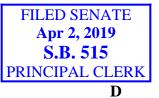
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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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 ADJUS'	TING THE ENROLLMENT FEE FOR ACCREDITED DRUG EDUCATION
3	SCHOOLS TO	O ACCOUNT FOR INFLATION; CLARIFYING THE RESPONSIBILITIES
4	OF THE DEP	ARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO
5	DRUG EDU	CATION SCHOOLS; AND MAKING TECHNICAL AND OTHER
6	MODIFICAT	IONS TO THE STATUTE.
7	The General Asse	mbly of North Carolina enacts:
8	SECT	ION 1. G.S. 90-96.01 reads as rewritten:
9	"§ 90-96.01. Dr	ug education schools; responsibilities of the Department of Health and
10	Huma	n Services; fees.
11		commission for Mental Health, Developmental Disabilities, and Substance
12	Abuse Services sh	all establish standards and guidelines for the curriculum and operation of local
13	drug education p	rograms. The Department of Health and Human Services shall oversee the
14	development of a	statewide system of <u>drug education</u> schools and shall insure that <u>these</u> schools
15	are available in al	l localities of the State as soon 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	<u>(1a)</u>	<u>Fee Collection. – If the clerk of court in the county in which the person is</u>
30		convicted agrees to collect the drug education school enrollment fees, the
31		clerk shall collect all <u>such</u> fees for persons convicted in that county. The clerk
32		shall pay the fees collected <u>under this section</u> 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



	General Assemb	ly Of North Carolina	Session 2019
1		drug education schools, and the drug education schools s	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	
5		classes, unless the court, upon a showing of reasonable	
6		person defendant additional time to pay the fee or allows	L ·
7		begin the course of instruction without paying the fee. If	
8		in the school demonstrates to the satisfaction of the cour	
9		enroll enrollment in the school that he or she is unable	
10		inability to pay is not willful, the court may excuse him th	
11		the fee. Parents Drug education schools shall allow par	
12		persons attending drug education school shall be allow	
12			
13 14		minors to audit the drug education school <u>curriculum</u> alon	ng with then children
	(2)	or wards at no extra expense.	of the Denortment of
15	(2)	<u>Program Implementation. – The Subject to the approval</u>	
16		Health and Human Services shall have the authority to-	
17		be implemented by area mental health, development	
18		substance abuse authorities. Area mental health, develo	1 ·
19		and substance abuse authorities Services, drug edu	
20		implement drug education programs. In implementing	
21		education schools may subcontract for the delivery of dru	
22		services. The Department shall have the authority to	
23		provided, however, that budgets and contracts with	
24		governmental and nongovernmental bodies for the	-
25		schools.drug education schools remain subject to t	he approval of the
26		Department of Health and Human Services.	
27	(3)	Permissible Use of Fees Retained by Drug Education	
28		collected under this section and retained by the	
29		developmental disabilities, and substance abuse authorit	-
30		nonreverting fund. That fund must be used, Drug educat	
31		the fees collected and retained under this section as	
32		operation, evaluation evaluation, and administration of	-
33		schools; excess their respective drug education scho	-
34		schools shall not use excess funds may only be used for	or any purpose other
35		than to fund other drug or alcohol programs.	
36	<u>(3a)</u>	Permissible Use of Fees Remitted to the Department of	
37		Services The area mental health, developmental disab	
38		abuse authority Each drug education school shall remit	-
39		percent (10%) of each fee collected under this section	
40		Mental Health, Developmental Disabilities, and Substan	ce 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 addition	nal charge, a manual
44		and any other required curriculum for each fee collected	d and remitted to the
45		Department by that drug education school. The Department	tment of Health and
46		Human Services shall not use any fees received under t	
47		be used in for any purpose other than (i) supplying ma	
48		required curriculum to the drug education schools	
49		subdivision and (ii) supporting, evaluating, and administ	-
50		schools, and any excess funds will revert to the Genera	0 0
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	General Assembly Of North CarolinaSession 2019
1	excess funds remaining at the end of each fiscal year shall revert to the General
2	Fund.
3	(4) <u>All-Prohibited Use of Fees. – No portion of any fees collected received under</u>
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	<u>a.</u> <u>To match other State funds or be funds in any manner.</u>
9	b. <u>To be included in any computation for State formula-funded</u>
10	allocations.
11	(b) Willful failure to pay the fee <u>authorized by this section</u> 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.