

Representative Hall, Atlanta, Georgia

Monday, February 8, 2016

Seventeenth Legislative Day

The House met pursuant to adjournment at 11:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Cooper	Hawkins	Mitchell	Smith, E
Alexander	Corbett	E Henson	Morris	Smith, L
Allison	Dawkins-Haigler	Hightower	Mosby	Smith, M
Atwood	Deffenbaugh	E Hitchens	Nimmer	Smith, R
Ballinger	Dempsey	Holcomb	Nix	Smyre
Barr	Dickerson	Holmes	Oliver	Spencer
Battles	Dickson	Houston	Pak	Stephens, M
E Beasley-Teague	Dollar	Howard	Parrish	Stephens, R
Belton	Douglas	Hugley	Parsons	Stovall
Bennett, K	Drenner	Jackson	Peake	Stover
Bennett, T	Dudgeon	Jasperse	Petrea	Strickland
Bentley	E Dukes	Jones, J	Pezold	Tankersley
Benton	Dunahoo	Jones, J.B.	Pirkle	Tanner
Beskin	Duncan	Jones, L	Powell, A	Tarvin
Beverly	Ealum	Jones, S	Powell, J	Taylor, D
Blackmon	Efstration	Jordan	Price	E Taylor, T
Broadrick	Ehrhart	E Kaiser	Prince	Teasley
Brockway	England	E Kelley	Quick	Thomas, A.M.
Buckner	Epps	Kendrick	Raffensperger	Thomas, E
Burns	Evans	Kidd	Rakestraw	Trammell
E Caldwell, J	Fleming	Kirby	Ramsey	Turner
Caldwell, M	E Floyd	Knight	Randall	E Waites
Cantrell	Fludd	LaRicca	Reeves	Watson
Carson	Frazier	Lott	Rhodes	E Welch
Carter, A	Frye	Lumsden	Rice	Werkheiser
Carter, D	Gasaway	Mabra	Rogers, C	Wilkerson
Casas	Gilligan	Marin	Rogers, T	Wilkinson
Chandler	Glanton	Martin	Rutledge	Willard
Cheokas	Gordon	Maxwell	Rynders	Williams, A
Clark, D	Gravley	Mayo	Scott	E Williams, C
Clark, H	Greene	McCall	Setzler	Williams, E
Clark, V	Harden	McClain	Sharper	Williamson
Coleman	Harrell	Meadows	Shaw	Yates
E Cooke	Hatchett	Metze	Sims	Ralston, Speaker
Coomer				

The following members were off the floor of the House when the roll was called:

Representatives Bruce of the 61st, Bryant of the 162nd, Dickey of the 140th, Gardner of the 57th, Golick of the 40th, Pruett of the 149th, Stephenson of the 90th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Dr. Mike Brandenburg, Butler First Baptist Church, Butler, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills of the House were introduced, read the first time and referred to the Committees:

HB 908. By Representatives Powell of the 32nd, Kaiser of the 59th and Gardner of the 57th:

A BILL to be entitled an Act to amend Article 13 of Chapter 6 of Title 40 of the O.C.G.A., relating to special provisions for certain vehicles, so as to clarify that certain all-terrain vehicles, class-I all-terrain vehicles, class-II all-

terrain vehicles, and class-III all-terrain vehicles are subject to the uniform rules of the road; to provide for criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 909. By Representatives Fleming of the 121st, McCall of the 33rd, Rhodes of the 120th, Pirkle of the 155th, Corbett of the 174th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to regulation of rates, underwriting rules, and related organizations, so as to prohibit unfair discrimination in setting fire insurance rates based on certain standards; to provide definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 910. By Representatives Frye of the 118th, Fleming of the 121st, Kelley of the 16th, Mabra of the 63rd, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to provide that provisions relating to the costs of copying and mailing patient records apply to psychiatric, psychological, and other mental health records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 911. By Representatives Duncan of the 26th, Watson of the 172nd, Harrell of the 106th, Buckner of the 137th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use tax, so as to provide for administration by the Department of Revenue of the exemption for agricultural machinery and equipment; to provide for a change to the qualifying amounts for the agricultural exemption; to provide for the separation of qualifying items at the point of sale; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 912. By Representatives Williamson of the 115th, Powell of the 171st and Harrell of the 106th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a state Tax Execution Registry; to provide for definitions, limitations, and procedures; to amend Title 11 of the Official Code of Georgia Annotated, relating to the Uniform Commercial Code, so as to include the Tax Execution Registry; to amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to conform the clerk's duties to the Tax Execution Registry; to provide a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 913. By Representatives Scott of the 76th, Yates of the 73rd, Hitchens of the 161st, Dawkins-Haigler of the 91st, Smith of the 125th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to the Department of Veterans Service, so as to require the maintenance of a women veterans' program by the commissioner of veterans service; to provide for the purposes of such women veterans' program; to require an annual report; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Defense & Veterans Affairs.

