

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 367:

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 primarily or exclusively to the treatment
4 of cancer; to provide for conditions; to provide for applicability; to provide for related
5 matters; to repeal 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 or exclusively dedicated to
14 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 primarily for the detection, diagnosis,
19 treatment, or research of cancer, including but not limited to radiation therapy
20 machines, linear accelerators, proton therapy systems, positron emission tomography,
21 and other oncological treatment modalities;
- 22 (iii) Any outpatient services, including radiation therapy, chemotherapy, infusion
23 therapy, and precision medicine programs, dedicated primarily 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 primarily 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 or 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;
34 (ii) Submit patient volume and treatment data to the department to verify compliance
35 with the exemption provided for in this paragraph; and
- 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.