,
47 young people, and their families to avoid sexual orientation change
48 efforts that portray homosexuality as a mental illness or

1 developmental disorder and to seek psychotherapy, social support,
2 and educational services that provide accurate information on
3 sexual orientation and sexuality, increase family and school
4 support, and reduce rejection of sexual minority youth";

5 d. (1) The American Psychiatric Association published a
6 position statement in March of 2000 in which it stated:
7 "Psychotherapeutic modalities to convert or 'repair' homosexuality
8 are based on developmental theories whose scientific validity is
9 questionable. Furthermore, anecdotal reports of 'cures' are
10 counterbalanced by anecdotal claims of psychological harm. In the
11 last four decades, 'reparative' therapists have not produced any
12 rigorous scientific research to substantiate their claims of cure.
13 Until there is such research available, [the American Psychiatric
14 Association] recommends that ethical practitioners refrain from
15 attempts to change individuals' sexual orientation, keeping in mind
16 the medical dictum to first, do no harm;

17 (2) The potential risks of reparative therapy are great, including
18 depression, anxiety and self-destructive behavior, since therapist
19 alignment with societal prejudices against homosexuality may
20 reinforce self-hatred already experienced by the patient. Many
21 patients who have undergone reparative therapy relate that they
22 were inaccurately told that homosexuals are lonely, unhappy
23 individuals who never achieve acceptance or satisfaction. The
24 possibility that the person might achieve happiness and satisfying
25 interpersonal relationships as a gay man or lesbian is not presented,
26 nor are alternative approaches to dealing with the effects of societal
27 stigmatization discussed; and

28 (3) Therefore, the American Psychiatric Association opposes
29 any psychiatric treatment such as reparative or conversion therapy
30 which is based upon the assumption that homosexuality per se is a
31 mental disorder or based upon the a priori assumption that a patient
32 should change his or her sexual homosexual orientation";

33 e. The American School Counselor Association's position
34 statement on professional school counselors and lesbian, gay,
35 bisexual, transgender, and questioning (LGBTQ) youth states: "It is
36 not the role of the professional school counselor to attempt to
37 change a student's sexual orientation/gender identity but instead to
38 provide support to LGBTQ students to promote student
39 achievement and personal well-being. Recognizing that sexual
40 orientation is not an illness and does not require treatment,
41 professional school counselors may provide individual student
42 planning or responsive services to LGBTQ students to promote self-
43 acceptance, deal with social acceptance, understand issues related to
44 coming out, including issues that families may face when a student
45 goes through this process and identify appropriate community
46 resources";

47 f. The American Academy of Pediatrics in 1993 published an
48 article in its journal, Pediatrics, stating: "Therapy directed at

1 specifically changing sexual orientation is contraindicated, since it
2 can provoke guilt and anxiety while having little or no potential for
3 achieving changes in orientation";

4 g. The American Medical Association Council on Scientific
5 Affairs prepared a report in 1994 in which it stated: "Aversion
6 therapy (a behavioral or medical intervention which pairs unwanted
7 behavior, in this case, homosexual behavior, with unpleasant
8 sensations or aversive consequences) is no longer recommended for
9 gay men and lesbians. Through psychotherapy, gay men and
10 lesbians can become comfortable with their sexual orientation and
11 understand the societal response to it";

12 h. The National Association of Social Workers prepared a 1997
13 policy statement in which it stated: "Social stigmatization of
14 lesbian, gay, and bisexual people is widespread and is a primary
15 motivating factor in leading some people to seek sexual orientation
16 changes. Sexual orientation conversion therapies assume that
17 homosexual orientation is both pathological and freely chosen. No
18 data demonstrates that reparative or conversion therapies are
19 effective, and, in fact, they may be harmful";

20 i. The American Counseling Association Governing Council
21 issued a position statement in April of 1999, and in it the council
22 states: "We oppose 'the promotion of "reparative therapy" as a
23 "cure" for individuals who are homosexual";

24 j. (1) The American Psychoanalytic Association issued a
25 position statement in June 2012 on attempts to change sexual
26 orientation, gender, identity, or gender expression, and in it the
27 association states: "As with any societal prejudice, bias against
28 individuals based on actual or perceived sexual orientation, gender
29 identity or gender expression negatively affects mental health,
30 contributing to an enduring sense of stigma and pervasive self-
31 criticism through the internalization of such prejudice; and

32 (2) Psychoanalytic technique does not encompass purposeful
33 attempts to 'convert,' 'repair,' change or shift an individual's sexual
34 orientation, gender identity or gender expression. Such directed
35 efforts are against fundamental principles of psychoanalytic
36 treatment and often result in substantial psychological pain by
37 reinforcing damaging internalized attitudes";

38 k. The American Academy of Child and Adolescent Psychiatry
39 in 2012 published an article in its journal, Journal of the American
40 Academy of Child and Adolescent Psychiatry, stating: "Clinicians
41 should be aware that there is no evidence that sexual orientation can
42 be altered through therapy, and that attempts to do so may be
43 harmful. There is no empirical evidence adult homosexuality can
44 be prevented if gender nonconforming children are influenced to be
45 more gender conforming. Indeed, there is no medically valid basis
46 for attempting to prevent homosexuality, which is not an illness.
47 On the contrary, such efforts may encourage family rejection and
48 undermine self-esteem, connectedness and caring, important

1 protective factors against suicidal ideation and attempts. Given that
2 there is no evidence that efforts to alter sexual orientation are
3 effective, beneficial or necessary, and the possibility that they carry
4 the risk of significant harm, such interventions are contraindicated";

5 1. The Pan American Health Organization, a regional office of
6 the World Health Organization, issued a statement in May of 2012
7 and in it the organization states: "These supposed conversion
8 therapies constitute a violation of the ethical principles of health
9 care and violate human rights that are protected by international and
10 regional agreements." The organization also noted that reparative
11 therapies "lack medical justification and represent a serious threat to
12 the health and well-being of affected people";

13 m. Minors who experience family rejection based on their
14 sexual orientation face especially serious health risks. In one study,
15 lesbian, gay, and bisexual young adults who reported higher levels
16 of family rejection during adolescence were 8.4 times more likely to
17 report having attempted suicide, 5.9 times more likely to report high
18 levels of depression, 3.4 times more likely to use illegal drugs, and
19 3.4 times more likely to report having engaged in unprotected
20 sexual intercourse compared with peers from families that reported
21 no or low levels of family rejection. This is documented by Caitlin
22 Ryan et al. in their article entitled Family Rejection as a Predictor
23 of Negative Health Outcomes in White and Latino Lesbian, Gay,
24 and Bisexual Young Adults (2009) 123 Pediatrics 346; and

25 n. New Jersey has a compelling interest in protecting the
26 physical and psychological well-being of minors, including lesbian,
27 gay, bisexual, and transgender youth, and in protecting its minors
28 against exposure to serious harms caused by sexual orientation
29 change efforts.

30 (cf: P.L.2013, c.150, s.1)

31
32 76. Section 8 of P.L.1997, c.331 (C.45:2D-8) is amended to read
33 as follows:

34 8. a. No person shall engage in the practice of alcohol and drug
35 counseling as a licensed clinical alcohol and drug counselor unless
36 licensed under this act. No person shall engage in the practice of
37 alcohol and drug counseling as a certified alcohol and drug
38 counselor unless certified under this act. No person shall present,
39 call or represent himself as a licensed clinical alcohol and drug
40 counselor unless licensed under this act. No person shall present,
41 call or represent himself as a certified alcohol and drug counselor
42 unless certified under this act.

43 b. No person shall assume, represent himself as, or use the title
44 or designation "[alcoholism] alcohol use disorder counselor,"
45 "alcohol counselor," "drug counselor," "alcohol and drug
46 counselor," "[alcoholism] alcohol use disorder and drug
47 counselor," "licensed clinical alcohol and drug counselor,"
48 "certified alcohol and drug counselor," "substance [abuse] use

1 disorder counselor," "chemical dependency counselor," or
2 "chemical dependency supervisor," or any of the abbreviations for
3 the above titles, unless licensed or certified under this act, and
4 unless the title or designation corresponds to the license or
5 certification held by the person pursuant to this act.

6 c. No person shall engage in the independent practice of
7 alcohol and drug counseling for a fee unless the person is licensed
8 under this act as a licensed clinical alcohol and drug counselor or
9 the person is a certified alcohol and drug counselor practicing under
10 the supervision of a licensed clinical alcohol and drug counselor.

11 (cf: P.L.1997, c.331, s.8)

12
13 77. Section 1 of P.L.2017, c.304 (C.45:9-37.34h) is amended to
14 read as follows:

15 1. The State of New Jersey enacts and enters into the Physical
16 Therapy Licensure Compact with all other jurisdictions that legally
17 join in the compact in the form substantially as follows:

18
19 Section 1. Purpose.

20 1. The purpose of this compact is to facilitate the practice of
21 physical therapy with the goal of improving public access to
22 physical therapy services. The practice of physical therapy occurs
23 in the state where the patient is located at the time of the patient
24 encounter. The compact preserves the regulatory authority of states
25 to protect public health and safety through the current system of
26 state licensure.

27 This compact is designed to achieve the following objectives:

- 28 a. increase public access to physical therapy services by
29 providing for the mutual recognition of other member state licenses;
30 b. enhance the states' ability to protect the public's health and
31 safety;
32 c. encourage the cooperation of member states in regulating
33 multi-state physical therapy practice;
34 d. support spouses of relocating military members;
35 e. enhance the exchange of licensure, investigative, and
36 disciplinary information between member states; and
37 f. allow a remote state to hold a provider of services with a
38 compact privilege in that state accountable to that state's practice
39 standards.

40
41 Section 2. Definitions.

42 2. As used in this compact, except as otherwise provided, the
43 following definitions shall apply:

44 "Active duty military" means full-time duty status in the active
45 uniformed service of the United States, including members of the
46 National Guard and Reserve on active duty orders pursuant to 10
47 U.S.C. ss.1209 and 1211.

1 "Adverse action" means disciplinary action taken by a physical
2 therapy licensing board based upon misconduct, unacceptable
3 performance, or a combination of both.

4 "Alternative program" means a non-disciplinary monitoring or
5 practice remediation process approved by a physical therapy
6 licensing board. This includes, but is not limited to, substance
7 **[abuse]** use disorder issues.

8 "Compact" means the Physical Therapy Licensure Compact.

9 "Compact privilege" means the authorization granted by a
10 remote state to allow a licensee from another member state to
11 practice as a physical therapist or work as a physical therapist
12 assistant in the remote state under its laws and rules. The practice
13 of physical therapy occurs in the member state where the patient is
14 located at the time of the patient encounter.

15 "Continuing competence" means a requirement, as a condition of
16 license renewal, to provide evidence of participation in, and
17 completion of, educational and professional activities relevant to
18 practice or area of work.

19 "Data system" means a repository of information about licensees,
20 including examination, licensure, investigative, compact privilege,
21 and adverse action.

22 "Encumbered license" means a license that a physical therapy
23 licensing board has limited in any way.

24 "Executive Board" means a group of directors elected or
25 appointed to act on behalf of, and within the powers granted to them
26 by, the commission.

27 "Home state" means the member state that is the licensee's
28 primary state of residence.

29 "Investigative information" means information, records, and
30 documents received or generated by a physical therapy licensing
31 board pursuant to an investigation.

32 "Jurisprudence requirement" means the assessment of an
33 individual's knowledge of the laws and rules governing the practice
34 of physical therapy in a state.

35 "Licensee" means an individual licensed by the State Board of
36 Physical Therapy Examiners or an individual who currently holds
37 an authorization from a member state to practice as a physical
38 therapist or to work as a physical therapist assistant.

39 "Member state" means a state that has enacted and entered into
40 the compact.

41 "Party state" means any member state in which a licensee holds a
42 current license or compact privilege or is applying for a license or
43 compact privilege.

44 "Physical therapist" means an individual who is licensed by a
45 state to practice physical therapy.

46 "Physical therapist assistant" means an individual who is
47 licensed or certified by a state and who assists the physical therapist
48 in selected components of physical therapy.

1 "Physical therapy," "physical therapy practice," and "the practice
2 of physical therapy" mean the care and services provided by or
3 under the direction and supervision of a licensed physical therapist.

4 "Physical Therapy Compact Commission" or "commission"
5 means the national administrative body whose membership consists
6 of all member states.

7 "Physical therapy licensing board" or "licensing board" means
8 the agency of a state that is responsible for the licensing and
9 regulation of physical therapists and physical therapist assistants.

10 "Remote state" means a member state other than the home state,
11 where a licensee is exercising or seeking to exercise the compact
12 privilege.

13 "Rule" means a regulation, principle, or directive promulgated by
14 the commission that has the force of law.

15 "State" means any state, commonwealth, district, or territory of
16 the United States of America that regulates the practice of physical
17 therapy.

18
19 Section 3. State Participation in the Compact.

20 3. a. To participate in the compact, a state must:

21 (1) participate fully in the commission's data system, including
22 using the commission's unique identifier as defined in rules;

23 (2) have a mechanism in place for receiving and investigating
24 complaints about licensees;

25 (3) notify the commission, in compliance with the terms of the
26 compact and rules, of any adverse action or the availability of
27 investigative information regarding a licensee;

28 (4) fully implement a criminal background check requirement,
29 within a time frame established by rule, by receiving the results of
30 the Federal Bureau of Investigation record search on criminal
31 background checks and use the results in making licensure
32 decisions in accordance with subsection b. of this section;

33 (5) comply with the rules of the commission;

34 (6) utilize a recognized national examination as a requirement
35 for licensure pursuant to the rules of the commission; and

36 (7) have continuing competence requirements as a condition for
37 license renewal.

38 b. Upon enactment of this compact, a member state shall have
39 the authority to obtain biometric-based information from each
40 physical therapy licensure applicant and submit this information to
41 the Federal Bureau of Investigation for a criminal background
42 check in accordance with 28 U.S.C. s.534 and 42 U.S.C. s.14616.

43 c. A member state shall grant the compact privilege to a
44 licensee holding a valid unencumbered license in another member
45 state in accordance with the terms of the compact and rules.

46 d. Member states may charge a fee for granting a compact
47 privilege.

1 Section 4. Compact Privilege.

2 4. a. To exercise the compact privilege under the terms and
3 provisions of the compact, the licensee shall:

4 (1) hold a license in the home state;

5 (2) have no encumbrance on any state license;

6 (3) be eligible for a compact privilege in any member state in
7 accordance with subsections d., g., and h. of this section;

8 (4) have not had any adverse action against any license or
9 compact privilege within the previous two years;

10 (5) notify the commission that the licensee is seeking the
11 compact privilege within a remote state;

12 (6) pay any applicable fees, including any state fee, for the
13 compact privilege;

14 (7) meet any jurisprudence requirements established by a remote
15 state in which the licensee is seeking a compact privilege; and

16 (8) report to the commission adverse action taken by any non-
17 member state within 30 days from the date the adverse action is
18 taken.

19 b. The compact privilege is valid until the expiration date of
20 the home license. The licensee must comply with the requirements
21 of subsection a. of this section to maintain the compact privilege in
22 the remote state.

23 c. A licensee providing physical therapy in a remote state
24 under the compact privilege shall function within the laws and
25 regulations of the remote state.

26 d. A licensee providing physical therapy in a remote state is
27 subject to that state's regulatory authority. A remote state may, in
28 accordance with due process and that state's laws, remove a
29 licensee's compact privilege in the remote state for a specific period
30 of time, impose fines, and/or take any other necessary actions to
31 protect the health and safety of its citizens. The licensee is not
32 eligible for a compact privilege in any state until the specific time
33 for removal has passed and all fines are paid.

34 e. If a home state license is encumbered, the licensee shall lose
35 the compact privilege in any remote state until the following occur:

36 (1) the home state license is no longer encumbered; and

37 (2) two years have elapsed from the date of the adverse action.

38 f. Once an encumbered license in the home state is restored to
39 good standing, the licensee must meet the requirements of
40 subsection a. of this section to obtain a compact privilege in any
41 remote state.

42 g. If a licensee's compact privilege in any remote state is
43 removed, the individual shall lose the compact privilege in any
44 remote state until the following occur:

45 (1) the specific period of time for which the compact privilege
46 was removed has ended;

47 (2) all fines have been paid; and

48 (3) two years have elapsed from the date of the adverse action.

1 h. Once the requirements of subsection g. of this section have
2 been met, the licensee must meet the requirements in subsection a.
3 of this section to obtain a compact privilege in a remote state.

4
5 Section 5. Active Duty Military Personnel or their Spouses.

6 5. A licensee who is active duty military or is the spouse of an
7 individual who is active duty military may designate one of the
8 following as the home state:

- 9 a. home of record;
10 b. permanent Change of Station; or
11 c. state of current residence if it is different than the permanent
12 Change of Station state or home of record.

13
14 Section 6. Adverse Actions.

15 6. a. A home state shall have exclusive power to impose
16 adverse action against a license issued by the home state.

17 b. A home state may take adverse action based on the
18 investigative information of a remote state.

19 c. Nothing in this compact shall override a member state's
20 decision that participation in an alternative program may be used in
21 lieu of adverse action and that the participation shall remain non-
22 public if required by the member state's laws, rules or regulations.
23 Member states must require licensees who enter any alternative
24 programs in lieu of discipline to agree not to practice in any other
25 member state during the term of the alternative program without
26 prior authorization from that other member state.

27 d. Any member state may investigate actual or alleged
28 violations of the laws, rules or regulations authorizing the practice
29 of physical therapy in any other member state in which a physical
30 therapist or physical therapist assistant holds a license or compact
31 privilege.

32 e. A remote state shall have the authority to:

33 (1) take adverse actions as set forth in subsection d. of section 4
34 of this compact against a licensee's compact privilege in the state;

35 (2) issue subpoenas for both hearings and investigations that
36 require the attendance and testimony of witnesses and the
37 production of evidence, and subpoenas issued by a physical therapy
38 licensing board in a party state for the attendance and testimony of
39 witnesses, or the production of evidence from another party state,
40 shall be enforced in the latter state by any court of competent
41 jurisdiction, according to the practice and procedure of that court
42 applicable to subpoenas issued in proceedings pending before it,
43 and the issuing authority shall pay any witness fees, travel
44 expenses, mileage, and other fees required by the service laws of
45 the state where the witnesses or evidence are located; and

46 (3) if otherwise permitted by state law, recover from the
47 licensee the costs of investigations and disposition of cases
48 resulting from any adverse action taken against that licensee.

1 f. (1) In addition to the authority granted to a member state by
2 its respective physical therapy practice act or other applicable state
3 law, a member state may participate with other member states in
4 joint investigations of licensees.

5 (2) Member states shall share any investigative, litigation, or
6 compliance materials in furtherance of any joint or individual
7 investigation initiated under the compact.

8

9 Section 7. Establishment of the Commission.

10 7. a. The compact member states hereby create and establish a
11 joint public agency known as the Physical Therapy Compact
12 Commission:

13 (1) The commission is an instrumentality of the member states.

14 (2) The venue is proper and judicial proceedings by or against
15 the commission shall be brought solely and exclusively in a court of
16 competent jurisdiction where the principal office of the commission
17 is located. The commission may waive venue and jurisdictional
18 defenses to the extent it adopts or consents to participate in
19 alternative dispute resolution proceedings.

20 (3) Nothing in this compact shall be construed as a waiver of
21 sovereign immunity.

22 b. (1) Each member state shall have and be limited to one
23 delegate selected by that member state's licensing board.

24 (2) The delegate shall be a current member of the licensing
25 board, who is a physical therapist, physical therapist assistant,
26 public member, or the board administrator.

27 (3) Any delegate may be removed or suspended from office as
28 provided by the law of the state from which the delegate is
29 appointed.

30 (4) The member state board shall fill any vacancy occurring in
31 the commission.

32 (5) Each delegate shall be entitled to one vote with regard to the
33 promulgation of rules and creation of bylaws and shall otherwise
34 have an opportunity to participate in the business and affairs of the
35 commission.

36 (6) A delegate shall vote in person or by such other means as
37 provided in the bylaws. The bylaws may provide for delegates'
38 participation in meetings by telephone or other means of
39 communication.

40 (7) The commission shall meet at least once during each
41 calendar year. Additional meetings shall be held as set forth in the
42 bylaws.

43 c. The commission shall have the following powers and duties:

44 (1) establish the fiscal year of the commission;

45 (2) establish bylaws;

46 (3) maintain its financial records in accordance with the bylaws;

47 (4) meet and take such actions as are consistent with the
48 provisions of this compact and the bylaws;

- 1 (5) promulgate uniform rules to facilitate and coordinate
- 2 implementation and administration of the compact. The rules shall
- 3 have the force and effect of law and shall be binding in all member
- 4 states;
- 5 (6) bring and prosecute legal proceedings or actions in the name
- 6 of the commission, provided that the standing of any state physical
- 7 therapy licensing board to sue or be sued under applicable law shall
- 8 not be affected;
- 9 (7) purchase and maintain insurance and bonds;
- 10 (8) borrow, accept, or contract for services of personnel,
- 11 including, but not limited to, employees of a member state;
- 12 (9) hire employees, elect or appoint officers, fix compensation,
- 13 define duties, grant such individuals appropriate authority to carry
- 14 out the purposes of the compact, and to establish the commission's
- 15 personnel policies and programs relating to conflicts of interest,
- 16 qualifications of personnel, and other related personnel matters;
- 17 (10) accept any and all appropriate donations and grants of
- 18 money, equipment, supplies, materials and services, and to receive,
- 19 utilize and dispose of the same; provided that at all times the
- 20 commission shall avoid any appearance of impropriety or conflict
- 21 of interest;
- 22 (11) lease, purchase, accept appropriate gifts or donations of, or
- 23 otherwise to own, hold, improve or use, any property, real, personal
- 24 or mixed; provided that at all times the commission shall avoid any
- 25 appearance of impropriety;
- 26 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or
- 27 otherwise dispose of any property real, personal, or mixed;
- 28 (13) establish a budget and make expenditures;
- 29 (14) borrow money;
- 30 (15) appoint committees, including standing committees
- 31 comprising of members, state regulators, state legislators or their
- 32 representatives, and consumer representatives, and such other
- 33 interested persons as may be designated in this compact and the
- 34 bylaws;
- 35 (16) provide and receive information from, and cooperate with,
- 36 law enforcement agencies;
- 37 (17) establish and elect an executive board; and
- 38 (18) perform such other functions as may be necessary or
- 39 appropriate to achieve the purposes of the compact consistent with
- 40 the state regulation of physical therapy licensure and practice.
- 41 d. The executive board shall have the power to act on behalf of
- 42 the commission according to the terms of this compact.
- 43 (1) The executive board shall be comprised of nine members:
- 44 (a) seven voting members who are elected by the commission
- 45 from the current membership of the commission;
- 46 (b) one ex-officio, nonvoting member from the recognized
- 47 national physical therapy professional association; and

- 1 (c) one ex-officio, nonvoting member from the recognized
2 membership organization of the physical therapy licensing boards.
- 3 (2) The ex-officio members will be selected by their respective
4 organizations.
- 5 (3) The commission may remove any member of the executive
6 board as provided in bylaws.
- 7 (4) The executive board shall meet at least annually.
- 8 (5) The executive board shall have the following duties and
9 responsibilities:
- 10 (a) recommend to the entire commission changes to the rules or
11 bylaws, changes to this compact, fees paid by compact member
12 states such as annual dues, and any commission compact fee
13 charged to licensees for the compact privilege;
- 14 (b) ensure compact administration services are appropriately
15 provided, contractual or otherwise;
- 16 (c) prepare and recommend the budget;
- 17 (d) maintain financial records on behalf of the commission;
- 18 (e) monitor compact compliance of member states and provide
19 compliance reports to the commission;
- 20 (f) establish additional committees as necessary; and
- 21 (g) other duties as provided in rules or bylaws.
- 22 e. (1) All meetings shall be open to the public, and a public
23 notice of meetings shall be given in the same manner as required
24 under the rulemaking provisions in section 9 of this compact.
- 25 (2) The commission or the executive board or other committees
26 of the commission may convene in a closed, non-public meeting if
27 the commission or executive board or other committees of the
28 commission must discuss:
- 29 (a) non-compliance of a member state with its obligations under
30 the compact;
- 31 (b) the employment, compensation, discipline or other matters,
32 practices or procedures related to specific employees or other
33 matters related to the commission's internal personnel practices and
34 procedures;
- 35 (c) current, threatened, or reasonably anticipated litigation;
- 36 (d) negotiation of contracts for the purchase, lease, or sale of
37 goods, services, or real estate;
- 38 (e) accusing any person of a crime or formally censuring any
39 person;
- 40 (f) disclosure of trade secrets or commercial or financial
41 information that is privileged or confidential;
- 42 (g) disclosure of information of a personal nature where
43 disclosure would constitute a clearly unwarranted invasion of
44 personal privacy;
- 45 (h) disclosure of investigative records compiled for law
46 enforcement purposes;
- 47 (i) disclosure of information related to any investigative reports
48 prepared by or on behalf of or for use of the commission or other

1 committee charged with responsibility of investigation or
2 determination of compliance issues pursuant to the compact; or

3 (j) matters specifically exempted from disclosure by federal or
4 member state statute.

5 (3) If a meeting, or portion of a meeting, is closed pursuant to
6 any subparagraph of paragraph (2) of this subsection, the
7 commission's legal counsel or designee shall certify that the
8 meeting may be closed and shall reference each relevant exempting
9 provision.

10 (4) The commission shall keep minutes that fully and clearly
11 describe all matters discussed in a meeting and shall provide a full
12 and accurate summary of actions taken, and the reasons therefor,
13 including a description of the views expressed. All documents
14 considered in connection with an action shall be identified in the
15 minutes. All minutes and documents of a closed meeting shall
16 remain under seal, subject to release by a majority vote of the
17 commission or order of a court of competent jurisdiction.

18 f. (1) The commission shall pay, or provide for the payment of,
19 the reasonable expenses of its establishment, organization, and
20 ongoing activities.

21 (2) The commission may accept any and all appropriate revenue
22 sources, donations, and grants of money, equipment, supplies,
23 materials, and services.

24 (3) The commission may levy on and collect an annual
25 assessment from each member state or impose fees on other parties
26 to cover the cost of the operations and activities of the commission
27 and its staff, which must be in a total amount sufficient to cover its
28 annual budget as approved each year for which revenue is not
29 provided by other sources. The aggregate annual assessment
30 amount shall be allocated based upon a formula to be determined by
31 the commission, which shall promulgate a rule binding upon all
32 member states.

33 (4) The commission shall not incur obligations of any kind prior
34 to securing the funds adequate to meet the same; nor shall the
35 commission pledge the credit of any of the member states, except
36 by and with the authority of the member state.

37 (5) The commission shall keep accurate accounts of all receipts
38 and disbursements. The receipts and disbursements of the
39 commission shall be subject to the audit and accounting procedures
40 established under its bylaws. However, all receipts and
41 disbursements of funds handled by the commission shall be audited
42 yearly by a certified or licensed public accountant, and the report of
43 the audit shall be included in and become part of the annual report
44 of the commission.

45 g. (1) The members, officers, executive director, employees and
46 representatives of the commission shall be immune from suit and
47 liability, either personally or in their official capacity, for any claim
48 for damage to or loss of property or personal injury or other civil

1 liability caused by or arising out of any actual or alleged act, error
2 or omission that occurred, or that the person against whom the
3 claim is made had a reasonable basis for believing occurred within
4 the scope of commission employment, duties or responsibilities;
5 provided that nothing in this paragraph shall be construed to protect
6 any such person from suit or liability for any damage, loss, injury,
7 or liability caused by the intentional or willful or wanton
8 misconduct of that person.

9 (2) The commission shall defend any member, officer, executive
10 director, employee or representative of the commission in any civil
11 action seeking to impose liability arising out of any actual or
12 alleged act, error, or omission that occurred within the scope of
13 commission employment, duties, or responsibilities, or that the
14 person against whom the claim is made had a reasonable basis for
15 believing occurred within the scope of commission employment,
16 duties, or responsibilities; provided that nothing herein shall be
17 construed to prohibit that person from retaining his or her own
18 counsel; and provided further, that the actual or alleged act, error,
19 or omission did not result from that person's intentional or willful or
20 wanton misconduct.

21 (3) The commission shall indemnify and hold harmless any
22 member, officer, executive director, employee, or representative of
23 the commission for the amount of any settlement or judgment
24 obtained against that person arising out of any actual or alleged act,
25 error or omission that occurred within the scope of commission
26 employment, duties, or responsibilities, or that person had a
27 reasonable basis for believing occurred within the scope of
28 commission employment, duties, or responsibilities, provided that
29 the actual or alleged act, error, or omission did not result from the
30 intentional or willful or wanton misconduct of that person.

31
32 Section 8. Data System.

33 8. a. The commission shall provide for the development,
34 maintenance, and utilization of a coordinated database and reporting
35 system containing licensure, adverse action, and investigative
36 information on all licensed individuals in member states.

37 b. Notwithstanding any other provision of state law to the
38 contrary, a member state shall submit a uniform data set to the data
39 system on all individuals to whom this compact is applicable as
40 required by the rules of the commission, including:

41 (1) identifying information;

42 (2) licensure data;

43 (3) adverse actions against a license or compact privilege;

44 (4) non-confidential information related to alternative program
45 participation;

46 (5) any denial of application for licensure, and the reason or
47 reasons for the denial; and

1 (6) other information that may facilitate the administration of
2 this compact, as determined by the rules of the commission.

3 c. Investigative information pertaining to a licensee in any
4 member state will only be available to other party states.

5 d. The commission shall promptly notify all member states of
6 any adverse action taken against a licensee or an individual
7 applying for a license. Adverse action information pertaining to a
8 licensee in any member state will be available to any other member
9 state.

10 e. Member states contributing information to the data system
11 may designate information that may not be shared with the public
12 without the express permission of the contributing state.

13 f. Any information submitted to the data system that is
14 subsequently required to be expunged by the laws of the member
15 state contributing the information shall be removed from the data
16 system.

17
18 Section 9. Rulemaking.

19 9. a. The commission shall exercise its rulemaking powers
20 pursuant to the criteria set forth in this section and the rules adopted
21 thereunder. Rules and amendments shall become binding as of the
22 date specified in each rule or amendment.

23 b. If a majority of the legislatures of the member states reject a
24 rule, by enactment of a statute or resolution in the same manner
25 used to adopt the compact within four years of the date of adoption
26 of the rule, then the rule shall have no further force and effect in
27 any member state.

28 c. Rules or amendments to the rules shall be adopted at a
29 regular or special meeting of the commission.

30 d. Prior to promulgation and adoption of a final rule or rules by
31 the commission, and at least 30 days in advance of the meeting at
32 which the rule will be considered and voted upon, the commission
33 shall file a Notice of Proposed Rulemaking:

34 (1) on the website of the commission or other publicly
35 accessible platform; and

36 (2) on the website of each member state physical therapy
37 licensing board or other publicly accessible platform or the
38 publication in which each state would otherwise publish proposed
39 rules.

