

Senate Bill 1

By: Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Shafer of the 48th, Cowsert of the 46th and Albers of the 56th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 33 and 19 of the Official Code of Georgia Annotated, relating respectively
2 to insurance and domestic relations, so as to provide that both parents shall have equal access
3 to their child's health insurance information and records; to provide for exceptions; to provide
4 for certain immunity; to provide for parenting plans to include that both parents have access
5 to health insurance information and records; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "33-24-59.16.

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

13 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for
14 health care services issued, delivered, issued for delivery, executed, or renewed in this
15 state, including, but not limited to, those contracts executed by the State of Georgia on
16 behalf of state employees under Article 1 of Chapter 18 of Title 45, by an insurer.

17 (2) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
18 service corporation, medical service corporation, health care corporation, health
19 maintenance organization, preferred provider organization, provider sponsored health
20 care corporation, managed care entity, or any similar entity authorized to issue contracts
21 under this title or to provide health benefit policies.

22 (b) An insurer shall provide a parent of a child the right to inspect, review, or attain copies
23 of health insurance records relating to his or her own child; provided, however, that if the
24 parent making such request is not the named insured or owner of such policy, he or she
25 shall provide the insurer a certified copy of his or her divorce decree, a parenting plan
26 pursuant to Code Section 19-9-1, or other court document establishing that the parent may
27 have access to such records.

(c) Health insurance records and information pertaining to the child shall not be withheld from the custodial parent or from the noncustodial parent unless a court order has specifically removed the right of the noncustodial parent to such information or unless parental rights have been terminated.

(d) In the absence of fraud or bad faith, the insurer shall not be subject to liability for furnishing information and records requested pursuant to subsection (b) of this Code section."

SECTION 2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising paragraph (1) of subsection (b) of Code Section 19-9-1, relating to requirements for parenting plans, as follows:

"(b)(1) Unless otherwise ordered by the judge, a parenting plan shall include the following:

(A) A recognition that a close and continuing parent-child relationship and continuity in the child's life will be in the child's best interest;

(B) A recognition that the child's needs will change and grow as the child matures and demonstrate that the parents will make an effort to parent that takes this issue into account so that future modifications to the parenting plan are minimized;

(C) A recognition that a parent with physical custody will make day-to-day decisions and emergency decisions while the child is residing with such parent; and

(D) That both parents will have access to all of the child's records and information, including, but not limited to, education, health, health insurance, extracurricular activities, and religious communications."

SECTION 3.

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