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2021 Legislative Session Update
Sine Die Edition

Please [click here](#) for the full summary of the 2021 Legislative Session.

Please do not hesitate to let us know if you have any questions.

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Good Friday morning CEO!

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2021 Legislative Session Summary

Includes key legislation in the 2021 session and bills that are held over to the 2022 legislative session.

The 2021 Legislative Session ran from Monday, January 11th through Wednesday, March 31st.

The 2021 Legislative Session – and the first half of Georgia’s 2-year legislative term – is in the books. Legislative Days 39 and 40 never fail to keep legislators and lobbyists alike on their toes. Late-arriving Rules Committee substitutes and amendments, measures being sent to the floor only to be recommitted for further perfection, and outright flops on final consideration made for long days.

The agreement on the Fiscal Year 2022 budget between the House and Senate ran into the final hours of Legislative Day 40. Consensus was finally met by adopting the Conference Committee report unanimously. The \$27.2 billion budget funds state operations, beginning on July 1, 2021. Additional dollars for schools, rural broadband, and mental health services were top of the list. Highlights within the Fiscal Year 2022 Budget can be found by [clicking here](#).

Senate Bill 100, the heavily debated bill that states Georgia will observe daylight saving time year-round if Congress authorizes it passed both chambers overwhelmingly. Do not change your clocks quite yet - federal law currently prohibits states from making daylight saving time permanent.

Sports betting did not make the cut despite last-minute chatter that Republicans could strike a deal for the extra Democratic support the measure needed. The effort to legalize online wagers for sports will have to wait another year.

House Bill 218, the gun “reciprocity” bill proposal to loosen gun restrictions passed the Senate but did not get the final call in the House. House Speaker David Ralston said the timing was not right given the recent mass shootings in Atlanta, Colorado, and California.

House Bill 290, The Right to Visit legislation fell short as well. The law would have required hospitals and nursing homes to allow limited patient visits throughout the pandemic and thereafter. Push-back from the Georgia Hospital Association and last-minute additions downed the effort in the late hours of Legislative Day 40.

House Bill 605, the “Granny Cameras” bill, failed in the final hours of the evening as well. The legislation would have sought permission to allow cameras in long-term care facilities so that families could have some peace of mind regarding their loved one’s care. The legislation addressed a patient’s decision-making capacity, disagreement if a patient in a shared room encountered disputes with other patients who do not wish to have a camera device, sharing of recordings, and when a camera/recording may be discontinued.

Like the budget, most new laws take effect on July 1 unless another date is specified in the bill itself. The Governor has forty days following the legislative session to veto entire bills or line items in the budget. Below is a full breakdown of key identified pieces of legislation and their final status for 2021. As a reminder, this is the first year of a two-year legislative term. All bills that did not receive a 'Do Not Pass' motion are alive for next year.

