

SENATE BILL NO. 166—SENATORS FARLEY,  
WOODHOUSE AND SPEARMAN

PREFILED FEBRUARY 13, 2017

Referred to Committee on Education

SUMMARY—Establishes a pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol, prescription drugs and controlled substances. (BDR S-795)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the Department of Education to establish a pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol, prescription drugs and controlled substances; prescribing the requirements for such a survey; authorizing the Department to contract with a qualified person or entity to administer the pilot program; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal and state law requires a public school to obtain the written  
2 consent of a pupil who is an adult or emancipated minor or the parent or guardian  
3 of a pupil who is an unemancipated minor before requiring the pupil to participate  
4 in any survey designed to elicit certain potentially sensitive information. (20 U.S.C.  
5 § 1232h; NRS 392.029) This bill requires the Department of Education to establish  
6 a pilot program to survey certain pupils enrolled in public middle schools, junior  
7 high schools and high schools concerning the use and abuse of tobacco, alcohol,  
8 prescription drugs and controlled substances. This bill prescribes the requirements  
9 for such a survey and authorizes the Department to contract with a qualified person  
10 or entity to administer the program. This bill also requires the Department to: (1)  
11 select certain school districts or schools in which surveys will be administered; (2)  
12 aggregate the data collected and make the data available to those school districts or  
13 schools; and (3) annually submit a report that summarizes the data collected for the  
14 immediately preceding school year. **Section 1.7** of this bill makes an appropriation  
15 to the Department to cover the cost of conducting the survey.



\* S B 1 6 6 R 1 \*

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** (Deleted by amendment.)

2       **Sec. 1.5.** 1. The Department of Education shall establish and  
3 administer a pilot program to conduct an annual survey of pupils  
4 enrolled in public middle schools, junior high schools and high  
5 schools in this State concerning the use and abuse of tobacco,  
6 alcohol, prescription drugs and controlled substances by  
7 adolescents. The survey may be conducted at any time during the  
8 school year which is determined appropriate by the school district or  
9 school participating in the survey. The identity of any pupil to  
10 whom a survey is administered must remain anonymous.

11       2. The survey instrument used pursuant to this section must be  
12 approved by an institutional review board. The survey must be  
13 administered electronically and must be designed to:

14       (a) Elicit information concerning:

15           (1) The types of use by pupils of tobacco, alcohol,  
16 prescription drugs and controlled substances;

17           (2) The attitude of pupils regarding the use and abuse of  
18 tobacco, alcohol, prescription drugs and controlled substances; and

19           (3) The motivations of pupils in using, abusing or abstaining  
20 from the use of tobacco, alcohol, prescription drugs and controlled  
21 substances; and

22       (b) Tailor the questions posed to each pupil based upon his or  
23 her answers to previous questions in the survey.

24       3. A school district or school participating in the survey may:

25       (a) Require the parent or guardian of a pupil who is an  
26 unemancipated minor to consent to the pupil's participation in the  
27 survey; or

28       (b) Allow a survey to be administered to a pupil who is an  
29 unemancipated minor without the consent of a parent or guardian if:

30           (1) The information is elicited in a manner that allows the  
31 pupil to remain anonymous;

32           (2) The pupil has not refused to participate in the survey; and

33           (3) The parent or guardian of the pupil has not submitted the  
34 form described in subsection 4 to refuse or revoke consent to the  
35 survey.

36       4. A school district or school that allows a survey to be  
37 administered to a pupil who is an unemancipated minor without the  
38 consent of a parent or guardian shall, at least 30 days before the date  
39 on which the school district or school administers a survey, provide  
40 to the parent or guardian of each such pupil to whom it wishes to  
41 administer a survey a form that allows the parent or guardian to  
42 refuse or revoke consent to participate in the survey by the pupil.



1 The principal of each public school in such a district or school must  
2 also make the form available to the parent or guardian of a pupil  
3 who is an unemancipated minor upon request.

4 5. The Department shall select at random the school districts or  
5 schools in which each survey will be administered. A school district  
6 or school selected by the Department shall administer the survey.

7 6. A school district or school not selected to participate in the  
8 survey pursuant to subsection 5 may request that the survey be  
9 administered in the school district or school. The Department shall  
10 grant such a request to the extent that money is available for that  
11 purpose.

12 7. The Department may contract with any qualified person or  
13 entity to administer the pilot program established pursuant to this  
14 section. The person or entity so selected shall comply with any  
15 requirements prescribed by the Department.

16 8. The Department or the person or entity administering the  
17 pilot program shall:

18 (a) Aggregate the data collected pursuant to this section at the  
19 school, school district and statewide levels; and

20 (b) Make the aggregated data available to any school district or  
21 school that participates in the survey.

22 9. The Department shall submit an annual report to the  
23 Governor, the State Board of Education, the board of trustees of  
24 each school district, the governing body of each charter school and  
25 the Director of the Legislative Counsel Bureau for transmission to  
26 the Legislature. The report must summarize the data collected  
27 pursuant to this section for the immediately preceding school year.

28 **Sec. 1.7.** 1. There is hereby appropriated from the money the  
29 Administrator of the Division of Public and Behavioral Health of  
30 the Department of Health and Human Services receives pursuant to  
31 NRS 453A.720 the sum of \$978,312 for the cost of conducting the  
32 survey required by section 1.5 of this act.

33 2. Any remaining balance of the appropriation made by  
34 subsection 1 must not be committed for expenditure after June 30,  
35 2019, by the entity to which an appropriation is made or any entity  
36 to which money from the appropriation is granted or otherwise  
37 transferred in any manner, and any portion of the appropriated  
38 money remaining must not be spent for any purpose after  
39 September 20, 2019, by either the entity to which the money was  
40 appropriated or the entity to which the money was subsequently  
41 granted or transferred, and must be reverted to the State General  
42 Fund on or before September 20, 2019.

43 **Sec. 2.** The provisions of subsection 1 of NRS 218D.380 do  
44 not apply to any provision of this act which adds or revises a  
45 requirement to submit a report to the Legislature.



1     **Sec. 3.** (Deleted by amendment.)

2     **Sec. 4.** This act becomes effective upon passage and approval  
3 for the purpose of adopting regulations and performing any other  
4 administrative tasks that are necessary to carry out the provisions of  
5 this act and on July 1, 2017, for all other purposes.



\* S B 1 6 6 R 1 \*