

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3975

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 13, 2024

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblyman DAN HUTCHISON

District 4 (Atlantic, Camden and Gloucester)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Verrelli, Assemblywomen Hall, Reynolds-Jackson and Speight

SYNOPSIS

Establishes oversight and qualifications of peer recovery specialists.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Oversight, Reform and Federal Relations Committee.



(Sponsorship Updated As Of: 5/16/2024)

1 AN ACT concerning peer recovery specialists and supplementing
2 Title 45 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Department" means the Department of Law and Public Safety.

9 "Director" means the Director of the Division of Consumer
10 Affairs.

11 "Division" means the Division of Consumer Affairs in the
12 Department of Law and Public Safety.

13 "Lived experience" means experience with substance use
14 disorder and residual side effects of the disorder that informs the
15 care a peer recovery specialist provides to other individuals
16 experiencing substance use disorder.

17 "Peer recovery specialist" means an individual who provides
18 services as a result of lived experience to other individuals
19 struggling with substance use disorder or mental health problems.

20

21 2. The director shall:

22 a. determine standards to qualify for certification as a peer
23 recovery specialist, which shall include, in accordance with section
24 2 of P.L.2002, c.104 (C.45:1-29), passage of a criminal history
25 record background check;

26 b. evaluate the qualifications and make a determination of the
27 eligibility for certification of all applicants;

28 c. conduct hearings pursuant to the "Administrative Procedure
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the director
30 shall have the right to administer oaths to witnesses, and shall have
31 the power to issue subpoenas for the compulsory attendance of
32 witnesses and the production of pertinent books, papers and
33 records;

34 d. set fees necessary to process documentation related to
35 certification; and

36 e. have the authority to address any other item deemed
37 necessary in the oversight of peer recovery specialists.

38

39 3. A certified peer recovery specialist shall not:

40 a. engage in professional relationships or commitments that
41 conflict with family members, friends, close associates, or others
42 whose welfare might be jeopardized by that relationship or
43 commitment;

44 b. exploit peer relationships with current or former peers for
45 personal gain, including social or business relationships; and

46 c. accept as peers for recovery wellness services anyone with
47 whom the peer recovery specialist has engaged in a personal
48 relationship, including any family members or spouses.

1 4. No person shall provide services as a peer recovery
2 specialist unless approved by the director pursuant to this act. No
3 person shall present, call, or represent themselves as a peer recovery
4 specialist unless approved by the director pursuant to this act.

5
6 5. a. Nothing in this act shall be construed to prevent a person
7 from engaging in or offering services regulated by this act,
8 including for alcohol use disorder and substance use disorder
9 involving drugs, such as self-help, sponsorship through alcoholics
10 and narcotics anonymous groups, or other uncompensated
11 counseling assistance for alcohol use disorder and substance use
12 disorder involving drugs.

13 b. Nothing in this act shall be construed to apply to the
14 activities and services of a designated employee or other agent of a
15 private employer who has been designated to be involved in the
16 evaluation or referral for counseling of employees of the private
17 employer, or an employee or other agent of a recognized academic
18 institution, a federal, State, county, or local government institution,
19 agency, or facility, or a school district, if the individual is
20 performing these activities solely within the company or agency, as
21 the case may be, or under the jurisdiction of that company or
22 agency and if a license granted under this act is not a requirement
23 for employment.

24 c. Nothing in this act shall be construed to apply to the
25 activities and services of a member of the clergy of any religious
26 denomination or sect, when engaging in activities which are within
27 the scope of the performance of the person's regular or specialized
28 ministerial duties and for which no separate charge is made, or
29 when these activities are performed, with or without charge, for or
30 under the auspices or sponsorship, individually or in conjunction
31 with others, of an established and legally cognizable church,
32 denomination, or sect, and when the person rendering services
33 remains accountable to the established authority thereof.

34 d. Nothing in this act shall be construed to apply to the
35 activities and services of a student, intern, or trainee in counseling
36 for alcohol use disorder and substance use disorder involving drugs
37 pursuing a course of study in counseling in a regionally accredited
38 institution of higher education or training institution, if these
39 activities are performed under supervision and constitute a part of
40 the supervised course of study.

41 e. Nothing in this act shall be construed to prevent a person
42 from providing services related to peer recovery, or advertising
43 those services, when acting within the scope of the person's
44 profession or occupation and doing work consistent with the
45 person's training, including physicians, clinical social workers,
46 psychologists, nurses, or any other profession or occupation
47 licensed by the State, or students within accredited programs of

- 1 these professions, if the person does not hold himself or herself out
2 to the public as possessing a certification issued pursuant to this act.
3
- 4 6. The director shall promulgate rules and regulations in
5 accordance with the "Administrative Procedure Act," P.L.1968, c.
6 410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of
7 this act.
8
- 9 7. This act shall take effect on the first day of the 13th month
10 next after the effective date.