

Senate Bill 402

By: Senators Mullis of the 53rd, Burke of the 11th, Harper of the 7th and Watson of the 1st

**AS PASSED**

**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.