

The Senate Committee on Health and Human Services offered the following substitute to HB 657:

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

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 amend Title 37 of the
29 Official Code of Georgia Annotated, relating to mental health, so as to require certification
30 of peer specialists by the department; to provide for such certification; to provide for
31 certification eligibility; to provide for definitions; to provide for the mission, membership,
32 and qualifications of recovery community organizations for substance use; to designate one
33 state-wide recovery community organization; to make conforming changes; to provide for
34 related matters; to provide an effective date; to repeal conflicting laws; and for other
35 purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **PART I**
38 **SECTION 1-1.**

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

42 "16-13-57.

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

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

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

46 (b) Subject to funds as may be appropriated by the General Assembly or otherwise
47 available for such purpose, the department shall, in consultation with members of the
48 Georgia Composite Medical Board, the State Board of Pharmacy, and the agency, establish
49 and maintain a program to electronically record into an electronic PDMP prescription
50 information resulting from the dispensing of Schedule II, III, IV, or V controlled
51 substances and to electronically review such prescription information that has been entered
52 into such ~~data base~~ database. The purpose of such PDMP shall be to assist in the reduction
53 of the abuse of controlled substances; to improve, enhance, and encourage a better quality
54 of healthcare by promoting the proper use of medications to treat pain and terminal illness;
55 to reduce duplicative prescribing and overprescribing of controlled substance practices for
56 health oversight purposes; and to gather data for epidemiological research. The PDMP
57 shall be administered by the department.

58 (c)(1) Each prescriber who has a DEA registration number shall enroll to become a user
59 of the PDMP as soon as possible, and no later than January 1, 2018; provided, however,
60 that prescribers who attain a DEA registration number after such date shall enroll within
61 30 days of attaining such credentials. A prescriber who violates this subsection shall be
62 held administratively accountable to the state regulatory board governing such prescriber
63 for such violation.

64 ~~(2) Any state regulatory board governing prescribers shall have the discretion to rescind~~
65 ~~any consent orders or other disciplinary actions that were entered into or imposed prior~~
66 ~~to April 26, 2019, for a violation of paragraph (1) of this subsection after review based~~
67 ~~on, but not limited to, the following factors: subsequent compliance with paragraph (1)~~
68 ~~of this subsection; compliance with the terms of the consent order or other disciplinary~~

69 ~~action; and whether such prescriber has had previous infractions of other laws or~~
 70 ~~regulations relating to his or her licensure. The authority granted under this paragraph~~
 71 ~~shall expire on December 31, 2019.~~

72 ~~(3)(2) On and after April 26, 2019, for~~ For purposes of this subsection, the term
 73 'administratively accountable' shall mean a warning or the imposition of a fine, but any
 74 such fine shall not be considered a disciplinary action against the licensee.

75 ~~(d) Between January 1, 2018, and May 31, 2018, the department shall randomly test the~~
 76 ~~PDMP to determine if it is accessible and operational 99.5 percent of the time. If the~~
 77 ~~department determines that the PDMP meets such standard, then between June 1, 2018, and~~
 78 ~~June 20, 2018, the department shall certify in writing to each board that governs prescribers~~
 79 ~~that it is operational. Each board that governs prescribers shall publish such information~~
 80 ~~on its website."~~

81 **SECTION 1-2.**

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

85 "16-13-61.

