

HOUSE SUBSTITUTE TO SENATE BILL 435

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 enact the "Diabetes and Health Improvement Act of 2010"; to provide legislative findings;
3 to establish the Georgia Diabetes Control Grant Program; to provide for an advisory
4 committee; to provide for the establishment of two grant programs to promote a state-wide
5 effort to combat the proliferation of diabetes; to provide for grant criteria; to provide for
6 staff; to revise certain provisions relating to the regulation of tanning facilities; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

PART I

SECTION 1-1.

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11 The General Assembly finds that:

- 12 (1) Diabetes is a chronic disease caused by the inability of the pancreas to produce insulin
13 or to use the insulin produced in the proper way;
- 14 (2) If untreated and poorly managed, diabetes has been medically proven to lead to
15 blindness, kidney failure, amputation, heart attack, and stroke;
- 16 (3) Diabetes is the sixth leading cause of death in the United States, responsible for a
17 similar number of deaths each year as HIV/AIDS;
- 18 (4) In Georgia, the prevalence of diabetes is 8 percent higher than the nation as a whole;
- 19 (5) One out of three people with diabetes are not aware that they have the disease;
- 20 (6) Without aggressive societal action, the number of people living with diabetes in
21 Georgia will more than double to 1,697,000 people in the next 20 years, cutting life short
22 for these people by ten to 20 years; and
- 23 (7) Without aggressive societal action, the economic burden of diabetes on the State of
24 Georgia is expected to grow from \$5 billion each year to about \$11.9 billion in the next 20
25 years.

26 **SECTION 1-2.**

27 This Act shall be known and may be cited as the "Diabetes and Health Improvement Act of
28 2010."

29 **SECTION 1-3.**

30 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
31 a new Code section to read as follows:

32 "31-2-17.1.

33 (a) There is established within the department's Division of Public Health the Georgia
34 Diabetes Control Grant Program. The purpose of the grant program shall be to develop,
35 implement, and promote a state-wide effort to combat the proliferation of Type 2 diabetes
36 and pre-diabetes.

37 (b) The program shall be under the direction of a seven-member advisory committee,
38 appointed by the Governor. The Governor, in making such appointments, shall ensure to
39 the greatest extent possible that the membership of the advisory committee is representative
40 of this state's geographic and demographic composition, with appropriate attention to the
41 representation of women, minorities, and rural Georgia. The appointments made by the
42 Governor shall include one member who is:

- 43 (1) A physician licensed in this state;
44 (2) A registered nurse licensed in this state;
45 (3) A dietician licensed in this state;
46 (4) A diabetes educator;
47 (5) A representative of the business community;
48 (6) A pharmacist licensed in this state; and
49 (7) A consumer who has diabetes.

50 The commissioner of the Department of Community Health, or his or her designee, shall
51 serve as an ex officio, nonvoting member of the advisory committee. Appointed advisory
52 committee members shall be named for five-year terms staggered so that one term will
53 expire each year, except for the fourth and fifth year, when two terms will expire. Their
54 successors shall be named for five-year terms.

55 (c) The Georgia Diabetes Control Grant Program shall be authorized to administer two
56 grant programs targeted at new, expanded, or innovative approaches to address diabetes as
57 follows:

- 58 (1) A program to provide grants to middle schools and high schools to promote the
59 understanding and prevention of diabetes may be established by the program. Such
60 grants shall be provided through the appropriate local board of education. Grant requests
61 shall contain specific information regarding requirements as to how the grant should be

62 spent and how such spending promotes the understanding and prevention of diabetes.
 63 Grant recipients shall be required to provide the advisory committee with quarterly
 64 reports of the results of the grant program; and

65 (2) A program to provide grants to health care providers for support of evidence based
 66 diabetes programs for education, screening, disease management, and self-management
 67 targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of
 68 diabetes; and grants may also be awarded to address evidence based activities that focus
 69 on policy, systems, and environmental changes that support prevention, early detection,
 70 and treatment of diabetes. Eligible entities shall include community and faith based
 71 clinics and other organizations, federally qualified health centers, regional and county
 72 health departments, hospitals, and other public entities, and other health related service
 73 providers which are qualified as exempt from taxation under the provisions of Section
 74 501(c)(3) of the Internal Revenue Code of 1986. Such entities shall have been in
 75 existence for at least three years, demonstrate financial stability, utilize evidence based
 76 practices, and show measurable results in their programs.

77 (d) The advisory committee shall work with the department to establish grant criteria and
 78 make award decisions, with the goal of creating a state-wide set of resources to assist
 79 residents of Georgia in their efforts to prevent or treat diabetes. Grants shall not be used for
 80 funding existing programs.

81 (e) The grant program shall be under the direction of the diabetes coordinator appointed
 82 pursuant to Code Section 31-2-17. The department shall provide sufficient staff,
 83 administrative support, and such other resources as may be necessary for the diabetes
 84 coordinator to carry out the duties required by this Code section.

85 (f) This Code section shall be subject to appropriation from the General Assembly."

86 **PART II**

87 **SECTION 2-1.**

88 Said title is further amended by adding a new Code section to read as follows:

89 "31-38-4.1.

90 (a) After January 1, 2011, no person shall establish, maintain, or operate a tanning facility
 91 without first having registered with the department.

92 (b) A person shall register under this Code section by submitting a form to the department.
 93 The form shall require only the name, address, and telephone number of the tanning facility
 94 and owner and the model number and type of each ultraviolet lamp used in the tanning
 95 facility.

96 (c) A registrant shall be required to pay an annual registration fee of \$25.00 per tanning
97 facility and an additional registration fee of \$15.00 per tanning device owned, leased, or
98 otherwise used by the tanning facility."

99

SECTION 2-2.

100 Said title is further amended by revising subsection (b) of Code Section 31-38-8, relating to
101 written report of injury requirement, use of tanning equipment by minors restricted, and
102 equipment maintenance requirements, and by adding a new subsection to read as follows:

103 "(b) The tanning facility owner or operator shall not allow minors under 14 years of age
104 to use tanning equipment. The tanning facility owner or operator shall not allow minors
105 14 years of age or over but under 18 years of age to use tanning equipment unless the
106 minor's parent or legal guardian signs a written consent form meeting the requirements of
107 this Code section. Such consent form shall be signed by the parent or legal guardian at the
108 tanning facility before the minor may use the equipment or facility."

109 "(e) A tanning facility shall not advertise or distribute promotional materials that claim that
110 using a tanning device is safe or free from risk or that the use of a tanning device will result
111 in medical or health benefits. Violation of the provisions of this subsection shall constitute
112 an unfair or deceptive act pursuant to the terms of Part 2 of Article 15 of Chapter 1 of Title
113 10, the Fair Business Practices Act of 1975."

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PART III

115

SECTION 3-1.

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