

Senate Bill 440

By: Senators Kirkpatrick of the 32nd, Hatchett of the 50th, Watson of the 1st, Echols of the 49th, Brass of the 6th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 16, 19, 31, 48, and 49 of the Official Code of Georgia Annotated, relating  
2 to crimes and offenses, domestic relations, health, revenue and taxation, and social services,  
3 respectively, so as to modernize and update provisions relative to duties or functions of the  
4 Department of Public Health; to eliminate certain powers of state regulatory boards  
5 governing prescribers relative to the prescription drug monitoring program database; to  
6 eliminate certain requirements of the Department of Public Health relative to the testing and  
7 certification of such database; to repeal provisions relative to the Electronic Database Review  
8 Advisory Committee; to repeal provisions relative to the preparation and distribution of  
9 informational materials regarding AIDS, HIV, testing for sickle cell disease, and marriage;  
10 to revise provisions relative to hearing screenings of newborns; to eliminate reporting  
11 requirements of certain entities permitted to administer auto-injectable epinephrine; to  
12 eliminate certain duties of the Department of Public Health relative to establishing  
13 requirements for the storage and oversight of such drugs; to repeal provisions relative to a  
14 pilot program for home visitation during pregnancy and early childhood; to revise certain  
15 reporting requirements of the Department of Public Health regarding a program providing  
16 healthcare services to low-income residents; to revise certain reporting requirements of such  
17 department relative to certified stroke centers; to condition reporting requirements of the  
18 Office of Cardiac Care on appropriations; to eliminate certain reporting requirements of the

S. B. 440

- 1 -

19 Department of Public Health relative to infants born with neonatal abstinence syndrome; to  
20 repeal provisions relative to the Cancer Advisory Committee; to eliminate the cancer control  
21 officer position; to revise certain duties of the commissioner relative to a program for cancer  
22 prevention, control, and treatment; to repeal the "Osteoporosis Prevention and Treatment  
23 Education Act"; to revise provisions related to the establishment of a network of postnatal  
24 tissue and fluid banks; to repeal provisions relative to the Georgia Commission for Saving  
25 the Cure; to eliminate optional taxpayer contributions to stem cell research; to repeal  
26 provisions relative to the Arthritis Prevention and Control Program; to transfer certain duties  
27 of the Department of Community Health relative to programs for home delivered meals to  
28 the Department of Public Health; to make conforming changes; to provide for related  
29 matters; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

32 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
33 amended by revising Code Section 16-13-57, relating to a program to record prescription  
34 information into electronic data base and administration and oversight, as follows:

35 "16-13-57.

36 (a) As used in this part, the term:

37 (1) 'Department' means the Department of Public Health.

38 (2) 'PDMP' means the prescription drug monitoring program ~~data-base~~ database.

39 (b) Subject to funds as may be appropriated by the General Assembly or otherwise  
40 available for such purpose, the department shall, in consultation with members of the  
41 Georgia Composite Medical Board, the State Board of Pharmacy, and the agency, establish  
42 and maintain a program to electronically record into an electronic PDMP prescription  
43 information resulting from the dispensing of Schedule II, III, IV, or V controlled

44 substances and to electronically review such prescription information that has been entered  
45 into such ~~data base~~ database. The purpose of such PDMP shall be to assist in the reduction  
46 of the abuse of controlled substances; to improve, enhance, and encourage a better quality  
47 of healthcare by promoting the proper use of medications to treat pain and terminal illness;  
48 to reduce duplicative prescribing and overprescribing of controlled substance practices for  
49 health oversight purposes; and to gather data for epidemiological research. The PDMP  
50 shall be administered by the department.

51 (c)(1) Each prescriber who has a DEA registration number shall enroll to become a user  
52 of the PDMP as soon as possible, and no later than January 1, 2018; provided, however,  
53 that prescribers who attain a DEA registration number after such date shall enroll within  
54 30 days of attaining such credentials. A prescriber who violates this subsection shall be  
55 held administratively accountable to the state regulatory board governing such prescriber  
56 for such violation.

57 ~~(2) Any state regulatory board governing prescribers shall have the discretion to rescind~~  
58 ~~any consent orders or other disciplinary actions that were entered into or imposed prior~~  
59 ~~to April 26, 2019, for a violation of paragraph (1) of this subsection after review based~~  
60 ~~on, but not limited to, the following factors: subsequent compliance with paragraph (1)~~  
61 ~~of this subsection; compliance with the terms of the consent order or other disciplinary~~  
62 ~~action; and whether such prescriber has had previous infractions of other laws or~~  
63 ~~regulations relating to his or her licensure. The authority granted under this paragraph~~  
64 ~~shall expire on December 31, 2019.~~

65 ~~(3)(2) On and after April 26, 2019, for~~ For purposes of this subsection, the term  
66 'administratively accountable' shall mean a warning or the imposition of a fine, but any  
67 such fine shall not be considered a disciplinary action against the licensee.

68 ~~(d) Between January 1, 2018, and May 31, 2018, the department shall randomly test the~~  
69 ~~PDMP to determine if it is accessible and operational 99.5 percent of the time. If the~~  
70 ~~department determines that the PDMP meets such standard, then between June 1, 2018, and~~

71 ~~June 20, 2018, the department shall certify in writing to each board that governs prescribers~~  
72 ~~that it is operational. Each board that governs prescribers shall publish such information~~  
73 ~~on its website."~~

74

**SECTION 2.**

75 Said title is further amended by revising Code Section 16-13-61, relating to Electronic  
76 Database Review Advisory Committee, members, terms, officers, procedure, and  
77 compensation, as follows:

78 "16-13-61.