- HB 914. By Representatives Teasley of the 37th, Hatchett of the 150th, Smith of the 41st, Ramsey of the 72nd, Douglas of the 78th and others:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, so as to provide for requirements for solicitations of services to obtain a copy of an instrument conveying real estate; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 915. By Representatives Welch of the 110th, Willard of the 51st, Oliver of the 82nd, Houston of the 170th, Dempsey of the 13th and others:

A BILL to be entitled an Act to amend Title 49 of the O.C.G.A., relating to social services, so as to establish that criminal records checks shall be required for owners and employees of certain licensed facilities under the Department of Human Services; to provide for confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 916. By Representatives Hightower of the 68th, Welch of the 110th, McCall of the 33rd, Knight of the 130th, Petrea of the 166th and others:

A BILL to be entitled an Act to amend Code Section 26-4-118 of the O.C.G.A., relating to "The Pharmacy Audit Bill of Rights;" so as to remove an exception relating to certain audits conducted by the Department of Community Health; to amend Article 7 of Chapter 4 of Title 49 of the O.C.G.A., relating to medical assistance generally, so as to provide that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance; to provide for a correction period; to amend Chapter 1 of Title 50 of the O.C.G.A., relating to general provisions regarding state government, so as to provide that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance; to provide for a correction period; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 917. By Representatives Smyre of the 135th, Dukes of the 154th and Hugley of the 136th:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects, causes, agencies, or nonprofit corporations, so as to establish a specialty license plate for the Omega Psi Phi Fraternity, Inc.; to provide for related matters; to require a two-thirds' majority vote for passage in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 918. By Representatives Efstoration of the 104th, England of the 116th, Willard of the 51st, Trammell of the 132nd, Cooper of the 43rd and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 10 of the O.C.G.A., relating to agency, so as to update and conform provisions relating to powers of attorney to a uniform Act; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 919. By Representatives Duncan of the 26th, Shaw of the 176th, Houston of the 170th, Cheokas of the 138th, Greene of the 151st and others:

A BILL to be entitled an Act to amend Titles 31 and 48 of the Official Code of Georgia Annotated, relating to health and revenue and taxation, respectively, so as to approve rural health care organizations which provide health care services to underserved areas in this state; to provide for definitions; to provide for tax credits for contributions to rural health care organizations; to provide for the amount, nature, limits, and procedures for such tax credits; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 920. By Representatives Kelley of the 16th, Powell of the 171st, Fleming of the 121st, Petrea of the 166th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to restrict civil actions against passive investors in nursing homes and intermediate care homes; to provide for definitions; to provide for procedure; to provide for insurance or self-insurance trusts as a condition precedent to obtaining or maintaining a permit to operate a nursing home or intermediate care home; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 921. By Representatives Houston of the 170th, Shaw of the 176th, Powell of the 171st, Watson of the 172nd, Nimmer of the 178th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from state income taxation, so as to provide tax credit incentives to promote the revitalization of vacant rural Georgia downtowns by encouraging investment, job creation, and economic growth

in long-established business districts; to provide for definitions; to delineate procedures, conditions, eligibility, and limitations; to provide for powers, duties, and authority of the commissioner of community affairs, the commissioner of economic development, and the revenue commissioner; to provide for related matters; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 922. By Representatives Williamson of the 115th, Knight of the 130th, Kelley of the 16th, Harrell of the 106th, Coomer of the 14th and others:

A BILL to be entitled an Act to amend Code Section 48-7-40.17 of the Official Code of Georgia Annotated, relating to a tax credit for creating quality jobs, so as to add a definition of taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 923. By Representatives Quick of the 117th and Benton of the 31st:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 924. By Representatives Epps of the 144th, Stephens of the 164th, Peake of the 141st, Dickey of the 140th, Randall of the 142nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for a limited period of time an exemption from state sales and use tax only with respect to certain sales to a qualified job training organization; to provide for procedures, conditions, and limitations; to provide an effective date and sunset date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 925. By Representative Shaw of the 176th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Atkinson County, approved April 5, 1993 (Ga. L. 1993, p. 4771), as amended, so as to change the compensation of the members of the board of education; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 926. By Representatives Broadrick of the 4th, Stephens of the 164th, Harden of the 148th and Parrish of the 158th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; to provide definitions; to provide for licensure and registration; to provide for temporary pharmacy licenses for service members; to revise provisions relating to the compounding of drug products to conform with federal law; to establish requirements relating to drug supply chain security; to revise a provision relating to the return of outdated drugs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 927. By Representatives Coomer of the 14th, Willard of the 51st, Dickey of the 140th, Nimmer of the 178th, Rogers of the 10th and others:

A BILL to be entitled an Act to amend Title 15 of the O.C.G.A., relating to courts; to amend Chapter 6 of Title 5, Part 7 of Article 1 of Chapter 1 of Title 7, Chapter 6 of Title 9, Chapter 2 of Title 21, Article 3 of Chapter 4 of Title 23, Chapter 2 of Title 44, and Code Section 48-5-17, relating to certiorari and appeals to appellate courts generally, receivership powers and procedures generally, extraordinary writs, elections and primaries generally, decrees, recordation and registration of deeds and other instruments, and proceedings to determine county entitled to return and payment; to amend Chapter 2 of Title 15 of the O.C.G.A., relating to the Supreme Court; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 928. By Representative Fludd of the 64th:

