

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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PRINCIPAL CLERK

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SENATE BILL DRS35088-MGf-101

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

Sponsors: Senator Alexander (Primary Sponsor).

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



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

36 (3a) ~~The area mental health, developmental disabilities, and substance abuse~~  
37 ~~authority Permissible use of fees remitted to the Department of Health and~~  
38 ~~Human Services. – Each drug education school shall remit five percent (5%)~~  
39 ~~ten 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, 2021.