

## 2022 Session Bills Effective July 1 – Key Legislation

**HB 218        Crimes and offenses; weapons carry license reciprocity in this state; expand By:**

***Rep. Mandi Ballinger (23rd) Through the Public Safety & Homeland Security Committee Final***

***Bill Summary:*** House Bill 218 allows reciprocity for any state's weapons carry license, as long as the holder carries according to Georgia's laws. The bill also requires the attorney general to enter into a reciprocity agreement with any state that requires one in order to recognize and give effect to a Georgia-issued license in their state.

**HB 389        Employment security; change definition of employment to include services**

***performed by an individual for wages By: Rep. Todd Jones (25th) Through the Industry and***

***Labor Committee Final Bill Summary:*** House Bill 389 codifies existing case law to determine whether work classifies a person as an employee or an independent contractor. The bill provides an enforcement mechanism, which adds a civil penalty paid to the Department of Labor when an employer misclassifies its employees. Fines for each misclassified employee for companies with less than 100 employees are capped at \$2,500, while fines for companies with 100 or more employees are capped at \$7,500.

The bill states that employment does not include services performed by or facilitated through a network company, so long as the network company has a written contract with the individual that expressly states that the network company shall not unilaterally prescribe specific dates, times, or a minimum number of hours that an individual is required to be logged onto the network company's application. To apply, the contract must not be terminated by the network company if a person does not: accept a specific delivery or transportation request; restrict an individual from performing transportation or delivery services through other network companies; and contractually restrict an individual from working in any other lawful occupation or business. The bill defines "ride share network service" and "network company." The bill also exempts music industry professionals.

**HB 424        Income tax; change certain definitions By: Rep. Bruce Williamson (115th)**

***Through the Ways & Means Committee Final Bill Summary:*** House Bill 424 establishes a tax credit for contributions to "foster care support organizations," which are defined as being the aging-out programs of the Technical College System of Georgia Foundation, a Governor's Office of Planning and Budget certified aging-out program of the University System of Georgia

Foundation, or any 501(c)(3) corporation that has the primary function of operating an aging-out program, operating as or supporting a Georgia-licensed child-placing agency, or disbursing funds directly to one or more of the prior listed entities. Taxpayers are allowed a 100% income tax credit for qualified donations to foster care support organizations provided that for the first

six months of each year, a single individual or head of household shall not be allowed a credit of more than \$2,500; a married couple, individual who is a member of a limited-liability company, a shareholder of a Subchapter 'S' corporation, or a partner in a partnership shall not be allowed a credit of more than \$5,000; and a corporation shall not be allowed a credit of more than 10% of the corporation's income tax liability. This tax credit has an annual aggregate cap of \$20 million.

**HB 478 Evidence; expert testimony in criminal cases; change rules** *By: Rep. Bonnie Rich (97th) Through the Judiciary Non-Civil Committee Final Bill Summary:* House Bill 478 changes the evidentiary standard for testimony of expert witnesses in criminal cases to match the standard used in civil cases.

**HB 911 General appropriations; State Fiscal Year July 1, 2022 - June 30, 2023** *By: Rep. David Ralston (7th) Through the Appropriations Committee Final Bill Summary:* House Bill 911, the FY 2023 budget, is based on a revenue estimate of \$30.2 billion, an increase of 10.8% over original FY 2022 budget. The bill and tracking sheet may be found on the House Budget and Research Office website.

**HB 1009 Motor vehicles; use of personal delivery devices to transport cargo; authorize** *By: Rep. Todd Jones (25th) Through the Motor Vehicles Committee Final Bill Summary:* House Bill 1009 provides definitions and operation guidelines for personal delivery devices. Local authorities are authorized to enact ordinances related to the operation and regulation of personal delivery devices within the local authority's jurisdiction, subject to specified limitations. Personal delivery devices are prohibited from operating within a surface transportation project.

**HB 1013 Mental Health Parity Act; enact** *By: Rep. David Ralston (7th) Through the Health & Human Services Committee Final Bill Summary:* Part I: 'Georgia Mental Health Parity Act' House Bill 1013 requires that health care insurance plans that provide coverage for mental health treatment or substance use disorders do so in accordance with the federal 'Mental Health Parity and Addiction Equity Act of 2008.' Health insurers must also provide an annual comparative analysis report to the insurance commissioner, which will be available on the Office of the Commissioner of Insurance and Safety Fire's (OCI) website. Failure to submit timely reports can result in fines ranging from \$2,000 to \$5,000. The commissioner is to ensure compliance with mental health parity requirements among health insurers and establish a process for addressing complaints about mental health parity violations. Insurers that do not comply with mental health parity may face punitive action including monetary penalties, compliance plans, or reprocessing of claims. The commissioner appoints a mental health parity officer.