79 ~~(a) There is established an Electronic Database Review Advisory Committee for the~~  
80 ~~purposes of consulting with and advising the department on matters related to the~~  
81 ~~establishment, maintenance, and operation of how prescriptions are electronically reviewed~~  
82 ~~pursuant to this part. This shall include, but shall not be limited to, data collection,~~  
83 ~~regulation of access to data, evaluation of data to identify benefits and outcomes of the~~  
84 ~~reviews, communication to prescribers and dispensers as to the intent of the reviews and~~  
85 ~~how to use the PDMP, and security of data collected.~~

86 ~~(b) The advisory committee shall consist of 12 members as follows:~~87 ~~(1) A representative from the agency;~~88 ~~(2) A representative from the Georgia Composite Medical Board;~~89 ~~(3) A representative from the Georgia Board of Dentistry;~~90 ~~(4) A representative with expertise in personal privacy matters, appointed by the~~  
91 ~~president of the State Bar of Georgia;~~92 ~~(5) A representative from a specialty profession that deals in addictive medicine,~~  
93 ~~appointed by the Georgia Composite Medical Board;~~94 ~~(6) A pain management specialist, appointed by the Georgia Composite Medical Board;~~95 ~~(7) An oncologist, appointed by the Georgia Composite Medical Board;~~

- 96 ~~(8) A representative from a hospice or hospice organization, appointed by the Georgia~~  
97 ~~Composite Medical Board;~~
- 98 ~~(9) A representative from the State Board of Optometry;~~
- 99 ~~(10) The consumer member appointed by the Governor to the State Board of Pharmacy~~  
100 ~~pursuant to subsection (b) of Code Section 26-4-21;~~
- 101 ~~(11) A pharmacist from the State Board of Pharmacy; and~~
- 102 ~~(12) A representative from the Department of Public Health.~~
- 103 ~~(c) Each member of the advisory committee shall serve a three-year term or until the~~  
104 ~~appointment and qualification of such member's successor.~~
- 105 ~~(d) The advisory committee shall elect a chairperson and vice chairperson from among its~~  
106 ~~membership to serve a term of one year. The vice chairperson shall serve as the~~  
107 ~~chairperson at times when the chairperson is absent.~~
- 108 ~~(e) The advisory committee shall meet at the call of the chairperson or upon request by at~~  
109 ~~least three of the members and shall meet at least one time per year. Five members of the~~  
110 ~~committee shall constitute a quorum.~~
- 111 ~~(f) The members shall receive no compensation or reimbursement of expenses from the~~  
112 ~~state for their services as members of the advisory committee. Reserved."~~

113

**SECTION 3.**

114 Said title is further amended by revising paragraph (a)(2) of Code Section 16-13-63, relating  
115 to liability, review of PDMP data when filing certain prescriptions, and cause of action for  
116 civil damages, as follows:

117 "(2)(A) On and after July 1, 2018, when a prescriber is prescribing a controlled  
118 substance listed in paragraph (1) or (2) of Code Section 16-13-26 or benzodiazepines,  
119 he or she shall seek and review information from the PDMP the first time he or she  
120 issues such prescription to a patient and thereafter at least once every 90 days, unless  
121 the:

- 122 (i) Prescription is for no more than a three-day supply of such substance and no  
 123 more than 26 pills;
- 124 (ii) Patient is in a hospital or healthcare facility, including, but not limited to, a  
 125 nursing home, an intermediate care home, a personal care home, or a hospice  
 126 program, which provides patient care and prescriptions to be administered and used  
 127 by a patient on the premises of the facility;
- 128 (iii) Patient has had outpatient surgery at a hospital or ambulatory surgical center  
 129 and the prescription is for no more than a ten-day supply of such substance and no  
 130 more than 40 pills;
- 131 (iv) Patient is terminally ill or under the supervised care of an outpatient hospice  
 132 program; or
- 133 (v) Patient is receiving treatment for cancer.

134 ~~(B) This paragraph shall not become effective unless the department's certification~~  
 135 ~~required by subsection (d) of Code Section 16-13-57 has been issued.~~

136 ~~(C)~~(B) A prescriber who violates this paragraph shall be held administratively  
 137 accountable to the state regulatory board governing such prescriber but shall not be held  
 138 civilly liable for damages to any person in any civil or administrative action or  
 139 criminally responsible for injury, death, or loss to person or property on the basis that  
 140 such prescriber did or did not seek or obtain information from such ~~data base~~ database  
 141 when prescribing such substance."

142 **SECTION 4.**

143 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
 144 amended by revising Code Section 19-3-35.1, relating to AIDS brochures, listing of HIV test  
 145 sites, and acknowledgment of receipt, as follows:

146 "19-3-35.1.

