

Gold Dome Report — 2021 Legislative Session

Legislators and lobbyists alike faced a new reality under the Gold Dome in 2021 as the legislative session began amid the global COVID-19 pandemic. After the second half of last year's bifurcated session provided a framework for working through socially distanced meetings and longer than normal floor votes, the legislature hit the ground running — eventually introducing over 2,000 individual pieces of legislation. Yet, COVID-19 was far from the only factor rattling the sense of normalcy in Peach State politics in 2021.

A contentious election cycle's dramatic conclusion, mere days before the opening gavels fell in January, left Georgia politics in flux. The state's presidential electoral votes cast for a Democrat for the first time since 1992, along with both US Senators belonging to a party that remains in the minority in both state chambers — and without possession of a single statewide office — compounded Republicans' concerns about the state's election process; concerns which the majority party felt determined to address through legislation. As you know, an election process bill did pass and was signed by Gov. Kemp, one of the first in the nation. Debate on the effect of its myriad details continues in the national press and will shape campaign rhetoric in Georgia throughout 2021 and into the 2022 May primaries.

Georgia's journey to the center of the national political universe still left space for more traditional policy work. Legislators also focused their attention on healthcare and education proposals — including patient visitation and school choice overhauls.

The legislature also looked toward the executive branch as Gov. Brian Kemp traversed a balancing act between protecting public health and the gravitas of significant economic damage. His decision to roll back distancing restrictions before most of the country proved prescient, as state revenues, but not virus cases, rebounded — giving budget writers the ability to return spending to pre-pandemic levels. In total, the FY 2022 budget contained \$27,252,569,596 in state spending representing an increase of over \$1 billion from FY 2021's lean austerity budget. A more comprehensive review of the budget follows below.

Contrary to popular perception, bipartisanship was not dead under the Gold Dome. Republicans and Democrats united to repeal the state's citizen arrest statute and implement probation reform to help rehabilitated Georgians get back to work. Approval of the Audiology and Speech-Language Pathology Interstate Compact (and two other compacts for licensed counselors and occupational therapists) allowed Georgia to leverage telehealth solutions, which have exploded in popularity due to COVID-19. The expansion of virtual communication allowances also percolated to business entities with the state approving virtual shareholder meetings for both for-profit and non-profit corporations. Lawmakers also targeted the state's foster care system, reducing the required age for adoption petitions and granting foster children tuition waivers for technical college.

All told, Gov. Kemp signed 294 bills in 2021. Numerous proposals remain eligible for action in 2022 and an anticipated special session for redistricting ensures that politics in Georgia will have little chance to cool down in the winter months.

As always, Nelson Mullins is proud to present this final report for our clients, colleagues, and all other civically minded folk. Please do not hesitate to reach out to our team should you have any questions, comments, or legislative needs.

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FY2022 Budget

The FY2022 Budget, passed by the legislature in the form of HB 81, represents over \$27 billion in state spending—an increase of over \$1 billion from the year prior. We have highlighted a few relevant portions by Department. You may access the entirety of the FY2022 Budget [here](#).

While our details below outline some of Georgia's largest departmental expenditures, we have also highlighted other significant budget items. Some noteworthy items to quickly absorb from HB 81 are:

- 60 percent funding restoration from the reductions made in FY 2021 for k-12 education;
- Almost \$1.6 million for locating and retaining medical examiners—a profession in high demand across Georgia and other states;
- \$270,000 in funding for the GBI Gang Task Force to help with prosecution of gang members (A 2018 Georgia Gang Investigators Association study estimated that Georgia has 71,000 individuals in gangs);
- Restoration of \$700,000 in funding cuts made in FY 2021 to domestic violence shelters and sexual assault centers;
- Pay increases for experienced state troopers and funding for recruiting and retaining assistant district attorneys and assistant public defenders;
- \$39.5 million for OneGeorgia Authority to create a Rural Innovation Fund to work with rural communities on economic solutions;
- \$10 million for an infrastructure grant program to further establish broadband infrastructure;
- \$100 million for transportation capital projects to improve Georgia roads and address bridge safety; and,
- Multiple bond projects including:
 - \$90 million for the Savannah International Trade and Convention Center;
 - \$21 million for the Lake Lanier Islands Conference Center;
 - \$2.95 million for the Jekyll Island Authority;
 - Approximately \$15 million for the Department of Natural Resources to maintain state parks; and,
 - \$12.5 million for state-owned short-line railroads.

