

Senate Bill 1

By: Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Shafer of the 48th, Cowser of the 46th and Albers of the 56th

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 33 and 19 of the Official Code of Georgia Annotated, relating respectively  
 2 to insurance and domestic relations, so as to provide that both parents shall have equal access  
 3 to their child's health insurance information and records; to provide for exceptions; to provide  
 4 for certain immunity; to provide for parenting plans to include that both parents have access  
 5 to health insurance information and records; to provide for related matters; to repeal  
 6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
 10 adding a new Code section to read as follows:

11 "33-24-59.16.

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

13 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for  
 14 health care services issued, delivered, issued for delivery, executed, or renewed in this  
 15 state, including, but not limited to, those contracts executed by the State of Georgia on  
 16 behalf of state employees under Article 1 of Chapter 18 of Title 45, by an insurer.

17 (2) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital  
 18 service corporation, medical service corporation, health care corporation, health  
 19 maintenance organization, preferred provider organization, provider sponsored health  
 20 care corporation, managed care entity, or any similar entity authorized to issue contracts  
 21 under this title or to provide health benefit policies.

22 (b) An insurer shall provide a parent of a child the right to inspect, review, or attain copies  
 23 of health insurance records relating to his or her own child; provided, however, that if the  
 24 parent making such request is not the named insured or owner of such policy, he or she  
 25 shall provide the insurer a certified copy of his or her divorce decree, a parenting plan  
 26 pursuant to Code Section 19-9-1, or other court document establishing that the parent may  
 27 have access to such records.

28 (c) Health insurance records and information pertaining to the child shall not be withheld  
29 from the custodial parent or from the noncustodial parent unless a court order has  
30 specifically removed the right of the noncustodial parent to such information or unless  
31 parental rights have been terminated.

32 (d) In the absence of fraud or bad faith, the insurer shall not be subject to liability for  
33 furnishing information and records requested pursuant to subsection (b) of this Code  
34 section."

35 **SECTION 2.**

36 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
37 amended by revising paragraph (1) of subsection (b) of Code Section 19-9-1, relating to  
38 requirements for parenting plans, as follows:

39 "(b)(1) Unless otherwise ordered by the judge, a parenting plan shall include the  
40 following:

41 (A) A recognition that a close and continuing parent-child relationship and continuity  
42 in the child's life will be in the child's best interest;

43 (B) A recognition that the child's needs will change and grow as the child matures and  
44 demonstrate that the parents will make an effort to parent that takes this issue into  
45 account so that future modifications to the parenting plan are minimized;

46 (C) A recognition that a parent with physical custody will make day-to-day decisions  
47 and emergency decisions while the child is residing with such parent; and

48 (D) That both parents will have access to all of the child's records and information,  
49 including, but not limited to, education, health, health insurance, extracurricular  
50 activities, and religious communications."

51 **SECTION 3.**

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