

The Senate Insurance and Labor Committee offered the following substitute to SB 1:

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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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) An insurer shall provide a parent of a child the right to inspect, review, or attain copies  
23 of health insurance records relating to his or her own child; provided, however, that if the  
24 parent making such request is not the named insured or owner of such policy, he or she  
25 shall provide the insurer a certified copy of his or her divorce decree, a parenting plan  
26 pursuant to Code Section 19-9-1, or other court document establishing that the parent may  
27 have access to such records.

28 (c) Health insurance records and information pertaining to the child shall not be withheld  
 29 from the custodial parent or from the noncustodial parent unless a court order has  
 30 specifically removed the right of the noncustodial parent to such information or unless  
 31 parental rights have been terminated.

32 (d) In the absence of fraud or bad faith, the insurer shall not be subject to liability for  
 33 furnishing information and records requested pursuant to subsection (b) of this Code  
 34 section."

35 **SECTION 2.**

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

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

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

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

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

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

51 **SECTION 3.**

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