

The House Committee on Insurance offers the following substitute to HB 1308:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
2 insurance generally, so as to allow a plan sponsor of a health benefit plan to consent on
3 behalf of an enrollee to the electronic delivery of all communications related to the plan and
4 the health insurance identification card for such plan; to allow the enrollee an opportunity to
5 refuse to agree to receive mailings electronically; to provide for related matters; to provide
6 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance
10 generally, is amended by adding a new Code section to read as follows:

11 "33-24-14.1.

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

13 (1) 'Health benefit plan' means a policy, contract, certificate, or agreement entered into,
14 offered by, or issued by an insurer to provide, deliver, arrange for, pay for, or reimburse
15 any of the costs of healthcare services, including a vision or dental benefit plan.

(2) 'Plan sponsor' means a person, other than a regulated entity, who establishes, adopts, or maintains a health benefit plan that covers residents of this state, including a plan established, adopted, or maintained by an employer or jointly by an employer and one or more employee organizations, an association, a committee, a joint board of trustees, or any similar group of representatives who establish, adopt, or maintain a plan.

(b) The plan sponsor of a health benefit plan may, on behalf of a party enrolled in the plan, provide the consent to the mailing of all communications related to the plan by electronic means otherwise required by paragraph (2) of subsection (d) of Code Section 33-24-14 and to the electronic delivery of any health insurance identification card required by Code Section 33-24-57.1.

(c) Before consenting on behalf of a party, a plan sponsor must confirm that the party routinely uses electronic communications during the normal course of employment.

(d) Before providing delivery by electronic means, the insurer for the health benefit plan must:

(1) Provide the party an opportunity to opt out of delivery by electronic means; and

(2) Document that the remaining conditions under paragraphs (4) through (9) of subsection (d) of Code Section 33-24-14 are satisfied."

SECTION 2.

This Act shall become effective July 1, 2022, and shall apply to all policies or contracts issued, delivered, issued for delivery, or renewed in this state on or after such date.

SECTION 3.

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