House Bill 280

By: Representatives Gambill of the 15th, Lumsden of the 12th, Williams of the 148th, Taylor of the 173rd, and Smith of the 18th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for additional value-added products or services that are excluded from being unfair trade practices and unlawful inducements in insurance; to provide for a definition; to allow an insurer or insurance producer to offer or provide a value-added product or service that enhances the health or financial wellness of a customer, incentivizes behavioral changes of a customer, or assists in the administration of employee or retiree benefit insurance coverage; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by revising Code Section 33-24-59.31, relating to when a value-added product or service is not an unfair trade practice or unlawful inducement, as follows:

"33-24-59.31.

(a) For purposes of this Code section, the term 'customer' means a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured, or applicant.

(b) The following shall not be construed as an unfair trade practice under subsection (b) of Code Section 33-6-4 or an unlawful inducement under subsection (c) of Code Section 33-9-36:

(1) An insurer or insurance producer, by or through employees, affiliates, or third-party representatives, may offer or provide a value-added product or service to a customer at no or reduced cost when such product or service is not specified in the policy of insurance when:

(A) The value-added product or service relates to the insurance coverage;

(B) The value-added product or service is offered in a manner that is not unfairly discriminatory, and the availability of the value-added product or service is based on documented objective criteria that is maintained by the insurer or insurance producer and produced upon request by the Commissioner;

(C) The cost to the insurer or insurance producer for offering or providing the value-added product or service is reasonable in comparison to the premiums or insurance coverage for the policy class; and

(D) The value-added product or service is primarily designed to:

(i) Provide loss mitigation or loss control;

(ii) Reduce claim costs or claim settlement costs;

(iii) Provide education about liability risks or risk of loss to persons or property;

(iv) Monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risk;

(v) Enhance the health of a customer;

(vi) Enhance the financial wellness of a customer through items such as education or financial planning services;

~~(v)~~(vii) Provide post-loss services; ~~or~~

~~(vi)~~(viii) Incentivize ~~Encourage~~ behavioral changes to improve the health or reduce the risk of death or disability of a customer ~~or potential customer that is a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured or applicant~~; or

(ix) Assist in the administration of employee or retiree benefit insurance coverage; and

(2) When an insurer or insurance producer does not have sufficient evidence but has a good-faith belief that the value-added product or service meets the criteria in subparagraph (D) of paragraph (1) of this Code section, the insurer or insurance producer may offer or provide a value-added product or service in a manner that is not unfairly discriminatory as part of a pilot program for no more than ~~a~~ one year. An insurer or insurance producer must notify the Commissioner prior to implementing the pilot program and may proceed with such program unless the Commissioner objects in writing within 21 days of notice.″

SECTION 2.

This Act shall become effective on July 1, 2023, 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.