Department of Behavioral Health and Developmental Disabilities

Addictive Diseases

- \$125,000 restored funds for Hepatitis C projects
- \$2.71 million for increased funds for core services to promote equity among providers
- Recognize \$45.98 million in American Rescue Plan Act of 2021 funds for the Prevention and Treatment of Substance Abuse Grant CFDA

Adult Developmental Disabilities Services

- \$7.02 million increased funds to annualize funds for a behavioral health crisis center for individuals with intellectual and developmental disabilities
- \$12.34 million increased funds for a 5 percent rate increase for intellectual and developmental disability providers with approval by CMS
- \$4.65 million in restored funds for non-waiver services in family support
- Language: pending final approval by CMS reflect the department's intent to amend Appendix K to provide a time-limited rate increase for providers serving the intellectual and developmental disability population, including adult day centers and residential services
- Language: pending final approval by CMS, reflect the intent to continue to serve the estimated 188 individuals who are currently receiving community living supports services who may be impacted by the COMP waiver renewal with alternate service(s). By December 1, 2021, provide a report to the chairs of the House Appropriations Human Resources Subcommittee and the Senate Appropriations Human Development and Public Health Subcommittee on how this population will continue to receive services based on their assessed need following the extended transition period.
- \$1.5 million increased funds for respite services with priority to rural communities
- \$100,000 increased funds for Rockdale Cares for respite services

Adult Mental Health Services

- \$114,039 added funds to support the 988 National Suicide Prevention Lifeline pursuant to the National Suicide Hotline Designation Act of 2020
- \$177,748 added funds for suicide prevention related to the COVID-19 pandemic (\$70,000) and one suicide epidemiologist (\$107,748)
- \$6.48 million increased funds for core services to promote equity among providers
- Conferees did not agree to increase funds for the Bradley Center mental health crisis services
- Conferees did not agree to increase funds by \$1 million for advancements in mental health telehealth capabilities; they did add language: partner with existing county resources to deliver mental health telehealth
- Language: recognize \$45.59 million in American Rescue Plan Act of 2021 funds for Community Mental Health Services Block Grants CFDA 93.958 for both child and adolescent and adult mental health needs

Child and Adolescent Mental Health Services

- \$2 million increased funds to accelerate the expansion of the Georgia Apex Program
- \$102,502 increased funds for mental health and suicide prevention training in schools (\$12,300) and a youth suicide prevention specialist (\$89,602)
- \$1.48 million reduction in funds for crisis respite home due to non-implementation

- Language: recognize \$45.49 million in American Rescue Plan Act of 2021 funds for Community Mental Health Services Block Grants CFDA 93.958 for both child and adolescent and adult mental health needs

Direct Care Support Services

- \$300,000 provided funds for contracts for facility support

Department of Community Health

Departmental Administration

- \$50,000 added funds and utilize existing funds of \$750,000 for the operations of an All-Payer Claims Database
- \$834,684 increased funds for three senior leadership positions to support the department's increasing workload, including contract oversight
- \$724,641 increased funds for a business support analyst, a financial analyst, and three compliance specialists to begin October 1, 2021 to support quality incentive payment reimbursements

Health Care Access and Improvement

- \$500,000 increased funds for two Federally Qualified Health Center start-up grants in Jeff Davis and Marion Counties
- \$6 million reduction in one-time funds for Rural Hospital Stabilization Grants from \$15 million to \$9 million and review the grant process and report potential new formal grant processes to the Chairs of the House Appropriations Health Subcommittee and Senate Appropriations Community Health Subcommittee, the Chairs of the House and Senate Appropriations Committees, and the House Budget and Research Office and the Senate Budget and Evaluation Office
- \$300,000 increased funds to provide an additional three-year grant to rural hospitals for Electronic Intensive Care units to improve patient outcomes and reduce the need for long distance travel away from local communities to obtain this level of care
- \$100,000 elimination of funds for start-up funding for a charity clinic
- \$125,000 increased funds for South Central Primary Care Center dental program

Healthcare Facility Regulation

- \$7.45 million increased funds to support strategic measures for stabilizing staffing and addressing the surveying backlog in the nursing home program and submit reports twice a year addressing progress on implementation of the stabilization plan and the reduction of the survey backlog to the Chairs of the House Appropriations Health Subcommittee and the Senate Appropriations Community Health Subcommittee, the Chairs of the House and Senate Appropriations

Committees, and the House Budget and Research Office and the Senate Budget and Evaluation Office

