

Senate Bill 289

By: Senators Balfour of the 9th, Williams of the 19th and Thomas of the 54th

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 revise certain provisions relating to the assessment of the newborn screening program; to
4 revise certain provisions relating to approved laboratories to perform screening testing; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of
9 hazardous conditions, preventable diseases, and metabolic disorders, is amended by revising
10 Code Section 31-12-6, relating to a system for prevention of mental retardation resulting
11 from inherited metabolic disorders, as follows:

12 "31-12-6.

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

22 (b) The entire process for screening, retrieval, and diagnosis must occur within time
23 frames established by the department pursuant to rules and regulations, and the system
24 shall be structured to meet this critical need.

25 (c) The department shall be responsible for the assessment of the program that provides
26 for the screening of all newborns for the disorders enumerated and in a manner determined

1 by the department pursuant to rules and regulations ~~and shall be responsible for assessment~~
 2 ~~of the program.~~

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

8 (e) The department shall utilize appropriate existing resources whenever possible and shall
 9 cause the coordination and cooperation of agencies and organizations having resources
 10 necessary for the creation of an effective system.

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

18 (g) The department shall allow any laboratory ~~licensed in Georgia and authorized~~ certified
 19 pursuant to the federal Clinical Laboratory Improvement Amendments of 1988, 42
 20 U.S.C.A. Section 263, that is licensed to perform screening testing of newborn infants in
 21 any state ~~using and uses~~ normal pediatric reference ranges to conduct the analysis required
 22 pursuant to this Code section as an alternative to the state operated newborn screening
 23 laboratory. The testing performed by such laboratory must include testing for newborn
 24 diseases as required by law or regulation and shall provide test results and reports
 25 consistent with law and with policies, procedures, and regulations of the department.

26 ~~(h) No later than January 1, 2007, the Georgia Department of Audits and Accounts shall~~
 27 ~~conduct an assessment evaluating the efficiency and effectiveness of the newborn~~
 28 ~~screenings conducted by the Georgia Public Health Laboratory pursuant to this Code~~
 29 ~~section. If it is determined that private laboratories can provide testing at a lower cost than~~
 30 ~~the Georgia Public Health Laboratory, the department shall issue a request for proposals~~
 31 ~~to qualified vendors including any private laboratory licensed in Georgia as established in~~
 32 ~~subsection (g) of this Code section. The Georgia Public Health Laboratory shall be eligible~~
 33 ~~to respond to such request for proposals.~~

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

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SECTION 2.

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