A BILL to be entitled an Act to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to create the offense of religious intimidation; to provide for penalties; to provide for a cross-reference to the offense of religious intimidation in the crime of using machine guns, sawed-off rifles, sawed-off shotguns, or firearms during the commission of certain offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 891	HB 892
HB 893	HB 894
HB 895	HB 896
HB 897	HB 898
HB 899	HB 900
HB 901	HB 902
HB 903	HB 904
HB 905	HB 906
HB 907	HR 1249
HR 1250	HR 1251
HR 1252	HR 1253
HR 1254	HR 1269
SB 199	SB 273

Representative Coomer of the 14th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1052 Do Pass, by Substitute

Respectfully submitted,
/s/ Coomer of the 14th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
MONDAY, FEBRUARY 8, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 17th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- HB 649 Georgia Lactation Consultant Practice Act; enact (Substitute)(H&HS-Cooper-43rd)
- HB 759 Courts; financial institutions; certain activities shall not constitute the unauthorized practice of law; provide (Judy-Willard-51st)
- HB 775 Health; restrictions on sale and dispensing of spectacles; provide (Substitute)(RegI-Ehrhart-36th)
- HB 780 Health; certain nondiagnostic laboratories not subject to state licensure as a clinical laboratory; provide (H&HS-Lott-122nd)

Modified Structured Rule

- HB 737 Code Revision Commission; revise, modernize and correct errors of said Code (CR-Caldwell-131st)
- HB 767 Motor vehicles; add utility service vehicles to the "Spencer Pass Law"; provisions (MotV-Powell-32nd) AM 39 0147

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 230. By Senators Hufstetler of the 52nd, Unterman of the 45th, Burke of the 11th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide for the enactment of the "Uniform Emergency Volunteer Health Practitioners Act"; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 315. By Senators Williams of the 27th and Gooch of the 51st:

A BILL to be entitled an Act to amend an Act to create the Forsyth County Public Facilities Authority, approved May 1, 2008 (Ga. L. 2008, p. 3637), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014, p. 3944), so as to revise a definition; to provide a monetary limitation; to provide for related matters; to provide an effective date and severability; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 230. By Senators Hufstetler of the 52nd, Unterman of the 45th, Burke of the 11th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide for the enactment of the "Uniform Emergency Volunteer Health Practitioners Act"; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 315. By Senators Williams of the 27th and Gooch of the 51st:

A BILL to be entitled an Act to amend an Act to create the Forsyth County Public Facilities Authority, approved May 1, 2008 (Ga. L. 2008, p. 3637), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014, p. 3944), so as to revise a definition; to provide a monetary limitation; to provide for related matters; to provide an effective date and severability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Representative Hawkins of the 27th moved that the House reconsider its action in failing to give the requisite constitutional majority to the following Bill of the House:

HB 593. By Representatives Hawkins of the 27th, Maxwell of the 17th, Rakestraw of the 19th, Harrell of the 106th, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to authorize the Division of Low-voltage Contractors to require continuing education; to provide for waiver of continuing education requirements under certain circumstances; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

N Abrams	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Alexander	Y Cooper	Y Hatchett	Y Morris	N Smith, M
N Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	N Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Barr	Y Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	N Dickerson	N Holcomb	Y Pak	Y Stephens, R
E Beasley-Teague	Y Dickey	N Holmes	Y Parrish	Stephenson
Y Belton	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, K	Dollar	N Howard	Y Peake	N Stover
N Bennett, T	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Bentley	Y Drenner	Jackson	N Pezold	Y Tankersley
Y Benton	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beskin	E Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Beverly	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Blackmon	Y Duncan	N Jones, L	Y Price	Y Taylor, T
Y Broadrick	Y Ealum	N Jones, S	N Prince	Y Teasley
N Brockway	Y Efrstration	N Jordan	Pruett	Thomas, A.M.
N Bruce	Y Ehrhart	E Kaiser	N Quick	N Thomas, E
Y Bryant	Y England	E Kelley	N Raffensperger	N Trammell
N Buckner	Y Epps	N Kendrick	Rakestraw	N Turner
Y Burns	Y Evans	Y Kidd	Ramsey	VACANT
E Caldwell, J	Y Fleming	N Kirby	N Randall	E Waites
N Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	N Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
N Carter, D	Y Gardner	Y Mabra	Y Rogers, T	N Wilkerson
N Casas	Y Gasaway	N Marin	Rutledge	Y Wilkinson
Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Y Maxwell	N Scott	N Williams, A
Y Clark, D	Y Golick	N Mayo	E Setzler	E Williams, C

N Clark, H	N Gordon	Y McCall	N Sharper	N Williams, E
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Yates
E Cooke	Y Harden	N Metze	N Smith, E	Ralston, Speaker

On the motion, the ayes were 104, nays 50.

The motion prevailed.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Burns of the 159th, Battles of the 15th, Coleman of the 97th, Mitchell of the 88th, Dempsey of the 13th et al., Kendrick of the 93rd, Jones of the 62nd, and Frye of the 118th et al.

Pursuant to HR 1275, the House recognized and celebrated the 100th anniversary of the Darlington School honor system.

Pursuant to HR 1202, the House recognized and commended Alexis Shaw on her successful track season.

Pursuant to HR 1201, the House recognized and commended the 2015 Pierce County High School Competition Cheerleaders.