147 ~~(a) Any term used in this Code section and defined in Code Section 31-22-9.1 shall have~~  
 148 ~~the meaning provided for such term in Code Section 31-22-9.1.~~

149 ~~(b) The Department of Public Health shall prepare a brochure describing AIDS, HIV, and~~  
 150 ~~the dangers, populations at risk, risk behaviors, and prevention measures relating thereto.~~  
 151 ~~That department shall also prepare a listing of sites at which confidential and anonymous~~  
 152 ~~HIV tests are provided without charge. That department shall further prepare a form for~~  
 153 ~~acknowledging that the brochures and listings have been received, as required by~~  
 154 ~~subsection (c) of this Code section. The brochures, listings, and forms prepared by the~~  
 155 ~~Department of Public Health (formerly known as the Department of Human Resources for~~  
 156 ~~these purposes) under this subsection shall be prepared and furnished to the office of each~~  
 157 ~~judge of the probate court no later than October 1, 1988.~~

158 ~~(c) On and after October 1, 1988, each person who makes application for a marriage~~  
 159 ~~license shall receive from the office of the probate judge at the time of the application the~~  
 160 ~~AIDS brochure and listing of HIV test sites prepared and furnished pursuant to~~  
 161 ~~subsection (b) of this Code section. On and after October 1, 1988, no marriage license~~  
 162 ~~shall be issued unless both the proposed husband and the proposed wife sign a form~~  
 163 ~~acknowledging that both have received the brochure and listing. Reserved.~~"

164

## SECTION 5.

165 Said title is further amended by revising Code Section 19-3-40, relating to blood test for  
 166 sickle cell disease and information to be provided, as follows:

167 "19-3-40.

168 ~~(a) As used in this Code section, the term 'blood test for sickle cell disease' means a blood~~  
 169 ~~test for sickle cell anemia, sickle cell trait, and other detectable abnormal hemoglobin.~~

170 ~~(b) The Department of Public Health shall prepare information for public dissemination~~  
 171 ~~on the department's website describing the importance of obtaining a blood test for sickle~~

172 ~~cell disease and explaining the causes and effects of such disease. Such information shall~~  
 173 ~~recommend that each applicant applying for a marriage license obtain a blood test for~~  
 174 ~~sickle cell disease prior to obtaining a marriage license. Such information may also be~~  
 175 ~~provided as a brochure or other document. The department shall make such information~~  
 176 ~~available in electronic format to the probate courts of this state which shall disseminate~~  
 177 ~~such information to all persons applying for marriage licenses. Reserved."~~

178 **SECTION 6.**

179 Said title is further amended by revising Code Section 19-3-41, relating to Department of  
 180 Public Health marriage manual, distribution, and rules and regulations, as follows:

181 "19-3-41.

182 ~~(a) The Department of Public Health shall prepare a marriage manual for distribution by~~  
 183 ~~the judge of the probate court or his clerk to all applicants for a marriage license. The~~  
 184 ~~manual shall include, but shall not be limited to, material on family planning.~~

185 ~~(b) The manual provided for in subsection (a) of this Code section shall be issued by the~~  
 186 ~~judge of the probate court or his clerk to applicants for a marriage license at the same time~~  
 187 ~~the marriage license is issued.~~

188 ~~(c) The Department of Public Health shall promulgate rules and regulations to implement~~  
 189 ~~this Code section.~~

190 ~~(d) In order to be nonsectarian, the manual will include resource referral information for~~  
 191 ~~those who might have questions regarding religious beliefs in the areas covered by the~~  
 192 ~~marriage manual. Reserved."~~

193 **SECTION 7.**

194 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
 195 subsection (e) of Code Section 31-1-3.2, relating to hearing screenings for newborns, as  
 196 follows:

197 "(e) It is the intent of the General Assembly that, ~~by July 1, 2002,~~ newborn hearing  
 198 screening be conducted on no fewer than 95 percent of all newborn infants born in  
 199 hospitals in this state, using procedures established by rule and or regulation of the ~~Board~~  
 200 ~~of Public Health after review of any recommendations of the advisory committee on~~  
 201 ~~hearing in newborn infants, created in former subsection (d) of this Code section. Toward~~  
 202 ~~that end, on and after July 1, 2001, every~~ department. Every licensed or certified hospital  
 203 and physician shall educate the parents of newborn infants born in such hospitals of the  
 204 importance of screening the hearing of newborn infants and follow-up care. Education  
 205 shall not be considered a substitute for the hearing screening described in this subsection.  
 206 Every licensed or permitted hospital shall report annually to the Department of Public  
 207 Health concerning the following number of newborn infants:

- 208 (1) Born ~~The number of newborn infants born in the hospital;~~
- 209 (2) Screened ~~The number of newborn infants screened;~~
- 210 (3) Who ~~The number of newborn infants who passed the screening, if administered; and~~
- 211 (4) Who ~~The number of newborn infants who did not pass the screening, if~~  
 212 ~~administered."~~

213 **SECTION 8.**

214 Said title is further amended by repealing subsections (f) and (g) of Code Section 31-1-15,  
 215 relating to use of auto-injectable epinephrine by authorized entities.

216 **SECTION 9.**

217 Said title is further amended by revising Code Section 31-2A-19, relating to pilot program  
 218 for home visitation during pregnancy and early childhood, reporting, and funding  
 219 requirement, as follows:

220 "31-2A-19.

221 ~~(a) The Department of Public Health shall conduct a pilot program to provide home~~  
222 ~~visiting in at-risk and underserved rural communities during pregnancy and early childhood~~  
223 ~~to improve birth outcomes, reduce preterm deliveries, and decrease infant and maternal~~  
224 ~~mortality.~~

225 ~~(b) No later than December 31, 2024, the department shall submit a detailed written report~~  
226 ~~on the implementation and effectiveness of the pilot program to the Governor, the Speaker~~  
227 ~~of the House of Representatives, the President of the Senate, and the chairpersons of the~~  
228 ~~House Committee on Public Health and the Senate Health and Human Services Committee.~~  
229 ~~Such report shall also include recommendations as to expansion of the pilot program state~~  
230 ~~wide.~~

231 ~~(c) This Code section shall be contingent upon appropriations made by the General~~  
232 ~~Assembly specifically for the department for such purposes. Reserved.~~

233

#### SECTION 10.

234 Said title is further amended by revising Code Section 31-8-198, relating to annual report,  
235 as follows:

236 "31-8-198.