40 e. The Notice of Proposed Rulemaking shall include:

41 (1) the proposed time, date, and location of the meeting in
42 which the rule will be considered and voted upon;

43 (2) the text of the proposed rule or amendment and the reason
44 for the proposed rule;

45 (3) a request for comments on the proposed rule from any
46 interested person; and

- 1 (4) the manner in which interested persons may submit notice to
2 the commission of their intention to attend the public hearing and
3 any written comments.
- 4 f. Prior to adoption of a proposed rule, the commission shall
5 allow persons to submit written data, facts, opinions, and
6 arguments, which shall be made available to the public.
- 7 g. The commission shall grant an opportunity for a public
8 hearing before it adopts a rule or amendment if a hearing is
9 requested by:
- 10 (1) at least 25 persons;
11 (2) a state or federal governmental subdivision or agency; or
12 (3) an association having at least 25 members.
- 13 h. If a hearing is held on the proposed rule or amendment, the
14 commission shall publish the place, time, and date of the scheduled
15 public hearing. If the hearing is held via electronic means, the
16 commission shall publish the mechanism for access to the electronic
17 hearing.
- 18 (1) All persons wishing to be heard at the hearing shall notify
19 the executive director of the commission or other designated
20 member in writing of their desire to appear and testify at the hearing
21 not less than five business days before the scheduled date of the
22 hearing.
- 23 (2) Hearings shall be conducted in a manner providing each
24 person who wishes to comment a fair and reasonable opportunity to
25 comment orally or in writing.
- 26 (3) All hearings will be recorded. A copy of the recording will
27 be made available on request.
- 28 (4) Nothing in this section shall be construed as requiring a
29 separate hearing on each rule. Rules may be grouped for the
30 convenience of the commission at hearings required by this section.
- 31 i. Following the scheduled hearing date, or by the close of
32 business on the scheduled hearing date if the hearing was not held,
33 the commission shall consider all written and oral comments
34 received.
- 35 j. If no written notice of intent to attend the public hearing by
36 interested parties is received, the commission may proceed with
37 promulgation of the proposed rule without a public hearing.
- 38 k. The commission shall, by majority vote of all members, take
39 final action on the proposed rule and shall determine the effective
40 date of the rule, if any, based on the rulemaking record and the full
41 text of the rule.
- 42 l. Upon determination that an emergency exists, the
43 commission may consider and adopt an emergency rule without
44 prior notice, opportunity for comment, or hearing, provided that the
45 usual rulemaking procedures provided in the compact and in this
46 section shall be retroactively applied to the rule as soon as
47 reasonably possible, in no event later than 90 days after the

1 effective date of the rule. For the purposes of this provision, an
2 emergency rule is one that must be adopted immediately in order to:

- 3 (1) meet an imminent threat to public health, safety, or welfare;
4 (2) prevent a loss of commission or member state funds;
5 (3) meet a deadline for the promulgation of an administrative
6 rule that is established by federal law or rule; or
7 (4) protect public health and safety.

8 m. The commission or an authorized committee of the
9 commission may direct revisions to a previously adopted rule or
10 amendment for purposes of correcting typographical errors, errors
11 in format, errors in consistency, or grammatical errors. Public
12 notice of any revisions shall be posted on the website of the
13 commission. The revision shall be subject to challenge by any
14 person for a period of 30 days after posting. The revision may be
15 challenged only on grounds that the revision results in a material
16 change to a rule. A challenge shall be made in writing, and
17 delivered to the chair of the commission prior to the end of the
18 notice period. If no challenge is made, the revision will take effect
19 without further action. If the revision is challenged, the revision
20 may not take effect without the approval of the commission.

21
22 Section 10. Oversight, Dispute Resolution, and Enforcement.

23 10. a. The executive, legislative, and judicial branches of state
24 government in each member state shall enforce this compact and
25 take all actions necessary and appropriate to effectuate the
26 compact's purposes and intent. The provisions of this compact and
27 the rules promulgated hereunder shall have standing as statutory
28 law. All courts shall take judicial notice of the compact and the
29 rules in any judicial or administrative proceeding in a member state
30 pertaining to the subject matter of this compact which may affect
31 the powers, responsibilities or actions of the commission. The
32 commission shall be entitled to receive service of process in any
33 judicial or administrative proceeding, and shall have standing to
34 intervene in such a proceeding for all purposes. Failure to provide
35 service of process to the commission shall render a judgment or
36 order void as to the commission, this compact, or promulgated
37 rules.

38 b. If the commission determines that a member state has
39 defaulted in the performance of its obligations or responsibilities
40 under this compact or the promulgated rules, the commission shall:

- 41 (1) provide written notice to the defaulting state and other
42 member states of the nature of the default, the proposed means of
43 curing the default and any other action to be taken by the
44 commission; and

- 45 (2) provide remedial training and specific technical assistance
46 regarding the default.

47 If a state in default fails to cure the default, the defaulting state
48 may be terminated from the compact upon an affirmative vote of a

1 majority of the member states, and all rights, privileges and benefits
2 conferred by this compact may be terminated on the effective date
3 of termination. A cure of the default does not relieve the offending
4 state of obligations or liabilities incurred during the period of
5 default.

6 Termination of membership in the compact shall be imposed
7 only after all other means of securing compliance have been
8 exhausted. Notice of intent to suspend or terminate shall be given
9 by the commission to the governor, the majority and minority
10 leaders of the defaulting state's legislature, and each of the member
11 states. A state that has been terminated is responsible for all
12 assessments, obligations, and liabilities incurred through the
13 effective date of termination, including obligations that extend
14 beyond the effective date of termination.

15 The commission shall not bear any costs related to a state that is
16 found to be in default or that has been terminated from the compact,
17 unless agreed upon in writing between the commission and the
18 defaulting state. The defaulting state may appeal the action of the
19 commission by petitioning the U.S. District Court for the District of
20 Columbia or the federal district where the commission has its
21 principal offices. The prevailing member shall be awarded all costs
22 of litigation, including reasonable attorney's fees.

23 c. Upon request by a member state, the commission shall
24 attempt to resolve disputes related to the compact that arise among
25 member states and between member and non-member states. The
26 commission shall promulgate a rule providing for both mediation
27 and binding dispute resolution for disputes as appropriate.

28 d. The commission, in the reasonable exercise of its discretion,
29 shall enforce the provisions and rules of this compact. By majority
30 vote, the commission may initiate legal action in the United States
31 District Court for the District of Columbia or the federal district
32 where the commission has its principal offices against a member
33 state in default to enforce compliance with the provisions of the
34 compact and its promulgated rules and bylaws. The relief sought
35 may include both injunctive relief and damages. In the event
36 judicial enforcement is necessary, the prevailing member shall be
37 awarded all costs of litigation, including reasonable attorney's fees.
38 The remedies herein shall not be the exclusive remedies of the
39 commission. The commission may pursue any other remedies
40 available under federal or state law.

41

42 Section 11. Date of Implementation of the Commission and
43 Associated Rules, Withdrawal, and Amendment.

44 11. a. The compact shall come into effect on the date on which
45 the compact statute is enacted into law in the tenth member state.
46 The provisions, which become effective at that time, shall be
47 limited to the powers granted to the commission relating to
48 assembly and the promulgation of rules. Thereafter, the

1 commission shall meet and exercise rulemaking powers necessary
2 to the implementation and administration of the compact.

3 b. Any state that joins the compact subsequent to the
4 commission's initial adoption of the rules shall be subject to the
5 rules as they exist on the date on which the compact becomes law in
6 that state. Any rule that has been previously adopted by the
7 commission shall have the full force and effect of law on the day
8 the compact becomes law in that state.

9 c. Any member state may withdraw from this compact by
10 enacting a statute repealing the same.

11 (1) A member state's withdrawal shall not take effect until six
12 months after enactment of the repealing statute.

13 (2) Withdrawal shall not affect the continuing requirement of
14 the withdrawing state's physical therapy licensing board to comply
15 with the investigative and adverse action reporting requirements of
16 this act prior to the effective date of withdrawal.

17 d. Nothing contained in this compact shall be construed to
18 invalidate or prevent any physical therapy licensure agreement or
19 other cooperative arrangement between a member state and a non-
20 member state that does not conflict with the provisions of this
21 compact.

22 e. This compact may be amended by the member states. No
23 amendment to this compact shall become effective and binding
24 upon any member state until it is enacted into the laws of all
25 member states.

26
27 Section 12. Construction and Severability.

28 12. This compact shall be liberally construed so as to effectuate
29 the purposes thereof. The provisions of this compact shall be
30 severable and if any phrase, clause, sentence or provision of this
31 compact is declared to be contrary to the constitution of any party
32 state or of the United States or the applicability thereof to any
33 government, agency, person or circumstance is held invalid, the
34 validity of the remainder of this compact and the applicability
35 thereof to any government, agency, person or circumstance shall not
36 be affected thereby. If this compact shall be held contrary to the
37 constitution of any party state, the compact shall remain in full
38 force and effect as to the remaining party states and in full force and
39 effect as to the party state affected as to all severable matters.

40 (cf: P.L.2017, c.304, s.1)

41
42 78. Section 1 of P.L.1997, c.156 (C.45:9-42.41a) is amended to
43 read as follows:

44 1. A clinical laboratory shall present or cause to be presented a
45 claim, bill or demand for payment for clinical laboratory services
46 directly to the recipient of the services , except that the claim, bill
47 or demand for payment may be presented to any of the following:

1 a. An immediate family member of the recipient of the services
2 or other person legally responsible for the debts or care of the
3 recipient of the services;

4 b. A third party payer including a health insurer, a health,
5 hospital or medical services corporation, a State approved or
6 federally qualified health maintenance organization in which the
7 recipient of the services is enrolled, a governmental agency or its
8 specified agent which provides health care benefits on behalf of the
9 recipient of the services, and an employer of the recipient of the
10 services who is responsible for payment of the services, provided
11 that billing these payers is consistent with the terms of any
12 applicable contract between the payer and the recipient of the
13 services;

14 c. A hospital or skilled nursing facility in which the recipient of
15 the services is or has been an inpatient or outpatient;

16 d. A substance **[abuse]** use disorder program in which the
17 recipient of the services is or has been a participant; and

18 e. A nonprofit clinic or other health care provider whose
19 purpose is the promotion of public health, from which the recipient
20 of the services has received health care.

21 Upon the request of the health care provider who requested the
22 clinical laboratory services, a clinical laboratory shall notify the
23 health care provider of the amount of the claim, bill or demand for
24 payment that was presented to the recipient or the recipient's
25 responsible third party pursuant to this section.

26 Notwithstanding the provisions of this section to the contrary, in
27 the case of a clinical laboratory which performs services at the
28 request of another clinical laboratory, the clinical laboratory may
29 present the claim, bill or demand for payment to the requesting
30 clinical laboratory.

31 Notwithstanding the provisions of this section to the contrary,
32 nothing in this section shall affect a contractual agreement between
33 a clinical laboratory and a third party payer regarding presentation
34 of a claim, bill or demand for payment directly to that third party
35 payer.

36 (cf: P.L.1997, c.156, s.1)

37
38 79. Section 5 of P.L.2019, c.394 (C.52:4B-76) is amended to
39 read as follows:

40 5. a. A family justice center is authorized to share information,
41 as well as recommendations, concerning the center's operations and
42 utilization by victims and their family members, which does not
43 include any personal identifiers of those victims and family
44 members, with Alliance for Hope International, the national,
45 nonprofit organization that assists with the development and
46 operation of new and existing family justice centers and serves as a
47 national membership organization for all centers, when requested

1 by that organization. The information which may be shared
2 includes, but is not limited to:

3 (1) the number of victims who received assistance, the number
4 of children and other family members of victims who received
5 assistance, and the number of victims, children, and other family
6 members who received assistance multiple times;

7 (2) the reasons that victims and their family members requested
8 assistance;

9 (3) the filing, conviction, and dismissal rates for criminal, and
10 disorderly persons and petty disorderly persons cases handled at the
11 center;

12 (4) subjective and objective measurements of the impacts of
13 centrally located multi-agency services related to the safety,
14 empowerment, and mental and emotional well-being of victims and
15 their family members, and comparison data from victims and family
16 members, if available, on their access to services outside the family
17 justice center model; and

18 (5) barriers, if any, to receiving available services at a family
19 justice center, including actual or perceived barriers based on
20 immigration status, criminal history, substance **[abuse]** use disorder
21 or mental health issues, or privacy concerns, and potential means to
22 mitigate any identified barriers to accessing services and for
23 improving the utilization rate of services.

24 b. Alliance for HOPE International may file a report, utilizing
25 any information collected pursuant to subsection a. of this section,
26 with the Governor, the Division on Women in the Department of
27 Children and Families, and pursuant to section 2 of P.L.1991, c.164
28 (C.52:14-19.1), the Legislature annually or upon request by the
29 Attorney General. The report may include recommendations for
30 expanding or improving the Statewide operation of family justice
31 centers, as well as suggested executive or legislative action, if
32 necessary, to accomplish any recommendations.

33 (cf: P.L.2019, c.394, s.5)

34

35 80. Section 3 of P.L.2021, c.398 (C.52:13GG-3) is amended to
36 read as follows:

37 3. There is established a New Jersey Legislative Youth Council
38 for the purpose of providing a forum for the youth of this State to
39 participate in the democratic process; to advise the Legislature and
40 its committees, commissions, and task forces on the perspectives,
41 opinions, needs, development, and welfare of the youth of the State;
42 and to advise the Legislature and its committees, commissions and
43 task forces on the most effective and efficient policies, programs,
44 and services that the State could provide for the youth of this State.
45 The council shall research, analyze, discuss, and make specific
46 recommendations in the areas of civics education; drugs and
47 substance **[abuse]** use disorder; emotional and physical health;
48 employment and economic opportunities; environmental protection;

1 gun violence and school safety; homelessness and poverty; mental
2 health; safe environment for youth; sexual harassment and violence;
3 youth services; and youth bias and hate crimes.

4 In each two-year term of the New Jersey Legislature, the council
5 shall submit, in writing, a series of policy recommendations to the
6 President of the Senate, the Speaker of the General Assembly, the
7 Minority Leader of the Senate, and the Minority Leader of the
8 General Assembly. The series of policy recommendations shall be
9 made available online to the public.

10 The council may express its position publicly on legislation
11 pending before the New Jersey Legislature that is directly relevant
12 to the youth of this State.

13 (cf: P.L.2021, c.398, s.3)

14

15 81. Section 1 of P.L.2021, c.455 (C.52:17B-71.11) is amended
16 to read as follows:

17 1. a. The Attorney General, in consultation with the
18 Commissioner of Human Services, shall develop a pilot program to
19 promote and encourage law enforcement officers Statewide to
20 complete training that applies the Crisis Intervention Team model,
21 which program may include support for and coordination between
22 the Police Training Commission in the Division of Criminal Justice
23 in the Department of Law and Public Safety and the Division of
24 Mental Health and Addiction Services in the Department of Human
25 Services to increase the frequency of, number of locations, and
26 geographic accessibility to training courses offered that apply the
27 Crisis Intervention Team model.

28 b. The Police Training Commission shall develop and
29 implement or incorporate into an existing training course, in
30 consultation with a crisis intervention training center, a curriculum
31 that applies the Crisis Intervention Team model to persons
32 experiencing an economic crisis or struggling with a substance
33 **[abuse]** use disorder who come into contact with law enforcement
34 first responders.

35 c. As used in this section:

36 "Crisis Intervention Team model" means the best practice jail
37 diversion model originally developed by the Memphis Tennessee
38 Police Department and implemented in New Jersey as a county
39 based collaboration of professionals committed to improving the
40 law enforcement and mental health systems' response to persons
41 experiencing a psychiatric crisis who come into contact with law
42 enforcement first responders.

43 "Crisis intervention training center" means a program or entity
44 that has operated as a crisis intervention support center in the State
45 for a period of at least five years and that has experience in assisting
46 political subdivisions in New Jersey in developing and
47 implementing the Crisis Intervention Team model.

48 (cf: P.L.2021, c.455, s.1)

1 82. Section 2 of P.L.1995, c.330 (C.52:17B-182) is amended to
2 read as follows:

3 2. The Legislature finds and declares that there is a present
4 need to provide for certain juvenile and young adult offenders a
5 special program of incarceration stressing a highly structured
6 routine of discipline, regimentation, exercise and work therapy,
7 together with substance **[abuse]** use disorder and self-improvement
8 counseling, education and an intensive program of aftercare
9 supervision.

10 The Legislature further finds and declares that such a program
11 would:

12 a. Develop positive attitude and behavior traits which will
13 foster the work ethic and contribute to the maturity of the
14 participants by utilizing proven techniques of regimentation and
15 structured discipline;

16 b. Foster self-control, self-respect, teamwork and improved
17 work habits for such offenders so as to enable these offenders to
18 return to society as law-abiding citizens;

19 c. Provide young adult and juvenile offenders with a
20 rehabilitative experience which will positively influence their
21 behavior and help thwart future criminal activity;

22 d. Allow for a more creative use of correctional resources than
23 the simple custody of prisoners;

24 e. Reduce corrections costs by shortening stays of
25 incarceration;

26 f. Increase an offender's potential for rehabilitation and
27 decrease recidivism by providing a structured, integrated and
28 comprehensive treatment program which includes both an
29 institutional regimen and an intensively supervised aftercare
30 component in the community;

31 g. Provide meaningful and productive work opportunities and
32 vocational training to enhance and expand offenders' marketable
33 skills; and

34 h. Help to alleviate overcrowding in prisons and juvenile
35 facilities.

36 (cf: P.L.1995, c.330, s.2)

37

38 83. Section 5 of P.L.1995, c.330 (C.52:17B-185) is amended to
39 read as follows:

40 5. The SRP shall include the following components:

41 a. Stage I: A comprehensive, residential program consisting of
42 appropriate:

43 (1) Highly structured routines of discipline;

44 (2) Physical exercise;

45 (3) Work;

46 (4) Substance **[abuse]** use disorder counseling;

47 (5) Education and vocational training;

48 (6) Psychological counseling; and

1 (7) Self-improvement and personal growth counseling stressing
2 moral values and cognitive reasoning.

3 b. Stage II: An intensive after-care program which includes
4 work opportunities and vocational training. Offenders shall remain
5 on parole during this period and shall be subject to reincarceration
6 for parole violations.
7 (cf: P.L.1995, c.330, s.5)
8

9 84. Section 1 of P.L.2019, c.365 (C.52:17B-242.1) is amended
10 to read as follows:

11 1. The Legislature finds and declares that:

12 a. In New Jersey, community violence is a public health crisis
13 that disproportionately impacts underserved communities of color
14 and firearm violence specifically is a major component of that
15 violence;

16 b. Each year, New Jersey suffers more than 1,000 interpersonal
17 shootings and, in 2016, African American and Latino men
18 constituted 90 percent of the total firearm homicide victims in the
19 State;

20 c. A few New Jersey cities suffer the vast majority of
21 homicides in this State, most of which are committed with a
22 firearm, and in 2015, more than half of the State's total homicides
23 occurred in the cities of Camden, Jersey City, Newark, Paterson,
24 and Trenton;

25 d. This violence results in enormous trauma, lifelong health
26 impairments, immeasurable human suffering, and significant
27 economic costs;

28 e. The direct costs of firearm violence in New Jersey are over
29 \$1.2 billion per year including healthcare expenses, law
30 enforcement and criminal justice expenses, costs to employers, and
31 lost income, and when reduced quality of life attributable to pain
32 and suffering is considered, the overall economic cost of firearm
33 violence is \$3.3 billion per year;

34 f. The vast majority of victims and perpetrators of violence are
35 young men of color who are at heightened risk for exposure to
36 violence because of a number of risk factors, including lack of
37 educational and economic opportunity, unaddressed mental health
38 needs, substance **[abuse]** use disorder issues, unstable housing
39 situations, and previous exposure to violence;

40 g. Research indicates that in most cities in the United States
41 less than a half percent of a given city's population is responsible
42 for the vast majority of violence and effectively intervening with
43 this high risk population is essential to addressing and preventing
44 interpersonal violence;

45 h. Historically, community-based violence intervention
46 strategies have demonstrated remarkable success at reducing
47 shootings and other incidents involving the use of firearms in
48 heavily impacted communities and when properly implemented and

1 consistently funded, these programs produce impressive life-saving
2 and cost-saving results in a short period of time;

3 i. Large reductions in violence have been seen in cities that
4 centrally coordinate multiple violence reduction strategies,
5 including New York City; and

6 j. Providing consistent funding and support to the evidence-
7 based violence reduction initiatives is an essential part of New
8 Jersey's comprehensive response to interpersonal firearm violence
9 and given the extremely high cost of firearm violence, public
10 investment in these solutions is very likely to generate significant
11 savings for New Jersey taxpayers.

12 (cf: P.L.2019, c.365, s.1)

13
14 85. Section 2 of P.L.2019, c.309 (C.52:27D-25mm) is amended
15 to read as follows:

16 2. a. The division, in conjunction with the university, shall
17 establish and maintain, on a 24-hour daily basis, a toll-free "New
18 Jersey Fire and EMS Crisis Intervention Services" telephone
19 hotline. The hotline shall receive and respond to calls from fire and
20 emergency services personnel who experience depression, anxiety,
21 stress, or any other psychological or emotional disorder or
22 condition. The operators of the hotline shall identify and refer
23 callers to further debriefing and counseling services.

24 b. The operators of the hotline shall be trained by the division
25 and the university, and, to the greatest extent possible, shall be
26 persons who are: (1) familiar with the post-trauma disorders and
27 psychological and emotional disorders and conditions that are
28 frequently experienced by fire and emergency services personnel; or
29 (2) trained to provide counseling services involving marriage and
30 family life, substance **[abuse]** use disorder, personal stress
31 management, and other emotional or psychological disorders or
32 conditions that may adversely affect fire and emergency services
33 personnel.

34 c. The division and the university shall provide for the
35 confidentiality of the names of the fire and emergency services
36 personnel calling, the information discussed by a caller and
37 operator, and any referrals for further debriefing or counseling.
38 However, the division, after consultation with the university, may,
39 by rule and regulation, establish guidelines for monitoring any fire
40 or emergency services caller who exhibits signs of a severe
41 emotional or psychological disorder or condition which the operator
42 handling the call reasonably believes may result in harm to the
43 caller or any other person.

44 (cf: P.L.2019, c.309, s.2)

45
46 86. Section 5 of P.L.1990, c.83 (C.52:27D-43.29) is amended to
47 read as follows:

48 5. The centers shall provide:

- 1 a. Outreach to the Hispanic community to inform the
2 community of the center's resources;
- 3 b. Basic English language skills and bilingual and bicultural
4 resources;
- 5 c. Training in assertiveness, survival and coping skills;
- 6 d. Educational evaluation services by a qualified bilingual
7 counselor employed by the center, which services include
8 screening, assessment and referral to basic educational, vocational
9 training and other educational programs;
- 10 e. Job counseling services which are specifically designed to
11 prepare women to enter or reenter the work force by assisting them
12 in acquiring knowledge of their talents and skills in relation to
13 existing traditional and nontraditional job opportunities and to those
14 which are emerging as a result of new employment trends;
- 15 f. Self-help programs and mentoring projects, including
16 workshops, group discussions, and dissemination of information
17 about existing federal, State and local employment, education,
18 health, and other community services which provide assistance in
19 overcoming barriers to employment. These programs shall include
20 outreach and information about other programs which are
21 determined to be of interest and benefit to working parents, women
22 newly entering or reentering the work force after a prolonged
23 absence from it, those in need of financial management services,
24 including information and assistance with respect to credit,
25 insurance, taxes, loans and related financial matters, and women
26 who need information about a diversity of housing problems;
- 27 g. Career information services, job training including
28 internships, and job placement services which assist participants in
29 gaining admission to existing public and private job training
30 programs and in gaining job opportunities by cooperating,
31 whenever possible, with appropriate State and local government
32 agencies and private employers. These training and placement
33 services shall foster the development of partnerships with industry,
34 particularly those concerns which are associated with urban
35 enterprise zones, and the enhancement of the neighborhood and
36 communities which surround the centers. To the extent possible,
37 the training and placement services shall consult with the area
38 private industry councils established pursuant to the provisions of
39 the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C.
40 s. 1501 et seq.), and the Division of Employment Services in the
41 Department of Labor in order to help identify local job
42 opportunities or areas of expansion in private industry;
- 43 h. Information and referral services concerning: legal issues
44 such as domestic violence, sexual assault, family support and sex
45 discrimination; health care issues such as family planning,
46 substance **[abuse]** use disorder, nutrition and mental health; public
47 assistance programs; and child care services.

1 Each center may purchase services from or contract with
2 individuals, county or municipal governments, school districts,
3 county colleges or county vocational schools to carry out the
4 provisions of this section.

5 (cf: P.L.1990, c.83, s.5)

6
7 87. Section 9 of P.L.2019, c.288 (C.52:27EE-28.2) is amended
8 to read as follows:

9 9. The corrections ombudsperson shall conduct inspections of
10 State correctional facilities in accordance with the provisions of this
11 section.

12 a. The ombudsperson shall conduct regular inspections of all
13 department facilities and issue public reports of all inspections.

14 b. Except for ongoing criminal investigations, Prison Rape
15 Elimination Act (PREA) investigations, or other information,
16 records, or investigations deemed confidential by the Special
17 Investigations Division of the department, and with the exception of
18 Special Investigations Division evidence rooms, the ombudsperson
19 may inspect, examine, or assess all aspects of a facility's operations
20 and conditions including, but not limited to:

- 21 (1) staff recruitment, training, supervision, and discipline;
- 22 (2) inmate deaths or serious injuries;
- 23 (3) incidences of physical and sexual assault;
- 24 (4) medical and mental-health care;
- 25 (5) use of force;
- 26 (6) inmate violence;
- 27 (7) conditions of confinement;
- 28 (8) inmate disciplinary processes;
- 29 (9) inmate grievance processes;
- 30 (10) **substance-abuse** substance use disorder treatment;
- 31 (11) educational, vocational, and other programming;
- 32 (12) family visitation and communication practices; and
- 33 (13) rehabilitation, reentry, and integration practices.

34 c. Except as provided in subsection b. of this section, the
35 ombudsperson shall utilize a range of methods to gather and
36 substantiate facts, including observations, interviews with inmates,
37 inmate surveys, document and record reviews, reports, statistics,
38 and performance-based outcome measures.

39 d. Facility and other governmental officials are authorized and
40 shall be required to cooperate fully and promptly with inspections.

41 e. Except as provided in subsection b. of this section, the
42 ombudsperson shall be vested with the authority to conduct both
43 scheduled and unannounced inspections of any part or all of the
44 facility at any time. The ombudsperson shall adopt procedures to
45 ensure that unannounced inspections are conducted in a reasonable
46 manner.

47 f. Facility administrators shall be provided an opportunity to
48 review reports and provide feedback about them to the

1 ombudsperson before their dissemination to the public, but the
2 release of the reports is not subject to approval from any entity or
3 person outside the office.

4 g. Reports shall apply legal requirements, best correctional
5 practices, and other criteria to objectively and accurately review and
6 assess a facility's policies, procedures, programs, and practices;
7 identify systemic problems and the reasons for them; and proffer
8 possible solutions to those problems.

9 h. Subject to reasonable privacy and security requirements, or
10 as may be necessary to protect the safety or privacy of persons or
11 the safe, secure, and orderly operation of State correctional
12 facilities, as determined by the department or the Special
13 Investigations Division, the ombudsperson's reports shall be public,
14 accessible through the Internet, and distributed to the media,
15 Legislature, Attorney General, and Governor.

16 i. Facility administrators shall publicly respond to monitoring
17 reports; develop and implement in a timely fashion action plans to
18 rectify problems identified in those reports; and to semi-annually
19 inform the public of their progress in implementing these action
20 plans.

21 j. The ombudsperson shall continue to assess and report on
22 previously identified problems and the progress made in resolving
23 them until the problems are resolved.

24 (cf: P.L.2019, c.288, s.9)

25
26 88. Section 2 of P.L.2021, c.16 (C.24:6I-32) is amended to read
27 as follows:

28 2. The Legislature finds and declares that:

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

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

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

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

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

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

46 g. Controlling and legalizing cannabis for adults in a similar
47 fashion to alcohol will free up precious resources to allow our

1 criminal justice system to focus on serious criminal activities and
2 public safety issues;

3 h. Controlling and legalizing cannabis for adults in a similar
4 fashion to alcohol will strike a blow at the illegal enterprises that
5 profit from New Jersey's current, unregulated illegal marijuana
6 market;

7 i. New Jersey must strengthen its support for evidence-based,
8 drug use prevention programs that work to educate New Jerseyans,
9 particularly young New Jerseyans, about the harms of **【drug abuse】**
10 substance use disorder;

11 j. New Jersey must enhance State-supported programming that
12 provides appropriate, evidence-based treatment for those who suffer
13 from the illness of **【drug addiction】** substance use disorder;

14 k. Controlling and regulating the manufacturing, distribution,
15 and sales of cannabis will strengthen our ability to keep it along
16 with illegal marijuana away from minors;

17 l. A controlled system of cannabis manufacturing, distribution,
18 and sales must be designed in a way that enhances public health and
19 minimizes harm to New Jersey communities and families;

20 m. The legalized cannabis marketplace in New Jersey must be
21 regulated so as to prevent persons younger than 21 years of age
22 from accessing or purchasing cannabis;

23 n. A marijuana arrest in New Jersey can have a debilitating
24 impact on a person's future, including consequences for one's job
25 prospects, housing access, financial health, familial integrity,
26 immigration status, and educational opportunities; and

27 o. New Jersey cannot afford to sacrifice public safety and
28 individuals' civil rights by continuing its ineffective and wasteful
29 past marijuana enforcement policies.

30 (cf: P.L.2021, c.16, s.2)

31
32 89. R.S.30:1-12 is amended to read as follows:

33 30:1-12. a. The Legislature finds that the Commissioner of
34 Human Services is obligated by State and federal law to assure that
35 programs that serve eligible, low-income, handicapped, elderly,
36 abused, and disabled persons are provided in an accessible,
37 efficient, cost-effective and high quality manner. In order to meet
38 these ends, the commissioner must have sufficient authority to
39 require institutions and agencies that are under his direct or indirect
40 supervision to meet State and federal mandates. This authority is
41 especially necessary given the manner in which certain services are
42 provided by county or local agencies, but are funded in whole or
43 part by the State. The Legislature finds that the commissioner must
44 have the authority to establish rules, regulations and directives,
45 including incentives and sanctions, to assure that these institutions
46 and agencies are providing services in a manner consistent with
47 these mandates.

1 b. The commissioner shall have power to determine all matters
2 relating to the unified and continuous development of the
3 institutions and noninstitutional agencies within his jurisdiction. He
4 shall determine all matters of policy and shall have power to
5 regulate the administration of the institutions or noninstitutional
6 agencies within his jurisdiction, correct and adjust the same so that
7 each shall function as an integral part of a general system. The
8 rules, regulations, orders and directions issued by the commissioner
9 pursuant thereto, for this purpose shall be accepted and enforced by
10 the executive having charge of any institution or group of
11 institutions or noninstitutional agencies or any phase of the work
12 within the jurisdiction of the department.

13 In order to implement the public policy of this State concerning
14 the provision of charitable, hospital, relief and training institutions
15 established for diagnosis, care, treatment, training, rehabilitation
16 and welfare of persons in need thereof, for research and for training
17 of personnel, and in order that the personnel, buildings, land, and
18 other facilities provided be most effectively used to these ends and
19 to advance the public interest, the commissioner is hereby
20 empowered to classify and designate from time to time the specific
21 functions to be performed at and by any of the aforesaid institutions
22 under his jurisdiction and to designate, by general classification of
23 disease or disability, age or sex, the classes of persons who may be
24 admitted to, or served by, these institutions or agencies.

25 In addition to and in conjunction with its general facilities and
26 services for persons with mental illness, developmental disabilities,
27 or tuberculosis, the department may at its discretion establish and
28 maintain specialized facilities and services for the residential care,
29 treatment and rehabilitation of persons who are suffering from
30 chronic mental or neurological disorders, including, but not limited
31 to **【alcoholism】** alcohol use disorder, **【drug addiction】** substance
32 use disorder, epilepsy and cerebral palsy.

