

CHAPTER 58
(CORRECTED COPY)

AN ACT concerning substance abuse recovery assistance and supplementing Title 30 of the Revised Statutes.

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

C.30:6C-11 Findings, declarations relative to substance abuse recovery assistance.

1. The Legislature finds and declares that:
 - a. According to the Centers for Disease Control and Prevention, the rate of heroin and opioid-related deaths in the United States has nearly tripled since 2010.
 - b. New Jersey's overdose death rate is currently more than three times the national rate, and overdose is the leading cause of accidental death in the State.
 - c. Data show that treatment for heroin and opioid addictions have become spread evenly across all of the State's demographics.
 - d. Increasing access to treatment without fear of arrest or law enforcement action is essential to persuade those who suffer from addiction to receive the treatment they need.
 - e. In certain parts of the State and in other jurisdictions, increased access to treatment has resulted from collaborative efforts of law enforcement, community professionals, and volunteers providing support to those who need additional assistance in seeking treatment.
 - f. The establishment of law enforcement assisted addiction and recovery referral programs would provide additional support necessary to assist many of those who need treatment by encouraging those suffering from heroin and opioid addiction to seek recovery; helping to distribute life-saving drugs to prevent and treat overdoses; and connecting people suffering from heroin and opioid addiction with treatment programs and facilities.

C.30:6C-12 Establishment of law enforcement assisted addiction and recovery referral program.

2. The Director of the Division of Mental Health and Addiction Services in the Department of Human Services, in consultation with the Attorney General, shall provide for the establishment, upon the request of the department or force, of a law enforcement assisted addiction and recovery referral program in accordance with section 5 of P.L.2016, c.58 (C.30:6C-15). In providing for the establishment of these programs, the director shall:
 - a. prescribe by regulation requirements for a law enforcement department to establish, or otherwise authorize the operation within that department, of a law enforcement assisted addiction and recovery referral program;
 - b. develop and implement guidelines for the recruitment and training of law enforcement officers and personnel, volunteers, and treatment providers to participate in the program, provided that law enforcement officers may refer or transport program participants to a program volunteer or to a treatment provider for substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services but shall not be involved in the provision of such services;
 - c. support and facilitate, to the maximum extent practicable, the linkage of law enforcement assisted addiction and recovery referral programs to facilities and programs that may provide appropriate substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services to program participants;

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

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

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

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

C.30:6C-13 Participation upon approval by governing body.

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

C.30:6C-14 Determination of eligibility for participation.

4. a. For any individual who enters a law enforcement department seeking to participate in a law enforcement assisted addiction and recovery referral program, the chief law enforcement officer or a designee shall determine if the individual is currently under a sentence of probation. If an individual is determined to be on probation, any placement pursuant to the program shall be coordinated with the individual's probation officer.

b. An individual shall be ineligible to participate in the program if:

(1) the individual is required to register as a sex offender pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

(2) the individual has an outstanding arrest warrant or pending criminal charges;

(3) the individual is under 18 years of age and does not have the consent of a parent or guardian; or

(4) the chief law enforcement officer or a designee expresses the reasonable belief that the officer, personnel, or others could be seriously harmed by the individual.

c. If at any time the individual is determined to be in need of medical assistance, the law enforcement officer or personnel shall immediately seek emergency medical assistance for the individual.

C.30:6C-15 Compliance with requirements.

5. A law enforcement assisted addiction and recovery referral program established pursuant to P.L.2016, c.58 (C.30:6C-11 et seq.) shall comply with the following requirements:

a. Individuals who voluntarily enter a law enforcement department and request help with their addiction pursuant to the law enforcement assisted addiction and recovery referral program shall immediately be screened for eligibility to participate pursuant to the criteria set forth in section 4 of P.L.2016, c.58 (C.30:6C-14).

b. Eligibility for participation is specifically and exclusively limited to individuals who voluntarily enter a law enforcement department to request assistance with their addiction.

c. All law enforcement personnel having contact with an individual who enters a law enforcement department and requests assistance pursuant to the program shall be professional, compassionate, and understanding at all times.

d. If, at the time of requesting assistance pursuant to the program or upon being accepted to participate in the program, an individual who is in possession of a controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia and advises a law enforcement officer of that possession and voluntarily surrenders the substance, analog or paraphernalia to the law enforcement officer shall not be arrested, charged, prosecuted or convicted for:

(1) obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of a controlled dangerous substance or controlled substance analog pursuant to subsection a., b. or c. of N.J.S.2C:35-10;

(2) acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13;

(3) unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to section 9 of P.L.1999, c.90 (C.2C:35-24); or

(4) using or possessing with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2) or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6.

The materials shall be collected and secured for later destruction in accordance with established procedures.

e. A person shall not question the individual in an effort to collect intelligence, determine the origins of any controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia relinquished by the individual, or take any other action which may discourage individuals from seeking to participate in the program without fear of arrest or law enforcement action; provided, however, that nothing in this subsection shall preclude the individual from voluntarily providing information concerning the origins of any controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia relinquished by the individual.

f. The law enforcement officer or personnel having initial contact with the individual shall immediately notify the chief law enforcement officer or designee that an individual is requesting assistance with the individual's addiction.

g. The chief law enforcement officer or designee shall initiate intake procedures and inform a program volunteer that an intake is occurring and request the volunteer to respond to the law enforcement department. The individual shall be notified of the volunteer's estimated arrival time.

h. The volunteer shall provide emotional support and guidance to the individual, explore treatment options, and attempt to identify a program or facility which can assist the individual. If possible, the volunteer shall remain with the individual until the individual has been formally admitted to treatment, including at the law enforcement department, hospital, or intake location for the treatment facility.

i. If the volunteer, after contacting all possible sources of treatment, is unable to place the individual, the volunteer shall give the individual a plan to continue attempting to obtain assistance prior to the individual leaving the law enforcement department. The volunteer shall make every effort to find a safe place for the individual upon departure.

j. Participation in the program shall be voluntary. If an individual subsequently elects not to request assistance or continue with the program, the individual shall be permitted to depart.

k. If at any time during participation in the program or attempting to participate in the program an individual who has relinquished a controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia withdraws the request for assistance or elects to discontinue participation in the program, the individual shall not be charged with a crime or offense for possessing the items they have already relinquished.

l. Information pertaining to the identity, diagnosis, treatment or health of any program participant shall be confidential and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of P.L.2016, c.58 (C.30:6C-11 et seq.), or upon the express consent of the program participant, or as otherwise required by law or court order.

C.30:6C-16 Immunity from liability.

6. a. A county or municipal entity, official or employee that approves participation in a law enforcement assisted addiction and recovery referral program in accordance with P.L.2016, c.58 (C.30:6C-11 et seq.), shall not, as a result of any acts or omissions, be subject to any criminal or civil liability related to approval of participation in the law enforcement assisted addiction and recovery referral program.

b. A county or municipal law enforcement department, chief law enforcement officer, officer or personnel, volunteer or treatment provider, that participates in good faith in a law enforcement assisted addiction and recovery referral program in accordance with P.L.2016, c.58 (C.30:6C-11 et seq.), shall not, as a result of any acts or omissions, be subject to any criminal or civil liability related to participation in the law enforcement assisted addiction and recovery referral program.

7. This act shall take effect on the first day of the fourth month following enactment.

Approved October 26, 2016.