The bill revises the definition of "department" to reference OCI rather than the Department of Community Health (DCH) in the existing Act. Further, this bill creates a new definition for "generally accepted standards of mental health or substance use disorder care" and defines it

as independent standards of care and clinical practice recognized by certain specialty health care providers, including psychiatry, psychology, clinical sociology, addiction medicine and counseling, and behavioral health treatment. Additionally, the definition specifies valid, evidence-based sources of accepted standards of mental health or substance use disorder care. The definitions of "medical necessity," "medically-necessary care," or "medically necessary and appropriate" are also revised to include behavioral health services that screen, prevent, diagnose, manage, or treat an illness. HB 1013 requires that state health insurers providing coverage for mental health and substance use disorders do so to the same degree as the treatment for a physical illness and coverage extends to a spouse and dependent(s) covered under a plan. Health insurers must provide annual comparative analysis reports to the DCH commissioner, which will be available on the department's website.

The DCH commissioner is to perform parity-compliance reviews of state health insurers on an annual basis as well as establish a process for addressing complaints about mental health parity violations.

The DCH and OCI commissioners are required to make reasonable efforts to provide culturally and linguistically sensitive materials to consumers through the complaint process. Health insurers are not allowed to prohibit same-day reimbursement for someone who sees separate mental health and primary care providers in the same day.

Care management organizations (CMOs) are required to maintain a minimum 85% medical loss ratio (MLR) or a higher minimum established in a contract between DCH and a CMO. If the minimum ratio is not met, the CMO must provide a remittance of the amount determined by DCH. The department will post on its website the aggregate MLR for all CMOs, the MLR for each CMO, and required remittances.

**Part II: Workforce and System Development** The bill authorizes service cancelable educational loans for Georgia residents enrolled in educational training for primary care medicine, psychiatry, mental health, substance use, clinical nurse specialist in mental health, or other licensed clinicians or specialists. Loans are conditional on the student agreeing to practice as a professional within an approved geographical area of the state.

The Georgia Board of Health Care Workforce is required to create a Behavioral Health Care Workforce Data Base to collect and analyze surveys for behavioral health care professional applicants and licensees. Licensing boards will require these surveys to be completed by professionals upon licensure, and the surveys must include the professional's demographics, practice status, education and training, specialties, average hours worked per week, percent of practice engaged in direct care, retirement plan if retiring in the next five years, child and adolescent specialized training, information on accepting new patients, and types of accepted insurance, including Medicaid and Medicare.

Part III: Assisted Outpatient Treatment HB 1013 creates a three-year assisted outpatient treatment grant program to establish the efficacy of the assisted outpatient treatment model in Georgia.

The bill defines "assisted outpatient treatment" as involuntary outpatient care provided by a community service board or a private provider in collaboration with other community partners in order to: identify current residents who qualify as outpatients; establish procedures that lead to a petition being filed in the appropriate probate court when an individual is believed to be an outpatient; provide evidence-based treatment and case management under an individualized plan; safeguard the due process rights of those alleged to require and those civilly committed to involuntary outpatient care; establish communication between the court and providers; continually evaluate each care plan and respond to non-compliance; partner with law enforcement agencies to provide an alternative to the arrest, incarceration, and prosecution of individuals who may qualify as outpatients; and maintain a patient's connection to treatment services upon transition to voluntary outpatient care.

The Department of Behavioral Health and Developmental Disabilities (DBHDD) will establish a grant program for the implementation of assisted outpatient treatment and provide three years of funding, technical support, and oversight to five grantees. The grantees must be a collaboration between community service boards or private providers, probate courts or other courts with jurisdiction, and sheriffs' offices. The bill outlines the process for the application and award of the grants.

HB 1013 requires the DBHDD to contract with a third-party organization or consultant prior to awarding the grants in order to evaluate the program and its effectiveness. The grantees must provide the required information to the third-party organization or consultant, and the department must contractually require the third-party organization or consultant to produce a report and send it to the governor and the chairpersons of the respective House and Senate Health and Human Services committees by December 31, 2025.

