

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE DRH30159-RM-6 (2/27)**

Short Title: Detox Facilities Not Subject to CON.

(Public)

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Sponsors: Representative Alexander.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY  
3 TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING  
4 DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION  
5 FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT  
6 FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED  
7 REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL  
8 DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED  
9 FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT  
10 BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 131E-176(5a) reads as rewritten:

13 "(5a) "Chemical dependency treatment facility" means a public or private  
14 facility, or unit in a facility, which is engaged in providing 24-hour a  
15 day treatment for chemical dependency or substance abuse. This  
16 treatment may include detoxification, administration of a therapeutic  
17 regimen for the treatment of chemically dependent or substance  
18 abusing persons and related services. The facility or unit may be:

- 19 a. A unit within a general hospital or an attached or freestanding  
20 unit of a general hospital licensed under Article 5, Chapter  
21 131E, of the General Statutes,  
22 b. A unit within a psychiatric hospital or an attached or  
23 freestanding unit of a psychiatric hospital licensed under Article  
24 1A of General Statutes Chapter 122 or Article 2 of General  
25 Statutes Chapter 122C,  
26 c. A freestanding facility specializing in treatment of persons who  
27 are substance abusers or chemically dependent licensed under

1 Article 1A of General Statutes Chapter 122 or Article 2 of  
2 General Statutes Chapter 122C; and may be identified as  
3 "chemical dependency, substance abuse, alcoholism, or drug  
4 abuse treatment units," "residential chemical dependency,  
5 substance abuse, alcoholism or drug abuse facilities," "~~social~~  
6 ~~setting detoxification facilities~~" and "~~medical detoxification~~  
7 ~~facilities~~,"—or by other names if the purpose is to provide  
8 treatment of chemically dependent or substance abusing  
9 persons, but shall not include social setting detoxification  
10 facilities, medical detoxification facilities, halfway houses or  
11 recovery farms."

12 **SECTION 2.** G.S. 131E-176(5b) reads as rewritten:

13 "(5b) "Chemical dependency treatment beds" means beds that are licensed  
14 ~~for detoxification or~~ for the inpatient treatment of chemical  
15 dependency. Residential treatment beds for the treatment of chemical  
16 dependency or substance abuse are chemical dependency treatment  
17 beds. Chemical dependency treatment beds shall not include beds  
18 licensed for detoxification."

19 **SECTION 3.** This act is effective when it becomes law.