

House Bill 64

By: Representatives Blackmon of the 146<sup>th</sup>, Smith of the 134<sup>th</sup>, Hatchett of the 150<sup>th</sup>, England of the 116<sup>th</sup>, and Nimmer of the 178<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,  
2 relating to general insurance provisions, so as to provide for the compensation of health  
3 insurance agents in certain situations; to provide for definitions; to provide for exceptions;  
4 to provide a short title; to provide for applicability; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Protection and Guarantee of Service for  
9 Health Insurance Consumers Act."

10 **SECTION 2.**

11 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
12 general insurance provisions, is amended by adding a new Code section to read as follows:

13 "33-24-59.21.

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

15 (1) 'Agent' shall have the same meaning as in Code Section 33-23-1.

16 (2) 'Carrier' means any entity licensed to provide health insurance in this state and which  
17 is subject to state insurance regulation.

18 (3) 'Health benefit plan' shall have the same meaning as in Code Section 33-30A-1.

19 (4) 'Premium' means the consideration paid in exchange for coverage under a health  
20 benefit plan.

21 (b) Any carrier that issues a health benefit plan in this state through an agent shall pay a  
22 commission to such agent and shall not structure such commission in a way that directly  
23 or indirectly discriminates in the amount of compensation paid to such agent for the sale  
24 of a group health benefit plan or an individual health benefit plan. Such commission shall  
25 be structured to compensate the agent for the first term and for each renewal term

26 thereafter, so long as such agent reviews coverage and provides ongoing customer service  
27 for such plan; provided, however, that no such compensation shall be required for any  
28 individual health benefit plan sold during a special enrollment period; and provided,  
29 further, that this subsection shall not apply to renewals of any individual health benefit plan  
30 sold during a special enrollment period that renews during the open enrollment period.  
31 Nothing in this Code section is intended or shall be construed to require a carrier to pay a  
32 commission to an agent who is employed by such carrier."

33 **SECTION 3.**

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