Pursuant to HR 1285, the House recognized Turner Theological Seminary and honored Bishop Henry McNeal Turner.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Governmental Affairs:

HB 781. By Representatives Raffensperger of the 50th, Rynders of the 152nd, Jones of the 167th, Taylor of the 173rd, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens; to provide for other residency requirements; to provide for a definition; to provide for enforcement; to provide an effective

date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the House was postponed until the next legislative day:

HB 737. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to revise, modernize, correct errors or omissions in, and reenact the statutory portion of said Code, as amended, in furtherance of the work of the Code Revision Commission; to repeal portions of said Code, or Acts in amendment thereof, which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent laws; to codify a joint resolution; to provide for other matters relating to revision, reenactment, and publication of said Code; to provide for effect in event of conflicts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 775. By Representatives Ehrhart of the 36th and Meadows of the 5th:

A BILL to be entitled an Act to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the control of hazardous conditions, preventable diseases, and metabolic disorders, so as to provide for restrictions on the sale and dispensing of spectacles; to provide for definitions; to provide for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the control of hazardous conditions, preventable diseases, and metabolic disorders, so as to provide for restrictions on the sale and dispensing of spectacles; to provide for definitions; to provide for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the control of hazardous conditions, preventable diseases, and metabolic disorders, is amended by revising Code Section 31-12-12, relating to restrictions on the sale or dispensing of contact lenses, as follows:

"31-12-12.

(a) As used in this Code section, the term:

(1) 'Contact lens' means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect. Contact lens includes, but is not limited to, any cosmetic, therapeutic, or corrective lens.

(2) 'Dispense' means the act of furnishing spectacles or contact lenses to an individual.

(3) 'Eye examination' means an in-person assessment, which includes telemedicine at a physician's office or optometrist's office or in a hospital setting or hospital health system setting in accordance with the applicable standard of care, of the ocular health and visual status of an individual that does not consist of solely objective refractive data or information generated by an automated testing device, including an autorefractor or kiosk, in order to establish a medical diagnosis or for the establishment of refractive error.

(4) 'Kiosk' means automatic equipment or application designed to be used on a telephone, a computer, or an Internet based device that can be used either in person or remotely to conduct an eye examination.

(5) 'Over-the-counter spectacles' means eyeglasses or lenses in a frame for the correction of vision that may be sold by any person, firm, or corporation at retail without a prescription; these spectacles shall not exceed +3.25 diopters.

(6) 'Prescription' means an optometrist's or ophthalmologist's handwritten or electronic order based on an eye examination that corrects refractive error.

(7) 'Spectacles' means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or enhance vision addressing the visual needs of the individual wearer, commonly known as glasses or eyeglasses, including spectacles that may be adjusted by the wearer to achieve different types of visual correction or enhancement. Spectacles does not include an optical instrument or device that is not intended to correct or enhance vision or that is sold without consideration of the visual status of the individual who will use the optical instrument or device. Spectacles does not include over-the-counter spectacles.

(a)(b)(1)(A) No person in this state shall sell, dispense, or serve as a conduit for the sale or dispensing of contact lenses or spectacles to the ultimate user of such contact lenses or spectacles except persons licensed and regulated by Chapter 29, 30, or 34 of Title 43.

(B) No person in this state shall write a prescription for contact lenses or spectacles except persons licensed and regulated by Chapter 30 or 34 of Title 43.

(C) No person in this state shall write a prescription for contact lenses or spectacles unless an eye examination is performed. The prescription shall take into

consideration any medical findings and any refractive error discovered during the eye examination.

(2) Any person who violates a subparagraph of paragraph (1) of this subsection one or two times shall upon conviction be guilty of a misdemeanor and punished by imprisonment for up to one year or by a fine not to exceed \$1,000.00 or by both such fine and imprisonment. Any person who violates a subparagraph of paragraph (1) of this subsection three or more times shall upon conviction be guilty of a felony and punished by imprisonment for one to five years or by a fine not to exceed \$10,000.00 or by both such fine and imprisonment.

~~(b)~~(c) All contact lenses used in the determination of a contact lens prescription are considered to be diagnostic lenses. After the diagnostic period and the contact lenses have been adequately fitted and the patient released from immediate follow-up care by persons licensed and regulated by Chapter 29, 30, or 34 of Title 43, the prescribing optometrist or ophthalmologist shall, upon the request of the patient, at no cost, provide a prescription in writing for replacement contact lenses. A person shall not dispense or adapt contact lenses or spectacles without first receiving authorization to do so by a written prescription, except when authorized orally to do so by a person licensed and regulated by Chapter 30 or 34 of Title 43.

~~(e)~~(d) Patients who comply with such fitting and follow-up requirements as may be established by the prescribing optometrist or ophthalmologist may obtain replacement contact lenses until the expiration date listed on the prescription from a person who may lawfully dispense contact lenses under subsection ~~(a)~~(b) of this Code section.

~~(d)~~(e) A prescriber may refuse to give the patient a copy of the patient's prescription until the patient has paid for all services rendered in connection with the prescription.

~~(e)~~(f) No replacement contact lenses may be sold or dispensed except pursuant to a prescription which:

- (1) Conforms to state and federal regulations governing such forms and includes the name, address, and state licensure number of a prescribing practitioner;
- (2) Explicitly states an expiration date of not more than 12 months from the date of the last prescribing contact lens examination, unless a medical or refractive problem affecting vision requires an earlier expiration date;
- (3) Explicitly states the number of refills;
- (4) Explicitly states that it is for contact lenses and indicates the lens brand name and type, including all specifications necessary for the ordering or fabrication of lenses; and
- (5) Is kept on file by the person selling or dispensing the replacement contact lenses for at least 24 months after the prescription is filled.