- \$265,309 added fund for a nurse manager and two business support analysts to begin October 1, 2021 to support skilled nursing facility quality incentive payment reimbursements

Indigent Care Trust Fund

- \$35 million increased funds to annualize the state match for DSH payments for private deemed and non-deemed hospitals

Medicaid: Aged, Blind and Disabled

- \$19.96 million to update nursing home reimbursement rates and general and professional liability, property insurance, and property tax pass-through rate components to reflect 2019 cost reports with 5 percent inflation and amend the state plan to update the cost report no less than every two years
- \$3.47 million increased funds for skilled nursing centers to update the general and professional liability, property insurance and property tax pass-through rate components to current costs
- \$19.59 million increased funds and utilize federal funds to reflect the 10 percent increase in FMAP for home and community-based providers from the American Rescue Plan Act of 2021
- \$30,505 increased funds for a 3 percent increase in dental reimbursement rates for 15 select dental codes
- \$250,000 increased funds to implement portable radiography and accredited mobile imaging services in nursing homes, assisted living facilities or in the home
- \$12 million increased funds to provide supplemental quality incentive payments to eligible skilled nursing facilities limited to appropriated amount
- \$387,270 increased funds for a 5.9 percent increase in nursing home ventilator reimbursement rate
- \$8 million increased funds for a one-year hold harmless for skilled nursing home facilities that meet minimum quality standards as prescribed by the Department of losses under the transition to the 2019 cost report

Medicaid: Low-Income Medicaid

- \$116.39 million increased funds for growth in Medicaid based on projected need
- \$4.69 million added to adjust funds to reflect savings from the temporary 6.2 percent FMAP increase through September 30, 2021
- \$7.09 million increased funds to increase 18 select primary care and OB/GYN codes to 2020 Medicare levels
- \$84,765 increased funds for a 3 percent increase in dental reimbursement rates for 15 select dental codes

State Health Benefit Plan

- Language: utilize existing funds for pilot program for drug disposal or deactivation of prescription drugs
- Language: utilize existing funds to begin a pilot program for the use of care coordination and technology in rural areas for patients with chronic medical conditions

Health Care Workforce, Georgia Board of: Graduate Medical Education

- Language: coordinate with medical education programs to develop graduate medical programs to address the shortage of medical examiners and forensic pathologists
- \$300,000 increased funds for the initial planning work for the establishment of two graduate medical education programs

Department of Education

Agricultural Education

- \$589,272 increased funds to offset the austerity reduction for the Area Teacher Program, Extended Day/Year, Young Farmers, and Youth Camps
- \$340,000 increased funds for four young farmer positions in Fulton, Pickens, Ware and Worth Counties
- \$68,000 added funds to provide for eight new programs

Central Office

- \$250,000 increased funds for a Law Enforcement Teaching Students (LETS) program and leverage matching funds

Charter Schools

- \$1 million increased funds for charter facility grants pursuant to HB 430 (2017 session)

Curriculum Development

- \$323,000 transferred funds from the Technology/Career Education Program to the Curriculum Development program for the Rural Teacher Training initiative. Any training provided for the initiative will be outside of the regular school day in order to not remove teachers from the classroom.
- \$344,000 increased funds for computer science grants per SB 108 (2019 session)
- \$1.63 million increased funds to fund SB 48 (2019 session) screening mandate and a state educational agency dyslexia specialist
- \$240,000 increased funds for rural coding equipment in partnership with Georgia Cyber Center

GNETS

- \$3.38 million reduction in funds to formula funds for enrollment and training and experience decline

Non-Quality Basic Education Formula Grants

- \$249,472 reduction in formula funds for Sparsity Grants based on enrollment data
- \$268,221 reduction in formula funds for Residential Treatment Facilities based on attendance and participate in developing a new funding formula based on attendance and funding needs
- \$950,000 increased funds for feminine hygiene grants and prioritize grants to school systems that have low property tax wealth and high percentage of economically disadvantaged students
- \$125,000 increased funds for a residential treatment facilities budget analyst/grant manager
- Reflect \$268,221 in federal funds for residential treatment facilities as authorized by the CARES Act to prevent, prepare for, and respond to the coronavirus pandemic