33 The commissioner shall have the power to regulate the
34 administration of agencies under his supervision including, but not
35 limited to, municipal and county agencies that administer public
36 assistance. The commissioner may issue rules, regulations, orders
37 and directions to assure that programs administered by the agencies
38 are financially and programmatically efficient and effective, and to
39 establish incentives and impose sanctions to assure the appropriate
40 operation of programs and compliance with State and federal laws
41 and regulations.

42 In addition, the commissioner shall have the authority to:

43 (1) review and approve county and municipal budgets for public
44 assistance; and

45 (2) take appropriate interim action, including withholding State
46 and federal administrative funds, or take over and operate county or
47 municipal public assistance operations in situations in which the
48 commissioner determines that the public assistance agency is failing

1 to substantially follow federal or State law, thereby placing clients,
2 who are dependent on public assistance benefits to survive in a
3 humane and healthy manner, at serious risk. In this situation, the
4 commissioner shall have the authority to bill the county for the cost
5 of such operations and for necessary changes to assure that services
6 are provided to accomplish federal and State mandates in an
7 effective and efficient manner.

8 No rule, regulation, order or direction shall abridge the authority
9 of a county or municipality to establish wages and terms and
10 conditions of employment for its employees through collective
11 negotiation with an authorized employee organization pursuant to
12 P.L.1984, c.14 (C.44:7-6.1 et seq.).

13 The commissioner shall have the power to promulgate
14 regulations to assure that services in State and county psychiatric
15 facilities are provided in an efficient and accessible manner and are
16 of the highest quality. Regulations shall include, but shall not be
17 limited to, the transfer of patients between facilities; the
18 maintenance of quality in order to obtain certification by the United
19 States Department of Health and Human Services; the review of the
20 facility's budget; and the establishment of sanctions to assure the
21 appropriate operation of facilities in compliance with State and
22 federal laws and regulations.

23 The commissioner shall have the power to promulgate
24 regulations to assure that county adjusters effectively and
25 efficiently conduct investigations, notify legally responsible persons
26 of amounts to be assessed against them, petition the courts,
27 represent patients in psychiatric facilities, and as necessary reopen
28 the question of payment for maintenance of persons residing in
29 psychiatric facilities. Regulations may include minimum standards
30 for determining payment of care by legally responsible persons; a
31 uniform reporting system of findings, conclusions and
32 recommendations; and the establishment of sanctions to assure
33 compliance with State laws and regulations.

34 c. The commissioner shall have the power to conduct an
35 investigation into the financial ability to pay, directly or indirectly,
36 of any person receiving services from the department, or his
37 chargeable relatives. This authority shall include the power to issue
38 subpoenas to compel testimony and the production of documents.
39 The commissioner may contract with a public or private entity to
40 perform the functions set forth in this subsection, subject to terms
41 and conditions required by the commissioner.

42 (cf: P.L.2010, c.50, s.19)

43
44 90. Section 1 of P.L.1964, c.226 (C.30:6C-1) is amended to read
45 as follows:

46 1. It is declared to be the public policy of this State that the
47 human suffering and social and economic loss caused by **【drug**
48 **addiction】** substance use disorder are matters of grave concern to

1 the people of the State and it is imperative that a comprehensive
2 program be established and implemented through the facilities of
3 the State, the several counties, the Federal Government and local
4 and private agencies to prevent **【drug addiction】** substance use
5 disorder and to provide diagnosis, treatment, care and rehabilitation
6 for **【drug addicts】** persons who have substance use disorder to the
7 end that these unfortunate individuals may be restored to good
8 health and again become useful citizens in the community.

9 (cf: P.L.1964, c.226, s.1)

10
11 91. Section 2 of P.L.2016, c.70 (C.30:8-16.13) is amended to
12 read as follows:

13 2. a. The chief executive officer, warden, or keeper of any
14 county correctional institution shall ensure that each incarcerated
15 person under the institution's custody continues to receive any
16 medications prescribed by a physician prior to the person's
17 incarceration for the treatment of chronic conditions. The provision
18 of the prescribed medications shall be continued during admittance
19 to a correctional facility, while placed in that facility, and during
20 transfers to other facilities.

21 b. Medications provided pursuant to subsection a. of this
22 section shall continue to be administered to the incarcerated person
23 in a county correctional facility for a minimum of 30 days from the
24 date the person is committed to the custody of a facility. The
25 facility receiving these persons shall resume appropriate and
26 commensurate management of the chronic condition including, but
27 not limited to, the use of appropriate therapeutic treatments and
28 medications or their generic substitution in accordance with State
29 law and regulations established by the Commissioner of
30 Corrections. Nothing in this subsection shall prohibit an examining
31 physician from changing a course of treatment or prescription
32 within the 30 day period to ensure that the incarcerated person
33 receives clinically appropriate medical care.

34 c. The chief executive officer, warden, or keeper of any county
35 correctional institution shall establish a system to ensure that all
36 necessary medications are given to incarcerated persons in a timely
37 manner while in the custody of a county correctional facility.
38 Necessary medications shall include those medications which, if
39 missed, may cause serious illness, death, or other harmful effects.
40 The system shall include, but shall not be limited to, the following:

41 (1) a screening staff for each facility, which shall include any
42 medical professional currently employed by the facility who shall
43 be trained to determine the medications for which timely
44 continuation is an urgent matter;

45 (2) a method for determining which medications shall be
46 deemed necessary;

47 (3) a method for contacting the prescribing physician;

48 (4) a method for validating the prescription;

1 (5) a method for checking that all medications brought into a
2 facility are labeled to ensure that the container contains the correct
3 medication;

4 (6) a method for providing necessary medications to an
5 incarcerated person who has been taken into custody without a
6 supply of the medication;

7 (7) a method for notifying in advance a facility receiving a
8 transferred incarcerated person, that the person has been prescribed
9 a necessary medication and the continuation of the medication is an
10 urgent matter; and

11 (8) a method for maintaining a supply of the most common
12 necessary medications at each facility or an on-call physician, or
13 other medical professional capable of prescribing medications,
14 available to prescribe medications, and with the ability to fill
15 prescriptions.

16 d. The chief executive officer, warden, or keeper of any county
17 correctional institution shall not be required under the provisions of
18 this section to supply an incarcerated person with any medication
19 which has no currently accepted medical use in treatment in the
20 United States as a matter of federal law.

21 e. The requirement to administer medication pursuant to this
22 section shall not apply to synthetic opioid **【drug addiction】**
23 substance use disorder detoxifiers, unless the facility employs a
24 medical professional who is trained to administer this type of
25 medication.

26 f. To the extent possible, a generic substitution of a
27 prescription drug shall be given to an incarcerated person who is
28 provided with medication under the provisions of this section.

29 (cf: P.L.2016, c.70, s.2)

30
31 92. Section 1 of P.L.2016, J.R.12 (C.36:2-283) is amended to
32 read as follows:

33 1. November 19th of each year, or the Thursday one week
34 before Thanksgiving if the 19th falls on a Friday, Saturday, or
35 Sunday, is designated as the "Night of Conversation" in which
36 families are encouraged to talk about **【drug addiction】** substance
37 use disorder and **【alcoholism】** alcohol use disorder.

38 (cf: P.L.2016, J.R.12, s.1)

39
40 93. Section 1 of P.L.1974, c.120 (C.40:9B-3) is amended to read
41 as follows:

42 1. The Legislature hereby recognizes that it is the declared
43 public policy of this State that the social and personal anguish of
44 **【drug addiction】** substance use disorder is a grave public concern,
45 and that priority should be given to the establishment of a
46 comprehensive program to be achieved through the coordinated
47 efforts and resources both of public and private agencies to prevent

1 and control **【drug addiction】** substance use disorder and to provide
2 diagnosis, treatment care and rehabilitation for **【drug addicts】**
3 persons who have substance use disorder. The Legislature further
4 recognizes that the costs incurred in treating and rehabilitating the
5 **【addict】** person who has substance use disorder and in counseling
6 the potential **【addict】** person who has substance use disorder have
7 become increasingly expensive, and that current financial
8 exigencies are creating additional burdens for private, nonprofit
9 agencies performing this important public service, while also
10 rendering the cost of establishing new treatment centers prohibitive
11 for local units of government. Therefore, the Legislature hereby
12 finds that because private, nonprofit agencies are providing services
13 which are in furtherance of a policy in an area of grave public
14 concern, it is in the public interest to authorize counties and
15 municipalities to appropriate funds for the purpose of helping to
16 defray expenses incurred by such private agencies in the provision
17 of **【narcotic and drug abuse】** substance use treatment facilities and
18 programs to community residents.

19 (cf: P.L.1974, c.120, s.1)

20
21 94. Section 2 of P.L.1982, c.80 (2A:4A-77) is amended to read
22 as follows:

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

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

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

40 b. Facts concerning the conduct of the juvenile or family which
41 may contribute to the crisis, including evidence of **【alcoholism】**
42 substance use disorder **【as defined in section 2 of P.L.1975, c.305**
43 **(C.26:2B-8), drug dependency as defined in section 2 of the "New**
44 **Jersey Controlled Dangerous Substances Act," P.L.1970, c.226**
45 **(C.24:21-2)】** or that a juvenile is an "abused or neglected child" as
46 defined in P.L.1974, c.119 (C.9:6-8.21).

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

1 95. R.S.3B:1-2 is amended to read as follows:

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

6 The term incapacitated individual is also used to designate an
7 individual who is impaired by reason of physical illness or
8 disability, chronic use of drugs, chronic **alcoholism** alcohol use
9 disorder, or other cause (except minority) to the extent that the
10 individual lacks sufficient capacity to govern himself and manage
11 the individual's affairs.

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

14 "Intellectual disability" means a significant subaverage general
15 intellectual functioning existing concurrently with deficits in
16 adaptive behavior which are manifested during the development
17 period.

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

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

25 "Local administration" means administration by a personal
26 representative appointed in this State.

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

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

31 "Nonresident decedent" means a decedent who was domiciled in
32 another jurisdiction at the time of his death.

33 "Parent" means any person entitled to take or who would be
34 entitled to take if the child, natural or adopted, died without a will,
35 by intestate succession from the child whose relationship is in
36 question and excludes any person who is a stepparent, resource
37 family parent, or grandparent.

38 "Per capita." If a governing instrument requires property to be
39 distributed "per capita," the property is divided to provide equal
40 shares for each of the takers, without regard to their shares or the
41 right of representation.

42 "Payor" means a trustee, insurer, business entity, employer,
43 government, governmental agency or subdivision, or any other
44 person authorized or obligated by law or a governing instrument to
45 make payments.

46 "Person" means an individual or an organization.

47 "Per Stirpes." If a governing instrument requires property to be
48 distributed "per stirpes," the property is divided into as many equal

1 shares as there are: (1) surviving children of the designated
2 ancestor; and (2) deceased children who left surviving descendants.
3 Each surviving child is allocated one share. The share of each
4 deceased child with surviving descendants is divided in the same
5 manner, with subdivision repeating at each succeeding generation
6 until the property is fully allocated among surviving descendants.

7 "Personal representative" includes executor, administrator,
8 successor personal representative, special administrator, and
9 persons who perform substantially the same function under the law
10 governing their status. "General personal representative" excludes
11 special administrator.

12 "Representation; Per Capita at Each Generation." If an applicable
13 statute or a governing instrument requires property to be distributed
14 "by representation" or "per capita at each generation," the property
15 is divided into as many equal shares as there are: (1) surviving
16 descendants in the generation nearest to the designated ancestor
17 which contains one or more surviving descendants; and (2)
18 deceased descendants in the same generation who left surviving
19 descendants, if any. Each surviving descendant in the nearest
20 generation is allocated one share. The remaining shares, if any, are
21 combined and then divided in the same manner among the surviving
22 descendants of the deceased descendants, as if the surviving
23 descendants who were allocated a share and their surviving
24 descendants had predeceased the designated ancestor.

25 "Resident creditor" means a person domiciled in, or doing
26 business in this State, who is, or could be, a claimant against an
27 estate.

28 "Security" includes any note, stock, treasury stock, bond,
29 mortgage, financing statement, debenture, evidence of indebtedness,
30 certificate of interest or participation in an oil, gas, or mining title
31 or lease or in payments out of production under the title or lease,
32 collateral, trust certificate, transferable share, voting trust certificate
33 or, in general, any interest or instrument commonly known as a
34 security or as a security interest or any certificate of interest or
35 participation, any temporary or interim certificate, receipt or
36 certificate of deposit for, or any warrant or right to subscribe to or
37 purchase, any of the foregoing.

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

40 "Successor personal representative" means a personal
41 representative, other than a special administrator, who is appointed
42 to succeed a previously appointed personal representative.

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

46 "Testamentary trustee" means a trustee designated by will or
47 appointed to exercise a trust created by will.

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

1 "Trust" includes any express trust, private or charitable, with
2 additions thereto, wherever and however created. It also includes a
3 trust created by judgment under which the trust is to be
4 administered in the manner of an express trust. "Trust" excludes
5 other constructive trusts, and it excludes resulting trusts,
6 guardianships, personal representatives, trust accounts created
7 under the "Multiple-party Deposit Account Act," P.L.1979, c.491
8 (C.17:16I-1 et seq.), gifts to minors under the "New Jersey Uniform
9 Gifts to Minors Act," P.L.1963, c.177 (C.46:38-13 et seq.), or the
10 "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et
11 seq., business trusts providing for certificates to be issued to
12 beneficiaries, common trusts, security arrangements, liquidation
13 trusts, and trusts for the primary purpose of paying debts, dividends,
14 interest, salaries, wages, profits, pensions or employee benefits of
15 any kind, and any arrangement under which a person is nominee or
16 escrowee for another.

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

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

21 "Will" means the last will and testament of a testator or testatrix
22 and includes any codicil and any testamentary instrument that
23 merely appoints an executor, revokes or revises another will,
24 nominates a guardian, or expressly excludes or limits the right of a
25 person or class to succeed to property of the decedent passing by
26 intestate succession.

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

28
29 96. R.S.3B:12-28 is amended to read as follows:

30 3B:12-28. Return to competency; restoration of estate.

31 The Superior Court may, on summary action filed by the person
32 adjudicated incapacitated or the guardian, adjudicate that the
33 incapacitated person has returned to full or partial competency and
34 restore to that person his civil rights and estate as it exists at the
35 time of the return to competency if the court is satisfied that the
36 person has recovered his sound reason and is fit to govern himself
37 and manage his affairs, or, in the case of an incapacitated person
38 determined to be incapacitated by reason of chronic **【alcoholism】**
39 alcohol use disorder, that the person has reformed and become
40 habitually sober and has continued so for one year next preceding
41 the commencement of the action, and in the case of an incapacitated
42 person determined to be incapacitated by reason of chronic use of
43 drugs that the person has reformed and has not been a chronic user
44 of drugs for one year next preceding the commencement of the
45 action.

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

47
48 97. R.S.3B:12-39 is amended to read as follows:

1 3B:12-39. Delegation of parent's, custodian's, or guardian's
2 powers regarding child's or minor ward's care, custody or property;
3 limitations.

4 a. A parent, other than where sole or full legal and physical
5 custody of the parent's minor child has been awarded to another by
6 a court of competent jurisdiction, with the consent of the other
7 parent, unless the other parent is deceased, incapacitated, or
8 unavailable, or a custodian of a minor child who is not that child's
9 parent, with the consent of a parent with whom the custodian shares
10 legal custody, unless that parent is deceased, incapacitated, or
11 unavailable, or a guardian of a minor child or a minor ward may:

12 by a properly executed power of attorney, delegate to another
13 person any of the parent's, custodian's, or guardian's powers
14 regarding care, custody, or property of the minor child or minor
15 ward.

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

23 (2) may become effective upon proper execution of the power of
24 attorney or upon another activating event specified in a properly
25 executed power of attorney.

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

30 d. A parent, custodian, or guardian may delegate under this
31 section only such powers as the parent, custodian, or guardian
32 possesses.

33 e. A delegation made under this section shall not deprive the
34 parent, custodian, or guardian of the parent's, custodian's, or
35 guardian's existing powers regarding care, custody, or property of
36 the minor child or minor ward, but the parent, custodian, or
37 guardian shall exercise such powers, insofar as the parent,
38 custodian, or guardian is able, concurrently with the attorney-in-fact
39 named in the power of attorney. In the event of a disagreement
40 between a parent, custodian, or guardian and the attorney-in-fact
41 regarding the care, custody, or property of the minor child or minor
42 ward, the decision of the parent, custodian, or guardian shall
43 control.

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

46 g. As used in this section:

47 "Activating event" means an event stated in the delegation that
48 empowers the attorney-in-fact to assume the duties of the office.

1 Activating events include, but are not limited to: the execution of a
2 power of attorney pursuant to this section; the parent's, custodian's,
3 or guardian's attending physician concludes that the parent,
4 custodian, or guardian is incapacitated; the parent's, custodian's, or
5 guardian's attending physician concludes that the parent, custodian,
6 or guardian is debilitated; the parent, custodian, or guardian is
7 subject to immigration administrative action; the parent, custodian,
8 or guardian is subject to criminal proceedings; the parent,
9 custodian, or guardian is in military service; or the death of the
10 parent, custodian, or guardian in circumstances in which no
11 testamentary guardianship or other more permanent care
12 arrangement has been made for the minor child or minor ward,
13 provided, however, that in no case shall a power of attorney
14 activated by the death of a parent, guardian, or custodian extend
15 beyond the year that the power of attorney is in effect.

16 "Attending physician" means the physician who has primary
17 responsibility for the treatment and care for the parent, custodian, or
18 guardian making the delegation. When more than one physician
19 shares this responsibility, or when a physician is acting on the
20 primary physician's behalf, any such physician may act as the
21 attending physician pursuant to this section. When no physician has
22 this responsibility, a physician who is familiar with the parent's,
23 custodian's, or legal guardian's medical condition may act as the
24 attending physician.

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

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

31 "Criminal proceeding" means any incarceration on criminal
32 charges, including pending charges, or a criminal sentence that
33 separates a parent, custodian, or guardian from a minor child or
34 minor ward.

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

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

42 "Exigent circumstances" means circumstances that render the
43 parent, custodian, or guardian who makes a delegation unable to
44 execute a renewal of the delegation for reasons including, but not
45 limited to, that the parent, custodian, or guardian is debilitated or
46 incapacitated, and that would cause imminent harm or threatened
47 harm to the well-being of the parent's, custodian's, or guardian's
48 minor child or minor ward without such renewal.

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

5 "Immigration administrative action" means any immigration
6 proceeding, enforcement action, detention, removal, or deportation
7 that separates a parent, custodian, or guardian from a minor child or
8 minor ward.

9 "Incapacitated" means the parent, custodian, or guardian is
10 impaired by reason of mental illness, intellectual disability, physical
11 illness or disability, chronic use of drugs, chronic **[alcoholism]**
12 alcohol use disorder, or other cause, except minority, to the extent
13 that the person lacks sufficient capacity to manage the affairs of and
14 provide care for the parent's, custodian's, or guardian's minor child
15 or minor ward, and a consequent inability to make these decisions.

16 "Military service" means duty by any person in the active
17 military service of the United States or the active military service of
18 the State, including in the National Guard or State Guard, that
19 separates a parent, custodian, or guardian from a minor child or
20 minor ward.

21 "Minor child" means a child under the age of 18 years but
22 excludes a child residing in a placement funded or approved by the
23 Division of Child Protection and Permanency in the Department of
24 Children and Families pursuant to either a voluntary placement
25 agreement or court order.

26 "Minor ward" means a minor child for whom a guardian is
27 appointed.

28 "Parent" means the biological or adoptive parent of a minor
29 child.

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

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

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

42 This power of attorney is made between (name(s), of parent(s),
43 custodian(s), or guardian(s)), residing at (address(es) of parent(s),
44 custodian(s), or guardian(s)) and reachable at (telephone number(s)
45 of parent(s), custodian(s), or guardian(s)) and (name of alternative
46 caregiver), referred to here as "attorney-in-fact," residing at (home
47 address of alternative caregiver) and reachable at (telephone
48 number of alternative caregiver).

1 If a parent is signing, the other parent must generally also sign
2 below to show consent. Similarly, if a custodian who shares legal
3 custody with a parent is signing, the parent who shares legal
4 custody must generally also sign below to show consent. If such
5 parent does not sign below, please check off reason(s) to explain
6 why:

7 ☐ Such parent is deceased.
8 ☐ By order of a court of competent jurisdiction, such parent
9 retains neither legal nor physical custody of child(ren).
10 ☐ Such parent is mentally or physically unable to give consent.
11 ☐ Such parent has not been involved in raising or financially
12 supporting child(ren) for two years or a third of the life of the
13 child(ren), whichever is less, immediately preceding the date of the
14 latest signature below.

15 ☐ Identity or whereabouts of such parent are unknown to me.
16 ☐ Despite diligent efforts described below, I was unable to reach
17 such parent.

18 Diligent efforts included:

19 _____
20 _____
21 _____
22 _____
23 _____
24 _____

25 ☐ Other: _____
26 _____
27 _____
28 _____
29 _____

30 I/we appoint said attorney-in-fact, pursuant to N.J.S.3B:12-39, and
31 delegate to said attorney-in-fact the following powers, all of which
32 I/we possess, concerning the care, custody, and/or property of
33 my/our minor child/minor ward, (name of minor child/minor ward),
34 born on _____ day of _____, 20____ (add other minor children's or
35 minor wards' names and birthdates as appropriate)

36 ☐ Care-Giving. The attorney-in-fact shall have temporary care-
37 giving authority for the minor child(ren)/minor ward(s), until such
38 time as the minor child(ren)/minor ward(s) is/are returned to my/our
39 physical custody, or his/her/their custody status is altered by a
40 federal, state, or local agency; or changed by a court of law.

41 ☐ Well-Being. The attorney-in-fact shall have the power to
42 provide for the physical and mental well-being of the minor
43 child(ren)/minor ward(s), including, but not limited to, providing
44 food and shelter.

45 ☐ Education. The attorney-in-fact shall have the authority to
46 enroll the minor child(ren)/minor ward(s) in the appropriate
47 educational institutions; obtain access to his/her/their school
48 records; authorize his/her/their participation in school activities; and

1 make any and all decisions related to his/her/their education,
2 including, but not limited to, those related to special education.

3 ____Health Care. The attorney-in-fact shall have the authority, to the
4 same extent that a parent/custodian/guardian would have the
5 authority, to make medical, dental, and mental health decisions; to
6 sign documents, waivers, and releases required by a hospital or
7 physician; to access medical, dental, or mental health records
8 concerning the minor child(ren)/minor ward(s); to authorize the
9 minor child(ren)/minor ward(s)' admission to or discharge from
10 any hospital or medical care facility; to consult with any health care
11 provider; to consent to the provision, withholding, modification, or
12 withdrawal of any health care procedure; and to make other
13 decisions related to the health care needs of the minor
14 child(ren)/minor ward(s).

15 ____Travel. The attorney-in-fact shall have the authority to make
16 travel arrangements on behalf of the minor child(ren)/minor
17 ward(s) for destinations both inside and outside of the United States
18 by air and/or ground transportation; to accompany the minor
19 child(ren)/minor ward(s) on any such trips; and to make any and all
20 related arrangements on behalf of the minor child(ren)/minor
21 ward(s), including, but not limited to, hotel accommodations.

22 ____Financial Interests. The attorney-in-fact may handle any and
23 all financial affairs and any and all personal and legal matters
24 concerning the minor child(ren)/minor ward(s).

25 ____All Other Powers. The attorney-in-fact shall have the authority
26 to handle and engage in any and all other matters relating to the
27 care, custody, and property of the minor child(ren)/minor ward(s)
28 which are permitted pursuant to applicable State law.

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

32 ____The execution of this document on the latest date below; or

33 ____My attending physician concludes that I am incapacitated, and
34 thus unable to care for my minor child(ren)/minor ward(s); or

35 ____My attending physician concludes that I am physically
36 debilitated, and thus unable to care for my minor child(ren)/minor
37 ward(s); or

38 ____I am detained in immigration detention, removed, or deported;
39 or

40 ____I am incarcerated based on criminal charges, including pending
41 charges, or conviction; or

42 ____I am deployed in military service; or

43 ____Upon my death, if I have made no more permanent care
44 arrangements for my minor child or minor ward; or

45 ____Other (specify reason).

46 In the event that the person designated above is unable or unwilling
47 to act as attorney-in-fact to my minor child(ren)/minor ward(s), I
48 hereby name (name, address, and telephone number of alternate

1 attorney-in-fact), as alternate attorney-in-fact of my minor
2 child(ren)/minor ward(s).

3 I/we understand that this delegation will expire one year from the
4 execution of this document on the latest date below, and that the
5 authority of the attorney-in-fact, if any, will cease, unless by that
6 date (i) I renew this delegation, by the same process applicable to
7 the original delegation; (ii) a court of competent jurisdiction
8 appoints a custodian, guardian, or standby guardian for the minor
9 child(ren)/minor ward(s); or (iii) exigent circumstances make it
10 impossible for me to renew this delegation, and I have not made
11 alternative care arrangements for my minor child(ren)/minor
12 ward(s).

13 I/we hereby authorize that the attorney-in-fact as set forth above
14 shall be provided with a copy of my/our attending physician's
15 statement(s), if applicable.

16 In the event that an activating event occurs and a power of attorney
17 is activated pursuant to this statement, I declare that it is my
18 intention to retain full parental rights to the extent consistent with
19 my condition and circumstances and, further, that I retain the
20 authority to revoke the power of attorney consistent with my rights
21 herein at any time.

22 Parent's/Custodian's/Guardian's Signature:

23 Date:

24 Signature of other parent or of parent who shares legal custody with
25 a custodian who signed above:

26 Date:

27 Witness's Signature:

28 Address:

29 Date:

30 Witness's Signature:

31 Address:

32 Date:

33 (cf: P.L.2021, c.192, s.1)

34

35 98. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
36 as follows:

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

38 "Activating event" means an event stated in the petition or decree
39 that empowers the standby guardian to assume the duties of the
40 office. Activating events include, but are not limited to: the
41 appointment of a standby guardian by a court of competent
42 jurisdiction; the parent's, custodian's, or guardian's attending
43 physician concludes that the parent, custodian, or guardian is
44 incapacitated; the parent's, custodian's, or guardian's attending
45 physician concludes that the parent, custodian, or guardian is
46 debilitated; the parent, custodian, or guardian is subject to
47 immigration administrative action; the parent, custodian, or
48 guardian is subject to criminal proceedings; the parent, custodian,

1 or guardian is in military service; or the death of the parent,
2 custodian, or guardian in circumstances in which no testamentary
3 guardianship or other more permanent care arrangement has been
4 made for the minor child or minor ward; provided, however, that in
5 no case shall a power of attorney triggered by the death of a parent,
6 guardian, or custodian extend beyond the year that the power of
7 attorney is in effect.

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

12 "Attending physician" means the physician who has primary
13 responsibility for the treatment and care for the petitioning parent,
14 custodian, or guardian. When more than one physician shares this
15 responsibility, or when a physician is acting on the primary
16 physician's behalf, any such physician may act as the attending
17 physician pursuant to this act. When no physician has this
18 responsibility, a physician who is familiar with the petitioner's
19 medical condition may act as the attending physician pursuant to
20 P.L.1995, c.76 (C.3B:12-67 et seq.).

21 "Criminal proceeding" means any incarceration on criminal
22 charges, including pending charges, or a criminal sentence that
23 separates a parent, custodian, or guardian from a minor child or
24 minor ward.

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

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

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

36 "Immigration administrative action" means any immigration
37 proceeding, enforcement action, detention, removal, or deportation
38 that separates a parent, custodian, or guardian from a minor child or
39 ward.

40 "Incapacitated" means the parent, custodian, or guardian is
41 impaired by reason of mental illness, intellectual disability, physical
42 illness or disability, chronic use of drugs, chronic **alcoholism**
43 alcohol use disorder, or other cause, except minority, to the extent
44 that the person lacks sufficient capacity to manage the affairs of and
45 provide care for the parent's, custodian's, or guardian's minor child
46 or minor ward.

47 "Military service" means duty by any person in the active
48 military service of the United States or the active military service of

1 the State, including in the National Guard or State Guard, that
2 separates a parent, custodian, or guardian from a minor child or
3 minor ward.

4 "Minor child" means a child under the age of 18 years but
5 excludes a child residing in a placement funded or approved by the
6 Division of Child Protection and Permanency in the Department of
7 Children and Families pursuant to either a voluntary placement
8 agreement or court order.

9 "Minor ward" means a minor for whom a guardian is appointed.
10 (cf: P.L.2021, c.192, s.3)

11

12 99. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to read
13 as follows:

14 3. a. No person shall operate a vessel on the waters of this State
15 while under the influence of intoxicating liquor, a narcotic,
16 hallucinogenic, or habit-producing drug or with a blood alcohol
17 concentration of 0.08% or more by weight of alcohol. No person
18 shall permit another who is under the influence of intoxicating
19 liquor, a narcotic, hallucinogenic or habit-producing drug, or who
20 has a blood alcohol concentration of 0.08% by weight of alcohol, to
21 operate any vessel owned by the person or in his custody or control.

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

25 A person who violates this section shall be subject to the
26 following:

27 (1) For a first offense:

28 (i) if the person's blood alcohol concentration is 0.08% or
29 higher but less than 0.10%, or the person operates a vessel while
30 under the influence of intoxicating liquor, or the person permits
31 another person who is under the influence of intoxicating liquor to
32 operate a vessel owned by him or in his custody or control or
33 permits another person with a blood alcohol concentration of 0.08%
34 or higher but less than 0.10% to operate a vessel, to a fine of not
35 less than \$250 nor more than \$400; and to the revocation of the
36 privilege to operate a vessel on the waters of this State for a period
37 of one year from the date of conviction and to the forfeiting of the
38 privilege to operate a motor vehicle over the highways of this State
39 for a period of three months;

40 (ii) if the person's blood alcohol concentration is 0.10% or
41 higher, or the person operates a vessel while under the influence of
42 a narcotic, hallucinogenic or habit-producing drug, or the person
43 permits another person who is under the influence of a narcotic,
44 hallucinogenic or habit-producing drug to operate a vessel owned
45 by him or in his custody or control, or permits another person with a
46 blood alcohol concentration of 0.10% or more to operate a vessel, to
47 a fine of not less than \$300 nor more than \$500; and to the
48 revocation of the privilege to operate a vessel on the waters of this

1 State for a period of one year from the date of conviction and to the
2 forfeiting of the privilege to operate a motor vehicle over the
3 highways of this State for a period of not less than seven months
4 nor more than one year.

5 (2) For a second offense, to a fine of not less than \$500 nor
6 more than \$1,000; to the performance of community service for a
7 period of 30 days, in the form and on the terms as the court deems
8 appropriate under the circumstances; and to imprisonment for a
9 term of not less than 48 hours nor more than 90 days, which shall
10 not be suspended or served on probation; and to the revocation of
11 the privilege to operate a vessel on the waters of this State for a
12 period of two years after the date of conviction and to the forfeiting
13 of the privilege to operate a motor vehicle over the highways of this
14 State for a period of two years.

15 (3) For a third or subsequent offense, to a fine of \$1,000; to
16 imprisonment for a term of not less than 180 days, except that the
17 court may lower this term for each day not exceeding 90 days
18 during which the person performs community service, in the form
19 and on the terms as the court deems appropriate under the
20 circumstances; and to the revocation of the privilege to operate a
21 vessel on the waters of this State for a period of 10 years from the
22 date of conviction and to the forfeiting of the privilege to operate a
23 motor vehicle over the highways of this State for a period of 10
24 years.