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

93 ~~(b) The advisory committee shall consist of 12 members as follows:~~

94 ~~(1) A representative from the agency;~~

- 95 ~~(2) A representative from the Georgia Composite Medical Board;~~
96 ~~(3) A representative from the Georgia Board of Dentistry;~~
97 ~~(4) A representative with expertise in personal privacy matters, appointed by the~~
98 ~~president of the State Bar of Georgia;~~
99 ~~(5) A representative from a specialty profession that deals in addictive medicine,~~
100 ~~appointed by the Georgia Composite Medical Board;~~
101 ~~(6) A pain management specialist, appointed by the Georgia Composite Medical Board;~~
102 ~~(7) An oncologist, appointed by the Georgia Composite Medical Board;~~
103 ~~(8) A representative from a hospice or hospice organization, appointed by the Georgia~~
104 ~~Composite Medical Board;~~
105 ~~(9) A representative from the State Board of Optometry;~~
106 ~~(10) The consumer member appointed by the Governor to the State Board of Pharmacy~~
107 ~~pursuant to subsection (b) of Code Section 26-4-21;~~
108 ~~(11) A pharmacist from the State Board of Pharmacy; and~~
109 ~~(12) A representative from the Department of Public Health.~~
110 ~~(c) Each member of the advisory committee shall serve a three-year term or until the~~
111 ~~appointment and qualification of such member's successor.~~
112 ~~(d) The advisory committee shall elect a chairperson and vice chairperson from among its~~
113 ~~membership to serve a term of one year. The vice chairperson shall serve as the~~
114 ~~chairperson at times when the chairperson is absent.~~
115 ~~(e) The advisory committee shall meet at the call of the chairperson or upon request by at~~
116 ~~least three of the members and shall meet at least one time per year. Five members of the~~
117 ~~committee shall constitute a quorum.~~
118 ~~(f) The members shall receive no compensation or reimbursement of expenses from the~~
119 ~~state for their services as members of the advisory committee. Reserved."~~

120

SECTION 1-3.

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

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

129 (i) Prescription is for no more than a three-day supply of such substance and no more
130 than 26 pills;

131 (ii) Patient is in a hospital or healthcare facility, including, but not limited to, a
132 nursing home, an intermediate care home, a personal care home, or a hospice
133 program, which provides patient care and prescriptions to be administered and used
134 by a patient on the premises of the facility;

135 (iii) Patient has had outpatient surgery at a hospital or ambulatory surgical center and
136 the prescription is for no more than a ten-day supply of such substance and no more
137 than 40 pills;

138 (iv) Patient is terminally ill or under the supervised care of an outpatient hospice
139 program; or

140 (v) Patient is receiving treatment for cancer.

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

143 ~~(C)~~(B) A prescriber who violates this paragraph shall be held administratively
144 accountable to the state regulatory board governing such prescriber but shall not be held
145 civilly liable for damages to any person in any civil or administrative action or
146 criminally responsible for injury, death, or loss to person or property on the basis that

147 such prescriber did or did not seek or obtain information from such ~~data base~~ database
148 when prescribing such substance."

149 **SECTION 1-4.**

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

153 "19-3-35.1.

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

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

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

171

SECTION 1-5.

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

174 "19-3-40.

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

177 ~~(b) The Department of Public Health shall prepare information for public dissemination
178 on the department's website describing the importance of obtaining a blood test for sickle
179 cell disease and explaining the causes and effects of such disease. Such information shall
180 recommend that each applicant applying for a marriage license obtain a blood test for
181 sickle cell disease prior to obtaining a marriage license. Such information may also be
182 provided as a brochure or other document. The department shall make such information
183 available in electronic format to the probate courts of this state which shall disseminate
184 such information to all persons applying for marriage licenses. Reserved."~~

185

SECTION 1-6.

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

188 "19-3-41.

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

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

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

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

200

SECTION 1-7.

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

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

- 215 (1) Born ~~The number of newborn infants born in the hospital;~~
 216 (2) Screened ~~The number of newborn infants screened;~~
 217 (3) Who ~~The number of newborn infants who passed the screening, if administered; and~~
 218 (4) Who ~~The number of newborn infants who did not pass the screening, if~~
 219 ~~administered."~~

220 **SECTION 1-8.**

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

223 **SECTION 1-9.**

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

227 "31-2A-19.

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

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

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

240 **SECTION 1-10.**

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

243 "31-8-198.
 244 Annually, the department shall report to the President of the Senate, the Speaker of the
 245 House of Representatives, the minority leaders of each house, and chairpersons of the
 246 House Public and Community Health and Human Services Committee and the Senate
 247 Health and Human Services Committee, summarizing the ~~efficacy of access and treatment~~
 248 ~~outcomes~~ access points of service and utilization data with respect to providing ~~health care~~
 249 healthcare services for low-income persons pursuant to this article."

250 **SECTION 1-11.**

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

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

262 **SECTION 1-12.**

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

265 "(d) Subject to appropriations, the ~~The~~ office shall annually prepare and submit to the
 266 Office of Health Strategy and Coordination a report indicating the total number of hospitals
 267 that have applied for grants pursuant to this Code section, the number of applicants that

268 have been determined by the office to be eligible for such grants, the total number of grants
269 to be awarded, the name and address of each grantee, and the amount of the award to each
270 grantee."

