

House Bill 1336

By: Representatives Smith of the 18th, Mathiak of the 74th, Lumsden of the 12th, and Hawkins of the 27th

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 provisions relative to insurance generally, so as to allow a plan sponsor
3 of a health benefit plan to consent on behalf of a covered person to the electronic transmittal
4 or electronic posting of such plan; to allow the covered person to opt out of such electronic
5 transmittal or electronic posting; to provide for related matters; to provide for an effective
6 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 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to insurance generally, is amended by revising Code
11 Section 33-24-14.1, relating to electronic delivery of plan documentation, as follows:

12 "33-24-14.1.

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

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

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

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

28 (c) Before consenting on behalf of a ~~party~~ covered person, a plan sponsor ~~must~~ shall
29 confirm that the ~~party~~ covered person routinely uses electronic communications during the
30 normal course of employment.

31 (c.1) Before providing delivery of a health benefit plan by electronic transmittal or
32 electronic posting, the insurer for the plan shall:

33 (1) Provide the covered person an opportunity to opt out of the electronic transmittal or
34 electronic posting of the plan; and

35 (2) Document that the remaining conditions under subparagraphs (a)(2)(B) through
36 (a)(2)(E) of Code Section 33-24-14 are satisfied.

37 (d) Before providing delivery of communications related to the plan or a health insurance
38 identification card by electronic means, the insurer for the health benefit plan ~~must~~ shall:

39 (1) Provide the ~~party~~ covered person an opportunity to opt out of delivery by electronic
40 means; and

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

43

SECTION 2.

44 This Act shall become effective on July 1, 2024, and shall apply to all policies, certificates,
45 or contracts issued, delivered, issued for delivery, or renewed in this state on or after such
46 date.

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SECTION 3.

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