25 Upon conviction of a violation of this section, the court shall
26 collect forthwith the New Jersey driver's license or licenses of the
27 person so convicted and forward such license or licenses to the
28 Chief Administrator of the New Jersey Motor Vehicle Commission.
29 In the event that a person convicted under this section is the holder
30 of any out-of-State motor vehicle driver's or vessel operator's
31 license, the court shall not collect the license but shall notify
32 forthwith the Chief Administrator of the New Jersey Motor Vehicle
33 Commission, who shall, in turn, notify appropriate officials in the
34 licensing jurisdiction. The court shall, however, revoke the
35 nonresident's driving privilege to operate a motor vehicle and the
36 nonresident's privilege to operate a vessel in this State.

37 b. A person who has been convicted of a previous violation of
38 this section need not be charged as a second or subsequent offender
39 in the complaint made against him in order to render him liable to
40 the punishment imposed by this section against a second or
41 subsequent offender. If a second offense occurs more than 10 years
42 after the first offense, the court shall treat a second conviction as a
43 first offense for sentencing purposes and, if a third offense occurs
44 more than 10 years after the second offense, the court shall treat a
45 third conviction as a second offense for sentencing purposes.

46 c. If a court imposes a term of imprisonment under this section,
47 the person may be sentenced to the county jail, to the workhouse of
48 the county where the offense was committed, or to an inpatient

1 rehabilitation program approved by the Chief Administrator of the
2 New Jersey Motor Vehicle Commission and the Director of the
3 Division of **Alcoholism and Drug Abuse** Alcohol Use Disorder
4 and Substance Use Disorder in the Department of Health **and**
5 Senior Services**】**.

6 d. In the case of any person who at the time of the imposition
7 of sentence is less than 17 years of age, the period of the suspension
8 of driving privileges authorized herein, including a suspension of
9 the privilege of operating a motorized bicycle, shall commence on
10 the day the sentence is imposed and shall run for a period as fixed
11 by the court of not less than three months after the day the person
12 reaches the age of 17 years. If the driving or vessel operating
13 privilege of any person is under revocation, suspension, or
14 postponement for a violation of any provision of this title or Title
15 39 of the Revised Statutes at the time of any conviction of any
16 offense defined in this section, the revocation, suspension, or
17 postponement period imposed herein shall commence as of the date
18 of termination of the existing revocation, suspension or
19 postponement. A second offense shall result in the suspension or
20 postponement of the person's privilege to operate a motor vehicle
21 for six months. A third or subsequent offense shall result in the
22 suspension or postponement of the person's privilege to operate a
23 motor vehicle for two years. The court before whom any person is
24 convicted of or adjudicated delinquent for a violation shall collect
25 forthwith the New Jersey driver's license or licenses of the person
26 and forward such license or licenses to the Chief Administrator of
27 the New Jersey Motor Vehicle Commission along with a report
28 indicating the first and last day of the suspension or postponement
29 period imposed by the court pursuant to this section. If the court is
30 for any reason unable to collect the license or licenses of the person,
31 the court shall cause a report of the conviction or adjudication of
32 delinquency to be filed with the chief administrator. That report
33 shall include the complete name, address, date of birth, eye color,
34 and sex of the person and shall indicate the first and last day of the
35 suspension or postponement period imposed by the court pursuant
36 to this section. The court shall inform the person orally and in
37 writing that if the person is convicted of personally operating a
38 motor vehicle or a vessel during the period of license suspension or
39 postponement imposed pursuant to this section, the person shall,
40 upon conviction, be subject to the penalties set forth in R.S.39:3-40
41 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is
42 appropriate. A person shall be required to acknowledge receipt of
43 the written notice in writing. Failure to receive a written notice or
44 failure to acknowledge in writing the receipt of a written notice
45 shall not be a defense to a subsequent charge of a violation of
46 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the
47 person is the holder of a driver's or vessel operator's license from
48 another jurisdiction, the court shall not collect the license but shall

1 notify forthwith the chief administrator who shall notify the
2 appropriate officials in the licensing jurisdiction. The court shall,
3 however, in accordance with the provisions of this section, revoke
4 the person's non-resident driving or vessel operating privilege,
5 whichever is appropriate, in this State.

6 e. In addition to any other requirements provided by law, a
7 person convicted under this section shall satisfy the screening,
8 evaluation, referral program and fee requirements of the Division of
9 **【Alcoholism's】** Alcohol Use Disorder's Intoxicated Driving
10 Programs Unit. A fee of \$80 shall be payable to the Alcohol
11 Education, Rehabilitation and Enforcement Fund established under
12 section 3 of P.L.1983, c.531 (C.26:2B-32), by the convicted person
13 in order to defray the costs of the screening, evaluation and referral
14 by the Intoxicated Driving Programs Unit. Failure to satisfy this
15 requirement shall result in the immediate forfeiture of the privilege
16 to operate a vessel on the waters of this State or the continuation of
17 revocation until the requirements are satisfied.

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

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

30
31 100. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to read
32 as follows:

33 9. a. A court shall revoke the privilege of a person to operate a
34 power vessel or a vessel which is 12 feet or greater in length, if
35 after being arrested for a violation of section 3 of P.L.1952, c.157
36 (C.12:7-46), the person refuses to submit to the chemical test
37 provided for in section 7 of P.L.1986, c.39 (C.12:7-55) when
38 requested to do so. The revocation shall be for one year unless the
39 refusal was in connection with a second offense under section 3 of
40 P.L.1952, c.157 (C.12:7-46), in which case the revocation period
41 shall be for two years. If the refusal was in connection with a third
42 or subsequent offense under section 3 of P.L.1952, c.157 (C.12:7-
43 46), the revocation shall be for 10 years. The court also shall
44 revoke the privilege of a person to operate a motor vehicle over the
45 highways of this State for a period of: not less than seven months
46 or more than one year for a first offense; two years for a second
47 offense; and 10 years for a third or subsequent offense. The court
48 shall also fine a person convicted under this section: not less than

1 \$300 nor more than \$500 for a first offense; not less than \$500 or
2 more than \$1,000 for a second offense; and \$1,000 for a third or
3 subsequent offense.

4 b. The court shall determine by a preponderance of the
5 evidence whether the arresting officer had probable cause to believe
6 that the person had been operating or was in actual physical control
7 of the vessel while under the influence of intoxicating liquor, or a
8 narcotic, hallucinogenic or habit-producing drug, whether the
9 person was placed under arrest, and whether the person refused to
10 submit to the test upon request of the officer. If these elements of
11 the violation are not established, no conviction shall issue.

12 c. In addition to any other requirements provided by law, a
13 person whose privilege to operate a vessel is revoked for refusing to
14 submit to a chemical test shall satisfy the screening, evaluation,
15 referral and program requirements of the Bureau of Alcohol
16 Countermeasures in the Division of **Alcoholism** Alcohol Use
17 Disorder in the Department of Health **and Senior Services**. A fee
18 of \$40 shall be payable to the Alcohol Education, Rehabilitation
19 and Enforcement Fund established under section 3 of P.L.1983,
20 c.531 (C.26:2B-32), by the convicted person in order to defray the
21 costs of the screening, evaluation and referral by the Bureau of
22 Alcohol Countermeasures and the cost of an education or
23 rehabilitation program. Failure to satisfy this requirement shall
24 result in the immediate revocation of the privilege to operate a
25 vessel on the waters of this State or the continuation of revocation
26 until the requirements are satisfied. The revocation for a first
27 offense may be concurrent with or consecutive to a revocation
28 imposed for a conviction under the provisions of section 3 of
29 P.L.1952, c.157 (C.12:7-46) arising out of the same incident; the
30 revocation for a second or subsequent offense shall be consecutive
31 to a revocation imposed for a conviction under the provisions of
32 section 3 of P.L.1952, c.157 (C.12:7-46).

33 d. In addition to any other requirements provided by law, a
34 person convicted under this section shall be required after
35 conviction to complete a boat safety course from the list approved
36 by the Superintendent of State Police pursuant to section 1 of
37 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the
38 restoration of the privilege to operate a vessel which may have been
39 revoked or suspended for a violation of the provisions of this
40 section. Failure to satisfy this requirement shall result in the
41 immediate revocation of the privilege to operate a vessel on the
42 waters of this State, or the continuation of revocation until the
43 requirements of this subsection are satisfied.

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

45
46 101. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to
47 read as follows:

1 2. The following words as used in P.L.1975, c.305 (C.26:2B-7
2 et seq.) shall, unless the context requires otherwise, have the
3 following meanings:

4 "Administrator" means the person in charge of the operation of a
5 facility, or his designee.

6 "Admitted" means accepted for treatment at a facility.

7 **["Alcoholic" means a person with an alcohol use disorder, as**
8 **defined in this section.]**

9 "Authorized persons" means persons who serve as volunteer first
10 aid or ambulance squad members, para-professional medical
11 personnel, and rehabilitated persons with alcohol use disorder.

12 "Commissioner" means the Commissioner of Health.

13 "Department" means the Department of Health.

14 "Director" means the Director of the Division of **【Alcoholism】**
15 Alcohol Use Disorder.

16 "Division" means the Division of **【Alcoholism】** Alcohol Use
17 Disorder.

18 "Facility" means any public, private place, or portion thereof
19 providing services especially designed for the treatment of
20 intoxicated persons or persons with alcohol use disorder; including,
21 but not limited to intoxication treatment centers, inpatient treatment
22 facilities, outpatient facilities, and residential aftercare facilities.

23 "Incapacitated" means the condition of a person who is: a. as a
24 result of the use of alcohol, unconscious or has judgment so
25 impaired that the person is incapable of realizing and making a
26 rational decision with respect to the person's need for treatment, b.
27 in need of substantial medical attention, or c. likely to suffer
28 substantial physical harm.

29 "Independent physician" means a physician other than one
30 holding an office or appointment in any department, board or
31 agency of the State or in any public facility.

32 "Intoxicated person" means a person whose mental or physical
33 functioning is substantially impaired as a result of the use of
34 alcoholic beverages.

35 "Patient" means any person admitted to a facility.

36 "Person with **【an】** alcohol use disorder" means any person who
37 chronically, habitually, or periodically consumes alcoholic
38 beverages to the extent that: a. such use substantially injures the
39 person's health or substantially interferes with the person's social or
40 economic functioning in the community on a continuing basis, or b.
41 the person has lost the power of self-control with respect to the use
42 of such beverages.

43 "Private facility" means a facility other than one operated by the
44 federal government, the State of New Jersey, or any political
45 subdivision thereof.

46 "Public facility" means a facility operated by the State of New
47 Jersey or any political subdivision thereof.

1 "Treatment" means services and programs for the care or
2 rehabilitation of intoxicated persons and persons with alcohol use
3 disorder, including, but not limited to, medical, psychiatric,
4 psychological, vocational, educational, recreational, and social
5 services and programs.

6 (cf: P.L.2017, c.131, s.70)

8 102. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to
9 read as follows:

10 3. There is hereby established in the Department of Health a
11 Division of **Alcoholism** Alcohol Use Disorder under the direction
12 of a division director. The director shall be an individual with
13 training and experience in such areas as public administration or
14 public health or rehabilitation and training in the social sciences or
15 a qualified professional with training or experience in the treatment
16 of behavioral disorders or medical-social problems, or in the
17 organization or administration of treatment services for persons
18 with behavioral disorders or medical-social problems.

19 There shall be an assistant to the director, who shall have
20 experience in the field of alcohol use disorder.

21 The director and the director's assistant shall be appointed by the
22 commissioner, with the consent of the public health council.

23 The commissioner shall appoint and may remove such officers
24 and employees of the division as the commissioner may deem
25 necessary. There shall be an administrator of each facility operated
26 by the department pursuant to this act. Each such administrator
27 shall be a person qualified by training and experience to operate a
28 facility for the treatment of persons with alcohol use disorder or
29 intoxicated persons. The commissioner may establish such other
30 positions in the division and employ such consultants as the
31 commissioner may deem appropriate. Except as otherwise provided
32 by law, all offices and positions in the division shall be subject to
33 the provisions of Title 11A, Civil Service; provided, however, that
34 the provisions of said title shall not apply to the director,
35 physicians, and psychiatrists who have full medical-psychiatric, as
36 opposed to administrative, responsibility; and provided, further, and
37 notwithstanding the preceding proviso or any other provision of
38 law, that all offices and positions, which as a condition of receiving
39 federal grants for programs and activities to which federal standards
40 for a merit system of personnel administration relate and make
41 necessary the application of provisions of the Civil Service law,
42 shall be subject to the provisions of Title 11A, Civil Service, if such
43 federal standards are uniform in all states.

44 (cf: P.L.2017, c.131, s.71)

46 103. Section 2 of P.L.1984, c.243 (C.26:2B-9.1) is amended to
47 read as follows:

1 2. The Bureau of Alcohol Countermeasures in the Division of
2 Motor Vehicles in the Department of Law and Public Safety is
3 transferred to the Division of **【Alcoholism】** Alcohol Use Disorder
4 in the Department of Health, pursuant to the provisions of the "State
5 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).
6 (cf: P.L.1984, c.243, s.2)
7

8 104. Section 2 of P.L.2001, c.48 (C.26:2B-9.2) is amended to
9 read as follows:

10 2. a. There is created within the Department of Health **【and**
11 **Senior Services】** a special nonlapsing revolving fund to be known
12 as the "Alcohol Treatment Programs Fund." The fund shall consist
13 of such monies as are deposited pursuant to section 12 of P.L.1994,
14 c.57 (C.34:1B-21.12), any other monies as may be appropriated to
15 the fund by the Legislature or otherwise provided to the fund, and
16 interest or other income derived from the investment of monies in
17 the fund.

18 b. Except as provided in subsection c. of this section, monies in
19 the fund shall be used exclusively for making grants, approved by
20 the Director of the Division of Addiction Services in the
21 Department of Health **【and Senior Services】**, to programs that
22 provide treatment for **【alcoholism,】** alcohol **【abuse】** use disorder
23 and other conditions related to the excessive consumption of
24 alcoholic beverages among persons convicted of violating the
25 State's drunk driving laws and others.

26 c. An amount not to exceed \$150,000 in Fiscal Year 2002 and
27 five percent of the total annual revenue allocated to the fund in each
28 fiscal year thereafter may be expended from the fund to defray
29 actual expenses incurred by the department in the administration of
30 the fund subject to approval by the Director of the Division of
31 Budget and Accounting.
32 (cf: P.L.2001, c.48, s.2)
33

34 105. Section 8 of P.L.1975, c.305 (C.26:2B-14) is amended to
35 read as follows:

36 8. The department shall issue for a term of 2 years, and may
37 renew for like terms, a license, subject to revocation by it for cause,
38 to any person, partnership, corporation, society, association or other
39 agency or entity of any kind, other than a licensed general hospital,
40 a department, agency, or institution of the Federal Government, the
41 State or any political subdivision thereof, deemed by it to be
42 responsible and suitable to establish and maintain a facility and to
43 meet applicable licensure standards and requirements. In the case
44 of a department, agency or institution of the State or any political
45 subdivision thereof, the department shall grant approval to establish
46 and maintain a facility for a term of 2 years, and may renew such
47 approval for like terms, subject to revocation by it for cause.

1 The department shall in the cases of public facilities, private
2 facilities which contract on a fee-for-service basis with the State,
3 and private facilities which accept for treatment persons assisted
4 pursuant to section 10, promulgate rules and regulations
5 establishing licensure and approval standards and requirements
6 including, but not limited to:

- 7 a. the need for a facility in the community;
- 8 b. the financial and other qualifications of the applicant;
- 9 c. the proper operation of facilities;
- 10 d. the health and safety standards to be met by a facility;
- 11 e. the quality and nature of the treatment to be afforded patients
12 at a facility;
- 13 f. licensing fees, and procedures for making and approving
14 license and approval applications.

15 In the case of private facilities that neither contract on a fee-for-
16 service basis with the State nor accept for treatment persons assisted
17 by police officers pursuant to section 10, the department shall
18 promulgate rules and regulations establishing licensure standards
19 and requirements but such standards and requirements shall concern
20 only:

- 21 a. the health and safety standards to be met by a facility;
- 22 b. misrepresentations as to the treatment to be afforded patients
23 at a facility;
- 24 c. licensing fees, and
- 25 d. procedures for making and approving license applications.

26 All facilities shall be individually licensed or approved.
27 Different kinds of licenses or approvals may be granted for different
28 kinds of facilities.

29 Each facility shall file with the department from time to time, on
30 request, such data, statistics, schedules or information as the
31 department may reasonably require for the purposes of this section,
32 and any licensee or other person operating a private facility who
33 fails to furnish any such data, statistics, schedules or information as
34 requested, or who files fraudulent returns thereof, shall be punished
35 by a fine of not more than \$500.00.

36 The department, after holding a hearing, may refuse to grant,
37 suspend, revoke, limit or restrict the applicability of or refuse to
38 renew any license or approval for any failure to meet the
39 requirements of its rules and regulations or standards concerning
40 such facilities. However, in the case of private facilities which
41 neither contract on a fee-for-service basis with the State nor accept
42 for treatment persons assisted by police officers pursuant to section
43 10, the department, after holding a hearing may refuse to grant,
44 suspend, revoke, limit or restrict the applicability of or refuse to
45 renew any license for the following reasons only:

- 46 a. for failure to meet the requirements of its rules and
47 regulations concerning the health and safety standards of such
48 facilities or

1 b. if there is a reasonable basis for the department to conclude
2 that there is a discrepancy between representations by a facility as
3 to the treatment services to be afforded patients and the treatment
4 services actually rendered or to be rendered.

5 The department may temporarily suspend a license or approval in
6 an emergency without holding a prior hearing; provided, however,
7 that upon request of an aggrieved party, a hearing shall be held as
8 soon after the license or approval is suspended as possible. Any
9 party aggrieved by a final decision of the department pursuant to
10 this section may petition for judicial review thereof.

11 No person, partnership, corporation, society, association, or other
12 agency or entity of any kind, other than a licensed general hospital,
13 a department, agency or institution of the Federal Government, the
14 State or any political subdivision thereof, shall operate a facility
15 without a license and no department, agency or institution of the
16 State or any political subdivision thereof shall operate a facility
17 without approval from the department pursuant to this section. The
18 Superior Court shall have jurisdiction in equity upon petition of the
19 department to restrain any violation of the provisions of this section
20 and to take such other action as equity and justice may require to
21 enforce its provisions. Whoever knowingly establishes or maintains
22 a private facility without a license granted pursuant to this section
23 shall, for a first offense, be punished by a fine of not more than
24 \$500.00 and for each subsequent offense by a fine of not more than
25 \$1,000.00 or imprisonment for not more than **[2]** two years, or
26 both.

27 Each facility shall be subject to visitation and inspection by the
28 department and the department shall inspect each facility prior to
29 granting or renewing a license or approval. The department may
30 examine the books and accounts of any facility if it deems such
31 examination necessary for the purposes of this section. The
32 department is hereby authorized to make a complaint to a judge of
33 any court of record, who may thereupon issue a warrant to any
34 officers or employees of the department authorizing them to enter
35 and inspect at reasonable times, and to examine the books and
36 accounts of, any private facility refusing to consent to such
37 inspection or examination by the department which the department
38 has reason to believe is operating in violation of the provisions of
39 this act. Refusal by the operator or owner to allow such entry and
40 inspection pursuant to such a warrant shall for a first offense be
41 punishable by a fine of not more than \$100.00 and for each
42 subsequent offense by a fine of not more than \$1,000.00 or
43 imprisonment for not more than **[2]** two years, or both.

44 The director may require public facilities, private facilities which
45 contract on a fee-for-service basis with the State, and private
46 facilities which accept for treatment persons assisted pursuant to
47 section 10 to admit as an inpatient or outpatient any person to be
48 afforded treatment pursuant to this act. The department shall

1 promulgate rules and regulations governing the extent to which the
2 department may require other private facilities to admit as an
3 inpatient or outpatient any person to be afforded treatment pursuant
4 to this act; provided, however, that no licensed general hospital
5 shall refuse treatment for intoxication or **alcoholism** alcohol use
6 disorder.

7 (cf: P.L.1975, c.305, s.8)

8
9 106. Section 22 of P.L.1975, c.305 (C.26:2B-28) is amended to
10 read as follows:

11 22. All books, papers, records, documents, and equipment in the
12 custody of or maintained for the use of the Department of Health
13 pursuant to sections 1 through 5, inclusive, of P.L.1948, c.453 are
14 hereby transferred to the custody and control of the division
15 created by this act.

16 All moneys heretofore appropriated for the Department of Health
17 for activities authorized by said sections 1 through 5, inclusive, of
18 P.L.1948, c. 453 and remaining unexpended on the effective date of
19 this act are hereby transferred to, and shall remain immediately
20 available for expenditure by, the division created by this act.

21 All duly existing contracts, leases, and obligations of the
22 Department of Health entered into pursuant to said sections 1
23 through 5, inclusive, of P.L.1948, c. 453 shall remain in effect and
24 shall be performed by the division created by this act. This act shall
25 not affect any renewal provisions or option to renew contained in
26 any such lease in existence on the effective date of this act.
27 Without limiting the generality of the foregoing, all approvals of
28 plans, projects, and Federal and State financial aid applications
29 heretofore granted shall remain in full force and effect; provided,
30 however, that nothing in this section shall prevent said division
31 from withdrawing such approval if such action is otherwise in
32 accordance with law.

33 All gifts and special grants made to the Department of Health
34 under sections 1 through 5 of P.L.1948, c. 453 and remaining
35 unexpended on the effective date of this act shall be available for
36 expenditure by the division created by this act in accordance with
37 the conditions of the gift or grant without specific appropriation.

38 All hospital and clinic facilities established pursuant to section 3
39 of P.L.1948, c. 453 shall remain subject to the control and
40 supervision of the department.

41 All officers and employees of the Department of Health engaged
42 in activities authorized by sections 1 through 5, inclusive, of
43 P.L.1948, c. 453 who immediately prior to the effective date of this
44 act hold permanent appointment in positions classified under Title
45 11 of the Revised Statutes, or have tenure in their positions by
46 reason of law are hereby transferred to the Division of
47 **Alcoholism** Alcohol Use Disorder created by this act, every such
48 transfer to be without impairment of civil service status, seniority,

1 retirement, and other rights of the employee, without interruption
2 of service, and without reduction in compensation and salary grade,
3 notwithstanding any change in his title or duties made as a result of
4 such transfer; subject, however, to the provisions of Title 11, and
5 the rules and regulations established thereunder. All such officers
6 and employees who immediately prior to the effective date do not
7 hold permanent appointment in such positions, or do not hold such
8 tenure, are hereby transferred to the Division of **【Alcoholism】**
9 Alcohol Use Disorder created by this act without impairment of
10 seniority, retirement and other rights, without interruption of
11 service, and without reduction in compensation and salary grade.
12 Nothing in this section shall be construed to confer upon an officer
13 or employee any rights not held prior to the transfer or to prohibit
14 any subsequent reduction in compensation or salary grade not
15 prohibited prior to the transfer.

16 (cf: P.L.1975, c.305, s.22)

17
18 107. Section 26 of P.L.1975, c.305 (C.26:2B-31) is amended to
19 read as follows:

20 26. This act shall be known and may be cited as the
21 "**【Alcoholism】** Alcohol Use Disorder Treatment and Rehabilitation
22 Act."

23 (cf: P.L.1975, c.305, s.26)

24
25 108. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to
26 read as follows:

27 4. a. The governing body of each county, in conjunction with
28 the county agency or individual designated by the county with the
29 responsibility for planning services and programs for the care or
30 rehabilitation of persons with alcohol use disorder and persons with
31 a substance use disorder involving drugs, shall submit to the Deputy
32 Commissioner for the Division of Mental Health and Addiction
33 Services and the Governor's Council on **【Alcoholism and Drug**
34 **Abuse】** Alcohol Use Disorder and Substance Use Disorder an
35 annual comprehensive plan for the provision of community services
36 to meet the needs of persons with alcohol use disorder and persons
37 with a substance use disorder involving drugs.

38 b. The annual comprehensive plan shall address the needs of
39 urban areas with a population of 100,000 or over and shall
40 demonstrate linkage with existing resources which serve persons
41 with alcohol use disorder and persons with a substance use disorder
42 and their families. Special attention in the plan shall be given to
43 alcohol use disorder and substance use disorder and youth;
44 intoxicated drivers and drivers with substance use disorder; women
45 and alcohol use disorder and substance use disorder; persons with
46 disabilities and alcohol use disorder and substance use disorder;
47 alcohol use disorder and substance use disorder on the job; alcohol
48 use disorder and substance use disorder and crime; public

1 information; and educational programs as defined in subsection c.
2 of this section. Each county shall identify, within its annual
3 comprehensive plan, the Intoxicated Driver Resource Center which
4 shall service its population, as is required under subsection (f) of
5 R.S.39:4-50. The plan may involve the provision of programs and
6 services by the county, by an agreement with a State agency, by
7 private organizations, including volunteer groups, or by some
8 specified combination of the above.

9 If the State in any year fails to deposit the amount of tax receipts
10 as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a
11 county may reduce or eliminate, or both, the operation of existing
12 programs currently being funded from the proceeds deposited in the
13 Alcohol Education, Rehabilitation and Enforcement Fund.

14 c. Programs established with the funding for education from
15 the fund shall include all courses in the public schools required
16 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
17 students included in the annual comprehensive plan for each county,
18 and in-service training programs for teachers and administrative
19 support staff including nurses, guidance counselors, child study
20 team members, and librarians. All moneys dedicated to education
21 from the fund shall be allocated through the designated county
22 alcohol use disorder and substance use disorder agency and all
23 programs shall be consistent with the annual comprehensive county
24 plan submitted to the Deputy Commissioner for the Division of
25 Mental Health and Addiction Services and the Governor's Council
26 on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
27 Substance Use Disorder pursuant to this section. Moneys dedicated
28 to education from the fund shall be first allocated in an amount not
29 to exceed 20 percent of the annual education allotment for the in-
30 service training programs, which shall be conducted in each county
31 through the office of the county alcohol use disorder and substance
32 use disorder coordinator in consultation with the county
33 superintendent of schools, local boards of education, local councils
34 on alcohol use disorder and substance use disorder and institutions
35 of higher learning, including the Rutgers University Center of
36 Alcohol Studies. The remaining money in the education allotment
37 shall be assigned to offset the costs of programs such as those
38 which assist employees, provide intervention for staff members,
39 assist and provide intervention for students and focus on research
40 and education concerning youth and alcohol use disorder and
41 substance use disorder. These funds shall not replace any funds
42 being currently spent on education and training by the county.

43 d. The governing body of each county, in conjunction with the
44 county agency, or individual, designated by the county with
45 responsibility for services and programs for the care or
46 rehabilitation of persons with alcohol use disorder and persons with
47 substance use disorder, shall establish a Local Advisory Committee
48 on Alcohol Use Disorder and Substance Use Disorder to assist the

1 governing body in development of the annual comprehensive plan.
 2 The advisory committee shall consist of no less than 10 nor more
 3 than 16 members and shall be appointed by the governing body. At
 4 least two of the members shall be persons recovering from alcohol
 5 use disorder and at least two of the members shall be persons
 6 recovering from substance use disorder. The committee shall
 7 include the county prosecutor or his designee, a wide range of
 8 public and private organizations involved in the treatment of
 9 alcohol use disorders and substance use disorder-related problems
 10 and other individuals with interest or experience in issues
 11 concerning alcohol substance use disorder and substance use
 12 disorder. Each committee shall, to the maximum extent feasible,
 13 represent the various socioeconomic, racial and ethnic groups of the
 14 county in which it serves.

15 Within 60 days of the effective date of P.L.1989, c.51
 16 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcohol Use
 17 Disorder and Substance Use Disorder shall organize and elect a
 18 chairman from among its members.

19 e. The Deputy Commissioner for the Division of Mental Health
 20 and Addiction Services shall review the county plan pursuant to a
 21 procedure developed by the deputy commissioner. In determining
 22 whether to approve an annual comprehensive plan under this act,
 23 the deputy commissioner shall consider whether the plan is
 24 designed to meet the goals and objectives of the "[Alcoholism]
 25 Alcohol Use Disorder Treatment and Rehabilitation Act," P.L.1975,
 26 c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse
 27 Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and
 28 whether implementation of the plan is feasible. Each county plan
 29 submitted to the deputy commissioner shall be presumed valid;
 30 provided it is in substantial compliance with the provisions of this
 31 act. Where the department fails to approve a county plan, the county
 32 may request a court hearing on that determination.
 33 (cf: P.L.2017, c.131, s.81)
 34

35 109. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to
 36 read as follows:

37 5. a. Allotments to each county whose annual comprehensive
 38 plan is approved pursuant to the provisions of section 4 of this act
 39 shall be made on the basis of the following formula:

40 County Allotment = Population of County x Total Funds
 41 Appropriated

42 -----
 43 Population of State
 44 (Per Capita Income of State (3 yr. average)
 45 x (.5 x -----
 46 (Per Capita Income of County (3 yr. average)

1 departments; placement in, but not of, the State Department of the
2 Treasury is the most appropriate and logical location for focusing a
3 coordinated planning and review effort to ameliorate these problems
4 and for establishing a Governor's Council on **【Alcoholism and Drug**
5 **Abuse】** Alcohol Use Disorder and Substance Use Disorder as an
6 independent coordinating, planning, research and review body
7 regarding all aspects of **【alcoholism and drug abuse】** alcohol use
8 disorder and substance use disorder; and a merger of the Division of
9 **【Alcoholism】** Alcohol Use Disorder and the Division of Narcotic
10 and Drug Abuse Control within the State Department of Health will
11 enhance the effectiveness of the State's role in formulating
12 comprehensive and integrated public policy and providing effective
13 treatment, prevention and public awareness efforts against
14 **【alcoholism and drug abuse】** alcohol use disorder and substance
15 use disorder.

16 The Legislature further finds and declares that: as the
17 cooperation and active participation of all communities in the State
18 is necessary to achieve the goal of reducing **【alcoholism and drug**
19 **abuse】** alcohol use disorder and substance use disorder, there
20 should be established within the Governor's Council on
21 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
22 Substance Use Disorder, an Alliance to Prevent **【Alcoholism and**
23 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder, to
24 unite the communities of this State in a coordinated and
25 comprehensive effort; and that the full resources of this State
26 including counties, municipalities and residents of the State must be
27 mobilized in a persistent and sustained manner in order to achieve a
28 response capable of meaningfully addressing not only the symptoms
29 but the root causes of this pervasive problem.

30 (cf: P.L.1989, c.51, s.1)

31
32 112. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to
33 read as follows:

34 2. There is created a 26-member council in, but not of, the
35 Department of the Treasury which shall be designated as the
36 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
37 Disorder and Substance Use Disorder. For the purposes of
38 complying with the provisions of Article V, Section IV, paragraph 1
39 of the New Jersey Constitution, the Governor's Council on
40 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
41 Substance Use Disorder is allocated to the Department of the
42 Treasury, but, notwithstanding the allocation, the office shall be
43 independent of any supervision or control by the department or by
44 any board or officer thereof.