~~(f)~~(g) Anyone who fills a prescription bears the full responsibility of the accuracy of the contact lenses or spectacles provided under the prescription. At no time, without the direction of a prescriber, shall any changes or substitutions be made in the brand or type of lenses the prescription calls for with the exceptions of tint change if requested by the patient. However, if a prescription specifies 'only' a specific color or tinted lens, those instructions shall be observed.

~~(g)~~(h) All sales of and prescriptions for contact lenses in this state shall conform to the federal Fairness to Contact Lens Consumers Act, P.L. 108-164, 15 U.S.C.A. Section 7601, et seq. The provisions of this Code section shall be construed in aid of and in conformity with said federal act.

~~(h)~~(i) Civil proceedings to enforce the provisions of this Code section may be brought by any board created under Chapter 29, 30, or 34 of Title 43 or by any other interested person through injunction or other appropriate remedy."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Alexander	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Barr	Y Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Beasley-Teague	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Belton	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, K	Y Dollar	Y Howard	Y Peake	E Stover
Y Bennett, T	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Bentley	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Benton	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beskin	E Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Beverly	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Blackmon	Y Duncan	Y Jones, L	Y Price	Taylor, T
Y Broadrick	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Brockway	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
Y Bruce	Y Ehrhart	E Kaiser	Y Quick	Y Thomas, E
Y Bryant	Y England	E Kelley	Y Raffensperger	Y Trammell
Y Buckner	Y Epps	Y Kendrick	Rakestraw	Turner
Y Burns	Y Evans	Y Kidd	Y Ramsey	VACANT
E Caldwell, J	Y Fleming	Y Kirby	Y Randall	E Waites
Y Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	Y Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkerson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Wilkinson
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, A
Y Clark, D	Y Golick	Mayo	E Setzler	E Williams, C
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Williamson

Y Coleman
E Cooke

Y Greene
Y Harden

Y Meadows
Metze

Y Sims
Y Smith, E

Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 155, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 767. By Representatives Powell of the 32nd, Hitchens of the 161st, Petrea of the 166th, Waites of the 60th, Taylor of the 173rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding uniform rules of the road, so as to add utility service vehicles to the "Spencer Pass Law"; to provide a procedure for passing stationary utility service vehicles; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Powell of the 32nd moves to amend *HB 767/LC 41 0592* by deleting lines 4 and 5 and inserting in lieu thereof the following:
service vehicles; to provide for definitions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

By deleting lines 12 and 13 and inserting in lieu thereof the following:
maintenance vehicles, by revising subsections (c) and (d) and by adding a new subsection (e) to read as follows:

By deleting lines 25 and 26 and inserting in lieu thereof the following:

the posted speed limit, and be prepared to stop.

(d)(1) Violation of subsection (b) ~~or (e)~~ of this Code section shall be punished by a fine of not more than \$500.00.

(2) Violation of subsection (c) of this Code section shall be punished by a fine of not more than \$250.00.

(e) As used in this Code section, the term:

By deleting "sanitation" on line 32.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Alexander	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Barr	Y Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Beasley-Teague	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Belton	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, K	Y Dollar	Y Howard	Y Peake	E Stover
Y Bennett, T	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Bentley	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Benton	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beskin	E Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Beverly	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Blackmon	Y Duncan	Y Jones, L	Y Price	Taylor, T
Y Broadrick	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Brockway	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
Y Bruce	Y Ehrhart	E Kaiser	Y Quick	Y Thomas, E
Y Bryant	Y England	E Kelley	Y Raffensperger	Y Trammell
Y Buckner	Y Epps	Y Kendrick	Rakestraw	Y Turner
Y Burns	Y Evans	Y Kidd	E Ramsey	VACANT
E Caldwell, J	Y Fleming	Y Kirby	Y Randall	E Waites
Y Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	Y Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkerson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Wilkinson
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, A
Y Clark, D	Y Golick	Mayo	E Setzler	E Williams, C
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Yates
E Cooke	Y Harden	Y Metze	Y Smith, E	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed, as amended.

HB 759. By Representatives Willard of the 51st and Morris of the 156th:

A BILL to be entitled an Act to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law, so as to provide that certain activities by financial institutions

shall not constitute the unauthorized practice of law; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Alexander	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Barr	Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Beasley-Teague	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Belton	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, K	Y Dollar	Y Howard	Y Peake	E Stover
Y Bennett, T	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Bentley	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Benton	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beskin	E Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Beverly	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Blackmon	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Broadrick	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Brockway	Y Efrstration	Y Jordan	Y Pruet	Y Thomas, A.M.
Y Bruce	Y Ehrhart	E Kaiser	Y Quick	Y Thomas, E
Y Bryant	Y England	E Kelley	Y Raffensperger	Y Trammell
Y Buckner	Y Epps	Y Kendrick	Rakestraw	Y Turner
Y Burns	Y Evans	Y Kidd	E Ramsey	VACANT
E Caldwell, J	Y Fleming	Y Kirby	Y Randall	E Waites
Y Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	Y Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkerson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Wilkinson
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Maxwell	Y Scott	Y Williams, A
Y Clark, D	Y Golick	Mayo	E Setzler	E Williams, C
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Yates
E Cooke	Y Harden	Y Metze	Y Smith, E	Ralston, Speaker

