

The Senate Insurance and Labor Committee offered the following substitute to HB 707:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
 2 general provisions regarding health, so as to enact the "Georgia Health Care Freedom Act";
 3 to provide a short title; to provide that neither the state nor any department, agency, bureau,
 4 authority, office, or other unit of the state nor any political subdivision of the state shall
 5 expend or use moneys, human resources, or assets of the State of Georgia to advocate or
 6 intended to influence the citizens of this state in support of the voluntary expansion by the
 7 state of eligibility for medical assistance under the provisions of 42 U.S.C. Section 1396(a),
 8 Section 1902 of the federal Social Security Act, as amended; to provide for enforcement; to
 9 provide for applicability; to amend Chapter 1 of Title 33 of the Official Code of Georgia
 10 Annotated, relating to general provisions regarding insurance, so as to provide that no
 11 department, agency, instrumentality, or political subdivision of this state shall establish any
 12 program; promulgate any rule, policy, guideline, or plan; or change any program, rule,
 13 policy, or guideline to implement, establish, create, administer, or otherwise operate an
 14 exchange, or apply for, accept, or expend federal moneys related to the creation,
 15 implementation, or operation of an exchange; to provide for an exception; to prohibit the
 16 state and its departments, agencies, bureaus, authorities, offices, or other units of the state
 17 and its political subdivisions from providing navigator programs; to prohibit the
 18 Commissioner of Insurance from enforcing or investigating any health care insurance related
 19 provision of the federal Patient Protection and Affordable Care Act of 2010; to provide for
 20 applicability; to provide for related matters; to provide an effective date; to repeal conflicting
 21 laws; and for other purposes.

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

23 **SECTION 1.**

24 This Act shall be known and may be cited as the "Georgia Health Care Freedom Act."

25 **SECTION 2.**

26 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general
27 provisions regarding health, is amended by adding a new article to read as follows:

28 "ARTICLE 3

29 31-1-40.

30 (a) Neither the state nor any department, agency, bureau, authority, office, or other unit of
31 the state nor any political subdivision of the state shall expend or use moneys, human
32 resources, or assets to advocate or intended to influence the citizens of this state in support
33 of the voluntary expansion by the State of Georgia of eligibility for medical assistance
34 under the provisions of 42 U.S.C. Section 1396(a), Section 1902 of the federal Social
35 Security Act, as amended.

36 (b) The Attorney General shall enforce the provisions of this Code section in accordance
37 with Article V, Section III, Paragraph IV of the Constitution of the State of Georgia.

38 (c) Nothing in this Code section shall be construed to prevent an employee of the State of
39 Georgia or any department, agency, bureau, authority, office, or other unit thereof or any
40 employee of a political subdivision of this state from advocating or attempting to influence
41 public policy on such employee's personal time without using state resources, or to provide
42 bona fide educational instruction about the federal Patient Protection and Affordable Care
43 Act of 2010 in institutions of higher learning or otherwise."

44 **SECTION 3.**

45 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general
46 provisions regarding insurance, is amended by adding new Code sections to read as follows:

47 "33-1-23.

48 (a) As used in this Code section, the term 'exchange' shall have the same meaning provided
49 for in paragraph (1) of Code Section 33-23-201.

50 (b) No department, agency, instrumentality, or political subdivision of this state shall:

51 (1) Establish any program; promulgate any rule, policy, guideline, or plan; or change any
52 program, rule, policy, or guideline to implement, establish, create, administer, or
53 otherwise operate an exchange; or

54 (2) Apply for, accept, or expend federal moneys related to the creation, implementation,
55 or operation of an exchange.

56 (c) Nothing in this Code section shall apply to the Commissioner of Insurance in the
57 implementation or enforcement of the provisions of Article 3 of Chapter 23 of this title.

58 (d) Neither the state nor any department, agency, bureau, authority, office, or other unit
59 of the state, including the University System of Georgia and its member institutions, nor
60 any political subdivision of the state shall establish, create, implement, or operate a
61 navigator program or its equivalent as defined in Code Section 33-23-201; provided,
62 however, that any grant regarding a navigator program in effect on the effective date of this
63 Code section shall be permitted to continue for the term of such grant but shall then
64 terminate upon the expiration of the term of such grant and shall not be renewed,
65 notwithstanding any provision contained within such grant allowing for automatic renewal
66 under certain circumstances.

67 33-1-24.

68 The Commissioner of Insurance is prohibited from enforcing any health care insurance
69 related provision of the federal Patient Protection and Affordable Care Act of 2010. The
70 Commissioner of Insurance is prohibited from acting as an arm, agent, or contractor of the
71 federal Department of Health and Human Services, Internal Revenue Service, or any other
72 federal department or agency to investigate alleged violations of health care insurance
73 related provisions of the federal Patient Protection and Affordable Care Act of 2010. In
74 addition, the Commissioner of Insurance shall not fine, place on probation, suspend, or
75 revoke any insurance company or agent for any violation of the federal Patient Protection
76 and Affordable Care Act of 2010. Nothing in this Code section shall be construed to apply
77 to the regulation of rates or rate filings, investigations, administrative or judicial
78 proceedings, or any other duty or responsibility arising under state or local law regarding
79 health care insurers by the Commissioner of Insurance."

80 **SECTION 4.**

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

83 **SECTION 5.**

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