Current statute states that when a law enforcement officer has probable cause to believe that an individual is mentally ill and requiring involuntary treatment, the officer is able to take that person to a physician or emergency receiving facility for an examination. HB 1013 states that the officer can transport a patient to a receiving facility if they have probable cause to believe the individual is mentally ill requiring involuntary treatment and have consulted with a physician who authorizes transportation for the purpose of evaluation. The officer is required to write a detailed report about the circumstances of the person's detainment, which will become a part of the patient's clinical record. These provisions also apply to those hospitalized for and arrested for penal offenses due to substance abuse disorder.

The governing county authority where the patient is found is required to arrange initial emergency transportation, and the transportation provider is prohibited from releasing the patient to any place other than the receiving facility. At the community mental health center's

request, the court is required to order the sheriff to carry out subsequent transportation appropriate to the patient's condition. The patient can also be transported by family and friends to the health center's satisfaction. No female patient is allowed to be transported without another female present unless there is an emergency or a male family member accompanies them.

Part IV: Mental Health Courts and Corrections Subject to appropriations, the Criminal Justice Coordinating Council (CJCC) will create a grant program to fund accountability courts serving the mental health and co-occurring substance use disorder population to implement trauma-informed treatment and designate an employee to issue technical assistance to the courts. The council will also create a grant program to fund emergency transportation cost for local governments depending on funds.

HB 1013 adds to the list of authorized expenditures of the County Drug Abuse Treatment and Education Fund to include drug abuse treatment and education programs relating to controlled substances, alcohol, and marijuana for adults and children. Additionally, the fund can be used by a mental health court division that serves those with co-occurring substance use disorders.

The bill expands the powers and duties of the Office of Health Strategy and Coordination (OHSC) to: partner with the Department of Corrections and Department of Juvenile Justice to evaluate mental health wraparound services to meet client needs in the state reentry plan; partner with the Department of Community Supervision to evaluate the ability to share mental health data between agencies in order to facilitate identifying and treating House of Representatives people under community supervision who receive community-based mental health services; oversee coordination of mental health policy and behavioral health services across state agencies; develop and implement a solution to ensure appropriate health care services and supports; develop solutions to systemic barriers impeding delivery of behavioral health services; focus on goals to resolve issues related to behavioral health services; monitor and evaluate implementation of goals and recommendations to improve behavioral health access; establish common outcome measures to evaluate agencies in overseeing mental health services; and create a comprehensive formulary for behavioral health prescriptions under state health plans. Lastly, OHSC is to examine ways to increase certified peer specialists in rural and other underserved or unserved communities and conduct a survey or study on the emergency transport of individuals.

The state will fund at least five new co-responder programs, each of which will have a minimum of one team. Behavioral health co-responders are included in the entities trained at the Georgia Public Safety Training Center.

The Mental Health Courts and Corrections Subcommittee of the Georgia Behavioral Health Reform and Innovation Commission is authorized to submit recommendations to DBHDD regarding the development and future expansion of the program and continue exploring

community supervision strategies. The subcommittee is also tasked with continuing to explore community supervision strategies for individuals with mental illnesses.

HB 1013 adds the following persons to the Behavioral Health Coordinating Council: the commissioner of the Department of Early Care and Learning; the commissioner of the Technical College System of Georgia; a behavioral-health expert employed by the University System of Georgia and designated by the chancellor of the university system; the Office of the Child Advocate; an expert on early-childhood mental health appointed by the governor; an expert on child and adolescent health appointed by the governor; and a pediatrician appointed by the governor.

Part V: Child and Adolescent Behavioral Health DBHDD is to provide the following annual reports to OHSC: complaints made by individuals receiving behavioral health services; status of housing placements and needs; programs designed to serve disabled infants, children, and youth; and performance and fiscal status of each community service board.

HB 1013 clarifies that community service boards provide mental health, developmental disabilities, and addictive diseases services to both adults and children. The bill adds a deadline of October 1, 2024, for the creation of a statewide system for sharing of data between various state agencies for the purposes of the care and protection of children. The Multi-Agency Treatment for Children (MATCH) team is established within DBHDD and is composed of members from the following agencies: the Division of Family and Children Services (DFCS); the Department of Juvenile Justice; the Department of Early Care and Learning; the Department of Public Health; the Department of Community Health; the Department of Human Services; the Department of Education; the Office of the Child Advocate; and the Department of Corrections. The MATCH team facilitates cross-agency collaboration to explore resources and solutions for the treatment needs of children.