On the passage of the Bill, the ayes were 156, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 780. By Representatives Lott of the 122nd, Williamson of the 115th, Cooper of the 43rd, Fleming of the 121st, Sims of the 123rd and others:

A BILL to be entitled an Act to amend Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions relative to clinical laboratories, so as to provide that certain nondiagnostic laboratories are not subject to state licensure as a clinical laboratory; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Alexander	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Barr	Y Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Beasley-Teague	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Belton	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, K	Y Dollar	Y Howard	Y Peake	E Stover
Y Bennett, T	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Bentley	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Benton	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beskin	E Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Beverly	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Blackmon	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Broadrick	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Brockway	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
Y Bruce	Y Ehrhart	E Kaiser	Y Quick	Y Thomas, E
Y Bryant	Y England	E Kelley	Y Raffensperger	Y Trammell
Y Buckner	Y Epps	Y Kendrick	Rakestraw	Y Turner
Y Burns	Y Evans	Y Kidd	E Ramsey	VACANT
E Caldwell, J	Y Fleming	Y Kirby	Y Randall	E Waites
Y Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	Y Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkerson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Wilkinson
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, A
Y Clark, D	Y Golick	Mayo	E Setzler	E Williams, C
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Yates
E Cooke	Y Harden	Y Metz	Y Smith, E	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 649. By Representatives Cooper of the 43rd, Clark of the 101st, Knight of the 130th, Jones of the 53rd, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncturists, and others, so as to require licensure of lactation consultants; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for an advisory committee; to provide for licensure application and qualifications; to provide for license renewal; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncturists, and others, so as to require licensure of lactation consultants; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for an advisory committee; to provide for licensure application and qualifications; to provide for license renewal; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncturists, and others, is amended by adding a new article to read as follows:

"ARTICLE 9A

43-34-260.

This article shall be known and may be cited as the 'Georgia Lactation Consultant Practice Act.'

43-34-261.

The General Assembly acknowledges that the application of specific knowledge and skills relating to breastfeeding is important to the health of mothers and babies and acknowledges further that the rendering of sound lactation care and services in hospitals, physician practices, private homes, and other settings requires trained and competent professionals. It is declared, therefore, to be the purpose of this article to

protect the health, safety, and welfare of the public by providing for the licensure and regulation of the activities of persons engaged in lactation care and services.

43-34-262.

As used in this article, the term:

(1) 'Advisory committee' means the committee appointed pursuant to Code Section 43-34-263.

(2) 'Applicant' means any person seeking a license under this article.

(3) 'International Board Certified Lactation Consultant (IBCLC)' means a person who holds current certification from the International Board of Lactation Consultant Examiners (IBLCE) after demonstrating the appropriate education, knowledge, and experience necessary for independent clinical practice.

(4) 'International Board of Lactation Consultant Examiners (IBLCE)' means the international organization that certifies IBCLCs and is independently accredited by the National Commission of Certifying Agencies.

(5) 'Lactation care and services' means the clinical application of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to childbearing families regarding lactation care and services. Lactation care and services shall include, but not be limited to:

(A) Lactation assessment through the systematic collection of subjective and objective data;

(B) Analysis of data and creation of a lactation care plan;

(C) Implementation of a lactation care plan with demonstration and instruction to parents and communication to the primary health care provider;

(D) Evaluation of outcomes;

(E) Provision of lactation education to parents and health care providers; and

(F) The recommendation and use of assistive devices.

(6) 'Lactation consultant' means a person duly licensed under this article to practice lactation care and services.

(7) 'License' means a license to practice as a lactation consultant pursuant to this article.

(8) 'Practice' means rendering or offering to render any lactation care and services to any individual, family, or group of individuals.

43-34-263.

(a) The board shall appoint a lactation consultant advisory committee. The members of the advisory committee shall:

(1) Be citizens of the United States and residents of this state;

(2) Have engaged in the practice of lactation care and services for at least one year; and

(3) Be licensed under this chapter.

(b) Members shall receive no compensation for service on the advisory committee.

(c) The advisory committee shall have such duties and responsibilities as the board may determine, including, but not limited to, consulting with the board on the issuance, denial, suspension, and revocation of licenses and the promulgation of rules and regulations pursuant to this article.

43-34-264.

The board, in consultation with the advisory committee, shall have the power and responsibility to:

- (1) Enforce the provisions of this article, and it shall be granted all of the necessary duties, powers, and authority to carry out this responsibility;
- (2) Draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the administration and enforcement of this article in the protection of public health, safety, and welfare;
- (3) License duly qualified applicants by examination or reinstatement;
- (4) Implement the disciplinary process;
- (5) Enforce qualifications for licensure;
- (6) Set standards for competency of licensees continuing in or returning to practice;
- (7) Issue orders when a license is surrendered to the board while a complaint, investigation, or disciplinary action against such licensee is pending;
- (8) Adopt, revise, and enforce rules regarding advertising by licensees, including, but not limited to, rules to prohibit false, misleading, or deceptive practices;
- (9) Adopt, publish in print or electronically, and enforce a code of ethics;
- (10) Establish examination and licensing fees;
- (11) Request and receive the assistance of state educational institutions or other state agencies;
- (12) Prepare information of consumer interest describing the regulatory functions of the board and the procedures by which consumer complaints are filed with and resolved by the board; and
- (13) Establish continuing education requirements.

