

The Senate Committee on Insurance and Labor offered the following substitute to SB 334:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding health, so as to enact the "Georgia Health Care Freedom Act";
3 to provide a short title; to provide that neither the state nor any department, agency, bureau,
4 authority, office, or other unit of the state nor any political subdivision of the state shall
5 expend or use moneys, human resources, or assets to advocate or influence the citizens of
6 this state in support of the voluntary expansion by the state of eligibility for medical
7 assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of the federal Social
8 Security Act, as amended; to provide for enforcement; to provide for applicability; to amend
9 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding insurance, so as to provide that no department, agency, instrumentality,
11 or political subdivision of this state shall establish any program; promulgate any rule, policy,
12 guideline, or plan; or change any program, rule, policy, or guideline to implement, establish,
13 create, administer, or otherwise operate an exchange, or apply for, accept, or expend federal
14 moneys related to the creation, implementation, or operation of an exchange; to provide for
15 an exception; to prohibit the state and its departments, agencies, bureaus, authorities, offices,
16 or other units of the state and its political subdivisions from providing navigator programs;
17 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
18 other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 This Act shall be known and may be cited as the "Georgia Health Care Freedom Act."

22 **SECTION 2.**

23 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general
24 provisions regarding health, is amended by adding a new article to read as follows:

25
26
27
28
29
30
31
32
33
34
35
36
37
38

39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

"ARTICLE 3

31-1-40.

(a) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state nor any political subdivision of the state shall expend or use moneys, human resources, or assets to advocate or influence the citizens of this state in support of the voluntary expansion by the State of Georgia of eligibility for medical assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of the federal Social Security Act, as amended.

(b) The Attorney General shall enforce the provisions of this Code section in accordance with Article V, Section III, Paragraph IV of the Constitution of the State of Georgia.

(c) Nothing in this Code section shall be construed to prevent an employee of the State of Georgia or any department, agency, bureau, authority, office, or other unit thereof or any employee of a political subdivision of this state from advocating or attempting to influence public policy on such employee's personal time without using state resources."

SECTION 3.

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

"33-1-23.

(a) As used in this Code section, the term 'exchange' shall have the same meaning provided for in paragraph (1) of Code Section 33-23-201.

(b) No department, agency, instrumentality, or political subdivision of this state shall:

(1) Establish any program; promulgate any rule, policy, guideline, or plan; or change any program, rule, policy, or guideline to implement, establish, create, administer, or otherwise operate an exchange; or

(2) Apply for, accept, or expend federal moneys related to the creation, implementation, or operation of an exchange.

(c) Nothing in this Code section shall apply to the Commissioner of Insurance in the implementation or enforcement of the provisions of Article 3 of Chapter 23 of this title.

(d) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state, including the University System of Georgia and its member institutions, nor any political subdivision of the state shall establish, create, implement, or operate a navigator program as defined in Code Section 33-23-201."

57

SECTION 4.

58

This Act shall become effective upon its approval by the Governor or upon its becoming law

59

without such approval.

60

SECTION 5.

61

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