

# Georgia insight

Sue Ella Deadwyler  
www.georgiainsight.org  
"She hath done what she could."  
Mark 14:8a  
"...and having done all ... stand."  
Ephesians 6:13c

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## Passed: Cancer Coverage Equity; Obamacare Navigator Program to Cease!

*When H.B. 943 becomes law, cancer coverage will be enhanced, Georgia will not implement or operate a health exchange, and navigator programs will end when the navigator grant money is spent.*

### Conjoined: The Tale of Two Bills

**[For 40 days after the session, the governor may veto, sign or allow bills to become law without his signature.]**

When District 27's Representative Lee Hawkins of Gainesville introduced H.B. 943 February 6<sup>th</sup>, he had no idea how important it would be. From its introduction by Representative Jason Spencer of District 180, H.B. 707 was in trouble. But, thankfully, Representative Hawkins, put his own H.B. 943 at risk to allow Representative Spencer to amend it with critical parts of H.B. 707, and it paid off. On March 18<sup>th</sup>, the amended bill passed, doubly benefiting Georgians.

### Passed within H.B. 943 were parts of H.B. 707, the "Georgia Health Care Freedom Act."

So, when the governor signs it or by July 1<sup>st</sup>, a new law in Georgia will include this paragraph:

"31-1-40. Neither the state nor any department, agency, bureau, authority, office, or other unit of the state nor any political subdivision of the state shall expend or use moneys, human resources, or assets to advocate or intended to influence the citizens of this state in support of the voluntary expansion by the State of Georgia of eligibility for medical assistance in furtherance of the federal 'Patient Protection and Affordable Care Act,' beyond the eligibility criteria in effect on the effective date of this Code section under the provisions of ... the federal Social Security Act as amended."

### Additional Requirements of H.B. 707, as Passed in H.B. 943

- The attorney general will enforce provisions of the Georgia Health Care Freedom Act.
- Bona fide educational instruction about Obamacare is not prohibited.
- MEDICAID programs will not be affected.
- Establishment or operation of a state exchange for Obamacare is prohibited.
- Conversion of an existing program into a state exchange is prohibited.
- Navigator programs will be terminated and not renewed when navigator grants expire.

**Passed: The original H.B. 943, "Cancer Treatment Fairness Act,"** creates insurance parity for cancer treatment. Effective January 1, 2015, such policies must comply with the following:

- (a) Provide the same coverage for oral chemotherapy drugs as intravenous (IV) chemotherapy.
- (b) Terms in effect December 30, 2014 will continue and may *not* be adjusted to avoid compliance with these provisions.
- (c) Insurers may *not* offer incentives or limit treatment to encourage acceptance of less than minimum protections available under this Code section.
- (d) Insurers may *not* reduce or limit payment to health care practitioners for recommending or providing services or care to an insured person.
- (e) Insurers may *not* reclassify any IV or injected chemotherapy treatment or increase the applicable cost-sharing of either.
- (f) The cost-share for oral chemotherapy is limited to no more than \$200 per filled prescription.

### ***Passed: Federal Abortion Mandate Opt-out Act***

**S.B. 98**, introduced February 4, 2013 by Senator Judson Hill, stayed in the Senate Insurance and Labor Committee until a majority of its members adopted a substitute, and passed it into the Senate Rules Committee on February 21, 2014, along with a minority report of dissenting members. After it was engrossed on March 3<sup>rd</sup>, the Senate passed it 35-18, along party lines.

On March 4<sup>th</sup> S.B. 98 was assigned to the House Insurance Committee, where it was amended and favorably reported by committee substitute into the House Rules Committee. From there, it went to the House floor, where it passed 105-64 on March 18<sup>th</sup>. Also on March 18<sup>th</sup>, by a vote of 36-18, the Senate agreed to the House version and sent the bill to the governor's office, where it becomes law upon his signature or on July 1<sup>st</sup> without his signature.