43-34-265.

The board may grant, upon application and payment of proper fees, a license without examination to a person who, at the time of application, either:

- (1) Holds a valid license to practice lactation care and services issued by another state, political territory, or jurisdiction acceptable to the board if, in the board's opinion, the requirements for that license are substantially equal to or greater than the requirements of this article; or
- (2) Presents evidence satisfactory to the board that the applicant is an IBCLC in good standing with the IBLCE, or its successor organization.

43-34-266.

Except as provided in paragraph (4) of this Code section, each applicant for a license as a lactation consultant shall be at least 18 years of age, shall have submitted a completed

application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and shall be in compliance with the following requirements:

- (1) Meeting the international education and clinical standards established for IBCLCs by the IBLCE or other national testing service as approved by the board;
- (2) Providing proof of successful completion of the IBLCE examination or other examination as approved by the board;
- (3) Having satisfactory results from a criminal background check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and
- (4) Completing such other requirements as may be prescribed by the board.

43-34-267.

After evaluation of an application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted are satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for the rejection.

43-34-268.

- (a) A license issued by the board is the property of the board and must be surrendered on demand.
- (b) The licensee shall display the license in an appropriate and public manner.
- (c) The licensee shall inform the board of any change of address.
- (d) The license shall be renewed biennially if the licensee is not in violation of this article at the time of application for renewal and if the applicant fulfills current requirements of continuing education as established by the board.
- (e) Each person licensed under this article is responsible for renewing his or her license before the expiration date.
- (f) Under procedures and conditions established by the board, a licensee may request that his or her license be declared inactive. The licensee may apply for active status at any time, and upon meeting the conditions set by the board, such license shall be declared active.

43-34-269.

The board, in consultation with the advisory committee, may impose on a licensed lactation consultant any sanction authorized under subsection (b) of Code Section 43-34-8 upon a finding of any conduct specified in subsection (a) of Code Section 43-34-8.

43-34-270.

On and after July 1, 2018, no person without a license as a lactation consultant issued pursuant to this article shall use the title 'licensed lactation consultant' or 'licensed L.C.' or practice lactation care and services, provided that this article shall not prohibit any practice of lactation care and services that is exempt pursuant to the provisions set forth in Code Section 43-34-271.

43-34-271.

Nothing in this article shall be construed to affect or prevent:

(1) Persons licensed to practice the professions of dentistry, medicine, osteopathy, chiropractic, nursing, physician assistant, or dietetics from engaging in the practice of lactation care and services when incidental to the practice of their profession, except such persons shall not use the title 'licensed lactation consultant' or 'licensed L.C.';

(2) Doulas and prenatal and childbirth educators from performing education functions consistent with the accepted standards of their respective occupations, except such persons shall not use the title 'licensed lactation consultant' or 'licensed L.C.' or designate themselves by any other term or title which implies that such person has clinical skills and education comparable to a licensed lactation consultant;

(3) The practice of lactation care and services by students, interns, or persons preparing for the practice of lactation care and services under the qualified supervision of a lactation consultant or any licensed professional listed in paragraph (1) of this Code section;

(4) Employees of the United States government or any bureau, division, or agency thereof from engaging in the practice of lactation care and services within the discharge of the employees' official duties so long as such employees are performing their duties within the recognized confines of a federal installation regardless of whether jurisdiction is solely federal or concurrent;

(5) Employees of a department, agency, or division of state, county, or local government from engaging in the practice of lactation care and services within the discharge of the employees' official duties, including, but not limited to, peer counselors working within the Special Supplemental Nutrition Program for Women, Infants, and Children;

(6) Individual volunteers from providing lactation care and services, provided that:

(A) Such volunteers shall not use the title 'licensed lactation consultant' or 'licensed L.C.', shall not state that they are licensed to practice lactation care and services, or shall not designate themselves by any other term or title which implies that such volunteers have the clinical skills and abilities associated with licensure;

(B) Their volunteer service is performed without fee or other form of compensation, monetary or otherwise, from the individuals or groups served; and

(C) Such volunteers receive no form of compensation, monetary or otherwise, except for administrative expenses, such as mileage;

(7) A nonresident IBCLC from practicing lactation care and services in this state for five days without licensure or up to 30 days with licensure from another state if the

