



2021

capitol watch

# 2021

## Bill Review Summary

*Includes list of bills of interest that were signed into law from the 2021 legislative session.*

The following notable bills that were passed in the respective chambers and have become law. The Governors bill review period began Thursday, April 1<sup>st</sup> and ended on Monday, May 10<sup>th</sup>. As a reminder, all bills take effect July 1<sup>st</sup>, 2021 unless otherwise specified in the bill.

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### 2021 Vetoed Legislation

#### **SB 156 Department of Labor - Chief Labor Officer Creation**

Sen. Marty Harbin

Creates the position of Chief Labor Officer within the Department of Labor that is appointed by and responsible to the Legislative Branch of state government. The bill would give the actions of the Chief Labor officer "the same force and effect" as actions of the Commissioner of Labor. This legislation proposes significant infringements on the separation of powers guaranteed by Georgia's Constitution.

**Please [click here](#) to view the Governor's Statement on Veto**

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### 2021 Senate Signed Legislation

#### **SB 4 Patient Brokering**

Sen. Kay Kirkpatrick, MD

The bill prohibits 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.

#### **SB 5 In-Office Sedation**

Sen. Kay Kirkpatrick, MD

Updates 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."

### **[SB 43 Non-Covered Eye Care Services](#)**

Sen. Matt Brass

Prohibits 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.

### **[SB 46 Vaccine Protocol Update via Georgia DPH](#)**

Sen. Dean Burke, MD

Amends 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.

### **[SB 80 Ensuring Transparency in Prior Authorization Act](#)**

Sen. Kay Kirkpatrick

The law improves 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.

### **[SB 195 Georgia Hope Act - Cannabis Commission](#)**

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.

### **[SB 235 State Criminal Anti-Mask Laws](#)**

Sen. Ben Watson, MD

Exempts mask wearing to prevent the spread of COVID-19 or other infectious respiratory disease from state criminal anti-mask laws.

## **2021 House Signed Legislation**

### **[HB 93 Clinical Laboratory Improvement Amendments](#)**

Rep. Sharon Cooper

Repeals 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.

### **[HB 112 COVID-19 Immunity Liability Extension](#)**

Rep. Trey Kelley

Amends 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).

### **[HB 163 Medicaid Express Lane](#)**

Rep. Sharon Cooper

Directs Georgia's Medicaid program to adopt "express lane" eligibility for kids who qualify for Medicaid coverage. The change makes it easier for uninsured Georgia kids who already qualify for Medicaid to enroll and stay covered.

### **[HB 234 Surprise Billing – Self Funded Opt-In](#)**

Rep. Lee Hawkins

Provides an option for self-funded healthcare plans, exempt from state regulation under federal law, to opt into Georgia's Surprise Billing Consumer Protection Act.

### **[HB 307 Georgia's Telehealth Act](#)**

Rep. Sharon Cooper

Amends the Georgia Telehealth Act to authorize health care providers to provide telemedicine services from home and patients to receive telemedicine services from their home, workplace, or school. The law also provides that no insurer may require a deductible or an in-person consultation before providing coverage for telemedicine services. Additionally, institutes restrictions on utilization review and requires insurers to allow open access to telehealth and telemedicine services, including the provision of prescription medications.

### **[HB 316 Pharmacy Technician Ratio](#)**

Rep. Ron Stephens

Increases the pharmacist to pharmacy technician ratio for providing direct supervision at any one time, from three to four.

### **[HB 346 Jarom's Act](#)**

Rep. Dominic LaRiccia

Authorizes 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.

### **[HB 367 Dangerous Drug Update](#)**

Rep. Butch Parrish

Annual update to the state's dangerous drug scheduling list.

### **[HB 454 Continuity of Care](#)**

Rep. Mark Newton, MD

Provides 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.

### **HB 458 Sexual Misconduct Continuing Education**

Rep. Sharon Cooper

Requires 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.

### **HB 479 Citizens Arrest Laws**

Rep. Bert Reeves

Amends multiple Titles to alter the state's citizen arrest laws. The law still allows off-duty law enforcement officers to detain and arrest individuals within their jurisdiction of employment or when aiding another officer. Additionally, specifically prohibits private citizens from using force that could cause bodily harm to detain another citizen.

### **HB 509 Individual Health Insurance Procurement**

Rep. Houston Gaines

Protects individuals who have pre-existing conditions when procuring health insurance coverage. This law would become effective if the Affordable Care Act's provisions on pre-existing health conditions are ruled unconstitutional or if the law is repealed.

### **HB 591 LMFT 1013's**

Rep. Don Hogan

Authorizes licensed marriage and family therapists to perform certain acts related to emergency mental health treatment (i.e., 1013 involuntary commitment).

### **HB 653 Pharmacy Practice Act COVID-19 Update**

Rep. Rick Jasperse

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.

## **Government Affairs Team**

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