

Senate Bill 331

By: Senators Smith of the 52nd, Rogers of the 21st, Williams of the 19th, Seabaugh of the 28th, Hill of the 32nd and others

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 authorize small businesses to enter into arrangements for the purpose of providing group
3 health insurance to their employees; to provide for definitions; to require insurers to issue
4 such policies; to authorize the Commissioner of Insurance to adopt certain rules and
5 regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
9 adding a new Code Section 33-30-16 to read as follows:

10 "33-30-16.

11 (a) As used in this Code section, the term:

12 (1) 'Health benefit plan' means any hospital or medical insurance policy or certificate,
13 health care plan contract or certificate, qualified higher deductible health plan, or health
14 maintenance organization subscriber contract. Health benefit plan does not include
15 policies issued in accordance with Chapter 31 of this title; disability income policies;
16 policies issued in accordance with Code Section 34-9-14 or 34-9-122.1; limited accident
17 and sickness insurance policies such as credit, dental, vision, medicare supplement,
18 long-term care, hospital indemnity, or specified disease insurance; coverage issued as a
19 supplement to liability insurance; workers' compensation or similar insurance; or
20 automobile medical payment insurance.

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

24 (3) 'Small employer' means any person, firm, corporation, partnership, association,
25 political subdivision, or sole proprietor that is actively engaged in a business that, at the
26 time of application, on at least 50 percent of its working days during the preceding

27 calendar quarter, employed no fewer than two and no more than 50 eligible employees,
28 in which a bona fide employer-employee relation exists. Nothing in this Code section
29 shall be construed to prohibit a carrier from including self-employed individuals in its
30 definition of small employer.

31 (b) Small employers shall be authorized to enter into arrangements with other small
32 employers to provide group health insurance coverage for their employees by contributing
33 to the cost of such health care insurance.

34 (c) Any insurer authorized to transact business in this state offering group accident and
35 sickness insurance policies or contracts shall be required to offer, through a licensed agent
36 or agency, a group health benefit plan to small business arrangements as described in this
37 Code section.

38 (d) The Commissioner shall promulgate such rules and regulations as necessary to
39 implement the provisions of this Code section.

40 (e) For purposes of this Code section, the health benefit plan shall be considered as a true
41 group and not as an association."

42 **SECTION 2.**

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