237 Annually, the department shall report to the President of the Senate, the Speaker of the  
238 House of Representatives, the minority leaders of each house, and chairpersons of the  
239 House Public and Community ~~Health and Human Services~~ Committee and the Senate  
240 Health and Human Services Committee, summarizing the ~~efficacy of access and treatment~~  
241 ~~outcomes~~ access points of service and utilization data with respect to providing ~~health care~~  
242 healthcare services for low-income persons pursuant to this article."

243 **SECTION 11.**

244 Said title is further amended by revising subsection (d) of Code Section 31-11-114, relating  
245 to grants and report, as follows:

246 "(d) Subject to appropriations, the ~~The~~ department shall annually prepare and submit to the  
247 Governor, the ~~President of the Senate~~ Lieutenant Governor, the Speaker of the House of  
248 Representatives, and the chairpersons of the House Committee on Public and Community  
249 ~~Health and Human Services~~ and the Senate Health and Human Services Committee for  
250 distribution to its committee members a report indicating the total number of hospitals that  
251 have applied for grants pursuant to this Code section, the number of applicants that have  
252 been determined by the department to be eligible for such grants, the total number of grants  
253 to be awarded, the name and address of each grantee hospital, the amount of the award to  
254 each grantee, and the amount of each award to be disbursed to the grantee."

255 **SECTION 12.**

256 Said title is further amended by revising subsection (d) of Code Section 31-11-135, relating  
257 to grants to hospitals and reporting, as follows:

258 "(d) Subject to appropriations, the ~~The~~ office shall annually prepare and submit to the  
259 Office of Health Strategy and Coordination a report indicating the total number of hospitals  
260 that have applied for grants pursuant to this Code section, the number of applicants that  
261 have been determined by the office to be eligible for such grants, the total number of grants  
262 to be awarded, the name and address of each grantee, and the amount of the award to each  
263 grantee."

264 **SECTION 13.**

265 Said title is further amended by revising subsection (a.1) of Code Section 31-12-2, relating  
266 to required reporting of certain health conditions that may pose substantial risk and required  
267 reporting of neonatal abstinence syndrome, as follows:

268 "(a.1)(1) As used in this subsection, the term 'neonatal abstinence syndrome' means a  
 269 group of physical problems that occur in a newborn infant who was exposed to addictive  
 270 illegal or prescription drugs while in the mother's womb.

271 (2) The department shall require notice and reporting of incidents of neonatal abstinence  
 272 syndrome. A ~~health care~~ healthcare provider, coroner, or medical examiner, or any other  
 273 person or entity the department determines has knowledge of diagnoses or health  
 274 outcomes related, directly or indirectly, to neonatal abstinence syndrome shall report  
 275 incidents of neonatal abstinence syndrome to the department. ~~The department shall~~  
 276 ~~provide an annual report to the President of the Senate, the Speaker of the House of~~  
 277 ~~Representatives, the chairperson of the House Committee on Health and Human Services,~~  
 278 ~~and the chairperson of the Senate Health and Human Services Committee. Such annual~~  
 279 ~~report shall include any department findings and recommendations on how to reduce the~~  
 280 ~~number of infants born with neonatal abstinence syndrome."~~

281 **SECTION 14.**

282 Said title is further amended by revising Code Section 31-15-3, relating to Cancer Advisory  
 283 Committee, as follows:

284 "31-15-3.

285 ~~(a) The Governor shall appoint a Cancer Advisory Committee to advise the department in~~  
 286 ~~the administration of this chapter. The committee shall establish priorities and recommend~~  
 287 ~~relative budgets for the various purposes of this chapter as described below.~~

288 ~~(b) The Cancer Advisory Committee shall consist of 18 members appointed by the~~  
 289 ~~Governor as follows:~~

290 ~~(1) Four members representing medical schools as follows: The term of office of those~~  
 291 ~~two members appointed from a list of names submitted to the Governor by the deans of~~  
 292 ~~the medical schools located within this state, which members are serving as such on June~~  
 293 ~~30, 1985, shall expire on that date and upon the appointment and qualification of the first~~

294 ~~two members appointed by the Governor in 1985 pursuant to this paragraph. On and~~  
295 ~~after July 1, 1985, four membership positions on the committee shall represent the four~~  
296 ~~medical schools, whether public or private, located within this state. The deans of those~~  
297 ~~schools shall each submit to the Governor a list of three names and the Governor shall~~  
298 ~~appoint one member from each of those four lists;~~

299 ~~(2) Two members shall be appointed by the Governor from a list of six names submitted~~  
300 ~~to him by the chief executive officers of the hospitals or cancer clinics located within~~  
301 ~~Georgia which are equipped to provide modern treatment for patients suffering from~~  
302 ~~cancer;~~

303 ~~(3) Two members shall be appointed by the Governor from a list of six names submitted~~  
304 ~~to him by the Medical Association of Georgia;~~

305 ~~(4) Two members shall be appointed by the Governor from a list of six names submitted~~  
306 ~~to him by the American Cancer Society, Georgia Division;~~

307 ~~(5) The term of office of the two members appointed from the list of names submitted~~  
308 ~~to the Governor by the Georgia Cancer Management Network, Inc., shall expire upon~~  
309 ~~July 1, 1985, and such two membership positions shall thereafter be abolished;~~

