

House Bill 1066 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Manning of the 32<sup>nd</sup>, Ehrhart of the 36<sup>th</sup>, O`Neal of the 146<sup>th</sup>, Cooper of the 41<sup>st</sup>, Brown of the 69<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 control of hazardous conditions, preventable diseases, and metabolic disorders, so as to  
3 change certain provisions relating to a system for screening newborns for certain metabolic  
4 and genetic disorders; to provide for the establishment of fees; to provide for religious  
5 objection to screening; to change certain provisions relating to screening for phenylketonuria,  
6 sickle cell anemia, and sickle cell trait; to provide for related matters; to provide for an  
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of  
11 hazardous conditions, preventable diseases, and metabolic disorders, is amended by striking  
12 Code Section 31-12-6, relating to a system for prevention of mental retardation resulting  
13 inherited metabolic disorders, and inserting in lieu thereof the following:

14 "31-12-6.

15 (a) The department shall promulgate rules and regulations creating a system for the  
16 prevention of ~~mental retardation~~ serious illness, severe physical or developmental  
17 disability, and death caused by genetic conditions, such as phenylketonuria, galactosemia,  
18 ~~tyrosinemia~~, homocystinuria, maple syrup urine disease, hypothyroidism, congenital  
19 adrenal hyperplasia, and such other inherited metabolic and genetic disorders as may be  
20 ~~determined~~ identified in the future to result in serious illness, severe physical or  
21 developmental disability, and death ~~cause mental retardation~~ if undiagnosed and untreated.  
22 The system shall have five components: screening newborns for the disorders; retrieving  
23 potentially affected screenees back into the health care system; accomplishing specific  
24 diagnoses; initiating and continuing therapy; and assessing the program.

1 (b) The entire process for screening, retrieval, and diagnosis must occur within ~~the first~~  
 2 ~~three weeks of an infant's life~~ time frames established by the department pursuant to rules  
 3 and regulations, and the system shall be structured to meet this critical need.

4 (c) The department shall be responsible for the screening of all newborns for the ~~disorder~~  
 5 disorders enumerated and in a manner determined by the department pursuant to rules and  
 6 regulations and shall be responsible for assessment of the program.

7 (d) The department shall, to the extent state or federal funds are available for such  
 8 purposes, including but not limited to funds provided under Title V of the Social Security  
 9 Act, the Maternal and Child Health Services Block Grant, provide for retrieving potentially  
 10 affected screenees back into the health care system; accomplishing specific diagnoses;  
 11 initiating and continuing therapy; and assessing the program.

12 (e) ~~Because the rudiments of such a system already exist, the~~ The department shall utilize  
 13 appropriate existing resources whenever possible and shall cause the coordination and  
 14 cooperation of agencies and organizations having resources necessary for the creation of  
 15 an effective system.

16 (f) The department shall be authorized to establish and periodically adjust, by rule and  
 17 regulation, fees associated with the screening, retrieval, and diagnosis conducted pursuant  
 18 to this Code section to help defray or meet the costs incurred by the department. In no  
 19 event shall the fees exceed such costs, both direct and indirect, in providing such  
 20 screenings and related services, provided that no services shall be denied on the basis of  
 21 inability to pay. All fees paid thereunder shall be paid into the general fund of the State of  
 22 Georgia.

23 (g) The requirements of this Code section with regard to screening, retrieval, and diagnosis  
 24 shall not apply to any infant whose parents object in writing thereto on the grounds that  
 25 such tests and treatment conflict with their religious tenets and practices."

## 26 SECTION 2.

27 Said chapter is further amended by striking Code Section 31-12-7, relating to rules and  
 28 regulations regarding tests for phenylketonuria, sickle cell anemia, and sickle cell trait, and  
 29 inserting in lieu thereof the following:

30 "31-12-7.

31 (a) In coordination and association with the system established by the department for the  
 32 screening, retrieval, and diagnosis of certain metabolic and genetic disorders pursuant to  
 33 Code Section 31-12-6, the ~~The~~ department, or its successor agency or department, shall  
 34 adopt and promulgate appropriate rules and regulations governing tests for  
 35 phenylketonuria, sickle cell anemia, and sickle cell trait, and other metabolic and genetic  
 36 disorders as enumerated by the department pursuant to rules and regulations so that as

1 nearly as possible all newborn infants who are susceptible or likely to have  
 2 ~~phenylketonuria~~, sickle cell anemia, ~~or sickle cell trait~~, or other metabolic and genetic  
 3 disorders shall receive a test for ~~phenylketonuria~~, sickle cell anemia, ~~or sickle cell trait~~, or  
 4 other metabolic and genetic disorders or all of such conditions as soon after birth as  
 5 successful testing and treatment therefor may be initiated; provided, however, that this  
 6 Code section shall not apply to any infant whose parents object thereto on the grounds that  
 7 such tests and treatment conflict with their religious tenets and practices.

8 (b) If any such child is found to have ~~phenylketonuria~~, sickle cell anemia; or sickle cell  
 9 trait, it shall be the duty of the examining physician or the department to inform the parents  
 10 of such child that the child is so afflicted and, if such child has sickle cell anemia or sickle  
 11 cell trait, that counseling regarding the nature of the disease, its effects, and its treatment  
 12 is available without cost from the department and the county board of health or county  
 13 department of health.

14 (c) It shall be the duty of the department and each county board of health and county  
 15 department of health, or their successor agencies or departments, to furnish counseling and  
 16 advice to any persons requesting such counseling regarding sickle cell anemia or sickle cell  
 17 trait, its characteristics, symptoms, traits, effects, and treatment. Such counseling shall be  
 18 furnished without cost to the person requesting it.

19 (d) The department shall be authorized to establish and periodically adjust, by rule and  
 20 regulation, fees associated with the screening, retrieval, and diagnosis conducted pursuant  
 21 to this Code section to help defray or meet the costs incurred by the department. In no  
 22 event shall the fees exceed such costs, both direct and indirect, in providing such  
 23 screenings and related services, provided that no services shall be denied on the basis of  
 24 inability to pay. All fees paid thereunder shall be paid into the general fund of the State of  
 25 Georgia."

### 26 SECTION 3.

27 This Act shall become effective on January 1, 2007.

### 28 SECTION 4.

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