requirements for licensure in such other state are substantially equal to the requirements contained in this article; or
(8) Other health care related professionals from seeking licensure for their professions."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Coomer	N Harrell	Y Mitchell	Y Smith, L
Y Alexander	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
N Allison	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Atwood	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Ballinger	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
N Barr	Y Dempsey	E Hitchens	Y Oliver	Y Stephens, M
Y Battles	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Beasley-Teague	N Dickey	N Holmes	Y Parrish	Y Stephenson
N Belton	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, K	Y Dollar	Y Howard	Y Peake	E Stover
Y Bennett, T	Y Douglas	Y Hugley	Petrea	Y Strickland
Y Bentley	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Benton	E Dudgeon	Y Jasperse	N Pirkle	N Tanner
Y Beskin	E Dukes	Y Jones, J	Powell, A	N Tarvin
Y Beverly	N Dunahoo	Y Jones, J.B.	Y Powell, J	Taylor, D
Y Blackmon	N Duncan	N Jones, L	Y Price	Y Taylor, T
Y Broadrick	Y Ealum	Y Jones, S	N Prince	N Teasley
N Brockway	Y Efststration	Y Jordan	Y Pruett	Y Thomas, A.M.
Y Bruce	N Ehrhart	E Kaiser	Y Quick	Y Thomas, E
Y Bryant	Y England	E Kelley	N Raffensperger	Y Trammell
Y Buckner	Y Epps	N Kendrick	E Rakestraw	N Turner
Y Burns	Y Evans	Y Kidd	E Ramsey	VACANT
E Caldwell, J	Y Fleming	Y Kirby	Y Randall	E Waites
N Caldwell, M	E Floyd	Y Knight	Y Reeves	Y Watson
N Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Welch
Y Carson	Y Frazier	Y Lott	Y Rice	Weldon
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Werkheiser
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkerson
N Casas	Y Gasaway	Y Marin	N Rutledge	Y Wilkinson
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Willard
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, A
Y Clark, D	Y Golick	Mayo	E Setzler	E Williams, C
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Yates
E Cooke	Y Harden	Y Metze	Y Smith, E	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 129, nays 27.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

House of Representatives
Administration Floor Leader
Room 109 State Capitol
Atlanta, Georgia 30334

Bill Reilly
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Clerk of the Georgia House of Representatives,

It has been brought to my attention that this morning I voted against a bill that I intended to vote in favor of. This was an error. Therefore, I would like to change my vote from "N" to "Y" on HB 649 to reflect my support for this legislation.

Sincerely,

/s/ Robert Dickey
Representative Robert Dickey

The following Resolutions of the House were read and adopted:

HR 1295. By Representatives Chandler of the 105th, Pak of the 108th, Efstration of the 104th, Casas of the 107th, Harrell of the 106th and others:

A RESOLUTION recognizing the academic accomplishments of Grayson High School seniors Noah Wilson and Anna Scartz; and for other purposes.

HR 1296. By Representative Parrish of the 158th:

A RESOLUTION expressing cultural, economic, and educational cooperation with Hungary and recognizing February 6, 2016, as Hungary Day at the state capitol; and for other purposes.

HR 1297. By Representatives Tanner of the 9th and Ralston of the 7th:

A RESOLUTION honoring the life and memory of Mrs. Louise Moore Walls; and for other purposes.

HR 1298. By Representative Sims of the 123rd:

A RESOLUTION recognizing and commending Reid Fly; and for other purposes.

HR 1299. By Representative Sims of the 123rd:

A RESOLUTION recognizing and commending Nicholas Koenig; and for other purposes.

HR 1300. By Representative Sims of the 123rd:

A RESOLUTION recognizing and commending Brennan Vignati; and for other purposes.

HR 1301. By Representative Sims of the 123rd:

A RESOLUTION recognizing and commending Benjamin Brewton; and for other purposes.

HR 1302. By Representative Dollar of the 45th:

A RESOLUTION recognizing February 9, 2016, as Skin Cancer Awareness Day at the state capitol; and for other purposes.

HR 1303. By Representative Beverly of the 143rd:

A RESOLUTION recognizing and commending Andrew Collins; and for other purposes.

HR 1304. By Representatives Ballinger of the 23rd, Coomer of the 14th, Jasperse of the 11th, Hightower of the 68th, Ramsey of the 72nd and others:

A RESOLUTION commending Georgia's Court Appointed Special Advocates for their hard work and dedication to improving the lives of Georgia's children; and for other purposes.

HR 1305. By Representatives Jones of the 167th, Atwood of the 179th, Wilkinson of the 52nd, Spencer of the 180th, Clark of the 98th and others:

A RESOLUTION recognizing and commending Morgan Brian; and for other purposes.

HR 1306. By Representatives Dempsey of the 13th, Peake of the 141st, Sharper of the 177th, Teasley of the 37th, Raffensperger of the 50th and others:

A RESOLUTION recognizing pregnancy resource centers; and for other purposes.

HR 1307. By Representatives Maxwell of the 17th, Gravley of the 67th, Rakestraw of the 19th and Alexander of the 66th:

A RESOLUTION commending Leadership Paulding 26; and for other purposes.

HR 1308. By Representatives Drenner of the 85th, Dudgeon of the 25th and Teasley of the 37th:

A RESOLUTION recognizing and commending Georgia's electric cooperatives and Green Power EMC for its partnership with the Silicon Ranch Corporation to build and operate a 20 megawatt solar power facility; and for other purposes.

HR 1309. By Representatives Burns of the 159th, Hitchens of the 161st and Parrish of the 158th:

A RESOLUTION commending Chairman Bobby C. Smith Jr. of the Oglethorpe Power Corporation Board of Directors; and for other purposes.

HR 1310. By Representatives Chandler of the 105th, Pak of the 108th, Efstration of the 104th, Casas of the 107th, Harrell of the 106th and others:

A RESOLUTION commending Mr. Jeremy Mulkey, Grayson High School's 2016 STAR Teacher; and for other purposes.

Representative Burns of the 159th moved that the House stand in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.