45 The council shall consist of 12 ex officio members and 14 public
46 members.

- 1 a. The ex officio members of the council shall be: the Attorney
2 General, the Commissioners of Labor and Workforce Development,
3 Education, Human Services, Health, Children and Families,
4 Community Affairs, Personnel and Corrections, the chair of the
5 executive board of the New Jersey Presidents' Council, the
6 Administrative Director of the Administrative Office of the Courts
7 and the Adjutant General. An ex officio member may designate an
8 officer or employee of the department or office which he heads to
9 serve as his alternate and exercise his functions and duties as a
10 member of the Governor's Council on **Alcoholism and Drug**
11 **Abuse** Alcohol Use Disorder and Substance Use Disorder.
- 12 b. The 14 public members shall be residents of the State who
13 are selected for their knowledge, competence, experience or interest
14 in connection with alcohol or substance use disorder. They shall be
15 appointed as follows: two shall be appointed by the President of the
16 Senate, two shall be appointed by the Speaker of the General
17 Assembly and 10 shall be appointed by the Governor, with the
18 advice and consent of the Senate. At least two of the public
19 members appointed by the Governor shall be persons rehabilitated
20 from alcohol use disorder and at least two of the public members
21 appointed by the Governor shall be persons rehabilitated from
22 substance use disorders involving drugs.
- 23 c. The term of office of each public member shall be three
24 years; except that of the first members appointed, four shall be
25 appointed for a term of one year, five shall be appointed for a term
26 of two years and five shall be appointed for a term of three years.
27 Each member shall serve until his successor has been appointed and
28 qualified, and vacancies shall be filled in the same manner as the
29 original appointments for the remainder of the unexpired term. A
30 public member is eligible for reappointment to the council.
- 31 d. The chairman of the council shall be appointed by the
32 Governor from among the public members of the council and shall
33 serve at the pleasure of the Governor during the Governor's term of
34 office and until the appointment and qualification of the chairman's
35 successor. The members of the council shall elect a vice-chairman
36 from among the members of the council. The Governor may
37 remove any public member for cause, upon notice and opportunity
38 to be heard.
- 39 e. The council shall meet at least monthly and at such other
40 times as designated by the chairman. Fourteen members of the
41 council shall constitute a quorum. The council may establish any
42 advisory committees it deems advisable and feasible.
- 43 f. The chairman shall be the request officer for the council
44 within the meaning of such term as defined in section 6 of article 3
45 of P.L.1944, c.112 (C.52:27B-15).
- 46 g. The public members of the council shall receive no
47 compensation for their services, but shall be reimbursed for their

1 expenses incurred in the discharge of their duties within the limits
2 of funds appropriated or otherwise made available for this purpose.
3 (cf: P.L.2017, c.131, s.99)
4

5 113. Section 3 of P.L.1989, c.51 (C.26:2BB-3) is amended to
6 read as follows:

7 3. a. The Governor's Council on **【Alcoholism and Drug**
8 **Abuse】** Alcohol Use Disorder and Substance Use Disorder shall be
9 administered by an executive director who shall be appointed by the
10 Governor, with the advice and consent of the Senate, and shall serve
11 at the pleasure of the Governor during the Governor's term of office
12 and until the appointment and qualification of the executive
13 director's successor.

14 b. The executive director shall be a person qualified by training
15 and experience to perform the duties of the council.

16 c. The executive director shall have the authority to employ a
17 deputy executive director, who shall be in the unclassified service
18 of the Civil Service, and such staff as are necessary to accomplish
19 the work of the council within the limits of available appropriations.
20 The executive director may delegate to subordinate officers or
21 employees of the council any of his powers which he deems
22 desirable to be exercised under his supervision and control. All
23 employees of the council except the executive director and the
24 deputy executive director shall be in the career service of the Civil
25 Service.

26 d. The executive director shall attend all meetings of the
27 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
28 Disorder and Substance Use Disorder.

29 (cf: P.L.1989, c.51, s.3)
30

31 114. Section 4 of P.L.1989, c.51 (C.26:2BB-4) is amended to
32 read as follows:

33 4. The Governor's Council on **【Alcoholism and Drug Abuse】**
34 Alcohol Use Disorder and Substance Use Disorder is authorized and
35 empowered to:

36 a. Review and coordinate all State departments' efforts in regard
37 to the planning and provision of treatment, prevention, research,
38 evaluation, and education services for, and public awareness of,
39 **【alcoholism and drug abuse】** alcohol use disorder and substance
40 use disorder;

41 b. Prepare by July 1 of each year, the State government
42 component of the Comprehensive Statewide **【Alcoholism and Drug**
43 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master
44 Plan for the treatment, prevention, research, evaluation, education
45 and public awareness of **【alcoholism and drug abuse】** alcohol use
46 disorder and substance use disorder in this State, which plan shall

- 1 include an emphasis on prevention, community awareness, and
2 family and youth services;
- 3 c. Review each County Annual Alliance Plan and the
4 recommendations of the Division of **【Alcoholism and Drug Abuse】**
5 Alcohol Use Disorder and Substance Use Disorder in the
6 Department of Health for awarding the Alliance grants and, by
7 October 1 of each year, return the plan to the Local Advisory
8 Committee on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder
9 and Substance Use Disorder with the council's proposed
10 recommendations for awarding Alliance grants;
- 11 d. Submit to the Governor and the Legislature by December 1
12 of each year the Comprehensive Statewide **【Alcoholism and Drug**
13 **Abuse】** Alcohol Use Disorder and Substance Use Disorder Master
14 Plan which shall include recommended appropriate allocations to
15 State departments, local governments and local agencies and service
16 providers of all State and federal funds for the treatment,
17 prevention, research, evaluation, education and public awareness of
18 **【alcoholism and drug abuse】** alcohol use disorder and substance
19 use disorder in accordance with the regular budget cycle, and shall
20 incorporate and unify all State, county, local and private **【alcohol**
21 **and drug abuse】** alcohol use disorder and substance use disorder
22 initiatives;
- 23 e. Distribute grants, upon the recommendation of the executive
24 director of the council, by August 1 of each year to counties and
25 municipalities for alcohol and drug abuse programs established
26 under the Alliance to Prevent **【Alcoholism and Drug Abuse】**
27 Alcohol Use Disorder and Substance Use Disorder;
- 28 f. Evaluate the existing funding mechanisms for **【alcoholism**
29 **and drug abuse】** alcohol use disorder and substance use disorder
30 services and recommend to the Governor and the Legislature any
31 changes which may improve the coordination of services to citizens
32 in this State;
- 33 g. Encourage the development or expansion of employee
34 assistance programs for employees in both government and the
35 private sector;
- 36 h. Evaluate the need for, and feasibility of, including other
37 addictions, such as smoking and gambling, within the scope and
38 responsibility of the council;
- 39 i. Collect from any State, county, local governmental entity or
40 any other appropriate source data, reports, statistics or other
41 materials which are necessary to carry out the council's functions;
42 and
- 43 j. Pursuant to the "Administrative Procedure Act," P.L.1968,
44 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to
45 carry out the purposes of this act.
- 46 The council shall not accept or receive moneys from any source
47 other than moneys deposited in, and appropriated from, the "Drug

1 Enforcement and Demand Reduction Fund" established pursuant to
2 N.J.S.2C:35-15 and any moneys appropriated by law for operating
3 expenses of the council or appropriated pursuant to section 19 of
4 P.L.1989, c.51.

5 (cf: P.L.1989, c.51, s.4)

6
7 115. Section 5 of P.L.1989, c.51 (C.26:2BB-5) is amended to
8 read as follows:

9 5. There is established in the Department of Health a Division
10 of **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
11 Substance Use Disorder.

12 The division shall be administered by a Deputy Commissioner of
13 Health. The deputy commissioner shall be a person qualified by
14 training and experience to perform the duties of his office. The
15 deputy commissioner shall be appointed by the commissioner with
16 the approval of the Governor and shall serve at the pleasure of the
17 commissioner during the commissioner's term of office and until the
18 appointment and qualification of the deputy commissioner's
19 successor. The deputy commissioner shall receive a salary which
20 shall be provided by law.

21 The Commissioner of Health shall report annually to the
22 Governor and the Legislature on the activities of the division and
23 include in that annual report an assessment of the adequacy of the
24 current delivery of treatment services in the State and of the need
25 for additional treatment services.

26 (cf: P.L.1989, c.51, s.5)

27
28 116. Section 6 of P.L.1989, c.51 (C.26:2BB-6) is amended to
29 read as follows:

30 6. All the functions, powers and duties of the Director of the
31 Division of **【Alcoholism】** Alcohol Use Disorder and the Director of
32 the Division of Narcotic and Drug Abuse Control are transferred to
33 and vested in the Deputy Commissioner of Health for the Division
34 of **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
35 Substance Use Disorder, pursuant to the "State Agency Transfer
36 Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

37 (cf: P.L.1989, c.51, s.6)

38
39 117. Section 7 of P.L.1989, c.51 (C.26:2BB-7) is amended to
40 read as follows:

41 7. a. There is created an Alliance to Prevent **【Alcoholism and**
42 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder
43 hereinafter referred to as the "Alliance," in the Governor's Council
44 on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
45 Substance Use Disorder. The purpose of the Alliance is to create a
46 network comprised of all the communities in New Jersey which is
47 dedicated to a comprehensive and coordinated effort against

1 **【alcoholism and drug abuse】** alcohol use disorder and substance
2 use disorder. The Alliance shall be a mechanism both for
3 implementing policies to reduce **【alcoholism and drug abuse】**
4 alcohol use disorder and substance use disorder at the municipal
5 level, and for providing funds, including moneys from mandatory
6 penalties on drug offenders, to member communities to support
7 appropriate county and municipal-based **【alcoholism and drug**
8 **abuse】** alcohol use disorder and substance use disorder education
9 and public awareness activities.

10 b. The Governor's Council on **【Alcoholism and Drug Abuse】**
11 Alcohol Use Disorder and Substance Use Disorder shall adopt rules
12 and regulations for participation in, and the operation of, the
13 Alliance and for the awarding of grants to municipalities and
14 counties from funds appropriated for such purposes pursuant to
15 P.L.1989, c.51 (C.26:2BB-1 et al.), section 5 of P.L.1993, c.216
16 (C.54:43-1.3) and funds derived from the "Drug Enforcement and
17 Demand Reduction Fund" established pursuant to N.J.S.2C:35-15,
18 for the purpose of developing:

19 (1) Organized and coordinated efforts involving schools, law
20 enforcement, business groups and other community organizations
21 for the purpose of reducing **【alcoholism and drug abuse】** alcohol
22 use disorder and substance use disorder;

23 (2) In cooperation with local school districts, comprehensive
24 and effective **【alcoholism and drug abuse】** alcohol use disorder and
25 substance use disorder education programs in grades kindergarten
26 through 12;

27 (3) In cooperation with local school districts, procedures for the
28 intervention, treatment, and discipline of students **【abusing】** using
29 alcohol or drugs;

30 (4) Comprehensive **【alcoholism and drug abuse】** alcohol use
31 disorder and substance use disorder education, support and outreach
32 efforts for parents in the community; and

33 (5) Comprehensive **【alcoholism and drug abuse】** alcohol use
34 disorder and substance use disorder community awareness
35 programs.

36 c. Funds disbursed under this section shall not supplant local
37 funds that would have otherwise been made available for
38 **【alcoholism and drug abuse】** alcohol use disorder and substance
39 use disorder initiatives. Communities shall provide matching funds
40 when and to the extent required by the regulations adopted pursuant
41 to this section.

42 d. The county agency or individual designated by the governing
43 body of each county pursuant to subsection a. of section 4 of
44 P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the
45 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
46 Disorder and Substance Use Disorder moneys made available
47 pursuant to this section. The designated county agency or individual

1 shall establish a separate fund for the receipt and disbursement of
2 these moneys.

3 (cf: P.L.1993, c.216, s.4)

4
5 118. Section 8 of P.L.1989, c.51 (C.26:2BB-8) is amended to
6 read as follows:

7 8. a. Each Local Advisory Committee on **【Alcoholism and**
8 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder,
9 established pursuant to section 4 of P.L.1983, c.531 (C.26:2B-33),
10 shall establish a County Alliance Steering Subcommittee in
11 conjunction with regulations adopted by the Governor's Council on
12 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
13 Substance Use Disorder. The members of the subcommittee shall
14 include, but not be limited to, private citizens and representatives of
15 the:

16 (1) Local Advisory Committee on **【Alcoholism and Drug**
17 **Abuse】** Alcohol Use Disorder and Substance Use Disorder;

18 (2) County Human Services Advisory Council;

19 (3) County Superintendent of Schools;

20 (4) Existing county council on **【alcoholism】** alcohol use
21 disorder, if any;

22 (5) County Prosecutor's office;

23 (6) Family part of the Chancery Division of the Superior Court;

24 (7) Youth Services Commission;

25 (8) County School Board Association;

26 (9) County health agency;

27 (10) County mental health agency;

28 (11) Local businesses;

29 (12) County affiliate of the New Jersey Education Association;

30 and

31 (13) Other service providers.

32 b. The functions of the County Alliance Steering Subcommittee
33 shall include:

34 (1) Development and submission of a County Annual Alliance
35 Plan for the expenditure of funds derived from the "Drug
36 Enforcement and Demand Reduction Fund," N.J.S. 2C:35-15;

37 (2) Development of programs and fiscal guidelines consistent
38 with directives of the Governor's Council on **【Alcoholism and Drug**
39 **Abuse】** Alcohol Use Disorder and Substance Use Disorder for the
40 awarding of funds to counties and municipalities for drug and
41 alcohol Alliance activities;

42 (3) Identification of a network of community leadership for the
43 expansion, replication and development of successful community
44 model programs throughout the county; and

45 (4) Coordination of projects among and within municipalities to
46 assure cost effectiveness and avoid fragmentation and duplication.

1 c. The County Alliance Steering Subcommittee shall ensure
2 that the funds dedicated to education pursuant to section 2 of
3 P.L.1983, c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

4 d. The Local Advisory Committee on **【Alcoholism and Drug**
5 **Abuse】** Alcohol Use Disorder and Substance Use Disorder shall
6 review and approve the County Annual Alliance Plan and submit
7 this plan by July 1 of each year to the Division of **【Alcoholism and**
8 **Drug Abuse】** Alcohol Use Disorder and Substance Use Disorder in
9 the Department of Health and to the Governor's Council on
10 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
11 Substance Use Disorder.

12 e. After the County Annual Alliance Plan is returned by the
13 Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol Use
14 Disorder and Substance Use Disorder to the Local Advisory
15 Committee on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder
16 and Substance Use Disorder with the council's proposed
17 recommendations for awarding the Alliance grants, pursuant to
18 subsection c. of section 4 of this amendatory and supplementary act,
19 the committee, in conjunction with the council, may revise its plan
20 in accordance with the council's proposed recommendations.

21 The revised plan shall be completed in such time that it can be
22 included in the council's recommendations to the Governor and the
23 Legislature that are due on December 1 of each year.

24 (cf: P.L.1989, c.51, s.8)

25
26 119. Section 9 of P.L.1989, c.51 (C.26:2BB-9) is amended to
27 read as follows:

28 9. The governing body of each municipality may appoint a
29 Municipal Alliance Committee, or join with one or more
30 municipalities to appoint a Municipal Alliance Committee.
31 Membership on the Municipal Alliance Committee may include the
32 chief of police; the president of the school board; the superintendent
33 of schools; a student assistance coordinator; a representative of the
34 parent-teacher association; a representative of the local bargaining
35 unit for teachers; a representative of the Chamber of Commerce; a
36 municipal court judge; representatives of local civic associations;
37 representatives of local religious groups; and private citizens.

38 The Municipal Alliance Committee, in consultation with the
39 Local Advisory Committee on **【Alcoholism and Drug Abuse】**
40 Alcohol Use Disorder and Substance Use Disorder, shall identify
41 **【alcoholism】** alcohol use disorder and drug prevention, education
42 and community needs. The committee also shall implement the
43 Alliance programs formulated pursuant to section 8 of P.L.1989,
44 c.51 (C.26:2BB-8). The governing body of a municipality may
45 match any funds it receives from the Alliance.

46 (cf: P.L.1989, c.51, s.9)

1 120. Section 10 of P.L.1989, c.51 (C.26:2BB-10) is amended to
2 read as follows:

3 10. Pursuant to the "Administrative Procedure Act," P.L.1968,
4 c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt
5 rules and regulations necessary to establish the Division of
6 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
7 Substance Use Disorder pursuant to this act.
8 (cf: P.L.1989, c.51, s.10)
9

10 121. Section 17 of P.L.1989, c.51 (C.26:2BB-13) is amended to
11 read as follows:

12 17. Two years after the date of enactment of this amendatory
13 and supplementary act, the Governor shall contract with an
14 independent evaluator who shall review and evaluate the
15 effectiveness of the Governor's Council on **【Alcoholism and Drug**
16 **Abuse】** Alcohol Use Disorder and Substance Use Disorder in, but
17 not of, the Department of the Treasury and the Division on
18 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
19 Substance Use Disorder in the Department of Health. Within one
20 year after being appointed, the evaluator shall make
21 recommendations to the Governor and the Legislature regarding the
22 continuation of the council and the organization of the division as
23 they are structured pursuant to P.L.1989, c.51 (C. 26:2BB-1 et al.).
24 (cf: P.L.1989, c.51, s.17)
25

26 122. Section 18 of P.L.1989, c.51 (C.26:2BB-14) is amended to
27 read as follows:

28 18. The funding mechanisms, including the awarding of grants
29 for drug abuse services by the Department of Health, that are in
30 effect on the date of enactment of P.L.1989, c.51 (C.26:2BB-1 et
31 al.) for **【alcoholism】** alcohol use disorder services and **【drug**
32 **abuse】** substance use disorder services, exclusively, shall continue
33 until such time as recommendations of the Governor's Council on
34 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
35 Substance Use Disorder pursuant to P.L.1989, c.51 (C.26:2BB-1 et
36 al.) are approved by the Commissioner of Health and enacted into
37 law.
38 (cf: P.L.1989, c.51, s.18)
39

40 123. Section 2 of P.L.1977, c.332 (C.26:2F-2.1) is amended to
41 read as follows:

42 2. The Legislature finds and declares that there exists in New
43 Jersey a serious and increasing incidence of various communicable
44 and chronic diseases such as cancer, hypertension, heart disease,
45 diabetes, venereal disease, **【alcoholism】** alcohol use disorder and
46 **【drug abuse】** substance use disorder which requires a continuing
47 commitment of public health personnel and resources; and that

1 there has been in recent years a diminished financial support for
2 agencies engaged in providing primary prevention programs.

3 The Legislature also recognizes that there exists a framework for
4 the provision of such services at the municipal, regional and county
5 levels but that changing socio-economic, environmental and
6 technological conditions warrant a redirection of the ways of
7 addressing these health problems. The Legislature finds that there
8 should be provided funds to support certain public health priority
9 activities.

10 (cf: P.L.1977, c.332, s.2)

11

12 124. Section 4 of P.L.1996, c.29 (C.26:2H-18.58a) is amended
13 to read as follows:

14 4. The Commissioner of Health shall transfer to the Division of
15 **【Alcoholism, Drug Abuse and Addiction】** Alcohol Use Disorder
16 and Substance Use Disorder Services in the Department of Health
17 from the Health Care Subsidy Fund, \$10 million in Fiscal Year
18 1997 and \$20 million in Fiscal Year 1998 and each fiscal year
19 thereafter, or such sums as are made available pursuant to section 5
20 of P.L.1996, c.29 (C.52:18A-2a), whichever amount is less,
21 according to a schedule to be determined by the Commissioner of
22 Health, to fund community-based **【drug abuse】** substance use
23 disorder treatment programs in the following order of priority:
24 residential, inpatient, intensive day and outpatient treatment.

25 (cf: P.L.1996, c.29, s.4)

26

27 125. Section 1 of P.L.1997, c.215 (C.30:4-123.47a) is amended
28 to read as follows:

29 1. There is hereby established a Parole Advisory Board in, but
30 not of, the State Parole Board. Notwithstanding the allocation of the
31 board within the State Parole Board, the State Parole Board or any
32 employee thereof shall not exercise any control over the Parole
33 Advisory Board. The advisory board shall consist of 23 members.
34 It shall include in its membership the Chairman of the State Parole
35 Board or his designee, who shall serve ex officio; one member
36 representing each of the following organizations and groups, who
37 shall be appointed by the Governor: the Department of Corrections,
38 the Department of Health **【and Senior Services】**, the Department of
39 Law and Public Safety, Office of the Governor, the Administrative
40 Office of the Courts, the Victims of Crime Compensation Board,
41 the New Jersey Chapter of the American Correctional Association,
42 the County Prosecutors Association of New Jersey, the Sheriffs'
43 Association of New Jersey, the New Jersey Wardens Association,
44 the New Jersey State Association of Chiefs of Police, the American
45 Parole and Probation Association, Governor's Council on
46 **【Alcoholism and Drug Abuse】** Alcohol Use Disorder and
47 Substance Use Disorder, the community at large, treatment
48 providers, victims' rights groups and former inmates who have

1 successfully completed parole. Two members of the Senate, who
2 shall not be of the same political party and who shall serve during
3 their terms of office, shall be appointed by the President of the
4 Senate. Two members of the General Assembly, who shall not be
5 of the same political party and who shall serve during their terms of
6 office, shall be appointed by the Speaker of the General Assembly.

7 Members of the advisory board shall be appointed with the
8 advice and consent of the Senate, and serve a term of three years,
9 except for the initial gubernatorial appointees, six of whom shall
10 serve for two years and six of whom shall serve for four years.
11 Each member shall serve for the term of appointment and until a
12 successor is appointed. A member may be reappointed to the
13 advisory board. A member appointed to fill a vacancy occurring in
14 the membership of the advisory board for any reason other than the
15 expiration of the term shall serve a term of appointment for the
16 unexpired term only. All vacancies shall be filled in the same
17 manner as the original appointments. Any appointed member of the
18 advisory board, except the legislative members, may be removed
19 from the advisory board by the Governor, for cause, after a hearing,
20 and may be suspended by the Governor pending the completion of
21 the hearing. Legislative members may be removed for cause by the
22 leader of their respective houses. Motions and resolutions may be
23 adopted by the advisory board at a board meeting by an affirmative
24 vote of not less than 12 members.

25 Members of the advisory board shall serve without compensation
26 but shall be entitled to reimbursement for actual expenses of serving
27 on the board, to the extent that funds are available for this purpose.

28 The advisory board shall organize as soon as possible after the
29 appointment of its members. The members shall select a chair from
30 among their number.

31 (cf: P.L.2001, c.79, s.3)

32

33 126. Section 2 of P.L.1956, c.214 (C.30:8-16.2) is amended to
34 read as follows:

35 2. It shall be lawful for any board of chosen freeholders in this
36 State to erect and maintain as a part of its jail, workhouse or
37 penitentiary, a suitable building, buildings or additions for the
38 treatment, while confined in such jail, workhouse or penitentiary, of
39 inmates having a history of **【alcoholism】** alcohol use disorder; such
40 board shall have power to appropriate and expend the moneys
41 necessary in its judgment for such purpose.

42 (cf: P.L.1956, c.214, s.2)

43

44 127. Section 1 of P.L.1956, c.213 (C.30:9-12.16) is amended to
45 read as follows:

46 1. The board of chosen freeholders of any county, by
47 resolution, may provide for the establishment of an institution for
48 the medical treatment of **【alcoholics】** persons with alcohol use

1 disorder and for the prevention of **【alcoholism】** alcohol use
2 disorder as a separate institution or as an institution connected with
3 a county hospital.

4 (cf: P.L.1956, c.213, s.1)

5
6 128. Section 5 of P.L.1956, c.213 (C.30:9-12.20) is amended to
7 read as follows:

8 5. Admission to said institution or the use of the said facilities
9 shall also be provided by the board of managers when ordered by a
10 Superior Court judge or by a judge of a municipal court situated in
11 the county where such judge shall have jurisdiction of the person to
12 be admitted or provided with the use of said facilities by reason of
13 the pendency before him of a criminal charge against such person
14 and where said judge shall be satisfied that the person suffers from
15 acute **【alcoholism】** alcohol use disorder. Any such order so made
16 by a judge may provide for the commitment, of the person so
17 charged, to the said institution as a part or the whole of a sentence
18 imposed. In the event of any such commitment, the said board of
19 managers shall detain the person committed for the term prescribed
20 in accordance with the terms and conditions of such order. Unless
21 otherwise provided by the State Department of Human Services or
22 by the rules of court the said board of managers shall provide the
23 necessary forms for use in connection with commitments to the said
24 institution.

25 (cf: P.L.1991, c.91, s.331)

26
27 129. Section 6 of P.L.1956, c.213 (C.30:9-12.21) is amended to
28 read as follows:

29 6. Commitments to the said institution may also be made by
30 any such judge or magistrate upon a determination, after notice and
31 hearing that a person is suffering from acute **【alcoholism】** alcohol
32 use disorder. Application for such a commitment may be made to
33 the said court or judge by a person having an interest therein by
34 reason of relationship or marriage or by a police officer, sheriff,
35 municipal or county director of welfare or person charged with the
36 care and relief of the poor where the person charged as suffering
37 from acute **【alcoholism】** alcohol use disorder may reside. Every
38 such application shall be supported by a certificate in writing, under
39 oath, executed by 2 physicians who are permanent residents and
40 duly licensed to practice medicine in this State. Each such
41 certificate shall set forth the date of the making of the examination
42 which shall be within 10 days of the date of the making of the
43 application to the said judge or magistrate and shall set forth the
44 facts and circumstances on which the opinions of such physicians
45 are based and shall include a precise personal description sufficient
46 to identify the person so examined and of the facts relating thereto
47 and shall further certify that the condition of the person examined is
48 such as to require care and treatment in an institution for acute

1 **【alcoholics】** persons with alcohol use disorder. Every such
2 application shall be heard in a summary manner, without a jury,
3 and the said judge or magistrate shall, by order, fix the time for the
4 hearing which shall be not less than 10 days after the service of a
5 notice of hearing upon the person so charged. The person charged
6 shall be entitled to counsel and any order of commitment made
7 upon such application shall be subject to review by the Superior
8 Court in a proceeding in lieu of prerogative writ. The judge or
9 magistrate may require the testimony at the hearing to be taken and
10 transcribed by a court reporter and the expense thereof shall be
11 paid by the county treasurer of the county, on order of the board of
12 chosen freeholders, in the same manner as other court expenses
13 chargeable to a county are paid. In connection with any such
14 commitment the judge or magistrate shall determine the indigency
15 or nonindigency of the person committed and make an appropriate
16 order for the payment to the institution of the cost of maintaining
17 the person committed in such institution. Pending any such
18 application the judge or magistrate may order the temporary
19 detention of the person charged to be suffering from acute
20 **【alcoholism】** alcohol use disorder in such institution for
21 observation and treatment where it appears that such temporary
22 detention is needed for the welfare and safety of the said person.
23 No commitment or temporary commitment upon any such
24 application shall continue for more than 90 days and the
25 commitment may be terminated sooner if the judge or magistrate
26 shall so order, upon application of the board of managers, and the
27 certificate of a physician on the staff of the said institution that
28 maximum treatment has been given to the person committed.

29 (cf: P.L.1956, c.213, s.6)

30

31 130. Section 1 of P.L.1945, c.94 (C.33:4-1) is amended to read
32 as follows:

33 1. The Commissioner of Alcoholic Beverage Control, the
34 Commissioner of Institutions and Agencies, the Commissioner of
35 Education and the Director of Health, are hereby constituted a
36 commission, to be known as the Commission on **【Alcoholism】**
37 Alcohol Use Disorder and Promotion of Temperance, and
38 empowered to prepare and administer a program for the
39 rehabilitation of **【alcoholics】** persons with alcohol use disorder and
40 the promotion and furtherance of temperance and temperance
41 education in this State; to utilize such facilities in this State,
42 including equipment, and professional and other personnel, as may
43 be made available for said purposes; and to expend such sums for
44 said purposes as may, from time to time, be appropriated therefor
45 by the Legislature.

46 (cf: P.L.1945, c.94, s.1)

47

48 131. R.S.39:4-50 is amended to read as follows:

1 39:4-50. (a) A person who operates a motor vehicle while under
2 the influence of intoxicating liquor, narcotic, hallucinogenic or
3 habit-producing drug, or operates a motor vehicle with a blood
4 alcohol concentration of 0.08% or more by weight of alcohol in the
5 defendant's blood or permits another person who is under the
6 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
7 producing drug to operate a motor vehicle the person owns or which
8 is in the person's custody or control or permits another to operate a
9 motor vehicle with a blood alcohol concentration of 0.08% or more
10 by weight of alcohol in the defendant's blood shall be subject:

11 (1) For the first offense:

12 (i) if the person's blood alcohol concentration is 0.08% or
13 higher but less than 0.10%, or the person operates a motor vehicle
14 while under the influence of intoxicating liquor, or the person
15 permits another person who is under the influence of intoxicating
16 liquor to operate a motor vehicle owned by him or in his custody or
17 control or permits another person with a blood alcohol
18 concentration of 0.08% or higher but less than 0.10% to operate a
19 motor vehicle, to a fine of not less than \$250 nor more than \$400
20 and a period of detainment of not less than 12 hours nor more than
21 48 hours spent during two consecutive days of not less than six
22 hours each day and served as prescribed by the program
23 requirements of the Intoxicated Driver Resource Centers established
24 under subsection (f) of this section and, in the discretion of the
25 court, a term of imprisonment of not more than 30 days. In addition,
26 the court shall order the person to forfeit the right to operate a
27 motor vehicle over the highways of this State until the person
28 installs an ignition interlock device in one motor vehicle the person
29 owns, leases, or principally operates, whichever the person most
30 often operates, for the purpose of complying with the provisions of
31 P.L.1999, c.417 (C.39:4-50.16 et al.);

32 (ii) if the person's blood alcohol concentration is 0.10% or
33 higher, or the person operates a motor vehicle while under the
34 influence of a narcotic, hallucinogenic or habit-producing drug, or
35 the person permits another person who is under the influence of a
36 narcotic, hallucinogenic or habit-producing drug to operate a motor
37 vehicle owned by him or in his custody or control, or permits
38 another person with a blood alcohol concentration of 0.10% or more
39 to operate a motor vehicle, to a fine of not less than \$300 nor more
40 than \$500 and a period of detainment of not less than 12 hours nor
41 more than 48 hours spent during two consecutive days of not less
42 than six hours each day and served as prescribed by the program
43 requirements of the Intoxicated Driver Resource Centers established
44 under subsection (f) of this section and, in the discretion of the
45 court, a term of imprisonment of not more than 30 days;

46 in the case of a person who is convicted of operating a motor
47 vehicle while under the influence of a narcotic, hallucinogenic or
48 habit-producing drug or permitting another person who is under the

1 influence of a narcotic, hallucinogenic or habit-producing drug to
2 operate a motor vehicle owned by the person or under the person's
3 custody or control, the person shall forfeit the right to operate a
4 motor vehicle over the highways of this State for a period of not
5 less than seven months nor more than one year;

6 in the case of a person whose blood alcohol concentration is
7 0.10% or higher but less than 0.15%, the person shall forfeit the
8 right to operate a motor vehicle over the highways of this State until
9 the person installs an ignition interlock device in one motor vehicle
10 the person owns, leases, or principally operates, whichever the
11 person most often operates, for the purpose of complying with the
12 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

13 in the case of a person whose blood alcohol concentration is
14 0.15% or higher, the person shall forfeit the right to operate a motor
15 vehicle over the highways of this State for a period of not less than
16 four months or more than six months following installation of an
17 ignition interlock device in one motor vehicle the person owns,
18 leases, or principally operates, whichever the person most often
19 operates, for the purpose of complying with the provisions of
20 P.L.1999, c.417 (C.39:4-50.16 et al.);

21 (iii) (Deleted by amendment, P.L.2019, c.248)

22 (2) For a second violation, a person shall be subject to a fine of
23 not less than \$500 nor more than \$1,000, and shall be ordered by
24 the court to perform community service for a period of 30 days,
25 which shall be of such form and on terms the court shall deem
26 appropriate under the circumstances, and shall be sentenced to
27 imprisonment for a term of not less than 48 consecutive hours,
28 which shall not be suspended or served on probation, or more than
29 90 days, and shall forfeit the right to operate a motor vehicle over
30 the highways of this State for a period of not less than one year or
31 more than two years upon conviction.

