

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.

96

**SECTION 3.**

97 All laws and parts of laws in conflict with this Act are repealed.