310 ~~(6) One member shall be appointed by the Governor from a list of three names submitted~~  
311 ~~to him by the Georgia Claims Association and the Georgia Chapter of the Health~~  
312 ~~Insurance Association of America;~~

313 ~~(7) One member shall be appointed by the Governor from a list of three names submitted~~  
314 ~~to him by the director of the Georgia Vocational Rehabilitation Agency;~~

315 ~~(8) Two members shall be selected by the Governor from the general public;~~

316 ~~(9) One member shall be appointed by the Governor from a list of three names submitted~~  
317 ~~to him by the Georgia Nurses Association;~~

318 ~~(10) One member shall be appointed by the Governor from a list of three names~~  
319 ~~submitted to him by the Georgia Association of Pathologists;~~

320 ~~(11) One member shall be appointed by the Governor from a list of three names~~  
321 ~~submitted to him by the Georgia State Medical Association; and~~  
322 ~~(12) One member shall be appointed by the Governor from a list of three names~~  
323 ~~submitted to him by the Georgia Pharmaceutical Association.~~

324 ~~(c) The persons whose names are submitted to the Governor by the medical colleges, the~~  
325 ~~hospitals, the Medical Association of Georgia, the Georgia State Medical Association, and~~  
326 ~~the Georgia Association of Pathologists shall all be physicians licensed to practice~~  
327 ~~medicine under the laws of Georgia, and the persons whose names are submitted by the~~  
328 ~~Medical Association of Georgia and the Georgia State Medical Association shall all be~~  
329 ~~actively engaged in the practice of medicine. The persons whose names are submitted to~~  
330 ~~the Governor by the Georgia Nurses Association shall all be registered professional nurses~~  
331 ~~licensed to practice nursing under the laws of Georgia. All persons whose names are~~  
332 ~~submitted to the Governor by the Georgia Pharmaceutical Association shall be registered~~  
333 ~~pharmacists licensed to practice pharmacy under the laws of Georgia.~~

334 ~~(d) The Governor shall appoint the initial members for staggered terms as follows: three~~  
335 ~~shall be appointed for terms to expire on December 31, 1977; three shall be appointed for~~  
336 ~~terms to expire on December 31, 1978; three shall be appointed for terms to expire on~~  
337 ~~December 31, 1979; and six shall be appointed for terms to expire on December 31, 1980.~~  
338 ~~Thereafter, their successors shall be appointed for terms of four years, and until their~~  
339 ~~successors are appointed and qualified, to begin on the expiration of the respective terms~~  
340 ~~of office. In the event of a vacancy for any reason, the Governor shall fill said vacancy for~~  
341 ~~the unexpired term in the same manner that other appointments are made. Those initial~~  
342 ~~members added to the committee in 1985 shall be appointed for initial terms beginning July~~  
343 ~~1, 1985, and expiring December 31, 1989, and upon the appointment and qualification of~~  
344 ~~their respective successors. Thereafter, their successors shall be appointed for terms of four~~  
345 ~~years and until their respective successors are appointed and qualified, such terms to begin~~  
346 ~~on the expiration of the respective terms of office.~~

347 ~~(e) The Cancer Advisory Committee shall meet as often as the commissioner deems~~  
348 ~~necessary but not less than twice each year. Reserved.~~

349 **SECTION 15.**

350 Said title is further amended by revising Code Section 31-15-4, relating to cancer control  
351 officer, as follows:

352 "31-15-4.

353 ~~The commissioner shall appoint a cancer control officer. The cancer control officer shall~~  
354 ~~be a physician licensed to practice medicine under Chapter 34 of Title 43 and shall be~~  
355 ~~knowledgeable in the field of medicine covered by this chapter. He or she shall administer~~  
356 ~~the cancer program for the Department of Public Health in compliance with this chapter.~~  
357 ~~He or she shall be provided an office with clerical and administrative assistance to carry~~  
358 ~~out this program. Reserved.~~

359 **SECTION 16.**

360 Said title is further amended by revising Code Section 31-15-5, relating to duties of  
361 commissioner, as follows:

362 "31-15-5.

363 ~~The commissioner, with the advice of the Cancer Advisory Committee, shall:~~

364 (1) ~~Develop standards for determining eligibility of patients for care and treatment under~~  
365 ~~this program, set standards for the equipping and staffing of cancer clinics located~~  
366 ~~strategically throughout the state and so placed that patients requiring treatment will not~~  
367 ~~have to travel more than 75 miles to secure such treatment. When the clinics meet such~~  
368 ~~standards, they shall be certified by the department. Patients treated at uncertified cancer~~  
369 ~~clinics shall not be eligible for state aid for reimbursement;~~

370 (2) ~~In the event that federal grant programs become available for patient care, the~~  
371 ~~commissioner may allocate state matching funds in whatever department of state~~

372 government they may be administered so as to maximize the total funds available and to  
373 obtain funding needed by the specific patient population which is declared eligible.  
374 ~~These programs include but are not restricted to Medicaid, crippled children's services,~~  
375 ~~and vocational rehabilitation;~~

376 (3) Extend financial aid to persons suffering from cancer to enable them to obtain the  
377 medical, nursing, pharmaceutical, and technical services necessary in caring for such  
378 disease. Criteria and procedures for financial aid will be developed by the ~~Division of~~  
379 ~~Physical Health in accordance with the principle that pauperization of a functional family~~  
380 ~~unit will subvert the rehabilitative purposes of this program and will be more costly to the~~  
381 ~~state in the long run~~ department;

382 (4) Assist in the development and expansion, by grant or by contract, of programs for the  
383 care and treatment of persons suffering from cancer so that the most efficient and  
384 effective treatment may be offered to the patients certified as eligible;