Part VI: Behavioral Health Reform and Innovation Commission HB 1013 requires DCH to study and submit a report by December 31, 2022, for its insurance programs (Medicaid, PeachCare for Kids, and the State Health Benefit Plan) that compares reimbursement rates for mental health services to other states; reviews reimbursing providers of mental health care services; provides an accurate accounting of mental health fund distribution across state agencies; reviews medical necessity of denials for adolescent behavioral health services; and implements coordinated health care for foster youth with claims being immediately shared with DFCS.

The Behavioral Health Reform and Innovation Commission is authorized to collaborate with DBHDD to develop assisted outpatient treatment fidelity protocols and education for grantees; consult with DBHDD in the selection of a research consultant or entity; coordinate initiatives to assist local communities to keep those with serious mental illness out of detention facilities; convene with various health plans and providers to examine how to develop a mechanism to meet the behavioral health needs of youth and young adults in state custody; provide adoptive caregivers with necessary support; and establish an advisory committees to evaluate methods

to create pathways of care and develop and recommend solutions for appropriate health care services. The bill requires the Georgia Data Analytic Center Project's administrator to prepare an annual unified report of suspected mental health parity violations with data received from OCI and DCH.

The bill also requires DCH to provide Medicaid coverage for any medically necessary prescription prescribed House of Representatives to an adult by a licensed practitioner for the treatment of delusion and mood disorders, including schizophrenia and bipolar disorder, if certain criteria are met.

The Behavioral Health Reform and Innovation Commission is extended to June 30, 2025.

**HB 1044 Local government; creation of regional development authorities; provide By:**

**Rep. Clay Pirkle (155th) Through the Economic Development & Tourism Committee Final Bill**

**Summary:** House Bill 1044 allows for the creation of regional development authorities by a group of three to five contiguous counties. The bill stipulates that at least half of the members of the governing body from each county complete a basic economic development training course certified by the Department of Community Affairs. Each regional development authority is an active authority with a board of directors that meets quarterly, develops an operational business plan, owns property lying within one or more of the participating counties, and maintains an active agreement for sharing expenses and proceeds. A county cannot belong to more than one regional development authority. The bill provides a tax credit for each new quality job in qualifying investment properties for the lowest tier participating county within the regional development authority.

HB 1044 clarifies the definitions of cable and video services related to franchise fees. Cable and video services shall not include video programming accessed via a service that enables users to access content offered over the internet, including streaming content. Video service shall not include any video programming provided by a direct broadcast satellite service provider.

**HB 1064 Income tax; certain retirement income for military service; provide exemption**

**By: Rep. Jesse Petrea (166th) Through the Ways & Means Committee Final Bill Summary:**

House Bill 1064 amends O.C.G.A. 48-7-27, relating to the computation of taxable net income, by adding an income tax exemption of up to \$17,500 of military retirement income for individuals less than 62 years of age and an additional exemption of \$17,500 for individuals less than 62 years of age who have at least \$17,500 of earned income.

**HB 1084 Education; curricula or training programs which encourage certain concepts;**

**prevent use of By: Rep. Will Wade (9th) Through the Education Committee Final Bill**

**Summary:** HB 1084 creates the 'Protect Students First Act' to prevent the use of and reliance on curricula or training programs in state public schools that espouse "divisive concepts," such as: one race is inherently superior to another race; the United States of America is fundamentally

racist; an individual, by virtue of their race, is inherently racist or oppressive toward individuals of other races; an individual should be discriminated against or receive adverse treatment because of their race; an individual bears responsibility for actions committed in the past by other individuals of the same race; an individual should feel anguish, guilt, or any other form of psychological distress solely because of his or her race; the appreciation of character traits, such as hard work ethic, are racist or have been advocated for by individuals of a particular race to oppress individuals of another race; any other form of race scapegoating or race stereotyping.

No later than August 1, 2022, each local board of education is to adopt a complaint resolution policy to address complaints alleging violations of this new policy. Within three school days of receiving a written complaint, the school principal or principal's designee will determine whether the alleged violation occurred and communicate that decision as well as remedial steps to the complainant within five days. The school principal's determinations will be reviewed by the local school superintendent, or their designee, within 14 days of receiving a written request, and their decision is subject to review by the local board of education or the State Charter Schools Commission.

Decisions may be appealed to the State Board of Education, which shall make written findings of any violations. In cases where a local school system has been granted one or more waivers, the State Board of Education will immediately suspend one or more waivers in the local school system's contract. In cases where a school system has not been granted a waiver, the state school superintendent will determine whether to exercise their suspension authority.