271 **SECTION 1-13.**

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

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

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

288 **SECTION 1-14.**

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

291 "31-15-3.

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

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

297 ~~(1) Four members representing medical schools as follows: The term of office of those~~
298 ~~two members appointed from a list of names submitted to the Governor by the deans of~~
299 ~~the medical schools located within this state, which members are serving as such on~~
300 ~~June 30, 1985, shall expire on that date and upon the appointment and qualification of the~~
301 ~~first two members appointed by the Governor in 1985 pursuant to this paragraph. On and~~
302 ~~after July 1, 1985, four membership positions on the committee shall represent the four~~
303 ~~medical schools, whether public or private, located within this state. The deans of those~~
304 ~~schools shall each submit to the Governor a list of three names and the Governor shall~~
305 ~~appoint one member from each of those four lists;~~

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

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

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

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

- 317 ~~(6) One member shall be appointed by the Governor from a list of three names submitted~~
318 ~~to him by the Georgia Claims Association and the Georgia Chapter of the Health~~
319 ~~Insurance Association of America;~~
- 320 ~~(7) One member shall be appointed by the Governor from a list of three names submitted~~
321 ~~to him by the director of the Georgia Vocational Rehabilitation Agency;~~
- 322 ~~(8) Two members shall be selected by the Governor from the general public;~~
- 323 ~~(9) One member shall be appointed by the Governor from a list of three names submitted~~
324 ~~to him by the Georgia Nurses Association;~~
- 325 ~~(10) One member shall be appointed by the Governor from a list of three names~~
326 ~~submitted to him by the Georgia Association of Pathologists;~~
- 327 ~~(11) One member shall be appointed by the Governor from a list of three names~~
328 ~~submitted to him by the Georgia State Medical Association; and~~
- 329 ~~(12) One member shall be appointed by the Governor from a list of three names~~
330 ~~submitted to him by the Georgia Pharmaceutical Association.~~
- 331 ~~(c) The persons whose names are submitted to the Governor by the medical colleges, the~~
332 ~~hospitals, the Medical Association of Georgia, the Georgia State Medical Association, and~~
333 ~~the Georgia Association of Pathologists shall all be physicians licensed to practice~~
334 ~~medicine under the laws of Georgia, and the persons whose names are submitted by the~~
335 ~~Medical Association of Georgia and the Georgia State Medical Association shall all be~~
336 ~~actively engaged in the practice of medicine. The persons whose names are submitted to~~
337 ~~the Governor by the Georgia Nurses Association shall all be registered professional nurses~~
338 ~~licensed to practice nursing under the laws of Georgia. All persons whose names are~~
339 ~~submitted to the Governor by the Georgia Pharmaceutical Association shall be registered~~
340 ~~pharmacists licensed to practice pharmacy under the laws of Georgia.~~
- 341 ~~(d) The Governor shall appoint the initial members for staggered terms as follows: three~~
342 ~~shall be appointed for terms to expire on December 31, 1977; three shall be appointed for~~
343 ~~terms to expire on December 31, 1978; three shall be appointed for terms to expire on~~

344 ~~December 31, 1979; and six shall be appointed for terms to expire on December 31, 1980.~~
345 ~~Thereafter, their successors shall be appointed for terms of four years, and until their~~
346 ~~successors are appointed and qualified, to begin on the expiration of the respective terms~~
347 ~~of office. In the event of a vacancy for any reason, the Governor shall fill said vacancy for~~
348 ~~the unexpired term in the same manner that other appointments are made. Those initial~~
349 ~~members added to the committee in 1985 shall be appointed for initial terms beginning~~
350 ~~July 1, 1985, and expiring December 31, 1989, and upon the appointment and qualification~~
351 ~~of their respective successors. Thereafter, their successors shall be appointed for terms of~~
352 ~~four years and until their respective successors are appointed and qualified, such terms to~~
353 ~~begin on the expiration of the respective terms of office.~~
354 ~~(e) The Cancer Advisory Committee shall meet as often as the commissioner deems~~
355 ~~necessary but not less than twice each year. Reserved.~~

356 **SECTION 1-15.**

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

359 "31-15-4.

