

Senate Bill 102

By: Senators Rogers of the 21st, Hudgens of the 47th, Stephens of the 27th, Mullis of the 53rd, Smith of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 30 of Title 33 of the Official Code of Georgia Annotated, relating to
2 group accident and sickness insurance, so as to clarify a definition; to require that insurers
3 offering coverage in the individual market must participate in the assigned risk pool and may
4 take adverse underwriting action on the basis of permitted health status factors and other
5 evidence of insurability; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 30 of Title 33 of the Official Code of Georgia Annotated, relating to group accident
10 and sickness insurance, is amended by striking subsection (b) of Code Section 33-30-1,
11 relating to definitions of group accident and sickness insurance and association, and inserting
12 in lieu thereof a new subsection (b) to read as follows:

13 "(b)(1) As used in this chapter, the term 'true association' means an organization that:

14 ~~(1)~~ (A) Has been in existence for at least five years;

15 ~~(2)~~ (B) Has been formed and maintained in good faith for purposes other than
16 obtaining insurance;

17 ~~(3)~~ (C) Does not condition membership in the association on any health status related
18 factor relating to an individual (including an employee of an employer or a dependent
19 of an employee);

20 ~~(4)~~ (D) Makes health insurance coverage offered through the association available to
21 all members regardless of any health status related factor relating to such members (or
22 individual eligible for coverage through a member);

23 ~~(5)~~ (E) Does not make health insurance coverage offered through the association
24 available other than in connection with a member of the association; and

25 ~~(6)~~ (F) Meets such additional requirements as may be imposed under Georgia law or
26 regulation.

1 (2) The term 'true association' does not include associations defined in paragraph (2) of
2 subsection (a) of this Code section."

3 **SECTION 2.**

4 Said chapter is further amended by adding a new subsection (h) to Code Section 33-30-15,
5 relating to continuation of similar coverage, preexisting conditions, and procedures and
6 guidelines, to read as follows:

7 "(h) To the extent that an insurer is offering coverage in the individual market, as defined
8 in the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Section
9 300gg-91(e)(1), the insurer must participate in the assigned risk pool established in Chapter
10 29A of this title and may take adverse underwriting action on the basis of permitted health
11 status factors and other evidence of insurability."

12 **SECTION 3.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

15 **SECTION 4.**

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