32 After the expiration of the license forfeiture period, the person
33 may make application to the Chief Administrator of the New Jersey
34 Motor Vehicle Commission for a license to operate a motor vehicle,
35 which application may be granted at the discretion of the chief
36 administrator, consistent with subsection (b) of this section. For a
37 second violation, a person also shall be required to install an
38 ignition interlock device under the provisions of P.L.1999, c.417
39 (C.39:4-50.16 et al.).

40 (3) For a third or subsequent violation, a person shall be subject
41 to a fine of \$1,000, and shall be sentenced to imprisonment for a
42 term of not less than 180 days in a county jail or workhouse, except
43 that the court may lower such term for each day, not exceeding 90
44 days, served participating in a drug or alcohol inpatient
45 rehabilitation program approved by the Intoxicated Driver Resource
46 Center and shall thereafter forfeit the right to operate a motor
47 vehicle over the highways of this State for eight years.

1 For a third or subsequent violation, a person also shall be
2 required to install an ignition interlock device under the provisions
3 of P.L.1999, c.417 (C.39:4-50.16 et al.).

4 As used in this section, the phrase "narcotic, hallucinogenic or
5 habit-producing drug" includes an inhalant or other substance
6 containing a chemical capable of releasing any toxic vapors or
7 fumes for the purpose of inducing a condition of intoxication, such
8 as any glue, cement or any other substance containing one or more
9 of the following chemical compounds: acetone and acetate, amyl
10 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
11 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
12 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
13 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
14 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
15 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
16 any other chemical substance capable of causing a condition of
17 intoxication, inebriation, excitement, stupefaction or the dulling of
18 the brain or nervous system as a result of the inhalation of the
19 fumes or vapors of such chemical substance.

20 Whenever an operator of a motor vehicle has been involved in an
21 accident resulting in death, bodily injury or property damage, a
22 police officer shall consider that fact along with all other facts and
23 circumstances in determining whether there are reasonable grounds
24 to believe that person was operating a motor vehicle in violation of
25 this section.

26 A conviction of a violation of a law of a substantially similar
27 nature in another jurisdiction, regardless of whether that jurisdiction
28 is a signatory to the Interstate Driver License Compact pursuant to
29 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
30 conviction under this subsection unless the defendant can
31 demonstrate by clear and convincing evidence that the conviction in
32 the other jurisdiction was based exclusively upon a violation of a
33 proscribed blood alcohol concentration of less than 0.08%.

34 If the driving privilege of any person is under revocation or
35 suspension for a violation of any provision of this Title or Title 2C
36 of the New Jersey Statutes at the time of any conviction for a
37 violation of this section, the revocation or suspension period
38 imposed shall commence as of the date of termination of the
39 existing revocation or suspension period. In the case of any person
40 who at the time of the imposition of sentence is less than 17 years
41 of age, the forfeiture, suspension or revocation of the driving
42 privilege imposed by the court under this section shall commence
43 immediately, run through the offender's seventeenth birthday and
44 continue from that date for the period set by the court pursuant to
45 paragraphs (1) through (3) of this subsection. A court that imposes
46 a term of imprisonment for a first or second offense under this
47 section may sentence the person so convicted to the county jail, to
48 the workhouse of the county wherein the offense was committed, to

1 an inpatient rehabilitation program or to an Intoxicated Driver
2 Resource Center or other facility approved by the chief of the
3 Intoxicated Driving Program Unit in the Division of Mental Health
4 and Addiction Services in the Department of Health. For a third or
5 subsequent offense a person shall not serve a term of imprisonment
6 at an Intoxicated Driver Resource Center as provided in subsection
7 (f).

8 A person who has been convicted of a previous violation of this
9 section need not be charged as a second or subsequent offender in
10 the complaint made against him in order to render him liable to the
11 punishment imposed by this section on a second or subsequent
12 offender, but if the second offense occurs more than 10 years after
13 the first offense, the court shall treat the second conviction as a first
14 offense for sentencing purposes and if a third offense occurs more
15 than 10 years after the second offense, the court shall treat the third
16 conviction as a second offense for sentencing purposes.

17 (b) A person convicted under this section must satisfy the
18 screening, evaluation, referral, program and fee requirements of the
19 Division of Mental Health and Addiction Services' Intoxicated
20 Driving Program Unit, and of the Intoxicated Driver Resource
21 Centers and a program of alcohol and drug education and highway
22 safety, as prescribed by the chief administrator. The sentencing
23 court shall inform the person convicted that failure to satisfy such
24 requirements shall result in a mandatory two-day term of
25 imprisonment in a county jail and a driver license revocation or
26 suspension and continuation of revocation or suspension until such
27 requirements are satisfied, unless stayed by court order in
28 accordance with the Rules Governing the Courts of the State of
29 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
30 forward to the Division of Mental Health and Addiction Services'
31 Intoxicated Driving Program Unit a copy of a person's conviction
32 record. A fee of \$100 shall be payable to the Alcohol Education,
33 Rehabilitation and Enforcement Fund established pursuant to
34 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
35 Intoxicated Driving Program Unit.

36 (c) Upon conviction of a violation of this section, the court shall
37 collect forthwith the New Jersey driver's license or licenses of the
38 person so convicted and forward such license or licenses to the
39 chief administrator. The court shall inform the person convicted
40 that if he is convicted of personally operating a motor vehicle
41 during the period of license suspension imposed pursuant to
42 subsection (a) of this section, he shall, upon conviction, be subject
43 to the penalties established in R.S.39:3-40. The person convicted
44 shall be informed orally and in writing. A person shall be required
45 to acknowledge receipt of that written notice in writing. Failure to
46 receive a written notice or failure to acknowledge in writing the
47 receipt of a written notice shall not be a defense to a subsequent
48 charge of a violation of R.S.39:3-40. In the event that a person

1 convicted under this section is the holder of any out-of-State
2 driver's license, the court shall not collect the license but shall
3 notify forthwith the chief administrator, who shall, in turn, notify
4 appropriate officials in the licensing jurisdiction. The court shall,
5 however, revoke the nonresident's driving privilege to operate a
6 motor vehicle in this State, in accordance with this section. Upon
7 conviction of a violation of this section, the court shall notify the
8 person convicted, orally and in writing, of the penalties for a
9 second, third or subsequent violation of this section. A person shall
10 be required to acknowledge receipt of that written notice in writing.
11 Failure to receive a written notice or failure to acknowledge in
12 writing the receipt of a written notice shall not be a defense to a
13 subsequent charge of a violation of this section.

14 (d) The chief administrator shall promulgate rules and
15 regulations pursuant to the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
17 of alcohol education and highway safety, as prescribed by this act.

18 (e) Any person accused of a violation of this section who is
19 liable to punishment imposed by this section as a second or
20 subsequent offender shall be entitled to the same rights of discovery
21 as allowed defendants pursuant to the Rules Governing the Courts
22 of the State of New Jersey.

23 (f) The counties, in cooperation with the Division of Mental
24 Health and Addiction Services and the commission, but subject to
25 the approval of the Division of Mental Health and Addiction
26 Services, shall designate and establish on a county or regional basis
27 Intoxicated Driver Resource Centers. These centers shall have the
28 capability of serving as community treatment referral centers and as
29 court monitors of a person's compliance with the ordered treatment,
30 service alternative or community service. All centers established
31 pursuant to this subsection shall be administered by a counselor
32 certified by the Addiction Professionals Certification Board of New
33 Jersey or other professional with a minimum of five years'
34 experience in the treatment of **alcoholism** alcohol use disorder.
35 All centers shall be required to develop individualized treatment
36 plans for all persons attending the centers; provided that the
37 duration of any ordered treatment or referral shall not exceed one
38 year. It shall be the center's responsibility to establish networks
39 with the community alcohol and drug education, treatment and
40 rehabilitation resources and to receive monthly reports from the
41 referral agencies regarding a person's participation and compliance
42 with the program. Nothing in this subsection shall bar these centers
43 from developing their own education and treatment programs;
44 provided that they are approved by the Division of Mental Health
45 and Addiction Services.

46 Upon a person's failure to report to the initial screening or any
47 subsequent ordered referral, the Intoxicated Driver Resource Center

1 shall promptly notify the sentencing court of the person's failure to
2 comply.

3 Required detention periods at the Intoxicated Driver Resource
4 Centers shall be determined according to the individual treatment
5 classification assigned by the Intoxicated Driving Program Unit.
6 Upon attendance at an Intoxicated Driver Resource Center, a person
7 shall be required to pay a per diem fee of \$75 for the first offender
8 program or a per diem fee of \$100 for the second offender program,
9 as appropriate. Any increases in the per diem fees after the first full
10 year shall be determined pursuant to rules and regulations adopted
11 by the Commissioner of Health in consultation with the Governor's
12 Council on **【Alcoholism and Drug Abuse】** Alcohol Use Disorder
13 and Substance Use Disorder pursuant to the "Administrative
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

15 The centers shall conduct a program of alcohol and drug
16 education and highway safety, as prescribed by the chief
17 administrator.

18 The Commissioner of Health shall adopt rules and regulations
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.), in order to effectuate the purposes of this
21 subsection.

22 (g) (Deleted by amendment, P.L.2019, c.248)

23 (h) A court also may order a person convicted pursuant to
24 subsection (a) of this section, to participate in a supervised
25 visitation program as either a condition of probation or a form of
26 community service, giving preference to those who were under the
27 age of 21 at the time of the offense. Prior to ordering a person to
28 participate in such a program, the court may consult with any
29 person who may provide useful information on the defendant's
30 physical, emotional and mental suitability for the visit to ensure that
31 it will not cause any injury to the defendant. The court also may
32 order that the defendant participate in a counseling session under
33 the supervision of the Intoxicated Driving Program Unit prior to
34 participating in the supervised visitation program. The supervised
35 visitation program shall be at one or more of the following facilities
36 which have agreed to participate in the program under the
37 supervision of the facility's personnel and the probation department:

38 (1) a trauma center, critical care center or acute care hospital
39 having basic emergency services, which receives victims of motor
40 vehicle accidents for the purpose of observing appropriate victims
41 of drunk drivers and victims who are, themselves, drunk drivers;

42 (2) a facility which cares for advanced **【alcoholics or drug**
43 **abusers】** persons with alcohol or substance use disorder, to observe
44 persons in the advanced stages of **【alcoholism and drug abuse】**
45 alcohol use disorder and substance use disorder; or

46 (3) if approved by a county medical examiner, the office of the
47 county medical examiner or a public morgue to observe appropriate
48 victims of vehicle accidents involving drunk drivers.

1 As used in this section, "appropriate victim" means a victim
2 whose condition is determined by the facility's supervisory
3 personnel and the probation officer to be appropriate for
4 demonstrating the results of accidents involving drunk drivers
5 without being unnecessarily gruesome or traumatic to the
6 defendant.

7 If at any time before or during a visitation the facility's
8 supervisory personnel and the probation officer determine that the
9 visitation may be or is traumatic or otherwise inappropriate for that
10 defendant, the visitation shall be terminated without prejudice to the
11 defendant. The program may include a personal conference after
12 the visitation, which may include the sentencing judge or the judge
13 who coordinates the program for the court, the defendant,
14 defendant's counsel, and, if available, the defendant's parents to
15 discuss the visitation and its effect on the defendant's future
16 conduct. If a personal conference is not practicable because of the
17 defendant's absence from the jurisdiction, conflicting time
18 schedules, or any other reason, the court shall require the defendant
19 to submit a written report concerning the visitation experience and
20 its impact on the defendant. The county, a court, any facility visited
21 pursuant to the program, any agents, employees, or independent
22 contractors of the court, county, or facility visited pursuant to the
23 program, and any person supervising a defendant during the
24 visitation, are not liable for any civil damages resulting from injury
25 to the defendant, or for civil damages associated with the visitation
26 which are caused by the defendant, except for willful or grossly
27 negligent acts intended to, or reasonably expected to result in, that
28 injury or damage.

29 The Supreme Court may adopt court rules or directives to
30 effectuate the purposes of this subsection.

31 (i) In addition to any other fine, fee, or other charge imposed
32 pursuant to law, the court shall assess a person convicted of a
33 violation of the provisions of this section a surcharge of \$125, of
34 which amount \$50 shall be payable to the municipality in which the
35 conviction was obtained, \$50 shall be payable to the Treasurer of
36 the State of New Jersey for deposit into the General Fund, and \$25
37 which shall be payable as follows: in a matter where the summons
38 was issued by a municipality's law enforcement agency, to that
39 municipality to be used for the cost of equipping police vehicles
40 with mobile video recording systems pursuant to the provisions of
41 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
42 summons was issued by a county's law enforcement agency, to that
43 county; and in a matter where the summons was issued by a State
44 law enforcement agency, to the General Fund.

45 (cf: P.L.2019, c.248, s.2)

46

47 132. Section 8 of P.L.1997, c.331, s.8 (C.45:2D-8) is amended
48 to read as follows:

1 8. a. No person shall engage in the practice of alcohol and drug
2 counseling as a licensed clinical alcohol and drug counselor unless
3 licensed under this act. No person shall engage in the practice of
4 alcohol and drug counseling as a certified alcohol and drug
5 counselor unless certified under this act. No person shall present,
6 call or represent himself as a licensed clinical alcohol and drug
7 counselor unless licensed under this act. No person shall present,
8 call or represent himself as a certified alcohol and drug counselor
9 unless certified under this act.

10 b. No person shall assume, represent himself as, or use the title
11 or designation "[alcoholism] alcohol use disorder counselor,"
12 "alcohol counselor," "drug counselor," "alcohol and drug
13 counselor," "[alcoholism and drug] alcohol use disorder and
14 substance use disorder counselor," "licensed clinical alcohol and
15 drug counselor," "certified alcohol and drug counselor," "substance
16 [abuse] use counselor," "chemical dependency counselor," or
17 "chemical dependency supervisor," or any of the abbreviations for
18 the above titles, unless licensed or certified under this act, and
19 unless the title or designation corresponds to the license or
20 certification held by the person pursuant to this act.

21 c. No person shall engage in the independent practice of
22 alcohol and drug counseling for a fee unless the person is licensed
23 under this act as a licensed clinical alcohol and drug counselor or
24 the person is a certified alcohol and drug counselor practicing under
25 the supervision of a licensed clinical alcohol and drug counselor.

26 (cf: P.L.1997, c.331, s.8)

27
28 133. Section 16 of P.L.1997, c.331 (C.45:2D-16) is amended to
29 read as follows:

30 16. a. On or before the 730th day following the effective date of
31 this act, upon application to the board on the form and in the
32 manner the committee prescribes and the board approves, any
33 person certified in New Jersey by the Alcohol and Drug Counselor
34 Certification Board of New Jersey, Inc. as an [alcoholism] alcohol
35 use disorder counselor on the enactment date of this act who
36 demonstrates to the board that he has successfully completed 30
37 classroom hours in drug education may acquire a certificate as a
38 certified alcohol and drug counselor without meeting the
39 requirements set forth in section 5 of this act.

40 b. On or before the 730th day following the effective date of
41 this act, upon application to the board on the form and in the
42 manner the committee prescribes and the board approves, any
43 person certified in New Jersey by the Alcohol and Drug Counselor
44 Certification Board of New Jersey, Inc. as a drug counselor on the
45 enactment date of this act who demonstrates to the board that he has
46 successfully completed 50 classroom hours in alcohol education
47 may acquire a certificate as a certified alcohol and drug counselor
48 without meeting the requirements set forth in section 5 of this act.

1 c. 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 who has practiced as an alcohol and drug counselor for at
5 least five years and is certified in New Jersey by the Alcohol and
6 Drug Counselor Certification Board of New Jersey, Inc. as an
7 alcohol and drug counselor on the enactment date of this act may be
8 licensed as a licensed clinical alcohol and drug counselor without
9 meeting the requirements set forth in section 4 of this act.

10 (cf: P.L.1997, c.331, s.16)

11
12 134. Section 15 of P.L.1993, c.340 (C.45:8B-48) is amended to
13 read as follows:

14 15. Nothing in this act shall be construed to apply to:

15 a. The activities and services of qualified members of other
16 professions, including physicians, psychologists, registered nurses,
17 marriage and family therapists, attorneys, social workers or any
18 other professionals licensed by the State, when acting within the
19 scope of their profession and doing work of a nature consistent with
20 their training, provided they do not hold themselves out to the
21 public as possessing a license issued pursuant to this act or
22 represent themselves by any professional title regulated by this act.

23 b. The activities, services and use of an official title on the part
24 of a person employed as a counselor or rehabilitation counselor by
25 any federal, State, county, or municipal agency; or public or private
26 educational institution, but only when these persons are performing
27 counseling, rehabilitation counseling or activities related to
28 counseling or rehabilitation counseling within the scope of their
29 employment.

30 c. The activities and services of a student, intern or trainee in
31 counseling or rehabilitation counseling pursuing a course of study
32 in counseling or rehabilitation counseling in a regionally accredited
33 institution of higher education or training institution, if these
34 activities are performed under supervision and constitute a part of
35 the supervised course of study, and if the person is clearly
36 designated a "Counselor intern" or a "Rehabilitation counselor
37 intern".

38 d. The activities and services in this State of a nonresident
39 person rendered on not more than 30 days during any calendar year,
40 if that person is duly authorized to perform those activities and
41 services under the laws of his residence.

42 e. The activities and services of a rabbi, priest, minister,
43 Christian Science practitioner or clergyman of any religious
44 denomination or sect, if those activities and services are within the
45 scope of the performance of his regular or specialized ministerial
46 duties and for which no separate charge is made, or when these
47 activities are performed with or without charge, for or under
48 auspices or sponsorship, individually or in conjunction with others,

1 of an established and legally cognizable church, denomination, or
2 sect, and when the person rendering the service remains accountable
3 to the established authority thereof.

4 f. The activities, services, titles and descriptions of persons
5 employed as professionals or volunteers in the practice of
6 counseling or rehabilitation counseling for public or private
7 nonprofit organizations or charities.

8 g. The activities and services of persons employed as peer
9 counselors in organizations devoted to prevention of [alcoholism
10 and drug abuse] alcohol use disorder and substance use disorder, or
11 relief of emotional effects of rape or other crimes, and telephone
12 "hotline" organizations.

13 (cf: P.L.1997, c.155, s.13)

14
15 135. Section 5 of P.L.1961, c.49 (C.52:14-17.29) is amended to
16 read as follows:

17 5. (A) The contract or contracts purchased by the commission
18 pursuant to subsection b. of section 4 of P.L.1961, c.49 (C.52:14-
19 17.28) shall provide separate coverages or policies as follows:

20 (1) Basic benefits which shall include:

21 (a) Hospital benefits, including outpatient;

22 (b) Surgical benefits;

23 (c) Inpatient medical benefits;

24 (d) Obstetrical benefits; and

25 (e) Services rendered by an extended care facility or by a home
26 health agency and for specified medical care visits by a physician
27 during an eligible period of such services, without regard to
28 whether the patient has been hospitalized, to the extent and subject
29 to the conditions and limitations agreed to by the commission and
30 the carrier or carriers.

31 Basic benefits shall be substantially equivalent to those available
32 on a group remittance basis to employees of the State and their
33 dependents under the subscription contracts of the New Jersey
34 "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall
35 include benefits for:

36 (i) Additional days of inpatient medical service;

37 (ii) Surgery elsewhere than in a hospital;

38 (iii) X-ray, radioactive isotope therapy and pathology services;

39 (iv) Physical therapy services;

40 (v) Radium or radon therapy services;

41 and the extended basic benefits shall be subject to the same
42 conditions and limitations, applicable to such benefits, as are set
43 forth in "Extended Outpatient Hospital Benefits Rider," Form 1500,
44 71(9-66), and in "Extended Benefit Rider" (as amended), Form MS
45 7050J(9-66) issued by the New Jersey "Blue Cross" and "Blue
46 Shield" Plans, respectively, and as the same may be amended or
47 superseded, subject to filing by the Commissioner of Banking and
48 Insurance; and

1 (2) Major medical expense benefits which shall provide benefit
2 payments for reasonable and necessary eligible medical expenses
3 for hospitalization, surgery, medical treatment and other related
4 services and supplies to the extent they are not covered by basic
5 benefits. The commission may, by regulation, determine what types
6 of services and supplies shall be included as "eligible medical
7 services" under the major medical expense benefits coverage as
8 well as those which shall be excluded from or limited under such
9 coverage. Benefit payments for major medical expense benefits
10 shall be equal to a percentage of the reasonable charges for eligible
11 medical services incurred by a covered employee or an employee's
12 covered dependent, during a calendar year as exceed a deductible
13 for such calendar year of \$100.00 subject to the maximums
14 hereinafter provided and to the other terms and conditions
15 authorized by this act. The percentage shall be 80% of the first
16 \$2,000.00 of charges for eligible medical services incurred
17 subsequent to satisfaction of the deductible and 100% thereafter.
18 There shall be a separate deductible for each calendar year for (a)
19 each enrolled employee and (b) all enrolled dependents of such
20 employee. Not more than \$1,000,000.00 shall be paid for major
21 medical expense benefits with respect to any one person for the
22 entire period of such person's coverage under the plan, whether
23 continuous or interrupted except that this maximum may be
24 reapplied to a covered person in amounts not to exceed \$2,000.00 a
25 year. Maximums of \$10,000.00 per calendar year and \$20,000.00
26 for the entire period of the person's coverage under the plan shall
27 apply to eligible expenses incurred because of mental illness or
28 functional nervous disorders, and such may be reapplied to a
29 covered person, except as provided in P.L.1999, c.441 (C.52:14-
30 17.29d et al.). The same provisions shall apply for retired
31 employees and their dependents. Under the conditions agreed upon
32 by the commission and the carriers as set forth in the contract, the
33 deductible for a calendar year may be satisfied in whole or in part
34 by eligible charges incurred during the last three months of the prior
35 calendar year.

36 Any service determined by regulation of the commission to be an
37 "eligible medical service" under the major medical expense benefits
38 coverage which is performed by a duly licensed practicing
39 psychologist within the lawful scope of his practice shall be
40 recognized for reimbursement under the same conditions as would
41 apply were such service performed by a physician.

42 (B) The contract or contracts purchased by the commission
43 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
44 17.28) shall include coverage for services and benefits that are at a
45 level that is equal to or exceeds the level of services and benefits set
46 forth in this subsection, provided that such services and benefits
47 shall include only those that are eligible medical services and not
48 those deemed experimental, investigative or otherwise not eligible

1 medical services. The determination of whether services or benefits
2 are eligible medical services shall be made by the commission
3 consistent with the best interests of the State and participating
4 employers, employees, and dependents. The following list of
5 services is not intended to be exclusive or to require that any limits
6 or exclusions be exceeded.

7 Covered services shall include:

8 (1) Physician services, including:

9 (a) Inpatient services, including:

10 (i) medical care including consultations;

11 (ii) surgical services and services related thereto; and

12 (iii) obstetrical services including normal delivery, cesarean
13 section, and abortion.

14 (b) Outpatient/out-of-hospital services, including:

15 (i) office visits for covered services and care;

16 (ii) allergy testing and related diagnostic/therapy services;

17 (iii) dialysis center care;

18 (iv) maternity care;

19 (v) well child care;

20 (vi) child immunizations/lead screening;

21 (vii) routine adult physicals including pap, mammography, and
22 prostate examinations; and

23 (viii) annual routine obstetrical/gynecological exam.

24 (2) Hospital services, both inpatient and outpatient, including:

25 (a) room and board;

26 (b) intensive care and other required levels of care;

27 (c) semi-private room;

28 (d) therapy and diagnostic services;

29 (e) surgical services or facilities and treatment related thereto;

30 (f) nursing care;

31 (g) necessary supplies, medicines, and equipment for care; and

32 (h) maternity care and related services.

33 (3) Other facility and services, including:

34 (a) approved treatment centers for medical
35 emergency/accidental injury;

36 (b) approved surgical center;

37 (c) hospice;

38 (d) chemotherapy;

39 (e) diagnostic x-ray and lab tests;

40 (f) ambulance;

41 (g) durable medical equipment;

42 (h) prosthetic devices;

43 (i) foot orthotics;

44 (j) diabetic supplies and education; and

45 (k) oxygen and oxygen administration.

46 (4) All services for which coverage is required pursuant to
47 P.L.1961, c.49 (C.52:14-17.25 et seq.), as amended and
48 supplemented. Benefits under the contract or contracts purchased as

1 authorized by the State Health Benefits Program shall include those
2 for mental health services subject to limits and exclusions
3 consistent with the provisions of the New Jersey State Health
4 Benefits Program Act.

5 (C) The contract or contracts purchased by the commission
6 pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-
7 17.28) shall include the following provisions regarding
8 reimbursements and payments:

9 (1) In the successor plan, the co-payment for doctor's office
10 visits shall be \$10 per visit with a maximum out-of-pocket of \$400
11 per individual and \$1,000 per family for in-network services for
12 each calendar year. The out-of-network deductible shall be \$100 per
13 individual and \$250 per family for each calendar year, and the
14 participant shall receive reimbursement for out-of-network charges
15 at the rate of 80~~[%]~~ percent of reasonable and customary charges,
16 provided that the out-of-pocket maximum shall not exceed \$2,000
17 per individual and \$5,000 per family for each calendar year.

18 (2) In the State managed care plan that is required to be included
19 in a contract entered into pursuant to subsection c. of section 4 of
20 P.L.1961, c.49 (C.52:14-17.28), the co-payment for doctor's office
21 visits shall be \$15 per visit. The participant shall receive
22 reimbursement for out-of-network charges at the rate of 70% of
23 reasonable and customary charges. The in-network and out-of-
24 network limits, exclusions, maximums, and deductibles shall be
25 substantially equivalent to those in the NJ PLUS plan in effect on
26 June 30, 2007, with adjustments to that plan pursuant to a binding
27 collective negotiations agreement or pursuant to action by the
28 commission, in its sole discretion, to apply such adjustments to
29 State employees for whom there is no majority representative for
30 collective negotiations purposes.

31 (3) "Reasonable and customary charges" means charges based
32 upon the 90th percentile of the usual, customary, and reasonable
33 (UCR) fee schedule determined by the Health Insurance
34 Association of America or a similar nationally recognized database
35 of prevailing health care charges.

36 (D) Benefits under the contract or contracts purchased as
37 authorized by this act may be subject to such limitations,
38 exclusions, or waiting periods as the commission finds to be
39 necessary or desirable to avoid inequity, unnecessary utilization,
40 duplication of services or benefits otherwise available, including
41 coverage afforded under the laws of the United States, such as the
42 federal Medicare program, or for other reasons.

43 Benefits under the contract or contracts purchased as authorized
44 by this act shall include those for the treatment of ~~alcoholism~~
45 alcohol use disorder where such treatment is prescribed by a
46 physician and shall also include treatment while confined in or as
47 an outpatient of a licensed hospital or residential treatment program
48 which meets minimum standards of care equivalent to those

1 prescribed by the Joint Commission on Hospital Accreditation. No
2 benefits shall be provided beyond those stipulated in the contracts
3 held by the State Health Benefits Commission.

4 (E) The rates charged for any contract purchased under the
5 authority of this act shall reasonably and equitably reflect the cost
6 of the benefits provided based on principles which in the judgment
7 of the commission are actuarially sound. The rates charged shall be
8 determined by the carrier on accepted group rating principles with
9 due regard to the experience, both past and contemplated, under the
10 contract. The commission shall have the right to particularize
11 subgroups for experience purposes and rates. No increase in rates
12 shall be retroactive.

13 (F) The initial term of any contract purchased by the
14 commission under the authority of this act shall be for such period
15 to which the commission and the carrier may agree, but permission
16 may be made for automatic renewal in the absence of notice of
17 termination by the commission. Subsequent terms for which any
18 contract may be renewed as herein provided shall each be limited to
19 a period not to exceed one year.

20 (G) A contract purchased by the commission pursuant to
21 subsection b. of section 4 of P.L.1961, c.49 (C.52:14-17.28) shall
22 contain a provision that if basic benefits or major medical expense
23 benefits of an employee or of an eligible dependent under the
24 contract, after having been in effect for at least one month in the
25 case of basic benefits or at least three months in the case of major
26 medical expense benefits, is terminated, other than by voluntary
27 cancellation of enrollment, there shall be a 31-day period following
28 the effective date of termination during which such employee or
29 dependent may exercise the option to convert, without evidence of
30 good health, to converted coverage issued by the carriers on a direct
31 payment basis. Such converted coverage shall include benefits of
32 the type classified as "basic benefits" or "major medical expense
33 benefits" in subsection (A) hereof and shall be equivalent to the
34 benefits which had been provided when the person was covered as
35 an employee. The provision shall further stipulate that the employee
36 or dependent exercising the option to convert shall pay the full
37 periodic charges for the converted coverage which shall be subject
38 to such terms and conditions as are normally prescribed by the
39 carrier for this type of coverage.

40 (H) The commission may purchase a contract or contracts to
41 provide drug prescription and other health care benefits or authorize
42 the purchase of a contract or contracts to provide drug prescription
43 and other health care benefits as may be required to implement a
44 duly executed collective negotiations agreement or as may be
45 required to implement a determination by a public employer to
46 provide such benefit or benefits to employees not included in
47 collective negotiations units.

1 (I) The commission shall take action as necessary, in
2 cooperation with the School Employees' Health Benefits
3 Commission established pursuant to section 33 of P.L.2007, c.103
4 (C.52:14-17.46.3), to effectuate the purposes of the School
5 Employees' Health Benefits Program Act as provided in 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) and to enable the School Employees' Health Benefits
8 Commission to begin providing coverage to participants pursuant to
9 the School Employees' Health Benefits Program Act as of July 1,
10 2008.

11 (J) Beginning January 1, 2012, the State Health Benefits Plan
12 Design Committee shall provide to employees the option to select
13 one of at least three levels of coverage each for family, individual,
14 individual and spouse, and individual and dependent, or equivalent
15 categories, for each plan offered by the program differentiated by
16 out of pocket costs to employees including co-payments and
17 deductibles. Notwithstanding any other provision of law to the
18 contrary, the committee shall have the sole discretion to set the
19 amounts for maximums, co-pays, deductibles, and other such
20 participant costs for all plans in the program. The committee shall
21 also provide for a high deductible health plan that conforms with
22 Internal Revenue Code Section 223.

23 There shall be appropriated annually for each State fiscal year,
24 through the annual appropriations act, such amounts as shall be
25 necessary as funding by the State as an employer, or as otherwise
26 required, with regard to employees or retirees who have enrolled in
27 a high deductible health plan that conforms with Internal Revenue
28 Code Section 223.

29 (cf: P.L.2011, c.78, s.47)

30

31 136. Section 36 of P.L.2007, c.103 (C.52:14-17.46.6) is
32 amended to read as follows:

33 36. a. Notwithstanding the provisions of any other law to the
34 contrary, the commission shall not enter into a contract under the
35 School Employees' Health Benefits Program Act, sections 31
36 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-
37 17.46.11), for the benefits provided pursuant to the act, unless the
38 level of benefits provided under the contract entered into is equal to
39 or exceeds the level of benefits provided in this section, or as
40 modified pursuant to section 40 of that act (C.52:14-17.46.10). Only
41 benefits for medically necessary services that are not deemed
42 experimental, investigative or otherwise not eligible medical
43 services shall be provided. The determination that services are not
44 "eligible medical services" shall be made by the commission
45 consistent with the best interests of the State, participating
46 employers and those persons covered hereunder. Benefits for
47 services provided pursuant to the School Employees' Health
48 Benefits Act shall be subject to limits or exclusions consistent with

1 those that apply to benefits provided pursuant to the New Jersey
2 State Health Benefits Program Act. The services provided pursuant
3 to this section shall include all services, subject to applicable limits
4 and exclusions, provided through the State Health Benefits Program
5 as of July 1, 2007. The list of services in subsection b. of this
6 section is not intended to be exclusive or to require that any limits
7 or exclusions be exceeded.