House Bill 1084 adds a new subsection of 20-2-316 that no high school that receives Quality Basic Education Act (QBE) funds shall participate in, sponsor, or provide coaching staff for interscholastic sports events that are conducted under the authority of any athletic association unless that association provides for an executive oversight committee and for reimbursement for such oversight committee.

A compliant athletic association has a charter, by-laws, and a 10-member executive oversight committee. The House of Representatives End of Session Report Page 6 of 10 athletic association must also provide for reimbursement for travel expenses incurred by the executive oversight committee for the performance of their duties.

If an athletic association determines that it is necessary and appropriate to prohibit students whose gender is male from participating in athletic events that are designated for students whose gender is female, then the athletic association may adopt a policy to that effect, and that policy shall be applied to all of the association's participating high schools.

Any school that does not comply with this code section shall forfeit its allotted funding provided for under Article 6.

**HB 1134 Crimes and offenses; prosecute offenses involving criminal gang activity; provide for concurrent authority** By: **Rep. Chuck Efstration (104th) Through the Judiciary Non-Civil Committee Final Bill Summary:** House Bill 1134 provides the attorney general with concurrent jurisdiction with prosecutors for certain criminal gang-related crimes across the state. The attorney general may also employ peace officers for investigative purposes.

**HB 1150 Freedom to Farm Act; enact** By: **Rep. Robert Dickey (140th) Through the Agriculture & Consumer Affairs Committee Final Bill Summary:** House Bill 1150 eliminates definitions for "agricultural area," "changed conditions," and "urban sprawl" in order to prevent a nuisance lawsuit from being brought against a farming operation that has been active for more than two years. A private nuisance action cannot be brought against an agricultural facility or operation unless the plaintiff possesses the real property affected by the alleged nuisance.

The start of a concentrated animal feeding operation (CAFO) shall constitute a separate and independent established date of operation, regardless of whether the CAFO is started on a pre-existing farming operation. The bill adds that the provisions of the subsection do not apply if a nuisance is caused by negligence or illegal operations.

**HB 1178 Parents' Bill of Rights; enact** By: **Rep. Josh Bonner (72nd) Through the Education Committee Final Bill Summary:** House Bill 1178 establishes the 'Parents' Bill of Rights' and states that it is the fundamental right of a parent to direct the upbringing and education of their minor children. The bill certifies that no state or local government entity, local board of education, or any officer, employee, or agent thereof may infringe on the fundamental right of a parent without the action being reasonable and necessary to achieve a narrowly tailored, compelling state interest and is otherwise served by less restrictive means.

The fundamental rights of parents include the right to: direct the moral and religious upbringing of their minor child; review all instructional materials intended for use in the classroom of their minor child; apply to enroll their minor child into a public or private school, or other available options; access and review all records relating to their child unless prohibited by law; access information relating to promotion and retention policies and high school graduation requirements; and consent in writing before a photograph, video, or voice recording of their child is made. Each governing body, in consultation with parents, teachers, and administrators, will develop and adopt a policy or regulation to promote parental involvement in public schools. The policy will include procedures for a parent to fulfill all the parts of their fundamental rights, as previously listed.

**HB 1188 Criminal procedure; each act of child molestation charged as a separate offense; provide** By: **Rep. Jodi Lott (122nd) Through the Judiciary Non-Civil Committee Final Bill Summary:** House Bill 1188 revises the crimes of "child molestation" and "sexual exploitation of children" to specify that each individual violation of the crimes can be charged as its own count in a charging document. Further, the bill defines "commercial social networking" and

"high-risk sex offender" and makes it a crime for any high-risk sex offender to access or use a commercial social networking website to communicate with a person who the offender believes is under 16 years old, impersonate a person under the age of 16 years old, or gather information about a person who the offender believes is under 16 years of age.

The penalty for this crime is a felony with imprisonment of between one to 10 years, a maximum fine of \$10,000, or both.

**HB 1324      Health and insurance; clarify that the prudent layperson standard is not affected by the diagnoses given** *By: Rep. Beth Camp (131st) Through the Insurance Committee*  
**Final Bill Summary:** House Bill 1324 requires insurers to provide coverage for emergency physical or mental health care regardless of the diagnosis given.

