

The House Committee on Regulated Industries offers the following substitute to SB 402:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug
2 abuse treatment and education programs, so as to provide for a temporary moratorium on the
3 issuance of new applications for licensure of narcotic treatment programs; to create the State
4 Commission on Narcotic Treatment Programs; to provide for the membership, powers,
5 duties, compensation, and allowances of the commission; to provide for the abolishment of
6 the commission; to suspend the acceptance of applications for licensure of narcotic treatment
7 programs for a certain period; to provide for exceptions; to provide legislative findings; to
8 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 With respect to the licensure of narcotic treatment programs in this state, the General
13 Assembly finds that:

14 (1) There is a vital need for narcotic treatment programs that provide adequate medical,
15 counseling, vocational, educational, mental health assessment, and social services to
16 patients enrolled in the narcotic treatment program with the goal of the individual
17 achieving recovery;

18 (2) There is a growing concern as to the numbers and concentration of narcotic treatment
19 programs located in certain parts of this state and that concentration of such narcotic
20 treatment programs is in cities along Georgia's borders with neighboring states;

21 (3) There are reported and documented increases in heroin addiction and overdoses
22 throughout this state;

23 (4) There is a grave concern over the public's well-being concerning the potential abuses
24 of methadone and its relationship to geographic proximity, the population being served,
25 and whether patients are receiving adequate treatment;

- 26 (5) Georgia is eighth in population but third nationally in the number of narcotic
 27 treatment programs; and
- 28 (6) There is a need to study the narcotic treatment program licensure requirements and
 29 enforcement and other issues that may arise out of this study.

30 SECTION 2.

31 Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse
 32 treatment and education programs, is amended by adding a new Code section to read as
 33 follows:

34 "26-5-21.

35 (a) There is created the State Commission on Narcotic Treatment Programs to be
 36 composed of three members of the House of Representatives to be appointed by the
 37 Speaker of the House of Representatives; three members of the Senate to be appointed by
 38 the President of the Senate; five members to be appointed by the Governor to include the
 39 commissioner of community health or his or her designee, the commissioner of behavioral
 40 health and developmental disabilities or his or her designee, and three members who
 41 represent a cross section of interests of narcotic treatment program owners, pharmacists,
 42 and law enforcement. The Speaker of the House of Representatives and the President of
 43 the Senate shall each select a cochairperson. The cochairpersons shall call all meetings of
 44 the commission. Administrative support for the commission shall be provided by the staff
 45 of the Department of Community Health, as appropriate.

46 (b) The legislative members of the commission shall be entitled to receive the
 47 compensation and allowances provided for in Code Section 28-1-8. Members of the
 48 commission who are state officials, other than legislative members, or state employees
 49 shall receive no compensation for their services on the commission but may be reimbursed
 50 for expenses incurred by them in the performance of their duties as members of the
 51 commission in the same manner as they are reimbursed for expenses in their capacities as
 52 state officials or employees. Members of the commission who are not legislators, state
 53 officials, or state employees shall receive a daily expense allowance in an amount the same
 54 as that specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
 55 transportation allowance authorized for state employees, and the funds for payment thereof
 56 shall come from funds of the Department of Community Health.

57 (c) The commission may conduct such meetings at such places and at such times as it may
 58 deem necessary or convenient to enable it to exercise fully and effectively its powers,
 59 perform its duties, and accomplish the objectives and purposes of this Code section.

60 (d) The commission shall perform the following by December 31, 2016:

61 (1) Examine the current narcotic treatment program licensure requirements for adequacy;

- 62 (2) Assess how the current licensure requirements and enforcement of such requirements
 63 meet the purpose of providing adequate medical, counseling, vocational, educational,
 64 mental health assessment, and social services to patients enrolled in these programs and
 65 how these programs can be assessed for meeting the narcotic treatment program goal of
 66 the individual achieving recovery;
- 67 (3) Determine if the geographic service areas are reasonable and based on an optimal
 68 balance between population density and service proximity and whether the
 69 sociodemographic in the service area and the projected population to receive services are
 70 being considered;
- 71 (4) Determine the cause and effect of hospital admittance for overdose and incidents of
 72 suicide, if any, in relation to the adequate licensure and oversight of these programs;
- 73 (5) Determine what legislative changes need to be made to licensure requirements of
 74 narcotic treatment programs or any other changes to the law to address concerns that arise
 75 out of this study; and
- 76 (6) Solicit expert testimony on the efficacy of nonnarcotic, medically assisted treatments
 77 for narcotic dependence.
- 78 (e) A temporary moratorium on the acceptance of new applications for licensure of
 79 narcotic treatment programs authorized under this chapter through June 30, 2017, would
 80 provide the General Assembly with time to study the need for any changes to the licensure
 81 requirements for the operation of such programs and the enactment of any other additional
 82 laws to ensure the safety of Georgia's citizens. New applications for licensure of narcotic
 83 treatment programs in this state shall be temporarily suspended starting from the effective
 84 date of this Code section through and including June 30, 2017, in order to permit the
 85 commission to complete its report and recommendations and to permit the General
 86 Assembly to act on those recommendations during the 2017 legislative session.
- 87 (f) Between the effective date of this Code section and June 30, 2017, the department shall
 88 not accept any new applications for licensure of narcotic treatment programs.
- 89 (g) The temporary suspension of new applications for licensure of narcotic treatment
 90 programs shall not affect applications pending on the effective date of this Code section,
 91 program renewals, program name changes, program location changes, or program
 92 ownership changes.
- 93 (h) The commission shall stand abolished on January 1, 2017."

94 SECTION 3.

95 This Act shall become effective on June 1, 2016.

96

SECTION 4.

97 All laws and parts of laws in conflict with this Act are repealed.