

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 691

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

Sponsors: Senator Alexander (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 8, 2021

A BILL TO BE ENTITLED

AN ACT ADJUSTING THE ENROLLMENT FEE FOR ACCREDITED DRUG EDUCATION SCHOOLS TO ACCOUNT FOR INFLATION; CLARIFYING THE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO DRUG EDUCATION SCHOOLS; AND MAKING TECHNICAL AND OTHER MODIFICATIONS TO THE STATUTE.

The General Assembly of North Carolina enacts:

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

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

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

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

(1a) Fee collection. – If the clerk of court in the county in which the person is
convicted agrees to collect ~~the drug education school enrollment fees~~, the
clerk shall collect all such fees for persons convicted in that county. The clerk
shall pay the fees collected under this section to the ~~area mental health,~~
developmental disabilities, and substance abuse authority for the catchment
area where the clerk is located regardless of the location where the defendant
attends the drug education school and that authority shall distribute the funds
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) ~~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.