

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 532

Short Title: Controlled Substances' Security.

(Public)

Sponsors: Representatives Isenhower; Abernethy, Balmer, Barnhill, Bowie, Bowman, J.W. Crawford, Culp, Esposito, Gardner, Gottovi, Gray, Grimmer, Jones, Lewis, Ligon, Russell, and Wilson.

Referred to: Human Resources.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE COMMISSION FOR MENTAL HEALTH,
2 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES
3 TO ESTABLISH SECURITY REQUIREMENTS FOR CONTROLLED
4 SUBSTANCES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143B-147(a) reads as rewritten:

8 "(a) There is hereby created the Commission for Mental Health, Developmental
9 Disabilities, and Substance Abuse Services of the Department of Human Resources with
10 the power and duty to adopt, amend and repeal rules to be followed in the conduct of
11 State and local mental health, developmental disabilities, alcohol and drug abuse
12 programs including education, prevention, intervention, treatment, rehabilitation and
13 other related services. Such rules shall be designed to promote the amelioration or
14 elimination of the mental health, developmental disabilities, or alcohol and drug abuse
15 problems of the citizens of this State. The Commission for Mental Health,
16 Developmental Disabilities, and Substance Abuse Services shall have the authority:

17 (1) To adopt rules regarding the

18 a. Admission, including the designation of regions, treatment, and
19 professional care of individuals admitted to a facility operated
20 under the authority of G.S. 122C-181(a), that is now or may be
21 established;

- 1 b. Operation of education, prevention, intervention, treatment,
2 rehabilitation and other related services as provided by area
3 mental health, developmental disabilities, and substance abuse
4 authorities under Part 4 of Article 4 of Chapter 122C of the
5 General Statutes;
6 c. Hearings and appeals of area mental health, developmental
7 disabilities, and substance abuse authorities as provided for in
8 Part 4 of Article 4 of Chapter 122C of the General Statutes;
9 d. Requirements of the federal government for grants-in-aid for
10 mental health, developmental disabilities, alcohol or drug abuse
11 programs which may be made available to local programs or the
12 State. This section is to be liberally construed in order that the
13 State and its citizens may benefit from such grants-in-aid;
14 (2) To adopt rules for the licensing of facilities for the mentally ill,
15 developmentally disabled, and substance abusers, under Article 2 of
16 Chapter 122C of the General Statutes.
17 (3) To advise the Secretary of the Department of Human Resources
18 regarding the need for, provision and coordination of education,
19 prevention, intervention, treatment, rehabilitation and other related
20 services in the areas of:
21 a. Mental illness and mental health,
22 b. Developmental disabilities,
23 c. Alcohol abuse, and
24 d. Drug abuse;
25 (4) To review and advise the Secretary of the Department of Human
26 Resources regarding all State plans required by federal or State law
27 and to recommend to the Secretary any changes it thinks necessary in
28 those plans; provided, however, for the purposes of meeting State plan
29 requirements under federal or State law, the Department of Human
30 Resources is designated as the single State agency responsible for
31 administration of plans involving mental health, developmental
32 disabilities, alcohol abuse, and drug abuse services;
33 (5) To adopt rules relating to the registration and control of the
34 manufacture, distribution, security, and dispensing of controlled
35 substances as provided by G.S. 90-100;
36 (6) To adopt rules to establish the professional requirements for staff of
37 licensed facilities for the mentally ill, developmentally disabled, and
38 substance abusers. Such rules may require that one or more, but not all
39 staff of a facility be either licensed or certified. If a facility has only
40 one professional staff, such rules may require that that individual be
41 licensed or certified. Such rules may include the recognition of
42 professional certification boards for those professions not licensed or
43 certified under other provisions of the General Statutes provided that

1 the professional certification board evaluates applicants on a basis
2 which protects the public health, safety or welfare;

3 (7) Except where rule making authority is assigned under that Article to
4 the Secretary of the Department of Human Resources, to adopt rules to
5 implement Article 3 of Chapter 122C of the General Statutes;

6 (8) To adopt rules specifying procedures for waiver of rules adopted by
7 the Commission."

8 Sec. 2. G.S. 90-100 reads as rewritten:

9 **"§ 90-100. Rules and regulations.**

10 The Commission is authorized to promulgate rules and regulations relating to the
11 registration and control of the manufacture, distribution, security, and dispensing of
12 controlled substances within this State."

13 Sec. 3. This act becomes effective October 1, 1991.