8 b. The services covered hereunder by the School Employees'
9 Health Benefits Program shall include:

10 (1) Physician services, including:

11 (a) Inpatient services, including:

12 (i) medical care including consultations;

13 (ii) surgical services and services related thereto; and

14 (iii) obstetrical services including normal delivery, cesarean
15 section, and abortion.

16 (b) Outpatient/out-of-hospital services, including:

17 (i) office visits for covered services and care;

18 (ii) allergy testing and related diagnostic/therapy services;

19 (iii) dialysis center care;

20 (iv) maternity care;

21 (v) well child care;

22 (vi) child immunizations/lead screening;

23 (vii) routine adult physicals including pap, mammography, and
24 prostate examinations; and

25 (viii) annual routine obstetrical/gynecological exam.

26 (2) Hospital services, both inpatient and outpatient, including:

27 (a) room and board;

28 (b) intensive care and other required levels of care;

29 (c) semi-private room;

30 (d) therapy and diagnostic services;

31 (e) surgical services or facilities and treatment related thereto;

32 (f) nursing care;

33 (g) necessary supplies, medicines, and equipment for care; and

34 (h) maternity care and related services.

35 (3) Other facility and services, including:

36 (a) approved treatment centers for medical
37 emergency/accidental injury;

38 (b) approved surgical center;

39 (c) hospice;

40 (d) chemotherapy;

41 (e) diagnostic x-ray and lab tests;

42 (f) ambulance;

43 (g) durable medical equipment;

44 (h) prosthetic devices;

45 (i) foot orthotics;

46 (j) diabetic supplies and education; and

47 (k) oxygen and oxygen administration.

1 c. Benefits under the contract or contracts purchased as
2 authorized by the School Employees' Health Benefits Program Act
3 shall include those for the treatment of **alcoholism** alcohol use
4 disorder where such treatment is prescribed by a physician and shall
5 also include treatment while confined in or as an outpatient of a
6 licensed hospital or residential treatment program which meets
7 minimum standards of care equivalent to those prescribed by the
8 Joint Commission on Hospital Accreditation. No benefits shall be
9 provided beyond those stipulated in the contracts held by the School
10 Employees' Health Benefits Commission.

11 d. Benefits under the contract or contracts purchased as
12 authorized by the School Employees' Health Benefits Program Act
13 shall include those for mental health services subject to limits and
14 exclusions consistent with those that apply to benefits for such
15 services pursuant to the New Jersey State Health Benefits Program
16 Act. Coverage for biologically-based mental illness, as defined in
17 section 1 of P.L.1999, c.441 (C.52:14-17.29d), shall be provided in
18 accordance with section 2 of P.L.1999, c.441 (C.52:14-17.29e).

19 e. Coverage provided under the School Employees' Health
20 Benefits Program Act shall include coverage for all services for
21 which coverage is mandated in the State Health Benefits Program
22 pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.).

23 f. (1) As used in this subsection:

24 (a) "brand name" means the proprietary or trade name assigned
25 to a drug product by the manufacturer or distributor of the drug
26 product.

27 (b) "carrier" means an insurance company, hospital, medical, or
28 health service corporation, preferred provider organization, or
29 health maintenance organization under agreement or contract with
30 the commission to administer the School Employee Prescription
31 Drug Plan.

32 (c) "School Employee Prescription Drug Plan" means the plan
33 for providing payment for eligible prescription drug expenses of
34 members of the School Employees' Health Benefits Program and
35 their eligible dependents.

36 (d) "generic drug products" means prescription drug products
37 and insulin approved and designated by the United States Food and
38 Drug Administration as therapeutic equivalents for reference listed
39 drug products. The term includes drug products listed in the New
40 Jersey Generic Formulary by the Drug Utilization Review Council
41 pursuant to P.L.1977, c.240 (C.24:6E-1 et al.).

42 (e) "mail-order pharmacy" means the mail order program
43 available through the carrier.

44 (f) "preferred brands" means brand name prescription drug
45 products and insulin determined by the carrier to be a more cost
46 effective alternative for prescription drug products and insulin with
47 comparable therapeutic efficacy within a therapeutic class, as
48 defined or recognized in the United States Pharmacopeia or the

1 American Hospital Formulary Service Drug Information, or by the
2 American Society of Health Systems Pharmacists. A drug product
3 for which there is no other therapeutically equivalent drug product
4 shall be a preferred brand. Determinations of preferred brands by
5 the carrier shall be subject to review and modification by the
6 commission.

7 (g) "retail pharmacy" means a pharmacy, drug store or other
8 retail establishment in this State at which prescription drugs are
9 dispensed by a registered pharmacist under the laws of this State, or
10 a pharmacy, drug store or other retail establishment in another state
11 at which prescription drug products are dispensed by a registered
12 pharmacist under the laws of that state if expenses for prescription
13 drug products dispensed at the pharmacy, drug store, or other retail
14 establishment are eligible for payment under the School Employee
15 Prescription Drug Plan.

16 (h) "other brands" means prescription drug products which are
17 not preferred brands or generic drug products. A new drug product
18 approved by the United States Food and Drug Administration which
19 is not a generic drug product shall be included in this category until
20 the carrier makes a determination concerning inclusion of the drug
21 product in the list of preferred brands.

22 (2) (a) Employers that participate in the School Employees'
23 Health Benefits Program may offer to their employees and eligible
24 dependents:

25 (i) enrollment in the School Employee Prescription Drug Plan,
26 or

27 (ii) enrollment in another free-standing prescription drug plan,
28 or

29 (iii) election of prescription drug coverage under their health
30 care coverage through the School Employees' Health Benefits
31 Program plan or as otherwise determined by the commission.

32 (b) A co-payment shall be required for each prescription drug
33 expense if the employer chooses to participate in the School
34 Employee Prescription Drug Plan. The initial amounts of the co-
35 payments shall be the same as those in effect on July 1, 2007 for the
36 employee prescription drug plan offered through the State Health
37 Benefits Program.

38 (c) If the employer elects to offer a free-standing prescription
39 drug plan, the employee's share of the cost for this prescription drug
40 plan may be determined by means of a binding collective
41 negotiations agreement, including any agreements in force at the
42 time the employer commences participation in the School
43 Employees' Health Benefits Program.

44 (d) If an employee declines the employer's offering of a free-
45 standing prescription drug plan, no reimbursement for prescription
46 drugs shall be provided under the health care coverage through the
47 School Employees' Health Benefits Program plan in which the
48 employee is enrolled.

1 (e) Prescription drug classifications that are not eligible for
2 coverage under the employer's prescription drug plan shall also not
3 be eligible for coverage under the health care coverage through the
4 School Employees' Health Benefits Program plan except as
5 federally or State mandated.

6 (f) If the employer elects to not offer a free-standing
7 prescription drug plan, then the employer shall offer prescription
8 drug coverage under the health care coverage through the School
9 Employees' Health Benefits Program plan or as determined by the
10 commission. Any plan that has in-network and out-of-network
11 coverage shall cover prescription drugs at 90% in-network and at
12 the out-of-network rate applicable to health care coverage in the
13 plan. The out-of-pocket amounts paid towards prescription drugs
14 shall be combined with out-of-pocket medical payments to reach all
15 out-of-pocket maximums.

16 (g) Health care coverages through the School Employees' Health
17 Benefits Program that only have in-network benefits shall include a
18 prescription card with co-payment amounts the same as those in
19 effect on July 1, 2007 for such coverages offered through the State
20 Health Benefits Program.

21 (h) In the fifth year following the initial appointment of all of its
22 members, the commission shall, as part of the fifth year audit and
23 review undertaken pursuant to section 40 of that act (C.52:14-
24 17.46.10), review the prescription drug program established in this
25 subsection and may make changes in the program pursuant to the
26 terms of section 40 by majority vote of the full authorized
27 membership of the commission.

28 g. Beginning January 1, 2012, the School Employees' Health
29 Benefits Plan Design Committee shall provide to employees the
30 option to select one of at least three levels of coverage each for
31 family, individual, individual and spouse, and individual and
32 dependent, or equivalent categories, for each plan offered by the
33 program differentiated by out of pocket costs to employees
34 including co-payments and deductibles. Notwithstanding any other
35 provision of law to the contrary, the committee shall have the sole
36 discretion to set the amounts for maximums, co-pays, deductibles,
37 and other such participant costs for all plans in the program. The
38 committee shall also provide for a high deductible health plan that
39 conforms with Internal Revenue Code Section 223.

40 There shall be appropriated annually for each State fiscal year,
41 through the annual appropriations act, such amounts as shall be
42 necessary as funding by the State with regard to retirees who have
43 enrolled in a high deductible health plan that conforms with Internal
44 Revenue Code Section 223.

45 (cf: P.L.2011, c.78, s.48)

46
47 137. Section 6 of P.L.1991, c.51 (C.52:27D-400) is amended to
48 read as follows:

1 6. Community action programs shall have, but not be limited
2 to, the following goals:

3 a. Securing and retaining employment, attaining adequate
4 education and obtaining decent and affordable housing for
5 community residents;

6 b. Assisting community residents in improving the allocation
7 of available income;

8 c. Promoting family planning, consistent with personal and
9 family goals;

10 d. Securing services for the prevention of narcotic **【addiction】**
11 use and **【alcoholism】** alcohol use disorder and for the rehabilitation
12 of persons **【addicted to alcohol, narcotics and other addictive**
13 **substances】** who have alcohol use disorder or substance use
14 disorder;

15 e. Obtaining emergency assistance to meet individual and
16 family needs including health, housing, employment and energy
17 assistance services; and

18 f. Increasing the participation of community residents in
19 community affairs.

20 (cf: P.L.1991, c.51, s.6)

21
22 138. Section 1 of P.L.1948, c.259 (C.54:4-3.30) is amended to
23 read as follows:

24 1. a. The dwelling house and the lot or curtilage whereon the
25 same is erected, of any citizen and resident of this State, now or
26 hereafter honorably discharged or released under honorable
27 circumstances, from active service in any branch of the Armed
28 Forces of the United States, who has been or shall be declared by
29 the United States Department of Veterans' Affairs or its successor to
30 have a service-connected disability from paraplegia, sarcoidosis,
31 osteochondritis resulting in permanent loss of the use of both legs,
32 or permanent paralysis of both legs and lower parts of the body, or
33 from hemiplegia and has permanent paralysis of one leg and one
34 arm or either side of the body, resulting from injury to the spinal
35 cord, skeletal structure, or brain or from disease of the spinal cord
36 not resulting from any form of syphilis; or from total blindness; or
37 from amputation of both arms or both legs, or both hands or both
38 feet, or the combination of a hand and a foot; or from other service-
39 connected disability declared by the United States Veterans
40 Administration or its successor to be a total or 100**【%】** percent
41 permanent disability, and not so evaluated solely because of
42 hospitalization or surgery and recuperation, sustained through
43 enemy action, or accident, or resulting from disease contracted
44 while in such active service, shall be exempt from taxation, on
45 proper claim made therefor, and such exemption shall be in addition
46 to any other exemption of such person's real and personal property
47 which now is or hereafter shall be prescribed or allowed by the

1 Constitution or by law but no taxpayer shall be allowed more than
2 one exemption under this act.

3 b. (1) The surviving spouse of any such citizen and resident of
4 this State, who at the time of death was entitled to the exemption
5 provided under this act, shall be entitled, on proper claim made
6 therefor, to the same exemption as the deceased had, during the
7 surviving spouse's widowhood or widowerhood, as the case may be,
8 and while a resident of this State, for the time that the surviving
9 spouse is the legal owner thereof and actually occupies the said
10 dwelling house or any other dwelling house thereafter acquired.

11 (2) The surviving spouse of any citizen and resident of this State
12 who was honorably discharged and, after the citizen and resident's
13 death, is declared to have suffered a service-connected disability as
14 provided in subsection a. of this section, shall be entitled, on proper
15 claim made therefor, to the same exemption the deceased would
16 have become eligible for. The exemption shall continue during the
17 surviving spouse's widowhood or widowerhood, as the case may be,
18 and while a resident of this State, for the time that the surviving
19 spouse is the legal owner thereof and actually occupies the dwelling
20 house or any other dwelling house thereafter acquired.

21 c. The surviving spouse of any citizen and resident of this
22 State, who died in active service in any branch of the Armed Forces
23 of the United States, shall be entitled, on proper claim made
24 therefor, to an exemption from taxation on the dwelling house and
25 lot or curtilage whereon the same is erected, during the surviving
26 spouse's widowhood or widowerhood, as the case may be, and
27 while a resident of this State, for the time that the surviving spouse
28 is the legal owner thereof and actually occupies the said dwelling or
29 any other dwelling house thereafter acquired.

30 d. The surviving spouse of any citizen and resident of this State
31 who died prior to January 10, 1972, that being the effective date of
32 P.L.1971, c.398, and whose circumstances were such that, had said
33 law become effective during the deceased's lifetime, the deceased
34 would have become eligible for the exemption granted under this
35 section as amended by said law, shall be entitled, on proper claim
36 made therefor, to the same exemption as the deceased would have
37 become eligible for upon the dwelling house and lot or curtilage
38 occupied by the deceased at the time of death, during the surviving
39 spouse's widowhood or widowerhood, as the case may be, and
40 while a resident of this State, for the time that the surviving spouse
41 is the legal owner thereof and actually occupies the said dwelling
42 house on the premises to be exempted.

43 e. Nothing in this act shall be intended to include paraplegia or
44 hemiplegia resulting from locomotor ataxia or other forms of
45 syphilis of the central nervous system, or from chronic
46 **【alcoholism】** alcohol use disorder, or to include other forms of
47 disease resulting from the veteran's own misconduct which may

1 produce signs and symptoms similar to those resulting from
2 paraplegia, osteochondritis, or hemiplegia.

3 (cf: P.L.2019, c.413, s.1)

4
5 139. Section 5 of P.L.1993, c.216 (C.54:43-1.3) is amended to
6 read as follows:

7 5. Any amounts collected pursuant to the "Alcoholic Beverage
8 Tax Law," R.S.54:41-1 et seq., from a restricted brewery license
9 issued pursuant to subsection 1c. of R.S.33:1-10 shall be credited to
10 the Governor's Council on **【Alcoholism and Drug Abuse】** Alcohol
11 Use Disorder and Substance Use Disorder to be allocated
12 exclusively to the Alliance to Prevent Alcoholism and Drug Abuse
13 for the purpose of awarding grants to municipalities and counties as
14 provided in subsection b. of section 7 of P.L.1989, c.51 (C.26:2BB-

15 7).
16 (cf: P.L.1993, c.216, s.5)

17
18 140. Section 1 of P.L.1956, c.214 (C.30:8-16.1) is amended to
19 read as follows:

20 1. It shall be lawful for the board of chosen freeholders of any
21 county in this State to establish and maintain facilities to provide
22 services for therapy for **【drug addicts or users】** persons with
23 substance use disorder while confined to the jail, workhouse or
24 penitentiary of any such county. It shall also be lawful for such
25 board to provide therapy for such **【drug addicts or users】** persons
26 with substance use disorder after discharge from the jail, workhouse
27 or penitentiary. Such facilities may be provided as a part of the jail,
28 workhouse or penitentiary, and at such other locations as the board
29 shall determine. It shall also be lawful for such board to contract
30 with any municipality or any other county to provide such needed
31 facilities and services, and to pay the whole or any part of the cost
32 of such facilities under such contract. Each board of chosen
33 freeholders is authorized to appropriate and expend the moneys
34 necessary to carry out the purposes of this act.

35 (cf: P.L.1956, c.214, s.1)

36
37 141. Section 1 of P.L.1964, c.254 (C.40:9B-1) is amended to
38 read as follows:

39 1. The board of chosen freeholders of any county or the
40 governing body of any municipality may establish and maintain a
41 narcotic treatment program for the operation or the support of
42 centers for the diagnosis and treatment of **【narcotic addicts】**
43 persons with substance use disorder. Such program may be carried
44 on by the establishment and operation of separate facilities or by
45 conducting the same in connection with an existing county or
46 municipal institution or by contract with a licensed hospital or the
47 governing body of another municipality.

48 (cf: P.L.1964, c.254, s.1)

1 142. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
2 read as follows:

3 2. As used in P.L.1961, c.49 (C.52:14-17.26 et seq.):

4 (a) The term "State" means the State of New Jersey.

5 (b) The term "commission" means the State Health Benefits
6 Commission, created by section 3 of P.L.1961, c.49 (C.52:14-
7 17.27).

8 (c) (1) The term "employee" means an appointive or elective
9 officer, a full-time employee of the State of New Jersey, or a full-
10 time employee of an employer other than the State who appears on
11 a regular payroll and receives a salary or wages for an average of
12 the number of hours per week as prescribed by the governing body
13 of the participating employer which number of hours worked shall
14 be considered full-time, determined by resolution, and not less than
15 20.

16 (2) After the effective date of P.L.2010, c.2, the term
17 "employee" means: (i) a full-time appointive or elective officer
18 whose hours of work are fixed at 35 or more per week, a full-time
19 employee of the State, or a full-time employee of an employer other
20 than the State who appears on a regular payroll and receives a
21 salary or wages for an average of the number of hours per week as
22 prescribed by the governing body of the participating employer
23 which number of hours worked shall be considered full-time,
24 determined by resolution, and not less than 25; (ii) an appointive or
25 elective officer, an employee of the State, or an employee of an
26 employer other than the State who has or is eligible for health
27 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et
28 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1
29 et seq.) on that effective date and continuously thereafter, provided
30 the officer or employee is covered by the definition in paragraph (1)
31 of this subsection; or (iii) every commissioner appointed to the New
32 Jersey Maritime Pilot and Docking Pilot Commission pursuant to
33 R.S.12:8-1. Any hour or part thereof, during which an employee
34 does not work due to the employee's participation in a voluntary or
35 mandatory furlough program shall not be deducted in determining if
36 a person's hours of work are fixed at fewer than 35 or 32 per week,
37 as appropriate, for the purpose of eligibility for health benefits
38 coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.),
39 provided the employee continues to pay contributions for coverage
40 during the period of furlough. If the pay of a furloughed employee
41 is insufficient to withhold the entirety of the employee's
42 contribution, then the employee shall remit the portion of the
43 contribution not withheld from the employee's pay to the Division
44 of Pensions and Benefits in the Department of the Treasury in a
45 manner determined by the division, except that no deduction for the
46 payment of such contributions shall be made from the
47 unemployment compensation benefits of the employee. For the
48 purposes of this act, an employee of Rutgers, The State University

1 of New Jersey, shall be deemed to be an employee of the State, and
2 an employee of the New Jersey Institute of Technology shall be
3 considered to be an employee of the State during such time as the
4 Trustees of the Institute are party to a contractual agreement with
5 the State Treasurer for the provision of educational services. The
6 term "employee" shall further mean, for purposes of this act, a
7 former employee of the South Jersey Port Corporation, who is
8 employed by a subsidiary corporation or other corporation, which
9 has been established by the Delaware River Port Authority pursuant
10 to subdivision (m) of Article I of the compact creating the Delaware
11 River Port Authority (R.S.32:3-2), as defined in section 3 of
12 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued
13 membership in the Public Employees' Retirement System pursuant
14 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

15 For the purposes of this act the term "employee" shall not
16 include persons employed on a short-term, seasonal, intermittent or
17 emergency basis, persons compensated on a fee basis, persons
18 having less than two months of continuous service or persons whose
19 compensation from the State is limited to reimbursement of
20 necessary expenses actually incurred in the discharge of their
21 official duties, provided, however, that the term "employee" shall
22 include persons employed on an intermittent basis to whom the
23 State has agreed to provide coverage under P.L.1961, c.49
24 (C.52:14-17.25 et seq.) in accordance with a binding collective
25 negotiations agreement. An employee paid on a 10-month basis,
26 pursuant to an annual contract, will be deemed to have satisfied the
27 two-month waiting period if the employee begins employment at
28 the beginning of the contract year. The term "employee" shall also
29 not include retired persons who are otherwise eligible for benefits
30 under this act but who, although they meet the age or disability
31 eligibility requirement of Medicare, are not covered by Medicare
32 Hospital Insurance, also known as Medicare Part A, and Medicare
33 Medical Insurance, also known as Medicare Part B. A
34 determination by the commission that a person is an eligible
35 employee within the meaning of this act shall be final and shall be
36 binding on all parties.

37 (d) (1) The term "dependents" means an employee's spouse,
38 partner in a civil union couple or an employee's domestic partner as
39 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the
40 employee's unmarried children under the age of 23 years who live
41 with the employee in a regular parent-child relationship. "Children"
42 shall include stepchildren, legally adopted children and children
43 placed by the Division of Child Protection and Permanency in the
44 Department of Children and Families, provided they are reported
45 for coverage and are wholly dependent upon the employee for
46 support and maintenance. A spouse, partner in a civil union couple,
47 domestic partner or child enlisting or inducted into military service
48 shall not be considered a dependent during the military service.

1 The term "dependents" shall not include spouses, partners in a civil
2 union couple or domestic partners of retired persons who are
3 otherwise eligible for the benefits under this act but who, although
4 they meet the age or disability eligibility requirement of Medicare,
5 are not covered by Medicare Hospital Insurance, also known as
6 Medicare Part A, and Medicare Medical Insurance, also known as
7 Medicare Part B.

8 (2) Notwithstanding the provisions of paragraph (1) of this
9 subsection to the contrary and subject to the provisions of paragraph
10 (3) of this subsection, for the purposes of an employer other than
11 the State that is participating in the State Health Benefits Program
12 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
13 "dependents" means an employee's spouse or partner in a civil
14 union couple and the employee's unmarried children under the age
15 of 23 years who live with the employee in a regular parent-child
16 relationship. "Children" shall include stepchildren, legally adopted
17 children and children placed by the Division of Child Protection
18 and Permanency in the Department of Children and Families
19 provided they are reported for coverage and are wholly dependent
20 upon the employee for support and maintenance. A spouse, partner
21 in a civil union couple or child enlisting or inducted into military
22 service shall not be considered a dependent during the military
23 service. The term "dependents" shall not include spouses or
24 partners in a civil union couple of retired persons who are otherwise
25 eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.)
26 but who, although they meet the age or disability eligibility
27 requirement of Medicare, are not covered by Medicare Hospital
28 Insurance, also known as Medicare Part A, and Medicare Medical
29 Insurance, also known as Medicare Part B.

30 (3) An employer other than the State that is participating in the
31 State Health Benefits Program pursuant to section 3 of P.L.1964,
32 c.125 (C.52:14-17.34) may adopt a resolution providing that the
33 term "dependents" as defined in paragraph (2) of this subsection
34 shall include domestic partners as provided in paragraph (1) of this
35 subsection.

36 (e) The term "carrier" means a voluntary association,
37 corporation or other organization, including a health maintenance
38 organization as defined in section 2 of the "Health Maintenance
39 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully
40 engaged in providing or paying for or reimbursing the cost of
41 personal health services, including hospitalization, medical and
42 surgical services, under insurance policies or contracts, membership
43 or subscription contracts, or the like, in consideration of premiums
44 or other periodic charges payable to the carrier.

45 (f) The term "hospital" means (1) an institution operated
46 pursuant to law which is primarily engaged in providing on its own
47 premises, for compensation from its patients, medical diagnostic
48 and major surgical facilities for the care and treatment of sick and

1 injured persons on an inpatient basis, and which provides such
2 facilities under the supervision of a staff of physicians and with 24-
3 hour-a-day nursing service by registered graduate nurses, or (2) an
4 institution not meeting all of the requirements of (1) but which is
5 accredited as a hospital by the Joint Commission on Accreditation
6 of Hospitals. In no event shall the term "hospital" include a
7 convalescent nursing home or any institution or part thereof which
8 is used principally as a convalescent facility, residential center for
9 the treatment and education of children with mental disorders, rest
10 facility, nursing facility or facility for the aged or for the care of
11 **【drug addicts or alcoholics】** persons with substance use disorder.

12 (g) The term "State-managed care plan" means a health care
13 plan under which comprehensive health care services and supplies
14 are provided to eligible employees, retirees, and dependents: (1)
15 through a group of doctors and other providers employed by the
16 plan; or (2) through an individual practice association, preferred
17 provider organization, or point of service plan under which services
18 and supplies are furnished to plan participants through a network of
19 doctors and other providers under contracts or agreements with the
20 plan on a prepayment or reimbursement basis and which may
21 provide for payment or reimbursement for services and supplies
22 obtained outside the network. The plan may be provided on an
23 insured basis through contracts with carriers or on a self-insured
24 basis, and may be operated and administered by the State or by
25 carriers under contracts with the State.

26 (h) The term "Medicare" means the program established by the
27 "Health Insurance for the Aged Act," Title XVIII of the "Social
28 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
29 or its successor plan or plans.

30 (i) The term "traditional plan" means a health care plan which
31 provides basic benefits, extended basic benefits and major medical
32 expense benefits as set forth in section 5 of P.L.1961, c.49
33 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
34 dependents for expenses for covered health care services and
35 supplies through payments to providers or reimbursements to
36 participants.

37 (j) The term "successor plan" means a State-managed care plan
38 that shall replace the traditional plan and that shall provide benefits
39 as set forth in subsection (B) of section 5 of P.L.1961, c.49
40 (C.52:14-17.29) with provisions regarding reimbursements and
41 payments as set forth in paragraph (1) of subsection (C) of section 5
42 of P.L.1961, c.49 (C.52:14-17.29).
43 (cf: P.L.2021, c.418, s.4)

44
45 143. Section 32 of P.L.2007, c.103 (C.52:14-17.46.2) is
46 amended to read as follows:

1 32. As used in the School Employees' Health Benefits Program
2 Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1
3 through C.52:14-17.46.11):

4 a. The term "State" means the State of New Jersey.

5 b. The term "commission" means the School Employees'
6 Health Benefits Commission, created by section 33 of P.L.2007,
7 c.103 (C.52:14-17.46.3).

8 c. The term "employer" means local school district, regional
9 school district, county vocational school district, county special
10 services school district, jointure commission, educational services
11 commission, State-operated school district, charter school, county
12 college, any officer, board, or commission under the authority of
13 the Commissioner of Education or of the State Board of Education,
14 and any other public entity which is established pursuant to
15 authority provided by Title 18A of the New Jersey Statutes, but
16 excluding the State public institutions of higher education and
17 excluding those public entities where the employer is the State of
18 New Jersey.

19 d. (1) The term "employee" means a person employed in any
20 full time capacity by an employer, and shall include persons defined
21 as a school employee by the regulations of the State Health Benefits
22 Commission in effect on the effective date of the School
23 Employees' Health Benefits Program Act. "Full-time" shall have the
24 same meaning as in the regulation of the State Health Benefits
25 Commission regarding local coverage in effect on the effective date
26 of the School Employees' Health Benefits Program Act.

27 (2) After the effective date of P.L.2010, c.2, the term
28 "employee" means (a) a person employed in any full-time capacity
29 by an employer who appears on a regular payroll and receives a
30 salary or wages for an average of the number of hours per week as
31 prescribed by the governing body of the participating employer
32 which number of hours worked shall be considered full-time,
33 determined by resolution, and not less than 25, and shall include
34 persons defined as a school employee by the regulations of the State
35 Health Benefits Commission in effect on the effective date of the
36 School Employees' Health Benefits Program Act, or (b) a person
37 employed in any full-time capacity by an employer who has or is
38 eligible for health benefits coverage provided under P.L.1961, c.49
39 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103
40 (C.52:14-17.46.1 et seq.) on that effective date and continuously
41 thereafter provided the person is covered by the definition in
42 paragraph (1) of this subsection. The term "employee" shall not
43 include persons employed on a short-term, seasonal, intermittent, or
44 emergency basis, persons compensated on a fee basis, persons
45 having less than two months of continuous service or persons whose
46 compensation is limited to reimbursement of necessary expenses
47 actually incurred in the discharge of their official duties. An
48 employee paid on a 10-month basis, pursuant to an annual contract,

1 shall be deemed to have satisfied the two-month waiting period if
2 the employee begins employment at the beginning of the contract
3 year. The term "employee" shall also not include retired persons
4 who are otherwise eligible for benefits under the School Employees'
5 Health Benefits Program but who, although they meet the age or
6 disability eligibility requirement of Medicare, are not covered by
7 Medicare Hospital Insurance, also known as Medicare Part A, and
8 Medicare Medical Insurance, also known as Medicare Part B. A
9 determination by the commission that a person is an eligible
10 employee for the purposes of the School Employees' Health
11 Benefits Program shall be final and binding on all parties.

12 e. The term "dependents" means an employee's spouse,
13 domestic partner, or partner in a civil union couple, and unmarried
14 children under the age of 23 years who live in a regular parent/child
15 relationship. "Children" shall include stepchildren, legally adopted
16 children and children placed by the Division of Youth and Family
17 Services in the Department of Children and Families, provided they
18 are reported for coverage and are wholly dependent upon the
19 employee for support and maintenance. A spouse, domestic partner,
20 partner in a civil union couple, or child enlisting or inducted into
21 military service shall not be considered a dependent during the
22 military service. The term "dependents" shall not include spouses,
23 domestic partners, or partners in a civil union couple, of retired
24 persons who are otherwise eligible for the benefits under the School
25 Employees' Health Benefits Program but who, although they meet
26 the age or disability eligibility requirement of Medicare, are not
27 covered by Medicare Hospital Insurance, also known as Medicare
28 Part A, and Medicare Medical Insurance, also known as Medicare
29 Part B.

30 f. The term "carrier" means a voluntary association,
31 corporation or other organization, including but not limited to a
32 health maintenance organization as defined in section 2 of the
33 "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-
34 2), which is lawfully engaged in providing or paying for or
35 reimbursing the cost of, personal health services, including
36 hospitalization, medical and surgical services under insurance
37 policies or contracts, membership or subscription contracts, or the
38 like, in consideration of premiums or other periodic charges payable
39 to the carrier.

40 g. The term "hospital" means:

41 (1) an institution operated pursuant to law which is primarily
42 engaged in providing on its own premises, for compensation from
43 its patients, medical diagnostic and major surgical facilities for the
44 care and treatment of sick and injured persons on an inpatient basis,
45 and which provides such facilities under the supervision of a staff
46 of physicians and with 24 hour a day nursing service by registered
47 graduate nurses, or

1 (2) an institution not meeting all of the requirements of
2 paragraph (1) but which is accredited as a hospital by the Joint
3 Commission on Accreditation of Hospitals. In no event shall the
4 term "hospital" include a convalescent nursing home or any
5 institution or part thereof which is used principally as a
6 convalescent facility, residential center for the treatment and
7 education of children with mental disorders, rest facility, nursing
8 facility or facility for the aged or for the care of **【drug addicts or**
9 **alcoholics】** persons with substance use disorder.

10 h. The term "Medicare" means the program established by the
11 "Health Insurance for the Aged Act," Title XVIII of the "Social
12 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
13 or its successor plan or plans.