**HB 1390      Labor and industrial relations; right of action against a county or city employer for retaliation; provide** *By: Rep. Teri Anulewicz (42nd) Through the Judiciary Committee*  
**Final Bill Summary:** House Bill 1390 provides a cause of action for individuals working for a local government if that local government (county, municipal, or consolidated) takes a work-related adverse reaction against the individual because that individual has opposed sexual harassment, filed a complaint related to sexual harassment, or participated or planned to participate in an action or proceeding related to sexual harassment.

**HB 1391      Criminal procedure; compensation for public defenders and assistant public defenders; revise** *By: Rep. Stan Gunter (8th) Through the Judiciary Non-Civil Committee*  
**Final Bill Summary:** House Bill 1391 sets the salary of the circuit public defenders to the same salary as district attorneys. The maximum salary for an assistant public defender IV is raised to 95% of the circuit public defender salary.

**HB 1409      Labor and industrial relations; workers' compensation benefits; change certain provisions** *By: Rep. William Werkheiser (157th) Through the Industry and Labor Committee*  
**Final Bill Summary:** House Bill 1409 increases the maximum amount of benefits that an employee can receive under workers' compensation for temporary total disability to \$725 per week, and the maximum amount of benefits for temporary partial disability to \$483 per week. The maximum total compensation for the surviving spouse of an employee who died from injury is increased to \$290,000.

**HB 1441      Professions and businesses; exempt a certified peace officer employed as an independent contractor from certain requirements** *By: Rep. J. Collins (68th) Through the Regulated Industries Committee*  
**Final Bill Summary:** House Bill 1441, relating to operators of private detective and security businesses, removes the requirement that licensees certified by the Georgia Peace Officer Standards and Training Council (POST) must also obtain a license to serve as a guard, watchman, or patrolman.

**HB 1452      Domestic relations; dating violence protective orders; revise a definition** *By: Rep. Houston Gaines (117th) Through the Judiciary Non-Civil Committee*  
**Final Bill Summary:**

House Bill 1452 changes dating relationship protective orders so that the definition of "dating violence" includes those who were in a relationship within the last 12 months rather than the current six-month timeframe.

**SB 10 "Jaye Mize Law"; promoting illegal drag racing and laying drags; provide for an offense**  
**By: Sen. Emanuel Jones (10th) Through the Judiciary Non-Civil Committee Final Bill Summary:** Section I amends O.C.G.A. 16-10-23 to make it a felony offense to impersonate an officer of the court with punishment of imprisonment of between one to five years, a maximum fine of \$1,000, or both. Section II makes it a crime to intentionally, secretly place or direct someone else to place a global positioning system (GPS) on a motor vehicle when the car owner or lessee has a protective order against the person placing the GPS. Section III provides discretion to judges when a person fails to appear for court to order that person's driver's license to be reinstated in lieu of the case being fully adjudicated, and allows the court to waive the reinstatement fee. The uniform traffic citation is also amended so that failure to appear may result in suspension of the driver's license.

**SB 226 Sale or Distribution of Harmful Materials to Minors; provisions of Code Section 16-12-103 shall be applicable to libraries operated by schools; provide**  
**By: Sen. Jason Anavitarte (31st) Through the Judiciary Non-Civil Committee Final Bill Summary:** Senate Bill 226 requires local boards of education to create a complaint resolution policy for local schools by January 1, 2023. The complaint resolution policy must allow parents or guardians to submit complaints to the school's principal, or the principal's designee, regarding inappropriate content that is harmful to minors and available to the students at the school. The school's principal or designee is required to investigate whether the material is harmful to minors within seven business days from receipt of the complaint, and within 10 business days of the complaint, the school principal or designee must confer with the parent or guardian and inform him or her whether the material was deemed to be harmful and whether access will be removed or restricted moving forward. Appeals to a decision under this policy will be heard by the local board of education within 30 days receipt of a written appeal. If a local board of education determines the text or material at issue in an appeal is harmful to minors, the title of that text or material shall be available for electronic review on the website of the local board of education within 15 business days from the determination date and will be available for at least one year afterward. If the appealed material is physical in nature, then a parent can view that content in person at the school's media center.

**SB 338 Medicaid; postpartum coverage under Medicaid from six months to one year following birth; increase**  
**By: Sen. Dean Burke (11th) Through the Health & Human Services Committee Final Bill Summary:** Senate Bill 338 extends the period of postpartum Medicaid coverage from six months to one year after delivery.