Senate Legislation Passed

- **SB 4**, by Sen. Kay Kirkpatrick, relates to drug abuse and treatment programs to prohibit patient brokering. The bill seeks to prohibit substance abuse providers from receiving referral fees or reimbursement related to patient referrals. The bill also amends code to prevent unfair billing practices for drug testing in substance abuse programs. *This bill sits on the Governor's desk for further action.*
- **SB 5**, by Sen. Kay Kirkpatrick, seeks to update code pertaining to sedation in non-hospital settings. The bill directs the Georgia Composite Medical Board to establish rules regarding the use of sedation in "office-based surgeries," which are defined as "any surgery or invasive medical procedure requiring sedation, when performed in a location other than a hospital, hospital associated surgical center, or an ambulatory surgical facility, including, but not limited to, physicians' offices and medi-spas." *This bill sits on the Governor's desk for further action.*
- **SB 43**, by Sen. Matt Brass, seeks to prohibit insurance plans offering eye care benefits from requiring ophthalmologists and optometrists to provide discounts for non-covered eye care treatment for patients within the insurer's plan. *This bill sits on the Governor's desk for further action.*
- **SB 46**, by Sen. Dean Burke, seeks to amend language within the Department of Public Health authorizing certain medical personnel to administer vaccines during public health emergencies and certain provisions relating to the administration of vaccines under vaccine protocol agreements. Additionally, language pertaining to mass vaccination sites can waive the requirement of checking the state's GRITS system during a public health emergency. This bill also entails **HB 275**, by Lauren McDonald, relative to firefighter standards and training and to emergency medical services personnel. Additionally, **HB 450**, by Rep. Mark Newton, was added to authorize the Department of Public Health to release deidentified data of the Low THC Oil Patient Registry to government entities and other entities for research. *This bill sits on the Governor's desk for further action.*
- **SB 80**, by Sen. Kay Kirkpatrick, seeks to create the "Ensuring Transparency in Prior Authorization Act." The bill would improve the prior authorization process by 1) requiring insurers and PBMs to be more transparent about the prior authorization process and requiring them to notify physicians and health care providers when they change their prior authorization process or requirements and 2) requiring the opportunity for a physician to speak to a physician or other provider in the same or similar specialty before prior authorization determinations and appeals decisions are made and 3) requiring insurers to respond to prior authorization requests within fifteen calendar days between January 1, 2022 and January 1, 2023 and within seven days after January 1, 2023, for non-urgent care and within 72 hours for urgent care and 4) preventing insurers and PBMs from revoking, denying, or changing a prior authorization approval for 45 days unless the prior authorization is for a Schedule II controlled substance, and requiring payment when a prior authorization is granted. Failure to comply with the deadlines in this legislation would result in automatic authorization. *This bill sits on the Governor's desk for further action.*
- **SB 95**, by Sen. Frank Ginn, seeks to provide conditions for meetings and public hearings to be

held by teleconference in emergency conditions and to provide conditions for certain agency members to participate in nonemergency meetings by teleconference. **HB 544**, by Rep. Alan Powell, was included in this legislation pertaining to Coin Operated Amusement Machines. Specifically, to change the composition of the board of directors of the lottery and to revise the prizes which may be awarded to successful players of bona fide coin operated amusement machines. *This bill sits on the Governor's desk for further action.*

- **SB 195**, by Sen. Jeff Mullis, originally the Hemp Farming update, now encompasses **HB 645**, by Rep. Micah Gravely. The legislation seeks to update the Georgia Hope Act regarding cannabis dispensing licenses, production licenses, and new treatment and delivery methods. Also included is **HB 601**, by Rep. Ron Stephens which seeks to clarify that definitions for marijuana in the criminal code does not include products approved by the FDA. *This bill sits on the Governor's desk for further action.*
- **SB 235**, by Sen. Ben Watson, seeks to exempt mask wearing to prevent the spread of COVID-19 or other infectious respiratory disease from state criminal anti-mask laws. *This bill sits on the Governor's desk for further action.*

House Legislation - Passed

- **HB 93**, by Rep. Sharon Cooper, seeks to repeal the state's regulations of clinical laboratories and instead requires all clinical laboratories in the state to meet the certification requirements set forth in the federal Clinical Laboratory Improvement Amendments of 1988. This legislation was brought at the request of the Department of Community Health. This legislation would eliminate the state licensure requirement but would retain certification for enforcement purposes. Labs will be required to report infectious diseases as they currently are required to do. *This bill sits on the Governor's desk for further action.*
- **HB 112**, by Rep. Trey Kelley, seeks to amend multiple Code sections to extend COVID-19 liability protections for one year after the August 5, 2020 effective date of the original legislation to July 14, 2022 (SB 359 in the 2020 Legislative Session). *This bill sits on the Governor's desk for further action.*
- **HB 163**, by Rep. Sharon Cooper, directs Georgia's Medicaid program to adopt "express lane" eligibility for kids who qualify for Medicaid coverage. The change would make it easier for uninsured Georgia kids who already qualify for Medicaid to enroll and stay covered. *This bill sits on the Governor's desk for further action.*
- **HB 234**, by Rep. Lee Hawkins, seeks to provide an option for self-funded healthcare plans, exempt from state regulation under federal law, to opt into Georgia's Surprise Billing Consumer Protection Act. *This bill sits on the Governor's desk for further action.*
- **HB 245**, by Rep. John LaHood, requires that individuals seeking to have their license to practice podiatry reinstated must submit to a criminal background check. It removes the requirement for renewals and addresses an issue in the background check requirement in the interstate medical compact. *This bill sits on the Governor's desk for further action.*
- **HB 307**, by Rep. Sharon Cooper, seeks to amend the Georgia Telehealth Act in Title 33 to authorize health care providers to provide telemedicine services from home and patients to receive telemedicine services from their home, workplace, or school. The bill also provides that no insurer may require a deductible or an in-person consultation before providing coverage for telemedicine services. Additionally, the bill institutes restrictions on utilization review and requires insurers to allow open access to telehealth and telemedicine services, including the provision of prescription medications. *This bill sits on the Governor's desk for further action.*