Nutrition

- \$5 million increased funds for school nutrition staff

Pre-School Disabilities Services

- \$4.94 million reduction in funds for formula based on enrollment decline

Quality Basic Education

- \$57.34 million increased funds to reflect an adjustment in the employer share of the TRS from 19.06 to 19.81 percent
- \$52.93 million reduction to adjust funds for enrollment decline and an increase in training and experience and health insurance
- \$35.67 million increased funds for State Commission Charter School supplement
- \$863,849 reduction in funds for differentiated pay for newly certified math and science teachers
- Language: maintain current funding and hold harmless for formula reduction for school nurse funding (\$1.1 million)
- \$567.54 million increased funds to offset the austerity reduction for k-12 education in QBE and other grants
- Conferees did not fund increase for grants for system-collaborative state charter schools
- Language: recognize the \$4.24 billion in American Rescue Plan Act of 2021 funds for the Elementary and Secondary Emergency Relief Fund

Technology/Career Education

- \$73,991 increased funds to reflect an adjustment in the employer share of TRS from 19.06 to 19.81 percent
- \$840,924 increased funds to offset the austerity reduction for Extended Day/Year, Vocational Supervisors, Industry Certification, and youth Apprenticeship programs
- \$250,000 reduction for unimplemented pilot program

Testing

- \$2.31 million increased funds to administer Georgia Milestones in accordance with federal requirements
- \$125,000 increased funds for a pilot program for Computer Science Principles AP exams with a focus on schools and systems with no AP coursework

Department of Human Services

After School Care

- \$4.72 million increased funds to support community partnerships to stem learning loss due to COVID-19 for k-12 students

Child Abuse and Neglect Prevention

- Language: recognize \$1.13 million in marriage and divorce fee collections for the Children's Trust Fund for child abuse and neglect prevention
- Language: recognize \$8.39 million in American Rescue Plan Act of 2021 funds for Community-Based Child Abuse Prevention Grants CFDA 93.590

Child Welfare Service

- \$951,700 restored funds for contracts for educational services with Multi-Agency Alliance for Children
- \$200,000 increased funds for contracts for vocational training services with Broken Shackle Ranch
- \$65,000 increased funds for CASAs for development and start-up for underserved Echols, Henry and Lowndes Counties
- Language: recognize \$3.33 million in American Rescue Plan Act of 2021 funds for Child Abuse and Neglect State Grants CFDA 93.669

Departmental Administration

- \$7.25 million increased funds to begin the implementation of the Patients First Act (2019 session)

Elder Abuse Investigations and Prevention

- \$973,765 increased funds for personnel for 13 adult protective services caseworkers to investigate reports of abuse, neglect, and or exploitation of seniors and adults with disabilities
- \$231,226 increased funds for personnel for three public guardianship caseworkers to coordinate and monitor all services needed for the health and welfare of guardianship clients

Federal Eligibility Benefit Services

- \$943,603 increased funds to begin implementation of the Patients First Act (2019 Session)
- Language: recognize \$22 million in American Rescue Plan Act of 2021 funds for Pandemic Emergency Assistance

Out-of-Home Care

- \$6.57 million increased funds to reflect the loss of Title IV-E funds associated with the October 1, 2021 implementation of the Family First Prevention Services Act and the statewide transition to increased family-based placement settings
- \$14.36 million reduction in funds from a reduction in Out-of-Home Care utilization due to a decline in average monthly placements
- \$6.7 million increased funds to establish a therapeutic foster care program and leverage federal funds

Department of Public Health

Adolescent and Adult Health Promotion

- \$300,000 increased funds for Georgia CORE for screening for leading cancers, care coordination, and navigation, and prevention education
- \$365,000 increased funds for the Sickle Cell Foundation of Georgia
- \$200,000 increased funds for feminine hygiene products
- \$150,000 increased funds for a nurse peer assistance program to support nurses recovering from substance use, and report to the Chairs of the House and Senate Appropriations Committees regarding outcomes by December 1, 2021

Departmental Administration

- \$857,986 added funds for a chief medical officer, a deputy commissioner of public health, and a chief data officer to support the agency with COVID-19 pandemic response as well as provide ongoing public health leadership

Epidemiology

- Language: recognize federal funds for maintenance and operations of the new vaccine management system

Infant and Child Health Promotion

- \$1.01 million increased funds for newborn screening of Krabbe disease
- Language: recognize \$13.26 million in American Rescue Plan Act of 2021 funds for Supplemental Nutrition-Women, Infants & Children CFDA 10.557

Infectious Disease Control

- \$85,650 increased funds for the second year of a three-year pilot for pre-exposure prophylaxis (PrEP) for individuals at risk of HIV pursuant to passage of HB 290 (2019 session)

Legislation

We have divided our report into six major buckets of legislation by subject matter: Child Welfare, Criminal Justice, Education, General Interest, Health, and Mental Health. We have included only legislation passed by the legislature and subsequently signed by Governor Kemp.