385 (5) Assist in the development of programs for the prevention of cancer;

386 (6) Assist in the development and execution of programs for the early detection of  
387 cancer, such as breast self-examination for breast cancer and the Papanicolaou test for  
388 cancer of the cervix;

389 (7) Institute and support, directly or through health organizations such as the American  
390 Cancer Society and the Georgia ~~Cancer Management Network~~ Center for Oncology  
391 Research and Education, educational programs for physicians, ~~providers of health care~~  
392 healthcare providers, and the public concerning cancer, including the dissemination of  
393 information regarding prevention, early detection, and treatment; and

394 (8) Support a state-wide registry of all patients ~~treated in certified cancer clinics~~  
395 diagnosed with cancer in order to evaluate the nature and extent of the incidence of  
396 cancer and the effectiveness of treatment."

397

**SECTION 17.**

398 Said title is further amended by repealing and reserving Chapter 42, the "Osteoporosis  
399 Prevention and Treatment Education Act."

400

**SECTION 18.**

401 Said title is further amended by revising Code Section 31-46-3, relating to Newborn  
402 Umbilical Cord Blood Bank for postnatal tissue and fluid, creation, and donations and  
403 information concerning donations, as follows:

404 "31-46-3.

405 (a) ~~Public Not later than June 30, 2008, the Georgia Commission for Saving the Cure, as~~  
406 ~~created in Code Section 31-46-4, shall establish a network of postnatal tissue and fluid~~  
407 ~~banks in partnership with one or more public or private colleges or universities, public or~~  
408 ~~private hospitals, nonprofit organizations, or private firms in this state~~ may establish a  
409 network of postnatal tissue and fluid banks for the purpose of collecting and storing  
410 postnatal tissue and fluid. The bank network, which shall be known as the Newborn  
411 Umbilical Cord Blood Bank, shall make such tissue and fluid available for medical  
412 research and treatment in accordance with this chapter.

413 (b) ~~The Georgia Commission for Saving the Cure shall develop a program to educate~~  
414 ~~pregnant patients with respect to the banking of postnatal tissue and fluid. The program~~  
415 ~~shall include:~~

- 416 (1) ~~Notice of the existence of the Newborn Umbilical Cord Blood Bank;~~  
417 (2) ~~An explanation of the difference between public and private banking programs;~~  
418 (3) ~~The medical process involved in the collection and storage of postnatal tissue and~~  
419 ~~fluid;~~  
420 (4) ~~The current and potential future medical uses of stored postnatal tissue and fluid;~~  
421 (5) ~~The benefits and risks involved in the banking of postnatal tissue and fluid; and~~

422 ~~(6) The availability and cost of storing postnatal tissue and fluid in public and private~~  
423 ~~umbilical cord blood banks.~~

424 ~~(c)~~(b) Beginning June 30, 2009, all physicians and hospitals in this state shall inform  
425 pregnant patients of the full range of options for donation of postnatal tissue and fluids no  
426 later than 30 days from the commencement of the patient's third trimester of pregnancy or  
427 at the first consultation between the attending physician or the hospital, whichever is later;  
428 provided, however, that this subsection shall not be construed to require the participation  
429 of any physician who objects to the transfusion or transplantation of blood on the basis of  
430 bona fide religious beliefs.

431 ~~(d)~~(c) Nothing in this Code section shall be construed to prohibit a person from donating  
432 postnatal tissue or fluid to a private blood and tissue bank or storing postnatal tissue or  
433 fluid with a private blood and tissue bank.

434 ~~(e)~~(d) Any college or university, hospital, nonprofit organization, or private firm  
435 participating in the Newborn Umbilical Cord Blood Bank shall have or be subject to an  
436 institutional review board which shall be available on an ongoing basis to review the  
437 research procedures and conduct of any person desiring to conduct research with postnatal  
438 tissue and fluid from the bank. The institutional review board shall establish procedures  
439 to protect and ensure the privacy rights of postnatal tissue and fluid donors consistent with  
440 applicable federal guidelines."

441 **SECTION 19.**

442 Said title is further amended by revising Code Section 31-46-4, relating to Georgia  
443 Commission for Saving the Cure, creation, membership, appointment, terms of office, and  
444 duties, as follows:

445 "31-46-4.

446 ~~(a) There is created the Georgia Commission for Saving the Cure which shall consist of~~  
447 ~~15 members appointed as provided in this Code section. The commission shall be assigned~~

448 to the Department of Public Health for administrative purposes only, as prescribed in Code  
449 Section 50-4-3.

450 (b) ~~Seven members shall be appointed by the Governor. The Governor shall appoint four~~  
451 ~~members to serve initial terms of three years and three members to serve initial terms of~~  
452 ~~two years. Thereafter, successors to such initial appointees shall serve terms of three years.~~  
453 ~~The Governor shall designate one of the persons so appointed to be the chairperson of the~~  
454 ~~commission. If the chief executive officer of the Georgia Research Alliance is not~~  
455 ~~appointed by the Governor or any other appointing authority to serve on the commission,~~  
456 ~~he or she shall serve as an advisory member.~~