- **HB 316**, by Rep. Ron Stephens, seeks to increase the pharmacist to pharmacy technician ratio for providing direct supervision at any one time, from three to four. *This bill sits on the Governor's desk for further action.*
- **HB 346**, by Rep. Dominic LaRiccia, known as “Jarom’s Act,” seeks to authorize emergency medical services personnel to provide hydrocortisone sodium succinate intramuscularly to a patient that has congenital adrenal hyperplasia, is in adrenal crisis, and has hydrocortisone sodium succinate on their person in packaging that clearly displays the correct dosage. *This bill sits on the Governor's desk for further action.*
- **HB 367**, by Rep. Butch Parrish, seeks to make an annual update to the state's dangerous drug scheduling list. *This bill sits on the Governor's desk for further action.*
- **HB 454**, by Rep. Mark Newton, seeks to provide certain coverage requirements concerning providers that become out-of-network during a plan year. When an insurer's provider directory includes a provider as a participating provider for a network plan at such time as a prospective covered person selects his or her health benefit plan, the insurer would be required cover the provider charges at in-network rates for 180 days, or to the end of the contract year for the covered person, regardless of whether the provider remains a participating provider in the insurer's network plan. The legislation would also ensure that the covered person shall not be responsible for more than the amount for which they would have been responsible had the services been delivered by an in-network provider under the network plan. Additionally, the insurer's provider directory accessed through the insurer's website must accurately display the provider's network status, including any future date on which such provider would become out of network, 15 days prior to the beginning of the designated open enrollment time frame. *This bill sits on the Governor's desk for further action.*
- **HB 458**, by Rep. Sharon Cooper, seeks to require sexual misconduct training for members of the Georgia Composite Medical Board. The bill also requires that continuing medical education credits include ongoing education and training on professional boundaries and physician sexual misconduct. *This bill sits on the Governor's desk for further action.*
- **HB 479**, by Rep. Bert Reeves, seeks to amend multiple Titles to alter the state's citizen arrest laws. The bill still allows off-duty law enforcement officers to detain and arrest individuals within their jurisdiction of employment or when aiding another officer. The bill specifically prohibits private citizens from using force that could cause bodily harm to detain another citizen. *This bill sits on the Governor's desk for further action.*
- **HB 509**, by Rep. Houston Gaines, seeks to protect individuals who have pre-existing conditions when procuring health insurance coverage. This legislation would become effective if the Affordable Care Act's provisions on pre-existing health conditions are ruled unconstitutional or if the law is repealed. *This bill sits on the Governor's desk for further action.*
- **HB 567**, by Rep. Sharon Cooper, seeks to create the Newborn Screening and Advisory Committee. *This bill sits on the Governor's desk for further action.*
- **HB 591**, by Rep. Don Hogan seeks to authorize licensed marriage and family therapists to perform certain acts related to emergency mental health treatment (i.e., 1013 involuntary commitment). *This bill sits on the Governor's desk for further action.*
- **HB 653**, by Rep. Rick Jasperse, seeks to update the Georgia Pharmacy Practice Act relating to the ordering and administering of COVID-19 testing. The legislation revises the term “pharmacy care” to include ordering and administering tests approved for home use by the FDA and allow pharmacists to administer certain COVID-19 tests for 12 months following the end of the federal public health emergency. *This bill sits on the Governor's desk for further action*

