

SENATE SUBSTITUTE TO HB 64:

**AS PASSED SENATE**

**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 insurance provisions, so as to provide for the compensation of health  
3 insurance agents in certain situations; to provide for definitions; to provide for exceptions;  
4 to provide for the Commissioner's authority; to provide a short title; to provide for  
5 applicability; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Protection and Guarantee of Service for  
10 Health Insurance Consumers Act."

11 **SECTION 2.**

12 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
13 general insurance provisions, is amended by adding a new Code section to read as follows:

14 "33-24-59.23.

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

16 (1) 'Agent' shall have the same meaning as in Code Section 33-23-1.

17 (2) 'Carrier' means any entity licensed to provide health insurance in this state and which  
18 is subject to state insurance regulation.

19 (3) 'Health benefit plan' shall have the same meaning as in Code Section 33-30A-1.

20 (4) 'Premium' means the consideration paid in exchange for coverage under a health  
21 benefit plan.

22 (b) Any carrier that issues a health benefit plan in this state through an agent shall pay a  
23 commission to such agent, consistent with the amount proposed in the rates filed with the  
24 department, as required by the Commissioner. Such commission shall be structured to  
25 compensate the agent for the first term and for each renewal term thereafter, so long as

26 such agent reviews coverage and provides ongoing customer service for such plan;  
27 provided, however, that no such compensation shall be required for any individual health  
28 benefit plan sold during a special enrollment period. Nothing in this Code section is  
29 intended or shall be construed to require a carrier to pay a commission to an agent who is  
30 employed by such carrier.

31 (c) The Commissioner shall adopt such rules and regulations he or she deems necessary  
32 for the administration of this Code section."

33 **SECTION 3.**

34 This Act shall be applicable to policies issued or renewed on or after January 1, 2019.

35 **SECTION 4.**

36 All laws and parts of laws in conflict with this Act are repealed.