457 (c) ~~Four members shall be appointed by the Lieutenant Governor or, if the Lieutenant~~  
458 ~~Governor belongs to a political party other than the political party to which a majority of~~  
459 ~~the members of the Senate belong, by the Senate Committee on Assignments. Of these~~  
460 ~~four members, there shall be at least one of each of the following: a physician licensed to~~  
461 ~~practice medicine in this state; a recognized medical ethicist with an accredited degree in~~  
462 ~~medicine, medical ethics, or theology; a medical researcher in permitted stem cell research;~~  
463 ~~and an attorney with experience in health policy law. The Lieutenant Governor or Senate~~  
464 ~~Committee on Assignments shall appoint two members to serve initial terms of three years~~  
465 ~~and two members to serve initial terms of two years. Thereafter, successors to such initial~~  
466 ~~appointees shall serve terms of three years.~~

467 (d) ~~Four members shall be appointed by the Speaker of the House of Representatives. Of~~  
468 ~~these four members, there shall be at least one of each of the following: a physician~~  
469 ~~licensed to practice medicine in this state; a recognized medical ethicist with an accredited~~  
470 ~~degree in medicine, medical ethics, or theology; a medical researcher in permitted stem cell~~  
471 ~~research; and an attorney with experience in health policy law. The Speaker of the House~~  
472 ~~of Representatives shall appoint two members to serve initial terms of three years and two~~  
473 ~~members to serve initial terms of two years. Thereafter, successors to such initial~~  
474 ~~appointees shall serve terms of three years.~~

475 ~~(e) Members of the commission shall be eligible to succeed themselves. The initial terms~~  
476 ~~of office shall begin on July 1, 2007. Appointments shall be made by the respective~~  
477 ~~appointing authorities no later than June 15, 2007. Thereafter, appointments of successors~~  
478 ~~shall be made by the respective appointing authority no later than June 1 of the year in~~  
479 ~~which the member's term of office expires. Vacancies shall be filled for the unexpired term~~  
480 ~~by the respective appointing authority.~~

481 ~~(f) The commission shall meet at least four times per year at the call of the chairperson or~~  
482 ~~upon the request of at least seven of its members.~~

483 ~~(g) The commission shall have the following duties and responsibilities:~~

484 ~~(1) To investigate the implementation of this chapter and to recommend any~~  
485 ~~improvements to the General Assembly;~~

486 ~~(2) To make available to the public the records of all meetings of the commission and~~  
487 ~~of all business transacted by the commission;~~

488 ~~(3) To oversee the operations of the Newborn Umbilical Cord Blood Bank established~~  
489 ~~in Code Section 31-46-3, including approving all fees established to cover administration,~~  
490 ~~collection, and storage costs;~~

491 ~~(4) To undertake the Saving the Cure initiative by promoting awareness of the Newborn~~  
492 ~~Umbilical Cord Blood Bank and encouraging donation of postnatal tissue and fluid to the~~  
493 ~~bank;~~

494 ~~(5) To ensure the privacy of persons who donate postnatal tissue and fluid to the~~  
495 ~~Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code Section 31-46-3~~  
496 ~~consistent with applicable federal guidelines;~~

497 ~~(6) To develop a plan for making postnatal tissue and fluid collected under the Saving~~  
498 ~~the Cure initiative available for medical research and treatment and to ensure compliance~~  
499 ~~with all relevant national practice and quality standards relating to such use;~~

- 500 ~~(7) To develop a plan for private storage of postnatal tissue and fluid for medical~~  
501 ~~treatment or to make potential donors aware of private storage options for said tissue and~~  
502 ~~fluid as deemed in the public interest;~~
- 503 ~~(8) To participate in the National Cord Blood Program and to register postnatal tissue~~  
504 ~~and fluid collected with registries operating in connection with the program;~~
- 505 ~~(9) To make grants and enter into agreements to support permitted stem cell research~~  
506 ~~with immediate and clinical medical applications;~~
- 507 ~~(10) To employ such staff and to enter into such contracts as may be necessary to fulfill~~  
508 ~~its duties and responsibilities under this chapter subject to funding by the General~~  
509 ~~Assembly; and~~
- 510 ~~(11) To report annually to the General Assembly in December of each year concerning~~  
511 ~~the activities of the commission with recommendations for any legislative changes or~~  
512 ~~funding necessary or desirable to fulfill the goals of this chapter.~~
- 513 ~~(h) The commission shall provide for protection from disclosure of the identity of persons~~  
514 ~~making donations to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a)~~  
515 ~~of Code Section 31-46-3.~~
- 516 ~~(i) The commission may request additional funding from any additional source including,~~  
517 ~~but not limited to, federal and private grants.~~
- 518 ~~(j) The commission may establish a separate not for profit organization or foundation for~~  
519 ~~the purposes of supporting the Newborn Umbilical Cord Blood Bank established pursuant~~  
520 ~~to Code Section 31-46-3. Reserved."~~

521 **SECTION 20.**

522 Said title is further amended by repealing and reserving Chapter 47, relating to Arthritis  
523 Prevention and Control Program.

524

**SECTION 21.**

525 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
526 amended by revising Code Section 48-7-63, relating to optional taxpayer contributions to  
527 permitted stem cell research through income tax payment and refund process, as follows:

528 "48-7-63.

529 ~~(a) Each Georgia income tax return form for taxable years beginning on or after January~~  
530 ~~1, 2007, shall contain appropriate language, to be determined by the commissioner,~~  
531 ~~offering the taxpayer the opportunity to contribute to permitted stem cell research, as~~  
532 ~~defined in Code Section 31-46-2, through the Georgia Commission for Saving the Cure by~~  
533 ~~donating either all or any part of any tax refund due, by authorizing a reduction in the~~  
534 ~~refund check otherwise payable, or by contributing any amount over and above any amount~~  
535 ~~of tax owed by adding that amount to the taxpayer's payment. The instructions~~  
536 ~~accompanying the income tax return form shall contain a description of the purposes for~~  
537 ~~which the commission was established and the intended use of moneys received from the~~  
538 ~~contributions. Each taxpayer required to file a state income tax return who desires to~~  
539 ~~contribute to the commission may designate such contribution as provided in this Code~~  
540 ~~section on the appropriate income tax return form.~~

541 ~~(b) The Department of Revenue shall determine annually the total amount so contributed~~  
542 ~~and shall transmit such amount to the Georgia Commission for Saving the Cure.~~  
543 Reserved."

