

House Bill 248

By: Representatives Neal of the 1<sup>st</sup>, Golick of the 34<sup>th</sup>, Meadows of the 5<sup>th</sup>, Battles of the 15<sup>th</sup>,  
and Walker of the 107<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 insurance generally, so as to provide that a health care sharing ministry which enters into a  
3 health care cost sharing arrangement with its participants shall not be considered an  
4 insurance company, health maintenance organization, or health benefit plan of any class,  
5 kind, or character and shall not be subject to any laws related to such; to provide a short title;  
6 to provide for definitions; to provide for related matters; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Health Care Sharing Ministries Freedom  
11 to Share Act."

12 **SECTION 2.**

13 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance  
14 generally, is amended by adding a new Code section to read as follows:

15 "33-1-19.

16 (a) As used in this Code section, the term 'health care sharing ministry' means a  
17 faith-based, nonprofit organization that is tax exempt under the Internal Revenue Code  
18 which:

19 (1) Limits its participants to those who are of a similar faith;

20 (2) Acts as a facilitator among participants who have financial or medical needs and  
21 matches those participants with other participants with the present ability to assist those  
22 with financial or medical needs in accordance with criteria established by the health care  
23 sharing ministry;

24 (3) Provides for the financial or medical needs of a participant through contributions  
25 from one participant to another;

- 26 (4) Provides amounts that participants may contribute with no assumption of risk or  
27 promise to pay among the participants and no assumption of risk or promise to pay by the  
28 health care sharing ministry to the participants;
- 29 (5) Provides a written monthly statement to all participants that lists the total dollar  
30 amount of qualified needs submitted to the health care sharing ministry, as well as the  
31 amount actually published or assigned to participants for their contribution; and
- 32 (6) Provides a written disclaimer on or accompanying all applications and guideline  
33 materials distributed by or on behalf of the organization that reads, in substance: 'Notice:  
34 The organization facilitating the sharing of medical expenses is not an insurance  
35 company, and neither its guidelines nor plan of operation is an insurance policy. Whether  
36 anyone chooses to assist you with your medical bills will be totally voluntary because no  
37 other participant will be compelled by law to contribute toward your medical bills. As  
38 such, participation in the organization or a subscription to any of its documents should  
39 never be considered to be insurance. Regardless of whether you receive any payment for  
40 medical expenses or whether this organization continues to operate, you are always  
41 personally responsible for the payment of your own medical bills.'
- 42 (b) A health care sharing ministry which has entered into a health care cost sharing  
43 arrangement with its participants shall not be considered an insurance company, health  
44 maintenance organization, or health benefit plan of any class, kind, or character and shall  
45 not be subject to any laws respecting insurance companies, health maintenance  
46 organizations, or health benefit plans of any class, kind, or character in this state or subject  
47 to regulation under such laws, including, but not limited to, the provisions of this title, and  
48 shall not be subject to the jurisdiction of the Commissioner of Insurance."

49 **SECTION 3.**

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