Senate Bills Held until 2022

- **SB 1**, by Sen. Dean Burke, MD, seeks to require that entities that receive state income tax credits and provide self-funded, employer-sponsored health insurance that is not subject to the regulatory authority of the Commissioner of Insurance report insurance claims information to the Georgia All-Payer Claims Database. The legislation requires compliance with the reporting requirement beginning January 1, 2022, as a condition to continued receipt of any such tax credits.
- **SB19**, by Sen. Gloria Butler, relates to the implementation, regulation, and construction of surgical smoke systems in hospitals and other health care facilities. This bill would require hospitals and ambulatory surgery centers to utilize surgical smoke evacuation systems during surgical procedures to protect patients and health care workers from the hazards of surgical smoke.
- **SB 31**, by Sen. Chuck Hufstetler seeks to establish a pilot program to conduct a simulated exchange for health care facilities to purchase and sell charity care credits to meet their charity care requirements.
- **SB 82**, by Sen. Michelle Au, deemed Prudent Lay Person Legislation, proposes a measure requiring insurers to pay for emergency services, regardless of the interim or final diagnoses of the patient.
- **SB 92**, by Sen. Randy Robertson, originally seeking to prohibit the sale to and by minors of drug products containing dextromethorphan, has been amended in committee to only include original language for HB 369, by Rep. Alan Powell. Seeking to alter the rules for physician assistants and advanced practice registered nurses, the bill would no longer require PAs to submit job descriptions to the Georgia Composite Medical Board and would allow APRNs to prescribe Schedule II drugs in emergency situations.
- **SB 164**, by Sen. Chuck Hufstetler, seeks a modernization of Georgia's HIV laws to align services and policies with the best public health practices. The legislation does add that certain conduct by an individual who has HIV is unlawful if the conduct has a significant risk of transmission. This legislation addresses Georgia's laws which were originally implemented in the 1980s and addresses criminal code changes to require an "intent to harm;" and addresses the needle exchange law passed in 2019.
- **SB 180**, by Sen. Jen Jordan, seeks to provide for certain conditions for permits for facilities that emit ethylene oxide.
- **SB 181**, by Sen. Jen Jordan, seeks to require that no health insurer that provides coverage for prescription insulin charge more than \$50 per 30-day supply as a cost sharing amount.
- **SB 226**, by Sen. Jason Anavitarte, seeks to make the sale or distribution of harmful material to minors' statute applicable to libraries operated by schools.
- **SB 256**, by Sen. Dean Burke, seeks to provide for the reorganization of county boards of health, revise the powers of county boards of health, and to authorize the Department of Public Health to select district health director.
- **SB 271**, by Sen. Kay Kirkpatrick, seeks to update fingerprinting and criminal background checks for healthcare professionals licensed by the Georgia Composite Medical Board.

House Bills Held until 2022

- **HB 73**, by Rep. Carolyn Hugley, seeks to address limits on copayments, co-insurance, or other cost sharing arrangements charged by insurers or pharmacy benefit managers for insulin so that such changes can be no more than \$50 per 30 days' supply of the drug.
- **HB 117**, by Rep. Mike Wilensky originally sought to add Ulcerative Colitis to the list of conditions for which medical cannabis may be prescribed to treat. The Senate Health and Human Services Committee removed the underlying bill and inserted the language from **SB 92**, by Sen. Randy Robertson. The legislation now seeks to prohibit the sale to and by minors of drug products containing dextromethorphan. Additionally, instituting penalties for those products sold to minors without proper identification.
- **HB 164**, by Rep. Demetrius Douglas, seeks to require health insurers to pass along no less than 80 percent of all prescription drug rebates to the customer at the pharmacy counter.
- **HB 239**, by Rep. Shelly Hutchinson, seeks to add a new Code section to require that the Department of Behavioral Health and Developmental Disabilities conduct or "directly coordinate all audits of behavioral health providers to prevent duplication with other agencies."
- **HB 261**, by Rep. Todd Jones, seeks to create a pilot program to conduct a simulated exchange for health care facilities to purchase and sell charity care credits to meet their charity care requirements. The pilot is focused on not-for-profit hospitals and the ways that they can buy and sell credits. The Georgia Hospital Association, Georgia Alliance of Community Hospitals, and the Georgia Department of Community Health all oppose this legislation.
- **HB 290**, by Rep. Ed Setzler, seeks to prohibit hospitals and nursing homes from instituting any policy during a declared public health emergency that limits patients' abilities to be visited by designated family members or friends.
- **HB 304**, by Rep. Jodi Lott, seeks to provide for a tax credit for medical equipment and supplies manufacturers and pharmaceutical and medicine manufacturers. Specifically, which are engaged in the manufacturing of pharmaceuticals or medicine in this state.
- **HB 369**, by Rep. Alan Powell, seeks to alter the rules for physician assistants and advanced practice registered nurses. The bill would no longer require PAs to submit job descriptions to the Georgia Composite Medical Board and would allow APRNs to prescribe in emergency situations. The House of medicine removed many of the provisions relating to PAs and APRNs prescribing.
- **HB 377**, authored by Rep. Sharon Cooper, seeks enactment of the Georgia Women's Care (Child Care, Alternatives, Resources, and Education) Act. Specifically, the legislation seeks to revise provisions relating to the arrests of pregnant women and provide that women who have been arrested are offered pregnancy testing upon detention.
- **HB 401**, by Rep. Ginny Ehrhart, seeks to prohibit any healthcare professional from performing any procedure on a minor with the purpose of attempting to affirm the minor's sex if the minor's sexual perception is different than their biological sex.
- **HB 413**, by Rep. Beth Camp, seeks to stipulate that the state cannot require the receipt of a COVID-19 vaccine as a condition for employment, school attendance, professional licensure, educational certification or degree, admittance to any place of business or entertainment, or access to any mode of transportation. This prohibition occurs under the absence of a specific list of situations including a non-emergency use authorization for the vaccine and long-term health effect evaluations have been completed. The bill also allows individuals to submit in writing that