544

**SECTION 22.**

545 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
546 by revising Code Section 49-1-7, relating to home delivered meals, transportation, services  
547 for the elderly, and preschool children with special needs fund, as follows:

548 "49-1-7.

549 (a) The General Assembly finds that it is in the best interest of the state to provide for  
550 programs for home delivered meals, transportation services for the elderly, and preschool  
551 children with special needs, including but not limited to disabled children, troubled  
552 children, school readiness programs, and other similar needs for the benefit of the citizens  
553 of Georgia. In addition to and as a supplement to traditional financing mechanisms for  
554 such programs, it is the policy of this state to enable and encourage citizens voluntarily to  
555 support such programs.

556 (b) To support programs for home delivered meals, transportation services for the elderly,  
557 and preschool children with special needs which programs have been established or  
558 approved by the department or the Department of ~~Community~~ Public Health, the  
559 department may, without limitation, promote and solicit voluntary contributions through  
560 the income tax return contribution mechanism established in subsection (f) of this Code  
561 section, through offers to match contributions by any person with moneys appropriated or  
562 contributed to the department or the Department of ~~Community~~ Public Health for such  
563 programs, or through any fund raising or other promotional techniques deemed appropriate  
564 by the department or the Department of ~~Community~~ Public Health.

565 (c) There is established a special fund to be known as the 'Home Delivered Meals,  
566 Transportation Services for the Elderly, and Preschool Children with Special Needs Fund.'  
567 This fund shall consist of all moneys contributed under subsection (b) of this Code section,  
568 all moneys transferred to the department under subsection (f) of this Code section, and any  
569 other moneys contributed to this fund or to the home delivered meals, transportation  
570 services for the elderly, or preschool children with special needs programs of the  
571 department or the Department of ~~Community~~ Public Health and all interest thereon. All  
572 balances in the fund shall be deposited in an interest-bearing account identifying the fund  
573 and shall be carried forward each year so that no part thereof may be deposited in the  
574 general treasury. The fund shall be administered and the moneys held in the fund shall be

575 expended by the department through the Division of Aging Services in furtherance of home  
576 delivered meals and transportation services to the elderly programs and by the Department  
577 of ~~Community~~ Public Health in furtherance of preschool children with special needs  
578 programs.

579 (d) Following the transmittal of contributions to the department for deposit in the fund  
580 pursuant to subsection (f) of this Code section, the expenditure of moneys in the fund shall  
581 be allocated as follows:

582 (1) Fifty percent of the contributions to the fund shall be used for home delivered meals  
583 and transportation services to the elderly programs; and

584 (2) Fifty percent of the contributions to the fund shall be transferred to the Department  
585 of ~~Community~~ Public Health to be used for preschool children with special needs  
586 programs.

587 (e) Contributions to the fund shall be deemed supplemental to and shall in no way supplant  
588 funding that would otherwise be appropriated for these purposes. Contributions shall only  
589 be used for benefits and services and shall not be used for personnel or administrative  
590 positions. The department and the Department of ~~Community~~ Public Health shall each  
591 prepare, by February 1 of each year, an accounting of the funds received and expended  
592 from the fund and a review and evaluation of all expended moneys of the fund. The reports  
593 shall be made available to the Governor, the Lieutenant Governor, the Speaker of the  
594 House of Representatives, to the members of the Board of Human Services, and, upon  
595 request, to members of the public.

596 (f)(1) Unless an earlier date is deemed feasible and established by the Governor, each  
597 Georgia income tax return form for taxable years beginning on or after January 1, 1993,  
598 shall contain appropriate language, to be determined by the state revenue commissioner,  
599 offering the taxpayer the opportunity to contribute to the Home Delivered Meals,  
600 Transportation Services for the Elderly, and Preschool Children with Special Needs Fund  
601 established in subsection (c) of this Code section by either donating all or any part of any

602 tax refund due, by authorizing a reduction in the refund check otherwise payable, or by  
603 contributing any amount over and above any amount of tax owed by adding that amount  
604 to the taxpayer's payment. The instructions accompanying the income tax return form  
605 shall contain a description of the purposes for which this fund was established and the  
606 intended use of moneys received from the contributions. Each taxpayer required to file  
607 a state income tax return who desires to contribute to such fund may designate such  
608 contribution as provided in this Code section on the appropriate income tax return form.  
609 (2) The Department of Revenue shall determine annually the total amount so contributed,  
610 shall withhold therefrom a reasonable amount for administering this voluntary  
611 contribution program, and shall transmit the balance to the department for deposit in the  
612 fund established in subsection (c) of this Code section; provided, however, that the  
613 amount retained for administrative costs, including implementation costs, shall not  
614 exceed \$50,000.00 per year. If, in any tax year, the administrative costs of the  
615 Department of Revenue for collecting contributions pursuant to this Code section exceed  
616 the sum of such contributions, the administrative costs which the Department of Revenue  
617 is authorized to withhold from such contributions shall not exceed the sum of such  
618 contributions."

619

**SECTION 23.**

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