S.B. 98 affects health plan coverage for abortion as follows:

- No abortion coverage shall be provided by a qualified health plan offered in Georgia by state law, federal law, or regulation or exchange created by the Affordable Care Act (Obamacare), amended by the Health Care and Education Reconciliation Act of 2010, and regulations or guidance issued under either, except in cases of medical emergency.
- Nothing in this bill can be construed as creating or recognizing a right to abortion.
- S.B. 98 will not make legal any abortion that is currently illegal in Georgia.
- S.B. 98 does not affect expenses for abortion as permitted under the state health benefit plan, as approved by the board and existing on January 1, 2014.
- "Abortion" and "medical emergency" are defined in Code Section 31-9A-2.

### ***Passed: Drug Testing for Food Stamp Recipients***

**H.B. 772**, introduced by Representative Greg Morris, requires applicants to pass a drug test before receiving food stamps through the Georgia Supplemental Nutrition Assistance Program (SNAP). The Georgia Department of Human Resources will test adult applicants for controlled substances. Applicants showing proof of active and current Medicaid benefits will pay up to \$17.00 to cover the cost of tests. Applicants without Medicaid benefits will pay full price for the test, but will be reimbursed for food stamps if their test is negative.

Applicants will be informed that drug testing may be based on reasonable suspicion, but will not be required of dependent children under age 18. Adults that fail a drug test become ineligible for food stamps, but may designate an immediate family member to receive food stamps for their minor children, although the designee must pass a drug test, as well.

**Penalties for failed tests:** A *first failed test* denies recipients food stamps for one month *and* until passage of a subsequent test. After a *second failed test*, food stamps are denied for three months *and* until a negative retest. After a *third failed test*, food stamps are denied for a year *and* until a negative retest. Periodic reapplication for assistance is allowed. Also, successful substance abuse treatment, paid for by the applicant, may lead to renewal of foods stamps.

Results of drug tests performed according to this Code section will not be subject to public inspection, and may not be used in a criminal investigation or prosecution or in a civil action or otherwise disclosed to any person or entity without express written consent of the person tested or the heirs or legal representatives of the person who was tested. All such records will be destroyed and deleted five years after the date of the test.

## ***Passed: H.B. 60, 29-Page Gun-Carry Law***

*H.B. 60, Part II was dedicated to the late Bobby Franklin, former Representative of House District 43.*

**H.B. 60**, introduced by Representative Doug Holt January 16, 2013, passed the House Public Safety and Homeland Security Committee on February 13, 2013 and the full House 167-3 on the same day. It went to the Senate, where it remained until this year. On March 18, 2014 it passed the Senate 37-18, and passed the House 112-58, March 20<sup>th</sup>, the last day of the session. H.B. 60 defines firearms as “any handgun, rifle, shotgun, or similar device or weapon that will be or can be converted to expel a projectile by the action of an explosive or electrical charge.”

### ***Provisions of H.B. 60***

#### **Licensed Carry on Private Property**

- In places of worship, the governing body may allow license holders to carry firearms.
- Licensed carriers may transport a handgun or long gun in any private passenger vehicle.
- Persons in legal control of private property through a lease; rental, licensing, contract or other agreement may exclude or eject a person in possession of a weapon or long gun.

#### **Firearms in Declared Emergencies**

- No person<sup>1</sup> operating pursuant to or under color of state law may temporarily or permanently seize or authorize seizure of a lawful firearm or ammunition or a component thereof.
- No person shall prohibit the possession of a lawful firearm or ammunition or component thereof or decree or enforce a rule, regulation or order prohibiting possession of such.
- Firearms regulations in emergencies shall be the same as they were before the emergency.
- The governor shall not suspend or limit the sale, dispensing or transportation of firearms or ammunition or components.

#### **Firearms in School Safety Zones**

- School safety zones include elementary, secondary, technical, and vocational schools, colleges, universities, other postsecondary education, and local boards of education.
- Duly authorized licensed persons may carry specified authorized weapons in school safety zones, after completing prescribed training requiring a weapon to be carried on the person – not in a purse, briefcase, bag or other accessory – or securely locked in a safe or box.