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

366 **SECTION 1-16.**

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

369 "31-15-5.

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

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

377 (2) In the event that federal grant programs become available for patient care, the
378 commissioner may allocate state matching funds in whatever department of state
379 government they may be administered so as to maximize the total funds available and to
380 obtain funding needed by the specific patient population which is declared eligible.
381 ~~These programs include but are not restricted to Medicaid, crippled children's services,~~
382 ~~and vocational rehabilitation;~~

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

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

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

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

396 (7) Institute and support, directly or through health organizations such as the American
 397 Cancer Society and the Georgia ~~Cancer Management Network~~ Center for Oncology
 398 Research and Education, educational programs for physicians, ~~providers of health care~~
 399 healthcare providers, and the public concerning cancer, including the dissemination of
 400 information regarding prevention, early detection, and treatment; and
 401 (8) Support a state-wide registry of all patients ~~treated in certified cancer clinics~~
 402 diagnosed with cancer in order to evaluate the nature and extent of the incidence of
 403 cancer and the effectiveness of treatment."

404 **SECTION 1-17.**

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

407 **SECTION 1-18.**

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

411 "31-46-3.

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

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

- 423 ~~(1) Notice of the existence of the Newborn Umbilical Cord Blood Bank;~~
424 ~~(2) An explanation of the difference between public and private banking programs;~~
425 ~~(3) The medical process involved in the collection and storage of postnatal tissue and~~
426 ~~fluid;~~
427 ~~(4) The current and potential future medical uses of stored postnatal tissue and fluid;~~
428 ~~(5) The benefits and risks involved in the banking of postnatal tissue and fluid; and~~
429 ~~(6) The availability and cost of storing postnatal tissue and fluid in public and private~~
430 ~~umbilical cord blood banks.~~

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

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

441 ~~(e)~~(d) Any college or university, hospital, nonprofit organization, or private firm
442 participating in the Newborn Umbilical Cord Blood Bank shall have or be subject to an
443 institutional review board which shall be available on an ongoing basis to review the
444 research procedures and conduct of any person desiring to conduct research with postnatal
445 tissue and fluid from the bank. The institutional review board shall establish procedures

446 to protect and ensure the privacy rights of postnatal tissue and fluid donors consistent with
447 applicable federal guidelines."

448 **SECTION 1-19.**

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

452 "31-46-4.

453 ~~(a) There is created the Georgia Commission for Saving the Cure which shall consist of~~
454 ~~15 members appointed as provided in this Code section. The commission shall be assigned~~
455 ~~to the Department of Public Health for administrative purposes only, as prescribed in Code~~
456 ~~Section 50-4-3.~~

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

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

472 ~~and two members to serve initial terms of two years. Thereafter, successors to such initial~~
473 ~~appointees shall serve terms of three years.~~

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

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

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

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

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

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

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

- 498 ~~(4) To undertake the Saving the Cure initiative by promoting awareness of the Newborn~~
499 ~~Umbilical Cord Blood Bank and encouraging donation of postnatal tissue and fluid to the~~
500 ~~bank;~~
- 501 ~~(5) To ensure the privacy of persons who donate postnatal tissue and fluid to the~~
502 ~~Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code Section 31-46-3~~
503 ~~consistent with applicable federal guidelines;~~
- 504 ~~(6) To develop a plan for making postnatal tissue and fluid collected under the Saving~~
505 ~~the Cure initiative available for medical research and treatment and to ensure compliance~~
506 ~~with all relevant national practice and quality standards relating to such use;~~
- 507 ~~(7) To develop a plan for private storage of postnatal tissue and fluid for medical~~
508 ~~treatment or to make potential donors aware of private storage options for said tissue and~~
509 ~~fluid as deemed in the public interest;~~
- 510 ~~(8) To participate in the National Cord Blood Program and to register postnatal tissue~~
511 ~~and fluid collected with registries operating in connection with the program;~~
- 512 ~~(9) To make grants and enter into agreements to support permitted stem cell research~~
513 ~~with immediate and clinical medical applications;~~
- 514 ~~(10) To employ such staff and to enter into such contracts as may be necessary to fulfill~~
515 ~~its duties and responsibilities under this chapter subject to funding by the General~~
516 ~~Assembly; and~~
- 517 ~~(11) To report annually to the General Assembly in December of each year concerning~~
518 ~~the activities of the commission with recommendations for any legislative changes or~~
519 ~~funding necessary or desirable to fulfill the goals of this chapter.~~
- 520 ~~(h) The commission shall provide for protection from disclosure of the identity of persons~~
521 ~~making donations to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a)~~
522 ~~of Code Section 31-46-3.~~
- 523 ~~(i) The commission may request additional funding from any additional source including,~~
524 ~~but not limited to, federal and private grants.~~

