

Senate Bill 399

By: Senators Hill of the 32nd, Rogers of the 21st, Wiles of the 37th, Shafer of the 48th,
Butterworth of the 50th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding state government, so as to provide for legislative findings; to
3 provide that no department or agency shall implement any provision of federal health care
4 reform legislation unless the department or agency provides a certain report to the General
5 Assembly and the General Assembly authorizes such implementation by statute; to provide
6 for related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

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

9 **SECTION 1.**

10 The General Assembly finds that:

- 11 (1) Georgia's health care system has been developed to address the unique circumstances
12 in the State of Georgia and to provide solutions that work for Georgia; and
13 (2) The federal government proposals for health care currently being considered:
14 (A) Infringe on state powers;
15 (B) Impose a uniform solution to a problem that requires different responses in
16 different states;
17 (C) Threaten the progress Georgia has made towards health care system reform; and
18 (D) Infringe on the rights of citizens of this state to provide for their own health care
19 by:
20 (i) Requiring a person to enroll in a third-party payment system;
21 (ii) Imposing fines on a person who chooses to pay directly for health care rather than
22 use a third-party payer;
23 (iii) Imposing fines on an employer that does not meet federal standards for providing
24 health care benefits for employees; and
25 (iv) Threatening private health care systems with competing government supported
26 health care systems.

27 **SECTION 2.**

28 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
29 provisions regarding state government, is amended by adding a new Code section to read as
30 follows:

31 "50-1-9.

32 (a) A department or agency of the state shall not implement any part of any federal health
33 care reform passed by the United States Congress on or after March 1, 2010, unless:

34 (1) The department or agency reports to the General Assembly in accordance with
35 subsection (b) of this Code section; and

36 (2) The General Assembly passes legislation specifically authorizing the state's
37 compliance with, or participation in, such federal health care reform provision.

38 (b) The report required under subsection (a) of this Code section shall include:

39 (1) The specific federal statute or regulation that requires the state to implement a federal
40 reform provision;

41 (2) Whether the reform provision has any state waiver or options;

42 (3) Exactly what the reform provision requires the state to do and how it would be
43 implemented;

44 (4) Who in the state will be impacted by adopting the federal reform provision or not
45 adopting the federal reform provision;

46 (5) The cost to the state or citizens of the state to implement the federal reform provision;
47 and

48 (6) The consequences to the state if the state does not comply with the federal reform
49 provision."

50 **SECTION 3.**

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

53 **SECTION 4.**

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