#### **Firearms at the Airport**

- Firearms are prohibited in restricted areas of commercial airports, but allowed in airport drives, general parking areas, walkways, or shops and areas normally open and unscreened.
- A license holder found to be in possession of a firearm at a screening checkpoint, may immediately leave the area without being guilty of a misdemeanor.
- Violation is a felony, punishable by \$15,000 fines or imprisonment up to ten years, or both.

#### **Only the General Assembly<sup>2</sup> is authorized to regulate the following:**

- Gun shows
- Personal possession, ownership, transport, carry, transfer, sale, purchase, licensing, or registration of firearms or other weapons or components of firearms or other weapons
- Dealers in firearms or other weapons or components of firearms or other weapons

<sup>1</sup> Officials or employees of the state or its political subdivisions, or members of the National Guard in service to the state

<sup>2</sup> No state or local entity may regulate firearms by zoning, ordinance, resolution, rule or regulation.

## ***Medical Marijuana Bills Fail to Pass***

**H.B. 885 to legalize medical marijuana** was introduced by Representative Allen Peake.

*1<sup>st</sup> Hurdle:* It passed the House 171-4 on March 3<sup>rd</sup> to allow the use of medical cannabis for the treatment of seizure disorders. It would have established academic medical hospital residency programs for physicians to research the use of medical cannabis with patients certified to have glaucoma and cancer, as well as seizure disorders.

*2<sup>nd</sup> Hurdle:* The Senate Health and Human Services Committee attached an extensive amendment concerning medical coverage. It required businesses with over ten employees to include in accident and health insurance contracts, policies, or benefit plans coverage for the diagnosis and unlimited treatment of autistic children age six or younger. Such plans could limit coverage for applied behavior analysis to \$35,000 annually. Coverage of prescription drugs for the treatment of autism would be handled as each respective plan handles payment for other prescription drugs. The substitute bill requiring autism health coverage passed the Senate 54-0 the last day of the session, but the House failed to agree with the Senate substitute.

**Result: H.B. 885 died.**

**S.R. 756 creating a Medical Marijuana Study Committee** may or may not be appointed.

It's too early to know whether it passed and, if it did, whether it will be appointed.

**Result: S.R. 756 status is unknown.**

**S.B. 291 creating a Georgia Adult and Aging Services Agency** was introduced by Senator Unterman. It passed the Senate 45-5 and was amended in the House Human Relations and Aging Committee. That amendment defined cannabitol and cannabidiol as dangerous drugs if their purity was 0.8 percent or less of tetrahydrocannabinols delivered in the form of a liquid, pill, or injection which does not include smoking. The amended bill passed the House 168-2, but the Senate did not agree with the bill as amended.

**Result: S.B. 291 died.**

### ***Foreign Law STILL Not Prohibited in Georgia Courts***

**S.R. 808 prohibiting the use of foreign law in Georgia courts** was introduced by Senator Tommie Williams January 28<sup>th</sup>. Eight other states – Tennessee, Louisiana, Arizona, Kansas, Oklahoma, Alabama, Missouri and North Carolina – have such laws. The same action is pending in 20 other states, including Florida, but Georgia has rejected it for the last three years.

**H.B. 895 prohibited enforcement of foreign law**, if doing so would violate rights guaranteed by U.S. or Georgia Constitutions. Introduced by Representative Hightower, it would have been the regulatory support for S.R. 808, had it passed to amend the Georgia Constitution. It did not pass the House Judiciary Committee.

**Result: S.R. 808 and H.B. 895 died.**

### ***No Four-year Terms for State Senators***

**S.R. 734** is a constitutional amendment extending state senate terms to four years, beginning with those elected in November 2016. Senators elected in the November 2014 general election would continue serving the customary two-year term. If passed, it would have been a question on the November ballot, but it did not pass the Senate Ethics Committee.

**Result: S.R. 734 died.**

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