525 ~~(j) The commission may establish a separate not for profit organization or foundation for~~
526 ~~the purposes of supporting the Newborn Umbilical Cord Blood Bank established pursuant~~
527 ~~to Code Section 31-46-3. Reserved.~~"

528 **SECTION 1-20.**

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

531 **SECTION 1-21.**

532 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
533 amended by revising Code Section 48-7-63, relating to optional taxpayer contributions to
534 permitted stem cell research through income tax payment and refund process, as follows:
535 "48-7-63.

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

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

550

SECTION 1-22.

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

554 "49-1-7.

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

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

571 (c) There is established a special fund to be known as the 'Home Delivered Meals,
572 Transportation Services for the Elderly, and Preschool Children with Special Needs Fund.'
573 This fund shall consist of all moneys contributed under subsection (b) of this Code section,

574 all moneys transferred to the department under subsection (f) of this Code section, and any
575 other moneys contributed to this fund or to the home delivered meals, transportation
576 services for the elderly, or preschool children with special needs programs of the
577 department or the Department of ~~Community~~ Public Health and all interest thereon. All
578 balances in the fund shall be deposited in an interest-bearing account identifying the fund
579 and shall be carried forward each year so that no part thereof may be deposited in the
580 general treasury. The fund shall be administered and the moneys held in the fund shall be
581 expended by the department through the Division of Aging Services in furtherance of home
582 delivered meals and transportation services to the elderly programs and by the Department
583 of ~~Community~~ Public Health in furtherance of preschool children with special needs
584 programs.

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

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

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

593 (e) Contributions to the fund shall be deemed supplemental to and shall in no way supplant
594 funding that would otherwise be appropriated for these purposes. Contributions shall only
595 be used for benefits and services and shall not be used for personnel or administrative
596 positions. The department and the Department of ~~Community~~ Public Health shall each
597 prepare, by February 1 of each year, an accounting of the funds received and expended
598 from the fund and a review and evaluation of all expended moneys of the fund. The reports
599 shall be made available to the Governor, the Lieutenant Governor, the Speaker of the

600 House of Representatives, to the members of the Board of Human Services, and, upon
601 request, to members of the public.

602 (f)(1) Unless an earlier date is deemed feasible and established by the Governor, each
603 Georgia income tax return form for taxable years beginning on or after January 1, 1993,
604 shall contain appropriate language, to be determined by the state revenue commissioner,
605 offering the taxpayer the opportunity to contribute to the Home Delivered Meals,
606 Transportation Services for the Elderly, and Preschool Children with Special Needs Fund
607 established in subsection (c) of this Code section by either donating all or any part of any
608 tax refund due, by authorizing a reduction in the refund check otherwise payable, or by
609 contributing any amount over and above any amount of tax owed by adding that amount
610 to the taxpayer's payment. The instructions accompanying the income tax return form
611 shall contain a description of the purposes for which this fund was established and the
612 intended use of moneys received from the contributions. Each taxpayer required to file
613 a state income tax return who desires to contribute to such fund may designate such
614 contribution as provided in this Code section on the appropriate income tax return form.

615 (2) The Department of Revenue shall determine annually the total amount so contributed,
616 shall withhold therefrom a reasonable amount for administering this voluntary
617 contribution program, and shall transmit the balance to the department for deposit in the
618 fund established in subsection (c) of this Code section; provided, however, that the
619 amount retained for administrative costs, including implementation costs, shall not
620 exceed \$50,000.00 per year. If, in any tax year, the administrative costs of the
621 Department of Revenue for collecting contributions pursuant to this Code section exceed
622 the sum of such contributions, the administrative costs which the Department of Revenue
623 is authorized to withhold from such contributions shall not exceed the sum of such
624 contributions."