**SB 343 Retirement; prohibition of granting postretirement benefit adjustments to any individual who became a member on or after July 1, 2009; remove**  
**By: Sen. Chuck Hufstetler (52nd) Through the Retirement Committee Final Bill Summary:** SB 343 specifies that forfeited

leave payments for retirements that become effective after July 1, 2022 are not paid by the employer; instead, these payments will be factored into actuarial assumptions for the Employees' Retirement System of Georgia (ERS) and paid as part of the annual defined employer contribution. Currently, employers contribute amounts relating to creditable service for forfeited leave payments. The bill also changes the 401(k) match for the Georgia State Employees' Pension and Savings Plan (GSEPS). Employers will contribute up to a maximum of 5% of the employee's salary and 0.5% for each year of the member's creditable service after five years, for a maximum employer match of 9% at 13 years. This bill is certified by the Georgia Department of Audits and Accounts as a non-fiscal retirement bill.

**SB 345        State Government; state and local governments from mandating vaccine passports; prohibit** *By: Sen. Jeff Mullis (53rd) Through the Health & Human Services Committee Final Bill Summary:*

Senate Bill 345 prohibits state and local governments from requiring proof of COVID-19 vaccination as a condition of providing services, accessing a facility, issuing licenses or permits, performing duties, and other matters. Exceptions are applied if compliance violates Centers for Medicare and Medicaid Services regulations or federal contracts relating to workplace locations.

**SB 346        Department of Administrative Services; companies owned or operated by China to bid on or submit a proposal for a state contract; prohibit** *By: Sen. Jeff Mullis (53rd) Through the Governmental Affairs Committee Final Bill Summary:*

Senate Bill 346 requires a company that submits to the state a bid or a contract proposal to certify that the company is not a Chinese government affiliated entity or owned or operated by the government of China. A company's false certification results in civil liability, termination of contract, and ineligibility for future contracts.

**SB 361        "Law Enforcement Strategic Support Act" or "LESS Crime Act"; enact** *By: Sen. Larry Walker III (20th) Through the Ways & Means Committee Final Bill Summary: Senate Bill 361 establishes a tax credit for contributions to "501(c)(3) law enforcement foundations",*

which are defined as being any domestic non-profit corporation with the sole function of supporting one local law enforcement unit through a formal relationship with such local law enforcement unit. Taxpayers are allowed a 100% income tax credit for qualified donations to law enforcement foundations provided that a single individual or head of household shall not be allowed a credit of more than \$5,000; a married couple, individual who is a member of a limited liability company, a shareholder of a Subchapter 'S' corporation, or a partner in a partnership shall not be allowed a credit of more than \$10,000; and a corporation shall not be allowed a credit of more than 75% of the corporation's income tax liability. This tax credit has an annual aggregate cap of \$75 million and a per law enforcement foundation cap of \$3 million per year. Qualified expenditures by the law enforcement foundations include bonus payments or training of law enforcement officers; purchase, lease, maintenance, or improvement of equipment to be used by law enforcement officers; or costs incurred by the local law

enforcement unit for the operation of an emergency response team that combines law enforcement officers and behavioral health specialists.

**SB 403            "Georgia Behavioral Health and Peace Officer Co-Responder Act"; enact By: Sen. Ben Watson (1st) Through the Health & Human Services Committee Final Bill Summary:**

SB 403 requires each community service board (CSB) to establish a co-responder program to work with local law enforcement agencies responding to emergency calls involving people in a behavioral health crisis. Law enforcement agencies have the option to collaborate with co-responder programs and can consider input from the CSB when determining where to refer the individual. Community service board team members must be available in person or virtually during related emergency calls. Emergency facilities that receive individuals transported by the team for evaluation are required to notify the CSB prior to release of the admitted individual. Any law enforcement agency or CSB, along with their personnel, is immune from civil or criminal liability for actions done in good faith related to team dispatch, incarceration of an individual, transportation to an emergency receiving facility, and not taking someone into custody.

