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SENATE BILL DRS15214-MGf-13B

Short Title: Adjust Drug Education School Enrollment Fee. (Public)

Sponsors: Senators T. Alexander, Burgin, and Johnson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ADJUSTING THE ENROLLMENT FEE FOR ACCREDITED DRUG EDUCATION
3 SCHOOLS TO ACCOUNT FOR INFLATION; CLARIFYING THE RESPONSIBILITIES
4 OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO
5 DRUG EDUCATION SCHOOLS; AND MAKING TECHNICAL AND OTHER
6 MODIFICATIONS TO THE STATUTE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 90-96.01 reads as rewritten:

9 "§ 90-96.01. Drug education schools; responsibilities of the Department of Health and
10 Human Services; fees.

11 (a) The Commission for Mental Health, Developmental Disabilities, and Substance
12 Abuse Services shall establish standards and guidelines for the curriculum and operation of local
13 drug education programs. The Department of Health and Human Services shall oversee the
14 development of a statewide system of drug education schools and shall insure that these schools
15 are available in all localities of the State as is practicable.

16 (1) ~~A fee of one hundred fifty dollars (\$150.00) shall be paid by all persons~~
17 Enrollment Fee. – Each person enrolling in an accredited drug education
18 school established pursuant to this section. That fee must be paid section shall
19 pay a fee of two hundred seventy-five dollars (\$275.00) to an official
20 designated for that purpose and at a time and place specified by the area mental
21 health, developmental disabilities, and substance abuse authority drug
22 education school providing the course of instruction in which the person is
23 enrolled. Beginning July 1, 2024, and every five years thereafter, the
24 Commission for Mental Health, Developmental Disabilities, and Substance
25 Abuse Services shall, by rule, increase the amount of the enrollment fee
26 payable under this section to reflect the percentage increase, if any, for such
27 five-year period in the Consumer Price Index for All Urban Consumers
28 published by the Bureau of Labor Statistics of the U.S. Department of Labor.

29 (1a) Fee Collection. – If the clerk of court in the county in which the person is
30 convicted agrees to collect the drug education school enrollment fees, the
31 clerk shall collect all such fees for persons convicted in that county. The clerk
32 shall pay the fees collected under this section to the area mental health,
33 developmental disabilities, and substance abuse authority for the catchment
34 area where the clerk is located regardless of the location where the defendant
35 attends the drug education school and that authority shall distribute the funds
36 in accordance with the rules and regulations of the Department appropriate



1 drug education schools, and the drug education schools shall comply with the
 2 provisions of this section regarding use of the fees.

3 ~~The defendant shall pay this fee must be paid~~ in full within two weeks of
 4 ~~the date the person is convicted of conviction~~ and before he or she attends any
 5 classes, unless the court, upon a showing of reasonable hardship, allows the
 6 ~~person-defendant~~ additional time to pay the fee or allows ~~him-the defendant~~
 7 to begin the course of instruction without paying the fee. If the person enrolling
 8 in the school demonstrates to the satisfaction of the court that ordered ~~him to~~
 9 ~~enroll-enrollment~~ in the school that he or she is unable to pay and ~~his-that~~
 10 inability to pay is not willful, the court may excuse ~~him-the person~~ from paying
 11 the fee. ~~Parents-Drug education schools shall allow parents or guardians of~~
 12 ~~persons attending drug education school shall be allowed enrollees who are~~
 13 ~~minors~~ to audit the drug education school curriculum along with their children
 14 or wards at no extra expense.

15 (2) Program Implementation. – ~~The Subject to the approval of the~~ Department of
 16 ~~Health and Human Services shall have the authority to approve programs to~~
 17 ~~be implemented by area mental health, developmental disabilities, and~~
 18 ~~substance abuse authorities. Area mental health, developmental disabilities,~~
 19 ~~and substance abuse authorities~~ Services, drug education schools may
 20 implement drug education programs. In implementing such programs, drug
 21 education schools may subcontract for the delivery of drug education program
 22 services. ~~The Department shall have the authority to approve services,~~
 23 provided, however, that budgets and contracts with public and private
 24 governmental and nongovernmental bodies for the operation of ~~such~~
 25 ~~schools.~~ drug education schools remain subject to the approval of the
 26 Department of Health and Human Services.

27 (3) Permissible Use of Fees Retained by Drug Education Schools. – Fees
 28 collected under this section and retained by the area mental health,
 29 developmental disabilities, and substance abuse authority shall be placed in a
 30 nonreverting fund. That fund must be used. ~~Drug education schools shall use~~
 31 the fees collected and retained under this section as necessary, for the
 32 operation, evaluation-evaluation, and administration of the drug educational
 33 schools; excess-their respective drug education schools. Drug education
 34 schools shall not use excess funds may only be used for any purpose other
 35 than to fund other drug or alcohol programs.

36 (3a) Permissible Use of Fees Remitted to the Department of Health and Human
 37 Services. – ~~The area mental health, developmental disabilities, and substance~~
 38 ~~abuse authority~~ Each drug education school shall remit five percent (5%) ten
 39 percent (10%) of each fee collected under this section to the Division of
 40 Mental Health, Developmental Disabilities, and Substance Abuse Services of
 41 the Department of Health and Human Services on a monthly basis. Fees
 42 received by the ~~The Department as required by of~~ Health and Human Services
 43 shall supply to each drug education school, at no additional charge, a manual
 44 and any other required curriculum for each fee collected and remitted to the
 45 Department by that drug education school. The Department of Health and
 46 Human Services shall not use any fees received under this section may only
 47 be used in for any purpose other than (i) supplying manuals and any other
 48 required curriculum to the drug education schools as provided in this
 49 subdivision and (ii) supporting, evaluating, and administering drug education
 50 schools, and any excess funds will revert to the General Fund. ~~schools. Any~~

- 1 excess funds remaining at the end of each fiscal year shall revert to the General
- 2 Fund.
- 3 (4) ~~All Prohibited Use of Fees. – No portion of any fees collected received under~~
- 4 ~~this section by any area mental health, developmental disabilities, and~~
- 5 ~~substance abuse authority under the authority of this section may not the~~
- 6 Department of Health and Human Services shall be used in any manner to for
- 7 any of the following:
- 8 a. To match other State funds or be funds in any manner.
- 9 b. To be included in any computation for State formula-funded
- 10 allocations.
- 11 (b) Willful failure to pay the fee authorized by this section is one ground for a finding
- 12 that a person placed on probation or who may make application for expunction of all recordation
- 13 of his or her arrest or conviction has not successfully completed the course. If the court
- 14 determines the person is unable to pay, he or she shall not be deemed guilty of a willful failure
- 15 to pay the fee."
- 16 **SECTION 2.** This act becomes effective July 1, 2019.