

Senate Bill 367

By: Senators Cowser of the 46th, Dolezal of the 27th, Watson of the 1st, Kirkpatrick of the 32nd, Robertson of the 29th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to  
2 exemptions from certificate of need requirements, so as to provide an exemption for health  
3 care facilities, services, and equipment dedicated exclusively to the treatment of cancer; to  
4 provide for conditions; to provide for applicability; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions  
9 from certificate of need requirements, is amended in subsection (a) by striking "and" at the  
10 end of paragraph (34), by replacing the period at the end of paragraph (35) with "; and", and  
11 by adding a new paragraph to read as follows:

12 "(36)(A) The development, expansion, acquisition, relocation, or operation of any  
13 health care facility, service, or equipment that is primarily and exclusively dedicated  
14 to the treatment of cancer, including:

- 15 (i) Any hospital, clinic, ambulatory surgical center, or freestanding facility that  
16 provides diagnostic, therapeutic, surgical, management, or palliative care for cancer  
17 patients;
- 18 (ii) Any medical technology or equipment used exclusively for the detection,  
19 diagnosis, treatment, or research of cancer, including but not limited to radiation  
20 therapy machines, linear accelerators, proton therapy systems, positron emission  
21 tomography, and other oncological treatment modalities;
- 22 (iii) Any outpatient services, including radiation therapy, chemotherapy, infusion  
23 therapy, and precision medicine programs, dedicated solely to cancer treatment;
- 24 (iv) Any facility engaged in clinical trials, experimental treatments, or research  
25 exclusively related to oncology;
- 26 (v) Any hospice, rehabilitation, or supportive care facility exclusively providing  
27 services to cancer patients; and
- 28 (vi) Any expenditure or capital expenditure associated with the construction,  
29 development, acquisition, or other establishment of a service, service facility, or  
30 equipment primarily and exclusively dedicated to the treatment of cancer;
- 31 (B) Facilities and services operating under the exemption provided for in this  
32 paragraph shall:
- 33 (i) Comply with all applicable federal and state regulations for oncology care; and  
34 (ii) Submit patient volume and treatment data to the department to verify compliance  
35 with the exemption provided for in this paragraph;
- 36 (iii) Provide annual reports in the same manner and in accordance with Code Section  
37 31-6-70.
- 38 (C) The exemption provided for in this paragraph shall apply regardless of ownership  
39 structure, affiliation with an existing hospital, or location within the state."

40

**SECTION 2.**

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