

[First Reprint]

SENATE, No. 500

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

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SYNOPSIS

Authorizes school boards to adopt policy for drug testing certain students.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on May 5, 2005, with amendments.

(Sponsorship Updated As Of: 7/1/2005)

1 AN ACT authorizing the adoption of substance abuse testing policies
2 in public school districts and supplementing chapter 40A of Title
3 18A of the New Jersey Statutes.

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

7
8 1. The Legislature finds and declares that there are many school
9 districts within the State with a growing problem of drug abuse among
10 ¹their¹ students ¹[who participate in interscholastic athletics; and that
11 this abuse creates the risk of immediate physical harm to the student
12 using drugs as well as other students participating in interscholastic
13 athletics]¹. The Legislature further finds that ¹[in a school district
14 where there is evidence of a drug abuse problem among students who
15 participate in interscholastic athletics,] federal and State courts have
16 held that¹ it may be appropriate for ¹[that district] school districts¹ to
17 combat this problem through the random drug testing of ¹[student
18 athletes to deter] students participating in extracurricular activities,
19 including interscholastic athletics, and students who possess school
20 parking permits. The Legislature also finds that a random drug testing
21 program may have a positive effect on attaining the important
22 objectives of deterring¹ drug use and ¹[to provide] providing¹ a
23 means for the early detection of students with drug problems so that
24 counseling and rehabilitative treatment may be offered. ¹[The
25 Legislature also finds that because student athletes are role models for
26 the student body, it is appropriate to hold them to a higher degree of
27 scrutiny to deter and detect drug use.]¹

28
29 2. A board of education may adopt a policy, pursuant to rules and
30 regulations adopted by the State Board of Education in consultation
31 with the Department of ¹[Health] Human Services¹, ¹which are
32 consistent with the New Jersey Constitution and the federal
33 Constitution,¹ for the random ¹[urinalysis]¹ testing of the district's
34 students in grades 9-12 who participate in ¹extracurricular activities,
35 including¹ interscholastic athletics¹, or who possess school parking
36 permits,¹ for the use of controlled dangerous substances as defined in
37 N.J.S.2C:35-2 ¹and anabolic steroids¹. The testing shall be conducted
38 by the school physician, school nurse or a physician, laboratory or
39 health care facility designated by the board of education and the cost
40 shall be paid by the board. Any disciplinary action taken against a
41 student who tests positive for drug use or who refuses to consent to

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted May 5, 2005.

1 testing shall be limited to the student's suspension ¹from¹ or
2 prohibition ¹[from] against¹ participation in ¹[interscholastic
3 athletics] extracurricular activities, or revocation of the student's
4 parking permits¹.

5
6 3. Each board of education shall hold a public hearing prior to the
7 adoption of its drug testing policy. The policy shall be in written form
8 and shall be distributed to students and their parents or guardians at
9 the beginning of each school year. The policy shall include, but need
10 not be limited to, the following:

11 a. notice that the consent of the student and his parent or guardian
12 for random student drug testing is required for the student to
13 participate in ¹[the district's interscholastic athletics program]
14 extracurricular activities and to possess a school parking permit¹;

15 b. the procedures for collecting and testing ¹[urine]¹ specimens;

16 c. the manner in which students shall be randomly selected for drug
17 testing;

18 d. the procedures for a student or his parent or guardian to
19 challenge a positive test result;

20 e. the standards for ensuring the confidentiality of test results;

21 f. the specific disciplinary action to be imposed upon a student who
22 tests positive for drug use or refuses to consent to testing; ¹[and]¹

23 g. the guidelines for the referral of a student who tests positive for
24 drug use to drug counseling or rehabilitative treatment¹; and

25 h. the scope of authorized disclosure of test results¹.

26

27 4. The State Board of Education, in consultation with the
28 Department of Health, shall adopt pursuant to the "Administrative
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and
30 regulations necessary to carry out the provisions of this act.

31

32 5. This act shall take effect immediately.