STATE OF NEW YORK

8318

IN SENATE

April 30, 2018

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:

Section 1. Section 19.07 of the mental hygiene law is amended by adding a new subdivision (l) to read as follows:

(l) The office of alcoholism and substance abuse services, in consultation with the state education department, shall develop or utilize existing educational materials to be provided to school districts and boards of cooperative educational services for use in addition to or in conjunction with any drug and alcohol related curriculum regarding the misuse and abuse of alcohol, tobacco, prescription medication and other drugs with an increased focus on substances that are most prevalent among school aged youth as such term is defined in section eight hundred four of the education law. Such materials shall be age appropriate for school age children, and to the extent practicable, shall include information or resources for parents to identify the warning signs and address the risks of substance abuse.

§ 2. The education law is amended by adding a new section 3038 to read as follows:

§ 3038. The superintendent of each school district, in consultation with the district superintendent of a board of cooperative educational services, where applicable, shall designate an employee who is a member of the school district staff or an employee of the board of cooperative educational services staff to provide information to any student, parent, or staff regarding where and how to find available substance use related services. Where possible, such designated individual shall be a school social worker, school guidance counselor, or any other health 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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provided by a student, parent or teacher to such designated individual shall be confidential, shall not be used in any school disciplinary proceeding and shall, in addition to any other applicable privilege, be considered confidential in the same manner as information provided pursuant to section forty-five hundred eight of the civil practice law and rules. Provided, however, that nothing in this section shall relieve such designated individual of any legal duty to otherwise report such information. Such designated individual or individuals shall undergo any necessary training as may be required by the commissioner.

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