

Senate Bill 375

By: Senator Golden of the 8th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to  
2 enact the "Georgia Consumer Choice of Benefits Health Insurance Plan Act"; to provide a  
3 short title; to provide for legislative intent; to provide definitions; to provide that Georgia  
4 Consumer Choice of Benefits Health Insurance Plan policies or contracts not subject to state  
5 mandated health benefits may be offered by insurers to group or individual policyholders;  
6 to provide exceptions; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
10 adding a new Chapter 59 to read as follows:

11 **"CHAPTER 59**

12 33-59-1.

13 This chapter may be known and may be cited as the 'Georgia Consumer Choice of Benefits  
14 Health Insurance Plan Act.'

15 33-59-2.

16 The General Assembly recognizes the need for employers and individuals in this state to  
17 have the opportunity to choose group and individual health insurance plans that are more  
18 affordable and flexible than standard market policies of accident and sickness insurance  
19 and the need to increase the availability of health insurance coverage by authorizing the  
20 transaction of this type of plan or policy by accident and sickness insurers licensed to  
21 transact business in this state. This chapter shall in no way prevent insurers from offering  
22 any coverages that are offered or mandated under this title; provided, however, that, on and  
23 after July 1, 2002, it is explicitly intended that employers or individuals may choose

1 pursuant to this chapter new health insurance plans offered by insurers that may exclude  
2 in whole or in part state mandated health benefits.

3 33-59-3.

4 As used in this chapter, the term:

5 (1) 'Group' means any employer group of 100 employees or less.

6 (2) 'Health benefits plan' means the Georgia Consumer Choice of Benefits Health  
7 Insurance Plan.

8 (3) 'Insurer' means any insurer or nonprofit organization authorized to sell accident and  
9 sickness policies, subscriber contracts, certificates, or agreements of any form under  
10 Chapters 15, 18, 19, 20, 21, 29, and 30 of this title.

11 (4)(A) 'State mandated health benefits' means coverages for health care services or  
12 benefits, required by state law or state regulations, requiring the reimbursement or  
13 utilization related to specific health illnesses, injuries, or conditions of the covered  
14 person, or inclusion of a specific category of licensed health care practitioner to be  
15 provided to the covered person in an individual, blanket, or group policy or contract for  
16 a health related condition of a covered person.

17 (B) 'State mandated health benefits' does not mean standard provisions or rights  
18 required to be present in an individual, blanket, or group policy or contract for accident  
19 and sickness insurance pursuant to state law or regulations unrelated to specific health  
20 illnesses, injuries, or conditions of the insured, including, but not limited to, those  
21 related to continuation of coverage in Code Section 33-24-21.1, Code Section  
22 33-24-21.2, paragraph (4) of Code Section 33-30-4, and paragraph (8) of subsection (b)  
23 of Code Section 33-30-6; entitlement to conversion privileges in Code Section  
24 33-24-21.1; termination of coverage in Code Sections 33-24-21 and 33-24-28; or  
25 coverage of newly born or adopted children in Code Section 33-24-22.

26 33-59-4.

27 Notwithstanding any other provision of this title and from and after July 1, 2002:

28 (1) Any insurer authorized to transact business in this state shall be authorized to offer  
29 through a licensed agent or agency, as an option, one or more group health benefit plans  
30 which, either in whole or in part, do not provide state mandated health benefits; and

31 (2) Any insurer authorized to transact business in this state shall be authorized to offer  
32 through a licensed agent or agency, as an option, one or more individual health benefit  
33 plans which, either in whole or in part, do not provide state mandated health benefits.

1 33-59-5.

2 In each sale of accident and sickness policies or contracts in which the proposed group or  
3 individual policyholder has chosen a health benefits plan which, either in whole or in part,  
4 does not provide state mandated health benefits, the insurer shall:

5 (1) Provide to the proposed group or individual policyholder a written notice at the  
6 beginning of the written application for the health benefits plan the following language  
7 in bold type:

8 'You have the option to choose this Consumer Choice of Benefits Health Insurance Plan  
9 which, either in whole or in part, does not provide state mandated health benefits  
10 normally required in accident and sickness insurance policies in Georgia. This health  
11 benefits plan may provide a more affordable health insurance policy for you, although,  
12 at the same time, it may provide you with fewer health benefits than those normally  
13 included as state mandated health benefits in policies in Georgia. If you choose this  
14 option, please consult with your insurance agent to discover which state mandated  
15 health benefits are excluded in this policy.';

16 (2) Provide a form to be signed by the proposed group or individual policyholder  
17 acknowledging that the health benefits plan being purchased by the group or individual  
18 policyholder does not provide the state mandated health benefits listed on the form; and

19 (3) Maintain the signed acknowledgment forms to provide information as may be needed  
20 by the Commissioner of Insurance.

21 33-59-6.

22 The Commissioner of Insurance may promulgate rules and regulations as necessary to  
23 implement the provisions of this chapter."

24 **SECTION 2.**

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