

Senate Bill 192

By: Senators Esteves of the 35th, Halpern of the 39th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th and others

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 require the Department of Insurance to implement a certain
3 insurance affordability program in response to the pending expiration of certain Patient
4 Protection and Affordable Care Act tax credits; to provide for definitions; to provide for
5 automatic repeal; to provide for related matters; to provide for a short title; to provide for
6 legislative findings; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Health Insurance Affordability
11 and Consumer Protection Act."

12 **SECTION 2.**

13 The General Assembly finds and declares that:

14 (1) The enhanced premium tax credits (ePTCs) under the federal Patient Protection and
15 Affordable Care Act, also known as the "ACA," have significantly increased the

- 16 affordability of health insurance for low- and middle-income Georgians, reducing the
17 state's uninsured rate;
- 18 (2) Without Congressional action, the ePTCs will expire on December 31, 2025, and
19 thousands of Georgians, particularly those earning under 250 percent of the federal
20 poverty level, will experience drastic premium increases, making health insurance
21 unaffordable and increasing the number of uninsured individuals;
- 22 (3) The expiration of these tax credits would disproportionately harm rural communities,
23 small business owners, gig workers, and historically marginalized populations;
- 24 (4) Several states, including New Mexico, Colorado, and Washington, have implemented
25 state based affordability programs to provide premium and cost-sharing assistance to
26 mitigate rising health insurance costs;
- 27 (5) Georgia must act swiftly to prevent gaps in affordability and ensure continued access
28 to affordable health insurance for its residents; and
- 29 (6) The purpose of this Act is to direct the Georgia Department of Insurance to establish
30 a program within statutory requirements established by law to lessen the impact of the
31 ePTCs' expiration, ensuring Georgians continue to have access to affordable, high quality
32 health coverage in 2026.

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SECTION 3.

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

36 "33-24-59.34.

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

38 (1) 'Affordability program' means the program administered by the department to reduce
39 the cost of health insurance for Georgians through premium assistance, cost-sharing
40 reductions, reinsurance, or other financial mechanisms.

41 (2) 'Cost-sharing reductions' means state or federal subsidies that lower out-of-pocket
42 costs, such as deductibles and copayments, for eligible individuals.

43 (3) 'Federal poverty level' means the income thresholds updated annually by the United
44 States Department of Health and Human Services.

45 (4) 'Georgia Access' means the state based health insurance marketplace established
46 under the federal Patient Protection and Affordable Care Act.

47 (5) 'Qualified health plan' or 'plan' means a health insurance plan certified to be offered
48 through Georgia Access.

49 (b) The department shall develop an affordability program by September 30, 2025, which
50 shall include:

51 (1) State premium subsidies to replace or supplement federal premium tax credits for
52 enrollees earning up to 400 percent of the federal poverty level;

53 (2) Other cost-sharing reductions for individuals earning below 250 percent of the
54 federal poverty level which may include lower deductibles, copays, and other
55 out-of-pocket expenses; and

56 (3) A state funded plan for individuals earning below 200 percent of the federal poverty
57 level that does not require the payment of any premiums.

58 (c) The department shall convene a stakeholder working group by July 1, 2025, consisting
59 of consumer advocates, health insurers, healthcare providers, and employers to develop a
60 consumer centered approach to the affordability program.

61 (d) The department shall submit the stakeholder working group's plan for the affordability
62 program to the Governor and General Assembly by September 30, 2025. Such submission
63 shall include recommendations for additional ways to reduce the cost of health insurance.

64 (e) The department shall promugate rules and regulations for implementation of the
65 affordability program by December 1, 2025.

66 (f) The department, in coordination with the Office of Planning and Budget, shall conduct
67 a fiscal impact analysis by August 1, 2025, and identify sustainable funding mechanisms

68 for the affordability program, including appropriations by the General Assembly and
69 charges on health insurers offering plans on Georgia Access. The results of such analysis
70 shall be contained in a report, along with the financial structure and projected impact of the
71 affordability program, which shall be submitted to the Governor and General Assembly by
72 September 1, 2025.

73 (g) Beginning on January 1, 2027, the department shall provide annual reports to the
74 General Assembly detailing:

75 (1) The number of Georgians receiving assistance through the affordability program;

76 (2) The impact of the affordability program, enrollment rates, and health outcomes; and

77 (3) Any recommended changes or expansions to such program.

78 (h) The department shall implement consumer education and outreach initiatives to ensure
79 eligible Georgians are aware of and can access the affordability program.

80 (i) The department shall conduct a comprehensive evaluation in 2029 to assess the
81 program's impact and determine the need for continuation or adjustments. The results of
82 such evaluation shall be submitted to the Governor and General Assembly in a report by
83 January 1, 2030.

84 (j) The affordability program shall only become effective on January 1, 2026, in the event
85 that the United States Congress allows the enhanced premium tax credits under the federal
86 Patient Protection and Affordable Care Act to expire on December 31, 2025. In the event
87 that the affordability program does not become effective, none of the reports required in
88 this Code section shall be applicable.

89 (k) This Code section shall stand repealed on December 31, 2030."

90 **SECTION 4.**

91 This Act shall become effective upon its approval by the Governor or upon its becoming law
92 without such approval.

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SECTION 5.

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