**SB 441            Courts; reestablishment of the Criminal Case Data Exchange Board as an advisory board to The Council of Superior Court Clerks of Georgia; provide By: Sen. Bo Hatchett (50th) Through the Judiciary Non-Civil Committee Final Bill Summary:** Senate Bill 441 is the 'Criminal Records Responsibility Act.' This bill moves the Criminal Case Data Exchange Board, established in 2018 under the Criminal Justice Coordinating Council, to the Council of Superior Court Clerks of Georgia as an advisory board. The Council of Superior Court Clerks is required to submit the uniform standards adopted by the Criminal Case Data Exchange Board to the judges. The board consists of 19 members who meet quarterly and serve without compensation, except for the reimbursement of expenses. The board is required to create uniform standards for the creation and transmission of electronic criminal history data between local and state justice agencies. Data includes: arrests; indictments; accusations; information; and final dispositions from convictions. Further, the board must make recommendations and carry out duties to receive and disburse federal funds for criminal case data exchange and management. By November 1, 2022, the board must make a recommendation for adoption of an automated system for notifications to victims in certain situations. Further, the bill adds a requirement that district attorneys or solicitors-general are required to ensure disposition information is submitted when a final disposition decision is made by a district attorney or solicitor-general. The bill also adds a duty that the Georgia Crime Information Center (GCIC) advise and update the policies to reflect the uniform standards issued by the Council of Superior Court Clerks of Georgia. GCIC is required to provide to each clerk of superior court a quarterly report that details the number of open criminal charges, time expired restricted charges, and closed criminal charges of each county. The reports must also be presented to judges or prosecutors upon request. Finally, the bill provides original jurisdiction to the Georgia Bureau of Investigation (GBI) to identify and investigate election-related claims if there is sufficient evidence to change or place in doubt the result of an election. In an election-related

investigation, the GBI director, assistant director, and deputy director for investigations are authorized to issue a subpoena, with the consent of the attorney general, to compel the production of books, papers, documents, or other tangible items.

**SB 461        Bails, Bonds; human trafficking as a bailable offense; add the offense** *By: Sen.*

*Clint Dixon (45th) Through the Judiciary Non-Civil Committee Final Bill Summary:* Senate Bill 461 adds human trafficking-related crimes in O.C.G.A. 16-5-46 to the list of crimes that only a superior court judge can set bail for.

**SB 479        Firearms by Convicted Felons and First Offender Probationers; each firearm in the possession or attempted possession of certain offenders shall be charged as a separate offense; specify** *By: Sen. Bo Hatchett (50th) Through the Judiciary Non-Civil Committee Final Bill Summary:* SB 479 increases the penalty for those who: are on probation as a felony first offender, are on probation for a felony, or have been convicted of a felony in Georgia or elsewhere; and receive, possess, or transport a firearm. This bill makes it a separate violation for each firearm that is connected to the crime.

**SB 539        Wiretapping, Eavesdropping, Surveillance; use of any device to photograph or record patients in a health care facility shall be unlawful; provide** *By: Sen. Bo Hatchett (50th) Through the Judiciary Non-Civil Committee Final Bill Summary:* Senate Bill 539 amends O.C.G.A. 16-11-62 to prohibit the unknowing photography or recording of activities of patients that occur in a facility operated by a county board of health without the consent of all patients observed. The punishment is a felony with imprisonment of between one to five years, a maximum fine of \$10,000, or both.

**SB 562        Department of Administrative Services; companies owned or operated by Russia to bid on or submit a proposal for a state contract; prohibit** *By: Sen. Jeff Mullis (53rd) Through the Governmental Affairs Committee Final Bill Summary:* Senate Bill 562 prohibits companies owned or operated by the governments of Russia or Belarus from bidding on or submitting a proposal for a state contract. The bill requires a company that submits a bid or a contract proposal to certify that the company is not owned or operated by the governments of Russia or Belarus. A company's false certification will result in civil liability, termination of contract, and ineligibility for future contracts.

**SB 566        Surprise Billing Consumer Protection Act; a medical or traumatic condition includes a mental health condition or substance use disorder; emergency medical services include post-stabilization services; clarify** *By: Sen. Dean Burke (11th) Through the Insurance Committee Final Bill Summary:* Senate Bill 566 adds mental health and substance use conditions to the definition of "emergency medical services" in order to include the conditions in the 'Surprise Billing Consumer Act.' The bill also clarifies that an emergency department visit that leads to inpatient admission is billed as one service.

**SB 610        Department of Community Health; conduct a comprehensive review of provider reimbursement rates for home and community based services covered by the**

**waiver programs; require By: Sen. Sally Harrell (40th) Through the Human Relations & Aging Committee Final Bill Summary:** Senate Bill 610 requires the Department of Community Health to conduct a comprehensive review every four years of provider reimbursement rates for home and community-based waiver services and programs, and propose rate models, policy changes, and fiscal projections. SB 610 instructs the Department of Community Health to submit a waiver request to the Centers of Medicare and Medicaid Services allowing private mental health institutions to qualify for Medicaid reimbursement.

[Home to donparsons.org](http://donparsons.org)