

March 21, 2005

**S 705. AMEND NC SUBSTANCE ABUSE ACT. TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.** As title indicates, makes substantial changes to former NC Substance Abuse Act. Renames Article 5C of GS Chapter 90 the "North Carolina Substance Abuse Professional Practice Act" and amends GS 90-113.30 to rename licensing authority the "North Carolina Substance Abuse Professional Practice Board." Repeals former definitional statute GS 90-113.31 and replaces with newly enacted GS 90-113.31A. Charges Board with credentialing and licensing substance abuse professionals rather than merely certifying professionals.

Amends GS 90-113.33 through 90-113.40 and enacts new GS 114-19.11A to require applicants to submit to check of criminal history. Enacts new GS 90-113.46A providing that prior conviction does not automatically bar issuance of credential. Instructs Board to consider seriousness, date, and circumstances of crime, nexus between criminal conduct and job duties of position, and rehabilitation of applicant.

Repeals GS 90-113.37, which set forth requirements for renewing certification, and enacts new GS 90-113.37A governing renewal and lapse of credentials. Imposes oral exam requirement upon applicants for certification as substance abuse counselor. Enacts new GS 90-113.40(d1), creating new category of certified criminal justice addictions professional. Amends GS 90-113.42 to render it unlawful for any person not licensed or credentialed as a substance abuse professional or regulated by another profession to practice as a substance abuse professional.

Enacts new GS 90-113.44(2a), (10), and (11) to include as grounds for disciplinary action (1) the impairing use of drugs or alcohol, (2) a conviction of driving while impaired, (3) an improper dual relationship, and (4) practicing outside scope of credential. Amends GS 90-113.44 to make conviction of any criminal offense other than a traffic offense grounds for disciplinary action (was, conviction of narcotic or controlled substance offense).

Makes technical and conforming changes.

**Intro. by Nesbitt.**

Ref. to Judiciary I

GS 90, 114

May 16, 2005

**S 705. AMEND NC SUBSTANCE ABUSE ACT.** Intro. 3/21/05. Senate committee substitute makes the following changes to 1st edition. Amends GS 90-113.33 to provide that the NC Substance Abuse Professional Practice Board's employment of legal counsel is subject to the provisions of GS 114-2.3 (requiring the Attorney General's approval before employing private counsel) and to delete provision authorizing the Board to recover attorneys' fees from any person disciplined by Board. Amends Section 4 of act to also require that to be certified as a criminal justice addictions professional, a person must provide documentation of at least 270 clock hours of Board-approved education and 300 hours of Board-approved supervised training. Makes technical changes.

June 1, 2005

**S 705. AMEND NC SUBSTANCE ABUSE ACT.** Intro. 3/21/05. Senate amendment makes the following changes to 2nd edition. Amends GS 90-113.40 to provide that Certified Clinical Supervisors must meet the requirement in subsection (a)(5a) (requiring a complete criminal history record check). Deletes duplicate requirement in subsection (b)(5a).

August 8, 2005

**S 705. AMEND SUBSTANCE ABUSE AND SMOKING LAWS (NEW).** Intro. 3/21/05. House committee substitute makes the following changes to 3rd edition. Adds new Sections 5 through 9, which are substantially similar to H 76, introduced 2/7/05, with the following changes. Provides

that only restaurants with a seating capacity of 50 or more are subject to the requirements of new GS Chapter 14, Article 62. Requires that covered restaurants have a designated smoking area consisting of not more than 25% of the seating capacity inside the restaurant (was, required designated no smoking area of not less than 50% of seating capacity inside restaurant). Effective January 1, 2007, amends proposed GS 14-462 to define "smoking area" as a completely enclosed area that is separate from the remainder of restaurant that has ventilation which prevent tobacco smoke from mixing with the air outside smoking area. Also amends GS 130A-248(a3) effective January 1, 2007, to require that the Comm'n on Health Services adopt rules to enforce new smoking area requirements. Makes technical and conforming changes.

August 11, 2005

**S 705. AMEND SUBSTANCE ABUSE LAWS (NEW).** Intro. 3/21/05. House committee substitute makes the following changes to 4th edition. Deletes provisions that would have regulated smoking in public restaurants and would have required unemancipated minors to obtain written authorization from a parent to work in a restaurant's smoking areas.

October 5, 2005

**SL 2005-431 (S 705). AMEND SUBSTANCE ABUSE LAWS. AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.** Summarized in *Daily Bulletin* 3/21/05, 5/16/05, 6/1/05, 8/8/05, and 8/11/05. Enacted September 22, 2005. Effective September 22, 2005.