14 i. The term "managed care plan" means a health care plan
15 under which comprehensive health care services and supplies are
16 provided to eligible employees, retirees, and dependents: (1)
17 through a group of doctors and other providers employed by the
18 plan; or (2) through an individual practice association, preferred
19 provider organization, or point of service plan under which services
20 and supplies are furnished to plan participants through a network of
21 doctors and other providers under contracts or agreements with the
22 plan on a prepayment or reimbursement basis and which may
23 provide for payment or reimbursement for services and supplies
24 obtained outside the network. The plan may be provided on an
25 insured basis through contracts with carriers or on a self-insured
26 basis, and may be operated and administered by the State or by
27 carriers under contracts with the State.

28 j. The term "successor plan" means a managed care plan that
29 shall replace the "traditional plan," as defined in section 2 of
30 P.L.1961, c.49 (C.52:14-17.26), and that shall provide benefits as
31 set forth in section 36 of P.L.2007, c.103 (C.52:14-17.46.6), and
32 provide out-of-network benefits to participants with a payment by
33 the plan of 80% of reasonable and customary charges as set forth in
34 section 37 of P.L.2007, c.103 (C.52:14-17.46.7) and as may be
35 adjusted in accordance with section 40 of P.L.2007, c.103 (C.52:14-
36 17.46.10).

37 (cf: P.L.2010, c.2, s.10)

38
39 144. Section 3 of P.L.1982, c.81 (2A:4A-72) is amended to read
40 as follows:

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

45 b. Where, in determining whether to recommend diversion,
46 court intake services has reason to believe that a parent or guardian
47 is a **【drug dependent】** person with a substance use disorder, as
48 defined in section 2 of the "New Jersey Controlled Dangerous

1 Substances Act," P.L.1970, c. 226 (C.24:21-2) or **【an alcoholic】** a
2 person with alcohol use disorder as defined by P.L.1975, c. 305
3 (C.26:2B-8), the basis for this determination shall be stated in its
4 recommendation to the court.

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

8 d. Within 5 days after receiving a complaint, the intake services
9 officer shall advise the presiding judge and the prosecuting attorney
10 of intake service's recommendation, as well as any other
11 recommendations or objections received as to the complaint. In
12 determining whether to divert, the court may hold a hearing to
13 consider the recommendations and any objections submitted by
14 court intake services in light of the factors provided in this section.
15 The court shall give notice of the hearing to the juvenile, his parents
16 or guardian, the prosecutor, arresting police officer and complainant
17 or victim. Each party shall have the right to be heard on the matter.
18 If the court finds that not enough information has been received to
19 make a determination, a further hearing may be ordered. The court
20 may dismiss the complaint upon a finding that the facts as alleged
21 are not sufficient to establish jurisdiction, or that probable cause has
22 not been shown that the juvenile committed a delinquent act.
23 (cf: P.L.1982, c.81, s.3)
24

25 145. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to
26 read as follows:

27 10. **【Alcoholic, drug-dependent parent.】** a. When a petition is
28 filed and as a result of any information supplied on the family
29 situation by the crisis intervention unit, court intake services has
30 reason to believe that the parent or guardian is **【an alcoholic】** a
31 person with alcohol use disorder, as defined by P.L.1975, c.305
32 (C.26:2B-8), or a **【drug-dependent】** person**【**, as defined by section
33 2 of the "New Jersey Controlled Dangerous Substances Act,"
34 P.L.1970, c.226 (C.24:21-2)**】** with a substance use disorder, intake
35 services shall state the basis for this determination and provide
36 recommendations to the court.

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

45 c. (1) When, as a result of any information supplied with regard
46 to any juvenile by the crisis intervention unit or from any other
47 source, court intake services has reason to believe that the juvenile

1 may have an auditory or vision problem, intake services shall state
2 the basis for this determination and provide recommendations to the
3 court. Before arriving at its determination, intake services may
4 request the court to order any appropriate school medical records of
5 the juvenile. On the basis of this recommendation or on its own
6 motion, the court may order any juvenile concerning whom a
7 complaint is filed to be examined by a physician, optometrist,
8 audiologist, or speech language pathologist.

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

12 (3) Copies of any reports of findings submitted to the court shall
13 be available to counsel for all parties prior to an adjudication of
14 whether or not the juvenile is delinquent.

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

16
17 146. R.S.2C:58-3 is amended to read as follows:

18 2C:58-3. a. Permit to purchase a handgun.

19 (1) No person shall sell, give, transfer, assign or otherwise
20 dispose of, nor receive, purchase, or otherwise acquire a handgun
21 unless the purchaser, assignee, donee, receiver or holder is licensed
22 as a dealer under this chapter or has first secured a permit to
23 purchase a handgun as provided by this section.

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

28 The provisions of this paragraph shall not apply if the transaction
29 is:

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

32 (b) between law enforcement officers;

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

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

40 (3) Prior to a transaction conducted pursuant to this subsection,
41 the retail dealer shall complete a National Instant Criminal
42 Background Check of the person acquiring the handgun. In
43 addition:

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

47 (b) every retail dealer shall maintain a record of transactions
48 conducted pursuant to this subsection, which shall be maintained at

1 the address displayed on the retail dealer's license for inspection by
2 a law enforcement officer during reasonable hours;

3 (c) a retail dealer may charge a fee for a transaction conducted
4 pursuant to this subsection; and

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

8 b. Firearms purchaser identification card.

9 (1) No person shall sell, give, transfer, assign or otherwise
10 dispose of nor receive, purchase or otherwise acquire an antique
11 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
12 unless the purchaser, assignee, donee, receiver or holder is licensed
13 as a dealer under this chapter or possesses a valid firearms
14 purchaser identification card, and first exhibits the card to the seller,
15 donor, transferor or assignor, and unless the purchaser, assignee,
16 donee, receiver or holder signs a written certification, on a form
17 prescribed by the superintendent, which shall indicate that he
18 presently complies with the requirements of subsection c. of this
19 section and shall contain his name, address and firearms purchaser
20 identification card number or dealer's registration number. The
21 certification shall be retained by the seller, as provided in paragraph
22 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
23 who is not a dealer, it may be filed with the chief of police of the
24 municipality in which he resides or with the superintendent.

25 (2) A person who is not a licensed retail dealer and sells, gives,
26 transfers, assigns, or otherwise disposes of, or receives, purchases
27 or otherwise acquires an antique cannon or a rifle or shotgun
28 pursuant to this section shall conduct the transaction through a
29 licensed retail dealer.

30 The provisions of this paragraph shall not apply if the transaction
31 is:

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

34 (b) between law enforcement officers;

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

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

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

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

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

5 (c) a retail dealer may charge a fee for a transaction conducted
6 pursuant to this subsection; and

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

10 c. Who may obtain. No person of good character and good
11 repute in the community in which he lives, and who is not subject to
12 any of the disabilities set forth in this section or other sections of
13 this chapter, shall be denied a permit to purchase a handgun or a
14 firearms purchaser identification card, except as hereinafter set
15 forth. No handgun purchase permit or firearms purchaser
16 identification card shall be issued:

17 (1) To any person who has been convicted of any crime, or a
18 disorderly persons offense involving an act of domestic violence as
19 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
20 not armed with or possessing a weapon at the time of the offense;

21 (2) To any **【drug-dependent】** person **【as defined in section 2 of**
22 **P.L.1970, c.226 (C.24:21-2)】** with a substance use disorder, to any
23 person who is confined for a mental disorder to a hospital, mental
24 institution or sanitarium, or to any person who is presently an
25 habitual drunkard;

26 (3) To any person who suffers from a physical defect or disease
27 which would make it unsafe for him to handle firearms, to any
28 person who has ever been confined for a mental disorder, or to any
29 **【alcoholic】** person with alcohol use disorder unless any of the
30 foregoing persons produces a certificate of a medical doctor or
31 psychiatrist licensed in New Jersey, or other satisfactory proof, that
32 he is no longer suffering from that particular disability in a manner
33 that would interfere with or handicap him in the handling of
34 firearms; to any person who knowingly falsifies any information on
35 the application form for a handgun purchase permit or firearms
36 purchaser identification card;

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

40 (5) To any person where the issuance would not be in the interest
41 of the public health, safety or welfare;

42 (6) To any person who is subject to a restraining order issued
43 pursuant to the "Prevention of Domestic Violence Act of 1991",
44 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
45 possessing any firearm;

46 (7) To any person who as a juvenile was adjudicated delinquent
47 for an offense which, if committed by an adult, would constitute a
48 crime and the offense involved the unlawful use or possession of a

1 weapon, explosive or destructive device or is enumerated in
2 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

3 (8) To any person whose firearm is seized pursuant to the
4 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
5 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

6 (9) To any person named on the consolidated Terrorist Watchlist
7 maintained by the Terrorist Screening Center administered by the
8 Federal Bureau of Investigation;

9 (10) To any person who is subject to a court order prohibiting the
10 custody, control, ownership, purchase, possession, or receipt of a
11 firearm or ammunition issued pursuant to the "Extreme Risk
12 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);
13 or

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

18 In order to obtain a permit to purchase a handgun or a firearms
19 purchaser identification card, the applicant shall demonstrate that,
20 within four years prior to the date of the application, the applicant
21 satisfactorily completed a course of instruction approved by the
22 superintendent in the lawful and safe handling and storage of
23 firearms. The applicant shall be required to demonstrate
24 completion of a course of instruction only once prior to obtaining
25 either a firearms purchaser identification card or the applicant's first
26 permit to purchase a handgun.

27 The applicant shall not be required to demonstrate completion of
28 a course of instruction in order to obtain any subsequent permit to
29 purchase a handgun, to replace an existing firearms purchaser
30 identification card, or to renew a firearms purchaser identification
31 card.

32 An applicant who is a law enforcement officer who has satisfied
33 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
34 enforcement officer who has satisfied the requirements of
35 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
36 discharged as a member of the United States Armed Forces or
37 National Guard who received substantially equivalent training shall
38 not be required to complete the course of instruction required
39 pursuant to the provisions of this subsection.

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

44 d. Issuance. The chief of police of an organized full-time
45 police department of the municipality where the applicant resides or
46 the superintendent, in all other cases, shall upon application, issue
47 to any person qualified under the provisions of subsection c. of this

1 section a permit to purchase a handgun or a firearms purchaser
2 identification card.

3 A firearms purchaser identification card issued following the
4 effective date of P.L.2022, c.58 shall display a color photograph
5 and a thumb print of the card holder. A person who obtained a
6 firearms purchaser identification card prior to the effective date of
7 P.L.2022, c.58 shall not be required to obtain a firearm purchaser
8 identification card that displays a color photograph and a thumb
9 print. The superintendent shall establish guidelines as necessary to
10 effectuate the issuance of firearms purchaser identification cards
11 that display a color photograph and a thumb print of the card
12 holder.

13 Any person aggrieved by the denial of a permit or identification
14 card may request a hearing in the Superior Court of the county in
15 which he resides if he is a resident of New Jersey or in the Superior
16 Court of the county in which his application was filed if he is a
17 nonresident. The request for a hearing shall be made in writing
18 within 30 days of the denial of the application for a permit or
19 identification card. The applicant shall serve a copy of his request
20 for a hearing upon the chief of police of the municipality in which
21 he resides, if he is a resident of New Jersey, and upon the
22 superintendent in all cases. The hearing shall be held and a record
23 made thereof within 30 days of the receipt of the application for a
24 hearing by the judge of the Superior Court. No formal pleading and
25 no filing fee shall be required as a preliminary to a hearing.
26 Appeals from the results of a hearing shall be in accordance with
27 law.

28 e. Applications. Applications for permits to purchase a
29 handgun and for firearms purchaser identification cards shall be in
30 the form prescribed by the superintendent and shall set forth the
31 name, residence, place of business, age, date of birth, occupation,
32 sex and physical description, including distinguishing physical
33 characteristics, if any, of the applicant, and shall state whether the
34 applicant is a citizen, whether he is **【an alcoholic, habitual**
35 **drunkard, drug-dependent】** a person 【as defined in section 2 of
36 P.L.1970, c.226 (C.24:21-2)】 with a substance use disorder,
37 whether he has ever been confined or committed to a mental
38 institution or hospital for treatment or observation of a mental or
39 psychiatric condition on a temporary, interim or permanent basis,
40 giving the name and location of the institution or hospital and the
41 dates of confinement or commitment, whether he has been attended,
42 treated or observed by any doctor or psychiatrist or at any hospital
43 or mental institution on an inpatient or outpatient basis for any
44 mental or psychiatric condition, giving the name and location of the
45 doctor, psychiatrist, hospital or institution and the dates of the
46 occurrence, whether he presently or ever has been a member of any
47 organization which advocates or approves the commission of acts of
48 force and violence to overthrow the Government of the United

1 States or of this State, or which seeks to deny others their rights
2 under the Constitution of either the United States or the State of
3 New Jersey, whether he has ever been convicted of a crime or
4 disorderly persons offense, whether the person is subject to a
5 restraining order issued pursuant to the "Prevention of Domestic
6 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)
7 prohibiting the person from possessing any firearm, whether the
8 person is subject to a protective order issued pursuant to the
9 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
10 (C.2C:58-20 et al.), whether the person is subject to a protective
11 order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.)
12 prohibiting the person from possessing any firearm, and other
13 information as the superintendent shall deem necessary for the
14 proper enforcement of this chapter. For the purpose of complying
15 with this subsection, the applicant shall waive any statutory or other
16 right of confidentiality relating to institutional confinement. The
17 application shall be signed by the applicant and shall contain as
18 references the names and addresses of two reputable citizens
19 personally acquainted with him.

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

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

39 f. Granting of permit or identification card; fee; term; renewal;
40 revocation. The application for the permit to purchase a handgun
41 together with a fee of \$2, or the application for the firearms
42 purchaser identification card together with a fee of \$5, shall be
43 delivered or forwarded to the licensing authority who shall
44 investigate the same and, unless good cause for the denial thereof
45 appears, shall grant the permit or the identification card, or both, if
46 application has been made therefor, within 30 days from the date of
47 receipt of the application for residents of this State and within 45
48 days for nonresident applicants. A permit to purchase a handgun

1 shall be valid for a period of 90 days from the date of issuance and
2 may be renewed by the issuing authority for good cause for an
3 additional 90 days. A firearms purchaser identification card issued
4 or renewed after the effective date of P.L.2022, c.58 shall expire
5 during the tenth calendar year following its date of issuance and on
6 the same calendar day as the person's date of birth.

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

11 A firearms purchaser identification card issued pursuant to this
12 section may be renewed upon filing of a renewal application and
13 payment of the required fee, provided that the holder is not subject
14 to any of the disabilities set forth in subsection c. of this section and
15 complies with all other applicable requirements as set forth in
16 statute and regulation.

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

19 A firearms purchaser identification card shall be void if the
20 holder becomes subject to any of the disabilities set forth in
21 subsection c. of this section, whereupon the card shall be returned
22 within five days by the holder to the superintendent, who shall then
23 advise the licensing authority. Failure of the holder to return the
24 firearms purchaser identification card to the superintendent within
25 the five days shall be an offense under subsection a. of N.J.S.2C:39-
26 10. Any firearms purchaser identification card may be revoked by
27 the Superior Court of the county wherein the card was issued, after
28 hearing upon notice, upon a finding that the holder thereof no
29 longer qualifies for the issuance of the permit. The county
30 prosecutor of any county, the chief police officer of any
31 municipality or any citizen may apply to the court at any time for
32 the revocation of the card.

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

37 g. Disposition of fees. All fees for permits shall be paid to the
38 State Treasury if the permit is issued by the superintendent, to the
39 municipality if issued by the chief of police, and to the county
40 treasurer if issued by the judge of the Superior Court.

41 h. Form of permit; quadruplicate; disposition of copies. (1)
42 Except as otherwise provided in paragraph (2) of this subsection,
43 the permit shall be in the form prescribed by the superintendent and
44 shall be issued to the applicant in quadruplicate. Prior to the time
45 he receives the handgun from the seller, the applicant shall deliver
46 to the seller the permit in quadruplicate and the seller shall
47 complete all of the information required on the form. Within five
48 days of the date of the sale, the seller shall forward the original

1 copy to the superintendent and the second copy to the chief of
2 police of the municipality in which the purchaser resides, except
3 that in a municipality having no chief of police, the copy shall be
4 forwarded to the superintendent. The third copy shall then be
5 returned to the purchaser with the pistol or revolver and the fourth
6 copy shall be kept by the seller as a permanent record.

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

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

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

19 (2) a collector of handguns as curios or relics as defined in Title
20 18, United States Code, section 921 (a) (13) who has in his
21 possession a valid Collector of Curios and Relics License issued by
22 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

27 (5) any transaction where the person has purchased a handgun
28 from a licensed retail dealer and has returned that handgun to the
29 dealer in exchange for another handgun within 30 days of the
30 original transaction, provided the retail dealer reports the exchange
31 transaction to the superintendent; or

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

35 The provisions of this subsection shall not be construed to afford
36 or authorize any other exemption from the regulatory provisions
37 governing firearms set forth in chapter 39 and chapter 58 of Title
38 2C of the New Jersey Statutes;

39 A person shall not be restricted as to the number of rifles or
40 shotguns he may purchase, provided he possesses a valid firearms
41 purchaser identification card and provided further that he signs the
42 certification required in subsection b. of this section for each
43 transaction.

44 j. Firearms passing to heirs or legatees. Notwithstanding any
45 other provision of this section concerning the transfer, receipt or
46 acquisition of a firearm, a permit to purchase or a firearms
47 purchaser identification card shall not be required for the passing of
48 a firearm upon the death of an owner thereof to his heir or legatee,

1 whether the same be by testamentary bequest or by the laws of
2 intestacy. The person who shall so receive, or acquire the firearm
3 shall, however, be subject to all other provisions of this chapter. If
4 the heir or legatee of the firearm does not qualify to possess or carry
5 it, he may retain ownership of the firearm for the purpose of sale for
6 a period not exceeding 180 days, or for a further limited period as
7 may be approved by the chief law enforcement officer of the
8 municipality in which the heir or legatee resides or the
9 superintendent, provided that the firearm is in the custody of the
10 chief law enforcement officer of the municipality or the
11 superintendent during that period.

12 k. Sawed-off shotguns. Nothing in this section shall be
13 construed to authorize the purchase or possession of any sawed-off
14 shotgun.

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

22 m. The provisions of subsections a. and b. of this section and
23 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
24 apply to the purchase of firearms by a law enforcement agency for
25 use by law enforcement officers in the actual performance of the
26 current or former judge's duties, which purchase may be made
27 directly from a manufacturer or from a licensed dealer located in
28 this State or any other state.

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

35 o. Registration of handguns owned by new residents. Any
36 person who becomes a resident of this State following the effective
37 date of P.L.2022, c.52 and who transports into this State a firearm
38 that the person owned or acquired while residing in another state
39 shall apply for a firearm purchaser identification card within 60
40 days of becoming a New Jersey resident, and shall register any
41 handgun so transported into this State within 60 days as provided in
42 this subsection.

43 A person who registers a handgun pursuant to this subsection
44 shall complete a registration statement, which shall be in a form
45 prescribed by the superintendent. The information provided in the
46 registration statement shall include, but shall not be limited to, the
47 name and address of the person and the make, model, and serial
48 number of the handgun being registered. Each registration

1 statement shall be signed by the person, and the signature shall
2 constitute a representation of the accuracy of the information
3 contained in the registration statement.

4 The registration statement shall be submitted to the law
5 enforcement agency of the municipality in which the person resides
6 or, if the municipality does not have a municipal law enforcement
7 agency, any State Police station.

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

13 A person who fails to apply for a firearm purchaser identification
14 card or register a handgun as required pursuant to this subsection
15 shall be granted 30 days to comply with the provisions of this
16 subsection. If the person does not comply within 30 days, the
17 person shall be liable to a civil penalty of \$250 for a first offense
18 and shall be guilty of a disorderly persons offense for a second or
19 subsequent offense.

20 If a person is in possession of multiple firearms or handguns in
21 violation of this subsection, the person shall be guilty of one
22 offense under this subsection provided the violation is a single
23 event.

24 The civil penalty shall be collected pursuant to the "Penalty
25 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
26 a summary proceeding before the municipal court having
27 jurisdiction. A law enforcement officer having enforcement
28 authority in that municipality may issue a summons for a violation,
29 and may serve and execute all process with respect to the
30 enforcement of this subsection consistent with the Rules of Court.
31 (cf: P.L.2022, c.58, s.1)

32

33 147. Section 1 of P.L.1987, c.387 (C.18A:40A-8) is amended to
34 read as follows:

35 1. The Legislature finds and declares that:

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

38 b. Research indicates that particular groups of youngsters, such
39 as the children of **【alcoholic】** parents who are persons with alcohol
40 use disorder, may in fact face an increased risk of developing
41 alcohol and other substance **【abuse】** use problems and that early
42 intervention services can be critical in their prevention, detection,
43 and treatment; and,

44 c. School-based initiatives have proven particularly effective in
45 identifying and assisting students at a high risk of developing
46 alcohol and other drug disturbances and in reducing absenteeism,
47 decreasing the consumption of alcohol and other drugs, and in
48 lessening the problems associated with **【such addictions】** with

1 alcohol and substance use disorder.

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

3

4 148. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to
5 read as follows:

6 3. An Alcohol Education, Rehabilitation and Enforcement
7 Fund is established as a nonlapsing, revolving fund in a separate
8 account in the Department of Health. The fund shall be credited
9 from July 1, 1990 through June 30, 1991, with 27.6【%】 percent of
10 the tax revenues, and from July 1, 1991 through June 30, 1992, with
11 53.3【%】 percent of the tax revenues, collected pursuant to section 3
12 of P.L.1980, c.62 (C.54:32C-3), the amount thereof to be dedicated
13 75【%】 percent to rehabilitation, 15【%】 percent to enforcement and
14 10【%】 percent to education, and the fund thereafter shall be
15 annually credited with the amount of tax revenues collected from
16 the alcoholic beverage tax as is provided in section 2 of P.L.1990,
17 c.41 (C.54:43-1.1), which amount shall be dedicated 75【%】 percent
18 to rehabilitation, 15【%】 percent to enforcement and 10【%】 percent
19 to education. Interest received on moneys in the fund shall be
20 credited to the fund. Pursuant to the formula set forth in section 5 of
21 this act, moneys appropriated pursuant to law shall only be
22 distributed to the counties by the Department of Health, without the
23 assessment of administrative costs, to develop and implement an
24 annual comprehensive plan for the treatment of 【alcoholics and
25 drug abusers】 persons with alcohol use or substance use disorder
26 and for expenditures according to the dedications provided herein.

27 (cf: P.L.1990, c.41, s.4)

28

29 149. Section 3 of P.L.1953, c.122 (C.30:4-177.14) is amended to
30 read as follows:

31 3. The institute shall admit, retain and provide care and
32 treatment for individuals suffering from diseases and disfunctions
33 of the brain and nervous system, including acute 【alcoholics, drug
34 addicts】 persons with alcohol use or substance use disorder,
35 cerebral palsy cases and juvenile psychotics, and who require
36 hospital care, and without which their health and welfare and that of
37 others in the community will be jeopardized, subject to availability
38 of facilities for hospitalization and treatment thereof.

39 (cf: P.L.1953, c.122, s.3)

40

41 150. Section 3 of P.L.1956, c.213 (C.30:9-12.18) is amended to
42 read as follows:

43 3. Where any such institution is provided for, the board of
44 managers, subject to the approval of the board of chosen
45 freeholders, may:

46 (a) arrange for, establish and maintain, a clinic or clinics for
47 consultation concerning diagnosis, guidance, and treatment of

1 **【alcoholics】** persons with alcohol use disorder to the end that they
2 may be rehabilitated as useful members of society;

3 (b) arrange and provide for the temporary hospitalization of
4 alcoholics;

5 (c) provide for the necessary facilities for the rendering of such
6 hospitalization of **【alcoholics】** persons with alcohol use disorder
7 and for the said clinics by the purchase or construction of such
8 facilities or by the leasing thereof; and

9 (d) to provide such facilities by contract or arrangement with
10 other hospitals, institutions, or organizations and by co-operation
11 with the medical profession and interested groups and individuals.

12 (cf: P.L.1956, c.213, s.3)

13

14 151. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to
15 read as follows:

16 2. As used in this act:

17 "Narcotic and substance use disorder treatment center" means
18 any establishment, facility or institution, public or private, whether
19 operated for profit or not, which primarily offers, or purports to
20 offer, maintain, or operate facilities for the residential or outpatient
21 diagnosis, care, treatment, or rehabilitation of two or more
22 nonrelated individuals, who are patients as defined herein,
23 excluding, however, any hospital or mental hospital otherwise
24 licensed by Title 30 of the Revised Statutes.

25 "Patient" means a person who **【is addicted to】** has a substance
26 use disorder, or otherwise has a physical or mental impairment from
27 the use of narcotic drugs and who requires continuing care of a
28 narcotic and substance use disorder treatment center.

29 "Narcotic drug" means any narcotic, drug, or dangerous
30 controlled substance, as defined in any law of the State of New
31 Jersey or of the United States.

32 "Commissioner" means the Commissioner of Health.

33 (cf: P.L.2017, c.131, s.88)

34

35 152. N.J.S.2C:35-2 is amended to read as follows:

36 2C:35-2. As used in this chapter:

37 "Administer" means the direct application of a controlled
38 dangerous substance or controlled substance analog, whether by
39 injection, inhalation, ingestion, or any other means, to the body of a
40 patient or research subject by: (1) a practitioner, or, in his presence,
41 by his lawfully authorized agent, or (2) the patient or research
42 subject at the lawful direction and in the presence of the
43 practitioner.

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

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

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

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

41 "Deliver" or "delivery" means the actual, constructive, or
42 attempted transfer from one person to another of a controlled
43 dangerous substance or controlled substance analog, whether or not
44 there is an agency relationship.

45 "Dispense" means to deliver a controlled dangerous substance or
46 controlled substance analog to an ultimate user or research subject
47 by or pursuant to the lawful order of a practitioner, including the
48 prescribing, administering, packaging, labeling, or compounding

1 necessary to prepare the substance for that delivery. "Dispenser"
2 means a practitioner who dispenses.

3 "Distribute" means to deliver other than by administering or
4 dispensing a controlled dangerous substance or controlled substance
5 analog. "Distributor" means a person who distributes.

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

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

36 "Hashish" means the resin extracted from any part of the plant
37 Cannabis sativa L. and any compound, manufacture, salt,
38 derivative, mixture, or preparation of such resin. "Hashish" shall
39 not mean: hemp and hemp products cultivated, handled, processed,
40 transported, or sold pursuant to the "New Jersey Hemp Farming
41 Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined
42 in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for
43 use in a cannabis item, as defined in that section, in accordance with
44 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and
45 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

46 "Manufacture" means the production, preparation, propagation,
47 compounding, conversion, or processing of a controlled dangerous
48 substance or controlled substance analog, either directly or by

1 extraction from substances of natural origin, or independently by
2 means of chemical synthesis, or by a combination of extraction and
3 chemical synthesis, and includes any packaging or repackaging of
4 the substance or labeling or relabeling of its container, except that
5 this term does not include the preparation or compounding of a
6 controlled dangerous substance or controlled substance analog by
7 an individual for his own use or the preparation, compounding,
8 packaging, or labeling of a controlled dangerous substance: (1) by
9 a practitioner as an incident to his administering or dispensing of a
10 controlled dangerous substance or controlled substance analog in
11 the course of his professional practice, or (2) by a practitioner, or
12 under his supervision, for the purpose of, or as an incident to,
13 research, teaching, or chemical analysis and not for sale.

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

26 "Narcotic drug" means any of the following, whether produced
27 directly or indirectly by extraction from substances of vegetable
28 origin, or independently by means of chemical synthesis, or by a
29 combination of extraction and chemical synthesis:

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

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

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

39 "Opiate" means any dangerous substance having an addiction-
40 forming or addiction-sustaining liability similar to morphine or
41 being capable of conversion into a drug having such addiction-
42 forming or addiction-sustaining liability. It does not include, unless
43 specifically designated as controlled pursuant to the provisions of
44 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer
45 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
46 It does include its racemic and levorotatory forms.

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

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

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

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

8 "Practitioner" means a physician, dentist, veterinarian, scientific
9 investigator, laboratory, pharmacy, hospital, or other person
10 licensed, registered, or otherwise permitted to distribute, dispense,
11 conduct research with respect to, or administer a controlled
12 dangerous substance or controlled substance analog in the course of
13 professional practice or research in this State. As used in this
14 definition:

15 (1) "Physician" means a physician authorized by law to practice
16 medicine in this or any other state and any other person authorized
17 by law to treat sick and injured human beings in this or any other
18 state.

19 (2) "Veterinarian" means a veterinarian authorized by law to
20 practice veterinary medicine in this State.

21 (3) "Dentist" means a dentist authorized by law to practice
22 dentistry in this State.

23 (4) "Hospital" means any federal institution, or any institution
24 for the care and treatment of the sick and injured, operated or
25 approved by the appropriate State department as proper to be
26 entrusted with the custody and professional use of controlled
27 dangerous substances or controlled substance analogs.

28 (5) "Laboratory" means a laboratory to be entrusted with the
29 custody of narcotic drugs and the use of controlled dangerous
30 substances or controlled substance analogs for scientific,
31 experimental, and medical purposes and for purposes of instruction
32 approved by the Department of Health.

33 "Production" includes the manufacture, planting, cultivation,
34 growing, or harvesting of a controlled dangerous substance or
35 controlled substance analog.

36 "Immediate precursor" means a substance which the Division of
37 Consumer Affairs in the Department of Law and Public Safety has
38 found to be and by regulation designates as being the principal
39 compound commonly used or produced primarily for use, and
40 which is an immediate chemical intermediary used or likely to be
41 used in the manufacture of a controlled dangerous substance or
42 controlled substance analog, the control of which is necessary to
43 prevent, curtail, or limit such manufacture.

44 "Residential treatment facility" means any facility licensed and
45 approved by the Department of Human Services and which is
46 approved by any county probation department for the inpatient
47 treatment and rehabilitation of **【drug or alcohol dependent】** persons
48 with a substance use disorder.

1 "Schedules I, II, III, IV, and V" are the schedules set forth in
2 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-
3 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified
4 by any regulations issued by the Director of the Division of
5 Consumer Affairs in the Department of Law and Public Safety
6 pursuant to the director's authority as provided in section 3 of
7 P.L.1970, c.226 (C.24:21-3).

8 "State" means the State of New Jersey.

9 "Ultimate user" means a person who lawfully possesses a
10 controlled dangerous substance or controlled substance analog for
11 his own use or for the use of a member of his household or for
12 administration to an animal owned by him or by a member of his
13 household.

14 "Prescription legend drug" means any drug which under federal
15 or State law requires dispensing by prescription or order of a
16 licensed physician, veterinarian, or dentist and is required to bear
17 the statement "Rx only" or similar wording indicating that such
18 drug may be sold or dispensed only upon the prescription of a
19 licensed medical practitioner and is not a controlled dangerous
20 substance or stramonium preparation.

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

24 "Stramonium plant" means the plant *Datura Stramonium* Linne,
25 including *Datura Tatula* Linne.

26 (cf: P.L.2021, c.16, s.54)

27
28 153. This act shall take effect immediately.
29
30

31 STATEMENT

32
33 This bill replaces statutory terms regarding alcohol and
34 substance use. Specifically, the bill replaces the statutory terms
35 "alcoholism" and "alcoholic" with the terms "alcohol use disorder"
36 and "person with alcohol use disorder." The bill also replaces other
37 statutory terms such as "substance abuse," "drug addiction," and
38 "drug addict" with the terms "substance use disorder" and "person
39 with substance use disorder."