

Senate Bill 309

By: Senators Hill of the 32nd, Rogers of the 21st and Smith of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 authorization and general requirements for transaction of insurance, so as to provide for  
3 legislative intent; to authorize the purchase of health insurance policies from out-of-state  
4 insurers; to provide for notices; to authorize the Commissioner of Insurance to conduct  
5 certain market conduct and solvency examinations; to authorize the Commissioner of  
6 Insurance to adopt certain rules and regulations; to provide for appeals of claims; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and  
11 general requirements for transaction of insurance, is amended by designating the existing text  
12 as Article 1 and adding a new article to read as follows:

13 "ARTICLE 2

14 33-3-50.

15 The General Assembly recognizes the need for individuals, employers, and other  
16 purchasers of health insurance coverage in this state to have the opportunity to choose  
17 health insurance plans that are more affordable and flexible than existing market policies  
18 offering accident and sickness insurance coverage. Therefore, the General Assembly seeks  
19 to increase the availability of health insurance coverage by allowing insurers authorized to  
20 engage in the business of insurance in selected states to issue accident and sickness policies  
21 in Georgia.

22 33-3-51.

23 The selected out-of-state insurers issuing policies in Georgia shall not be required to offer  
 24 or provide state-mandated health benefits required by Georgia law or rules and regulations  
 25 in health insurance policies sold to Georgia residents.

26 33-3-52.

27 Each written application for participation in an out-of-state health benefit plan shall contain  
 28 the following language in boldface type at the beginning of the document:

29 'This policy is primarily governed by the laws of (insert state where the master policy is  
 30 filed); therefore, all of the rating laws applicable to policies filed in this state do not apply  
 31 to this policy, which may result in increases in your premium at renewal that would not  
 32 be permissible in a Georgia-approved policy. Any purchase of individual health  
 33 insurance should be considered carefully since future medical conditions may make it  
 34 impossible to qualify for another individual health policy. For information concerning  
 35 individual health coverage under a Georgia-approved policy, please consult your  
 36 insurance agent or the Insurance Department.'

37 33-3-53.

38 Each out-of-state health benefit plan shall contain the following language in boldface type  
 39 at the beginning of the document:

40 'The benefits of this policy providing your coverage are governed primarily by the laws  
 41 of a state other than Georgia. While this health benefit plan may provide you a more  
 42 affordable health insurance policy, it may also provide fewer health benefits than those  
 43 normally included as state-mandated health benefits in policies in Georgia. Please  
 44 consult your insurance agent to determine which state-mandated health benefits are  
 45 excluded under this policy.'

46 33-3-54.

47 The Commissioner shall be authorized to conduct market conduct and solvency  
 48 examinations of all out-of-state companies seeking to offer health benefit plans in this state  
 49 or who have been given approval to offer health benefit plans in this state. Such  
 50 examinations shall be conducted in the same manner and under the same terms and  
 51 conditions as for companies located in this state.

52 33-3-55.

53 The Commissioner shall adopt rules and regulations necessary to implement this article,  
 54 including, but not limited to, determining which health insurance companies located in

55 other states shall be authorized to offer plans to Georgia residents and determining the  
56 manner of approving the health benefit plans offered by such companies.

57 33-3-56.

58 All claims under health benefit plans sold to Georgia residents by out-of-state companies  
59 shall be subject to the provisions of Article 2 of Chapter 20A of this title, and no  
60 out-of-state company seeking to offer health benefit plans in this state shall receive  
61 approval to offer health benefit plans in this state unless such company agrees to comply  
62 with this Code section."

63 **SECTION 2.**

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