

Senate Bill 402

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

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse treatment and education programs, so as to provide for a moratorium on the issuance of new licenses to narcotic treatment programs; to create the State Commission on Narcotic Treatment Programs; to provide legislative findings and intent; to provide for the membership, powers, duties, compensation, and allowances of the commission; to provide for the abolishment of the commission; to suspend the acceptance of applications and issuing of licenses for narcotic treatment programs for a certain period; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"26-5-21.

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

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

(2) There is a growing concern as to the numbers and concentration of narcotic treatment programs located in certain parts of this state and that concentration of such narcotic treatment programs is in cities along Georgia's borders with neighboring states;

(3) There are reported and documented increases in heroin addiction and overdoses throughout this state;

(4) There is a grave concern over the public's well-being concerning the potential abuses of methadone and its relationship to geographic proximity, the population being served, and whether patients are receiving adequate treatment;

(5) Georgia is eighth in population but third nationally in the number of narcotic treatment programs; and

(6) There is a need to study the narcotic treatment program licensure requirements and enforcement and other issues that may arise out of this study.

(b) There is created the State Commission on Narcotic Treatment Programs to be composed of three members of the House of Representatives to be appointed by the Speaker of the House of Representatives; three members of the Senate to be appointed by the President of the Senate; five members to be appointed by the Governor to include the commissioner of community health or his or her designee, the commissioner of behavioral health and developmental disabilities or his or her designee, and three members who represent a cross section of interests of narcotic treatment program owners, pharmacists, and law enforcement. The Speaker of the House of Representatives and the President of the Senate shall each select a cochairperson. The cochairpersons shall call all meetings of the commission. Administrative support for the commission shall be provided by the staff of the Department of Community Health, as appropriate.

(c) The commission shall perform the following by December 31, 2016:

(1) Examine the current narcotic treatment program licensure requirements for adequacy;

(2) Assess how the current licensure requirements and enforcement of such requirements meet the purpose of providing adequate medical, counseling, vocational, educational, mental health assessment, and social services to patients enrolled in these programs and how these programs can be assessed for meeting the opioid treatment program goal of the individual achieving recovery;

(3) Determine if the geographic service areas are reasonable and based on an optimal balance between population density and service proximity and whether the sociodemographic in the service area and the projected population to receive services are being considered;

(4) Determine the cause and effect of hospital admittance for overdose and incidents of suicide, if any, in relation to the adequate licensure and oversight of these programs; and

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

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

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

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

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

(h) Between the effective date of this Code section and June 30, 2017:

(1) No new license shall be issued for a narcotic treatment program; and

(2) The department shall not accept any new applications for a narcotic treatment program.

(i) The temporary suspension of new licenses and new applications for narcotic treatment programs shall not affect renewals, program name changes, and changes in program ownership."

SECTION 2.

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

SECTION 3.

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