

Senate Bill 411

By: Senators Hudgens of the 47th, Goggans of the 7th, Seabaugh of the 28th, Mullis of the 53rd, Wiles of the 37th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding insurance, so as to provide for a short title; to provide  
3 for exemptions from certain unfair trade practices for certain wellness and health  
4 improvement programs that provide for rewards or incentives in certain individual and group  
5 health insurance policies; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Healthy Georgians Act of 2010."

9 **SECTION 2.**

10 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
11 general provisions regarding insurance, is amended by adding a new Code section to read as  
12 follows:

13 "33-24-59.13.

14 (a) An insurer issuing comprehensive, major medical group, or individual health insurance  
15 benefit plans may, in keeping with federal requirements, offer wellness or health  
16 improvement programs, including voluntary wellness or health improvement programs that  
17 provide for rewards or incentives, including, but not limited to, merchandise, gift cards,  
18 debit cards, premium discounts or rebates, contributions towards a member's health savings  
19 account, modifications to copayment, deductible, or coinsurance amounts, or any  
20 combination of these incentives, to encourage participation in such wellness or health  
21 improvement programs and to reward insureds for participation in such programs.

22 (b) The offering of such rewards or incentives to insureds under such wellness or health  
23 improvement programs shall not be considered an unfair trade practice under Code Section  
24 33-6-4 if such programs are filed with the Commissioner and made a part of the health  
25 insurance master policy and certificates or the individual health insurance evidence of

26 coverage as a policy amendment, endorsement, rider, or other form of policy material as  
27 agreed upon by the Commissioner. The Commissioner shall be authorized to develop an  
28 automatic or expedited approval process for review of such wellness or health  
29 improvement programs, including those programs already approved under the laws and  
30 regulations of other states."

31 **SECTION 3.**

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