

Senate Bill 40

By: Senators Fort of the 39th, Jones of the 10th, Henson of the 41st, Tate of the 38th, Seay of the 34th and others

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 relative to health, so as to repeal Code Section 31-1-40, relating to
3 prohibition on expenditure or use of moneys, human resources, or assets of the State of
4 Georgia to advocate or intended to influence the citizens of this state in support of the
5 voluntary expansion by the state of eligibility for medical assistance in furtherance of the
6 federal Patient Protection and Affordable Care Act; to amend Chapter 1 of Title 33 of the
7 Official Code of Georgia Annotated, relating to general provisions regarding insurance, so
8 as to repeal Code Section 33-1-23, relating to provisions that provide that no department,
9 agency, instrumentality, or political subdivision of this state shall establish any program,
10 promulgate any rule, policy, guideline, or plan, or change any program, rule, policy, or
11 guideline to implement, establish, create, administer, or otherwise operate an exchange or to
12 provide a navigator program; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general
16 provisions relative to health, is amended by repealing Code Section 31-1-40, relating to
17 prohibition on expenditure or use of moneys, human resources, or assets of the State of
18 Georgia to advocate or intended to influence the citizens of this state in support of the
19 voluntary expansion by the state of eligibility for medical assistance in furtherance of the
20 federal Patient Protection and Affordable Care Act, in its entirety as follows:

21 ~~"31-1-40:~~

22 ~~(a) Neither the state nor any department, agency, bureau, authority, office, or other unit of~~
23 ~~the state nor any political subdivision of the state shall expend or use moneys, human~~
24 ~~resources, or assets to advocate or intended to influence the citizens of this state in support~~
25 ~~of the voluntary expansion by the State of Georgia of eligibility for medical assistance in~~
26 ~~furtherance of the federal 'Patient Protection and Affordable Care Act,' Public Law~~

~~111-148, beyond the eligibility criteria in effect on April 15, 2014, under the provisions of
 42 U.S.C. Section 1396a(a)(10)(A)(i)(VIII) 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 officer or employee of
 the State of Georgia or of any department, agency, bureau, authority, office, unit, or
 political subdivision thereof from advocating or attempting to influence public policy:
 (1) As part of such person's official duties;
 (2) When acting on personal time without using state resources; or
 (3) When providing bona fide educational instruction about the federal Patient Protection
 and Affordable Care Act of 2010 in institutions of higher learning or otherwise.
 (d) Nothing in this Code section shall be construed to preclude the state from participating
 in any MEDICAID program."~~

SECTION 2.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by repealing Code Section 33-1-23, relating to establishment of exchange, in its entirety 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 or its equivalent as defined in Code Section 33-23-201; provided, however, that any grant regarding a navigator program in effect on April 15, 2014, shall be permitted to continue for the term of such grant but shall then terminate upon the expiration of the term of such grant and shall not be renewed, notwithstanding any~~

62 ~~provision contained within such grant allowing for automatic renewal under certain~~
63 ~~circumstances.~~
64 ~~(e) Nothing in this Code section shall be construed to preclude the state from participating~~
65 ~~in any MEDICAID program."~~

66

SECTION 3.

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