receiving a vaccine conflicts with their philosophical beliefs which exempts them from any requirement if all other aspects of the bill have already been met.

- **HB 447**, by Rep. David Knight, seeks disclose to the state all cost related data relative to the state health benefit plan, including pricing information, spread pricing, negotiated price, rebate accounting, reimbursement rates, net profits, consulting fees, claims payment information, networks, and quality information.
- **HB 450**, by Rep. Mark Newton, MD seeks to authorize the Department of Public Health to release deidentified data to government entities and other entities for research, statistical analysis, and educational purposes.
- **HB 468**, by Rep. Kasey Carpenter, seeks to allow any and all business to continue operating during a public health emergency if it conforms to the health and safety measures contained in any Executive Order from the Governor.
- **HB 474**, by Rep. Sharon Cooper, seeks to require concurrent opioid antagonist prescriptions for all opioid prescriptions.
- **HB 569**, by Rep. Matthew Wilson, seeks to prohibit the practice of conversion therapy by professional counselors, physicians, or psychologists and to specifically define "conversion therapy."
- **HB 590**, by Rep. Don Hogan, seeks to establish an assisted outpatient treatment pilot program for persons with mental illness. The system is specifically designed for individuals that have trouble maintaining engagement with essential mental health treatment. The bill creates a three-year assisted outpatient treatment grant program.
- **HB 627**, by Rep. John LaHood, seeks to require athletic training students to be under the direct supervision of a physician or licensed athletic trainer as well as revise and update certification requirements.
- **HB 629**, by Rep. Mark Newton, seeks to address the sales and dispensing of contact lenses. All of the discussion was around what could be permitted by safely using telehealth or telemedicine. There was extensive discussion on the proposal, including opposing testimony by the Georgia Optometric Association.
- **HB 678**, by Rep. David Wilkerson, seeks to enact the "Inmate Mental Health Act." The bill outlines procedures that must be followed by the Department of Corrections upon receiving credible information that an inmate may have a mental illness along with procedures for death investigations in correctional facilities.
- **HB 717**, by Rep. Sharon Cooper, seeks to amend Code pertaining to examination and treatment for mental illness, to provide for authorization of peace officers to take a person to a physician or emergency receiving facility for emergency examination under certain circumstances.
- **HB 752**, by Rep. Sharon Cooper, seeks to provide for a psychiatric advance directive for a competent adult to express his or her mental health care treatment preferences and desires directly through instructions written in advance and indirectly through appointing an agent to make mental health care decisions on behalf of that person.
- **HB 823**, by Rep. Mark Newton, seeks to require health insurers to pass along no less than 80 percent of all prescription drug rebates to the customer at the pharmacy counter. This is an identical bill to **HB 164**, originally sponsored by Rep. Demetrius Douglas.