

S T A T E O F N E W Y O R K

10472

I N A S S E M B L Y

May 27, 2016

Introduced by M. of A. DAVILA -- read once and referred to the Committee
on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to the preparation
of educational materials relating to substance abuse among students;
and to amend the education law, in relation to the designation of
employees to provide information regarding substance abuse to
students, parents and staff

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 19.07 of the mental hygiene law is amended by
2 adding a new subdivision (m) to read as follows:
3 (M) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, IN CONSUL-
4 TATION WITH THE STATE EDUCATION DEPARTMENT, SHALL DEVELOP OR UTILIZE
5 EXISTING EDUCATIONAL MATERIALS TO BE PROVIDED TO SCHOOL DISTRICTS AND
6 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR USE IN ADDITION TO OR IN
7 CONJUNCTION WITH ANY DRUG AND ALCOHOL RELATED CURRICULUM REGARDING THE
8 MISUSE AND ABUSE OF ALCOHOL, TOBACCO, PRESCRIPTION MEDICATION AND OTHER
9 DRUGS WITH AN INCREASED FOCUS ON SUBSTANCES THAT ARE MOST PREVALENT
10 AMONG SCHOOL AGED YOUTH AS SUCH TERM IS DEFINED IN SECTION EIGHT HUNDRED
11 FOUR OF THE EDUCATION LAW. SUCH MATERIALS SHALL BE AGE APPROPRIATE FOR
12 SCHOOL AGE CHILDREN, AND TO THE EXTENT PRACTICABLE, SHALL INCLUDE INFOR-
13 MATION OR RESOURCES FOR PARENTS TO IDENTIFY THE WARNING SIGNS AND
14 ADDRESS THE RISKS OF SUBSTANCE ABUSE.
15 S 2. The education law is amended by adding a new section 3037 to read
16 as follows:
17 S 3037. THE SUPERINTENDENT OF EACH SCHOOL DISTRICT, IN CONSULTATION
18 WITH THE DISTRICT SUPERINTENDENT OF A BOARD OF COOPERATIVE EDUCATIONAL
19 SERVICES, WHERE APPLICABLE, SHALL DESIGNATE AN EMPLOYEE WHO IS A MEMBER
20 OF THE SCHOOL DISTRICT STAFF OR AN EMPLOYEE OF THE BOARD OF COOPERATIVE
21 EDUCATIONAL SERVICES STAFF TO PROVIDE INFORMATION TO ANY STUDENT,
22 PARENT, OR STAFF REGARDING WHERE AND HOW TO FIND AVAILABLE SUBSTANCE USE
23 RELATED SERVICES. WHERE POSSIBLE, SUCH DESIGNATED INDIVIDUAL SHALL BE A
24 SCHOOL SOCIAL WORKER, SCHOOL GUIDANCE COUNSELOR, OR ANY OTHER HEALTH
25 PRACTITIONER OR COUNSELOR EMPLOYED BY THE SCHOOL. ANY INFORMATION

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 PROVIDED BY A STUDENT, PARENT OR TEACHER TO SUCH DESIGNATED INDIVIDUAL
2 SHALL BE CONFIDENTIAL, SHALL NOT BE USED IN ANY SCHOOL DISCIPLINARY
3 PROCEEDING AND SHALL, IN ADDITION TO ANY OTHER APPLICABLE PRIVILEGE, BE
4 CONSIDERED CONFIDENTIAL IN THE SAME MANNER AS INFORMATION PROVIDED
5 PURSUANT TO SECTION FORTY-FIVE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW
6 AND RULES. PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL RELIEVE
7 SUCH DESIGNATED INDIVIDUAL OF ANY LEGAL DUTY TO OTHERWISE REPORT SUCH
8 INFORMATION. SUCH DESIGNATED INDIVIDUAL OR INDIVIDUALS SHALL UNDERGO ANY
9 NECESSARY TRAINING AS MAY BE REQUIRED BY THE COMMISSIONER.

10 S 3. This act shall take effect on the one hundred twentieth day after
11 it shall have become law; provided, however, that effective immediately
12 the commissioner of education, in consultation with the commissioner of
13 the office of alcoholism and substance abuse services, shall be author-
14 ized to adopt regulations necessary to implement the provisions of this
15 act on or before such effective date.