

Senate Bill 1

By: Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Shafer of the 48th, Cowsert of the 46th and Albers of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 33 and Title 19 of the Official Code of Georgia Annotated, relating
2 respectively to insurance and domestic relations, so as to provide that both parents shall have
3 equal access to the child's health insurance information and records; to provide for
4 exceptions; to provide for parenting plans to include that both parents have access to health
5 insurance information and records; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
10 adding a new Code section to read as follows:

11 "33-24-59.16.

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

13 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for
14 health care services issued, delivered, issued for delivery, executed, or renewed in this
15 state, including, but not limited to, those contracts executed by the State of Georgia on
16 behalf of state employees under Article 1 of Chapter 18 of Title 45, by an insurer.

17 (2) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
18 service corporation, medical service corporation, health care corporation, health
19 maintenance organization, preferred provider organization, provider sponsored health
20 care corporation, managed care entity, or any similar entity authorized to issue contracts
21 under this title or to provide health benefit policies.

22 (b) No insurer shall have a policy of denying, or which effectively prevents, a parent of
23 a child the right to inspect, review, or attain copies of health insurance records relating to
24 his or her own child. Health insurance records concerning such child shall be equally
25 available to both parents, in all types of custody arrangements. Health insurance records
26 and information pertaining to the child shall not be withheld from the custodial parent or

27 from the noncustodial parent unless a court order has specifically removed the right of the
28 noncustodial parent to such information or unless parental rights have been terminated."

29 **SECTION 2.**

30 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
31 amended by revising paragraph (1) of subsection (b) of Code Section 19-9-1, relating to
32 requirements for parenting plans, as follows:

33 "(b)(1) Unless otherwise ordered by the judge, a parenting plan shall include the
34 following:

35 (A) A recognition that a close and continuing parent-child relationship and continuity
36 in the child's life will be in the child's best interest;

37 (B) A recognition that the child's needs will change and grow as the child matures and
38 demonstrate that the parents will make an effort to parent that takes this issue into
39 account so that future modifications to the parenting plan are minimized;

40 (C) A recognition that a parent with physical custody will make day-to-day decisions
41 and emergency decisions while the child is residing with such parent; and

42 (D) That both parents will have access to all of the child's records and information,
43 including, but not limited to, education, health, health insurance, extracurricular
44 activities, and religious communications."

45 **SECTION 3.**

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