

Senate Bill 402

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

AS PASSED SENATE

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 moratorium on the issuance
3 of new applications for licensure of narcotic treatment programs; to create the State
4 Commission on Narcotic Treatment Programs; to provide legislative findings and intent; to
5 provide for the membership, powers, duties, compensation, and allowances of the
6 commission; to provide for the abolishment of the commission; to suspend the acceptance
7 of applications for licensure of narcotic treatment programs for a certain period; to provide
8 for exceptions; to provide for related matters; to provide an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse
13 treatment and education programs, is amended by adding a new Code section to read as
14 follows:

15 "26-5-21.

16 (a) A temporary moratorium on the acceptance of new applications for licensure of
17 narcotic treatment programs authorized under this chapter through June 30, 2017, would
18 provide the General Assembly with time to study the need for any changes to the licensure
19 requirements for the operation of such programs and the enactment of any other additional
20 laws to ensure the safety of Georgia's citizens. With respect to the licensure of narcotic
21 treatment programs in this state, the General Assembly finds that:

22 (1) There is a vital need for narcotic treatment programs that provide adequate medical,
23 counseling, vocational, educational, mental health assessment, and social services to
24 patients enrolled in the opioid treatment program with the goal of the individual
25 achieving recovery;

- 26 (2) There is a growing concern as to the numbers and concentration of narcotic treatment
27 programs located in certain parts of this state and that concentration of such narcotic
28 treatment programs is in cities along Georgia's borders with neighboring states;
- 29 (3) There are reported and documented increases in heroin addiction and overdoses
30 throughout this state;
- 31 (4) There is a grave concern over the public's well-being concerning the potential abuses
32 of methadone and its relationship to geographic proximity, the population being served,
33 and whether patients are receiving adequate treatment;
- 34 (5) Georgia is eighth in population but third nationally in the number of narcotic
35 treatment programs; and
- 36 (6) There is a need to study the narcotic treatment program licensure requirements and
37 enforcement and other issues that may arise out of this study.
- 38 (b) There is created the State Commission on Narcotic Treatment Programs to be
39 composed of three members of the House of Representatives to be appointed by the
40 Speaker of the House of Representatives; three members of the Senate to be appointed by
41 the President of the Senate; five members to be appointed by the Governor to include the
42 commissioner of community health or his or her designee, the commissioner of behavioral
43 health and developmental disabilities or his or her designee, and three members who
44 represent a cross section of interests of narcotic treatment program owners, pharmacists,
45 and law enforcement. The Speaker of the House of Representatives and the President of
46 the Senate shall each select a cochairperson. The cochairpersons shall call all meetings of
47 the commission. Administrative support for the commission shall be provided by the staff
48 of the Department of Community Health, as appropriate.
- 49 (c) The commission shall perform the following by December 31, 2016:
- 50 (1) Examine the current narcotic treatment program licensure requirements for adequacy;
51 (2) Assess how the current licensure requirements and enforcement of such requirements
52 meet the purpose of providing adequate medical, counseling, vocational, educational,
53 mental health assessment, and social services to patients enrolled in these programs and
54 how these programs can be assessed for meeting the opioid treatment program goal of the
55 individual achieving recovery;
- 56 (3) Determine if the geographic service areas are reasonable and based on an optimal
57 balance between population density and service proximity and whether the
58 sociodemographic in the service area and the projected population to receive services are
59 being considered;
- 60 (4) Determine the cause and effect of hospital admittance for overdose and incidents of
61 suicide, if any, in relation to the adequate licensure and oversight of these programs;

62 (5) Determine what legislative changes need to be made to licensure requirements of
63 narcotic treatment programs or any other changes to the law to address concerns that arise
64 out of this study; and

65 (6) Solicit expert testimony on the efficacy of nonnarcotic, medically assisted treatments
66 for opioid dependence.

67 (d) The legislative members of the commission shall be entitled to receive the
68 compensation and allowances provided for in Code Section 28-1-8. Members of the
69 commission who are state officials, other than legislative members, or state employees
70 shall receive no compensation for their services on the commission but may be reimbursed
71 for expenses incurred by them in the performance of their duties as members of the
72 commission in the same manner as they are reimbursed for expenses in their capacities as
73 state officials or employees. Members of the commission who are not legislators, state
74 officials, or state employees shall receive a daily expense allowance in an amount the same
75 as that specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
76 transportation allowance authorized for state employees, and the funds for payment thereof
77 shall come from funds of the Department of Community Health.

78 (e) This commission may conduct such meetings at such places and at such times as it may
79 deem necessary or convenient to enable it to exercise fully and effectively its powers,
80 perform its duties, and accomplish the objectives and purposes of this Code section.

81 (f) The commission shall stand abolished on January 1, 2017.

82 (g) New applications for licensure of narcotic treatment programs in this state shall be
83 temporarily suspended starting from the effective date of this Code section through and
84 including June 30, 2017, in order to permit the commission to complete its report and
85 recommendations and to permit the General Assembly to act on those recommendations
86 during the 2017 legislative session.

87 (h) Between the effective date of this Code section and June 30, 2017, the department shall
88 not accept any new applications for licensure of a narcotic treatment program.

89 (i) 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 renewals, program name changes, program location changes, or program ownership
92 changes."

93 **SECTION 2.**

94 This Act shall become effective upon its approval by the Governor or upon its becoming law
95 without such approval.

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SECTION 3.

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