

House Bill 64 (COMMITTEE SUBSTITUTE)

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

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 the Commissioner's
5 authority; to provide for related matters; to repeal 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 for the sale of an individual health benefit plan. Such
25 commission shall be structured to compensate the agent for the first term and for each

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

35 **SECTION 3.**

36 This Act shall be applicable to policies issued or renewed on or after January 1, 2018.

37 **SECTION 4.**

38 All laws and parts of laws in conflict with this Act are repealed.