

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 515

Short Title: Adjust Drug Education School Enrollment Fee. (Public)

Sponsors: Senators T. Alexander, Burgin, and Johnson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT ADJUSTING THE ENROLLMENT FEE FOR ACCREDITED DRUG EDUCATION
3 SCHOOLS TO ACCOUNT FOR INFLATION; CLARIFYING THE RESPONSIBILITIES
4 OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO
5 DRUG EDUCATION SCHOOLS; AND MAKING TECHNICAL AND OTHER
6 MODIFICATIONS TO THE STATUTE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 90-96.01 reads as rewritten:

9 **"§ 90-96.01. Drug education schools; responsibilities of the Department of Health and**
10 **Human Services; fees.**

11 (a) The Commission for Mental Health, Developmental Disabilities, and Substance
12 Abuse Services shall establish standards and guidelines for the curriculum and operation of local
13 drug education programs. The Department of Health and Human Services shall oversee the
14 development of a statewide system of drug education schools and shall insure that these schools
15 are available in all localities of the State as soon as is practicable.

16 (1) ~~A fee of one hundred fifty dollars (\$150.00) shall be paid by all persons~~
17 ~~Enrollment Fee. – Each person enrolling in an accredited drug education~~
18 ~~school established pursuant to this section. That fee must be paid section shall~~
19 ~~pay a fee of two hundred seventy-five dollars (\$275.00) to an official~~
20 ~~designated for that purpose and at a time and place specified by the area mental~~
21 ~~health, developmental disabilities, and substance abuse authority drug~~
22 ~~education school providing the course of instruction in which the person is~~
23 ~~enrolled. Beginning July 1, 2024, and every five years thereafter, the~~
24 ~~Commission for Mental Health, Developmental Disabilities, and Substance~~
25 ~~Abuse Services shall, by rule, increase the amount of the enrollment fee~~
26 ~~payable under this section to reflect the percentage increase, if any, for such~~
27 ~~five-year period in the Consumer Price Index for All Urban Consumers~~
28 ~~published by the Bureau of Labor Statistics of the U.S. Department of Labor.~~

29 (1a) Fee Collection. – If the clerk of court in the county in which the person is
30 convicted agrees to collect ~~the drug education school enrollment fees~~, the
31 clerk shall collect all such fees for persons convicted in that county. The clerk
32 shall pay the fees collected under this section to the ~~area mental health,~~
33 ~~developmental disabilities, and substance abuse authority for the catchment~~
34 ~~area where the clerk is located regardless of the location where the defendant~~
35 ~~attends the drug education school and that authority shall distribute the funds~~
36 ~~in accordance with the rules and regulations of the Department appropriate~~



1 drug education schools, and the drug education schools shall comply with the
2 provisions of this section regarding use of the fees.

3 ~~The defendant shall pay this fee must be paid~~ in full within two weeks of
4 ~~the date the person is convicted of conviction~~ and before he or she attends any
5 classes, unless the court, upon a showing of reasonable hardship, allows the
6 ~~person-defendant~~ additional time to pay the fee or allows ~~him-the defendant~~
7 to begin the course of instruction without paying the fee. If the person enrolling
8 in the school demonstrates to the satisfaction of the court that ordered ~~him to~~
9 ~~enroll-enrollment~~ in the school that he or she is unable to pay and ~~his-that~~
10 inability to pay is not willful, the court may excuse ~~him-the person~~ from paying
11 the fee. ~~Parents-Drug education schools shall allow parents or guardians of~~
12 ~~persons-attending drug education school shall be allowed-enrollees who are~~
13 ~~minors to audit the drug education school curriculum along with their children~~
14 or wards at no extra expense.

15 (2) Program Implementation. – The Subject to the approval of the Department of
16 Health and Human Services shall have the authority to approve programs to
17 be implemented by area mental health, developmental disabilities, and
18 substance abuse authorities. Area mental health, developmental disabilities,
19 and substance abuse authorities Services, drug education schools may
20 implement drug education programs. In implementing such programs, drug
21 education schools may subcontract for the delivery of drug education program
22 services. The Department shall have the authority to approve services,
23 provided, however, that budgets and contracts with public and private
24 governmental and nongovernmental bodies for the operation of such
25 schools. drug education schools remain subject to the approval of the
26 Department of Health and Human Services.

27 (3) Permissible Use of Fees Retained by Drug Education Schools. – Fees
28 collected under this section and retained by the area mental health,
29 developmental disabilities, and substance abuse authority shall be placed in a
30 nonreverting fund. That fund must be used, Drug education schools shall use
31 the fees collected and retained under this section as necessary, for the
32 operation, evaluation-evaluation, and administration of the drug educational
33 schools; excess-their respective drug education schools. Drug education
34 schools shall not use excess funds may only be used for any purpose other
35 than to fund other drug or alcohol programs.

36 (3a) Permissible Use of Fees Remitted to the Department of Health and Human
37 Services. – The area mental health, developmental disabilities, and substance
38 abuse authority-Each drug education school shall remit five percent (5%) ten
39 percent (10%) of each fee collected under this section to the Division of
40 Mental Health, Developmental Disabilities, and Substance Abuse Services of
41 the Department of Health and Human Services on a monthly basis. Fees
42 received by the-The Department as required by of Health and Human Services
43 shall supply to each drug education school, at no additional charge, a manual
44 and any other required curriculum for each fee collected and remitted to the
45 Department by that drug education school. The Department of Health and
46 Human Services shall not use any fees received under this section may only
47 be used in-for any purpose other than (i) supplying manuals and any other
48 required curriculum to the drug education schools as provided in this
49 subdivision and (ii) supporting, evaluating, and administering drug education
50 schools, and any excess funds will revert to the General Fund.schools. Any

- 1 excess funds remaining at the end of each fiscal year shall revert to the General
2 Fund.
- 3 (4) ~~All Prohibited Use of Fees. – No portion of any fees collected received under~~
4 ~~this section by any area mental health, developmental disabilities, and~~
5 ~~substance abuse authority under the authority of this section may not the~~
6 Department of Health and Human Services shall be used in any manner to for
7 any of the following:
- 8 a. To match other State funds or be funds in any manner.
9 b. To be included in any computation for State formula-funded
10 allocations.
- 11 (b) Willful failure to pay the fee authorized by this section is one ground for a finding
12 that a person placed on probation or who may make application for expunction of all recordation
13 of his or her arrest or conviction has not successfully completed the course. If the court
14 determines the person is unable to pay, he or she shall not be deemed guilty of a willful failure
15 to pay the fee."
- 16 **SECTION 2.** This act becomes effective July 1, 2019.