PART II

SECTION 2-1.

625
626
627 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended in
628 Chapter 1, relating to governing and regulation of mental health, by adding a new Code
629 section to read as follows:

630 "37-1-8.

631 (a) As used in this Code section, the term:

632 (1) 'Certification training body' means an entity approved by the department to provide
633 training and testing for certified peer specialists in accordance with department policy.

634 (2) 'Certified peer specialist' means an individual who is trained and certified to provide
635 peer support services and who works from the perspective of his or her lived experience
636 and helps build environments conducive to recovery, promoting hope, personal
637 responsibility, empowerment, education, and self-determination in the communities
638 served. Such term includes the following certified peer specialist designations recognized
639 by the department:

640 (A) Certified Peer Specialist-Addictive Disease or CPS-AD, a certified peer specialist
641 who has lived experience with an addictive disease and is practicing recovery related
642 to such disease;

643 (B) Certified Peer Specialist-Mental Health or CPS-MH, a certified peer specialist who
644 has lived experience with a mental health condition and is practicing recovery related
645 to such condition;

646 (C) Certified Peer Specialist-Parent or CPS-P, a certified peer specialist who is a parent
647 or legal guardian who has lived experience raising a young person with either a mental
648 health condition or substance use disorder and has supported such person in recovery,
649 provided that such parent or legal guardian has a permanent relationship of at least three
650 years with such person; and

651 (D) Certified Peer Specialist-Youth or CPS-Y, a certified peer specialist between the
652 ages of 18 and 30 who has lived experience with a mental health condition or substance
653 use disorder and is practicing recovery related to such condition or disorder;

654 (E) Other ancillary peer credentials, such as whole health and wellness coach or
655 forensic peer mentor, which may be added to a certified peer specialist designation at
656 the discretion of the department.

657 (3) 'Peer support services' means ongoing, nonclinical support and services rendered to
658 individuals with mental health or substance use disorders and their families. Such term
659 includes, but is not limited to, individual peer recovery coaching, group peer check-ins,
660 advocacy, mutual aid support groups, connection to treatment services, harm reduction
661 services, connection to medication for substance use disorder or alcohol use disorder,
662 housing support, transportation support, food insecurity support, acquiring identification,
663 job placement, or connections to other resources within the community.

664 (4) 'Recovery community organization for substance use' means an independent
665 nonprofit organization led and governed by representatives of local communities of
666 recovery from substance use disorders that helps individuals, families, and communities
667 in increasing access to peer support services, advocacy efforts for recovery, and
668 community education around addiction and recovery.

669 (5) 'State-wide recovery community organization' means the organization designated by
670 the department to work with communities and organizations in determining recognition
671 as a recovery community organization for substance use.

672 (b) Peer specialists providing services through the department shall be certified by the
673 department.

674 (c) Only individuals who have completed the training and testing provided by certification
675 training bodies shall be eligible for certification by the department.

676 (d) Each recovery community organization for substance use shall:

- 677 (1) Have a mission primarily focused on supporting recovery from substance use
678 disorders and related challenges but may support individuals in all forms of recovery;
679 (2) Be a nonprofit organization or established under a nonprofit organization;
680 (3) Have either an operating board, a majority of whose members shall be in recovery
681 from substance use disorders, or an advisory board, a majority of whose members shall
682 be in recovery from substance use disorders, and the remaining members of either such
683 board shall be members of the recovery community, including people in recovery, family
684 members of those affected by addiction, and recovery allies and advocates;
685 (4) Provide peer support services;
686 (5) Employ certified peer specialists to provide peer support services;
687 (6) Be supportive of all pathways to recovery, including the utilization of medication for
688 substance use disorders or alcohol use disorders and harm reduction services;
689 (7) Be accountable to the recovery community through participatory processes that
690 promote involvement, engagement, and consultation of individuals in recovery and their
691 families, friends, and allies; and
692 (8) Communicate and cooperate with the state-wide recovery community organization
693 and the department.
694 (e) Subject to appropriations, the department shall designate a state-wide recovery
695 community organization to act as the coordinator for the network of recovery community
696 organizations for substance use in this state."

697

PART III

698

SECTION 3-1.

699 This Act shall become effective on July 1, 2026.

700

SECTION 3-2.

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