Child Welfare

- [HB 114](#), authored by Representative Bert Reeves (R-Marietta), amends O.C.G.A. § 48-7-29.15 to revise the adoption tax credit. The bill increases the credit to \$6,000 per year for the first five years and \$2,000 per year until the child attains the age of 18.

The bill passed the House 158-0, and the Senate passed the bill by a vote of 53-0. Governor Kemp signed the bill on March 22, 2021 as **Act Number 5**. The Act takes effect on July 1, 2021.

- [HB 154](#), authored by Representative Bert Reeves (R-Marietta), amends Title 19 to provide a number of revisions to the State's foster and adopted children laws. Specifically, the bill amends:
 - O.C.G.A. § 19-8-2 to require that adoption petitions by out-of-state residents be filed in the court of the county where the child was born, resides, or was residing at the time of placement; the court of the county in which is located any child-placing agency having legal custody of the child; or the Superior Court of Fulton County;
 - O.C.G.A. § 19-8-3 to lower the age of eligibility for an adoptive parent from 25 to 21 and allow for residency to be established at the time of a placement;
 - O.C.G.A. § 19-8-9 relating to delivery requirements of revocations of surrenders of legal rights by a mother;

- O.C.G.A. § 19-8-10 and 11 to allow delivery of certain notices by certified mail;
- O.C.G.A. § 19-8-13 to add additional pleading requirements to a petition for adoption;
- O.C.G.A. § 19-8-14 to shift the responsibility to request appointment an agent to the petitioner in those cases where the court is required to appoint an agent to conduct an investigation and make a written report and recommendation to the court;
- O.C.G.A. § 19-8-16 to allow petitioner to assist the court by providing names of qualified individuals or agencies to serve as the court's agent and exempt petitioner from criminal history check when the petition is brought pursuant to either O.C.G.A. § 19-8-8 or 21;
- O.C.G.A. § 19-8-18 to create a presumption that a nonresident petitioner should be granted the opportunity to appear via electronic means in lieu of physical presence before the court if his or her petition is uncontested, especially if appearing in person would cause hardship to the petitioner;
- O.C.G.A. § 19-18-24 to make it unlawful for an individual to make false representations as to the existence of a pregnancy or the intention to place a child for adoption when such individual knows or should have known that the person purported to be pregnant is not pregnant or that the person purported to be offering the child for adoption has no intention of placing the child for adoption, and such representations cause another to expend financial resources or take other specific steps, including, but not limited to, travel or retaining the services of an attorney, agency or social worker, toward adoption of a child in reasonable reliance on such representations and create a civil action for any person damaged by such representations; and
- O.C.G.A. § 19-8-26 to update forms to reflect notice delivery requirements amended by the bill.

The bill also incorporates language from HB 706, which allows the Division of Family and Children Services to file a petition for appointment of a guardian for a minor when that minor becomes an adult within six months of that minor attaining the age of 18.

The House passed the bill by a 160-4 vote, and the Senate passed the bill as a substitute by a vote of 51-0. The House agreed to the Senate substitute by a 163-0 vote. Governor Kemp signed the bill on May 3, 2021 as **Act Number 140**. The bill takes effect on July 1, 2021.

- [HB 548](#), authored by Representative Katie Dempsey (R-Rome), amends O.C.G.A. § 49-5-41 to allow the Administrative Office of the Courts to access child abuse records to facilitate data sharing, collection, and analysis of the timeliness, permanency, and safety outcomes of children who have been the subject of dependency actions and actions to terminate parental rights. The bill allows the

Administrative Office of the Courts to enter into agreements with the Division of Family and Children Services as necessary to ensure compliance with HIPAA.

The bill passed the House by a 171-0 vote, and the Senate passed the bill by a vote of 48-0. Governor Kemp signed the bill on May 3, 2021 as **Act Number 135**. The bill takes effect on July 1, 2021.

- [HB 562](#), authored by Representative Kasey Carpenter (R-Dalton), amends O.C.G.A. § 17-4-40 to require that arrest warrants for Division of Family and Children Services officers for an offense alleged to have been committed in their official duties be issued by a superior court.

The bill was later amended in the Senate to also include language from HB 140, which amends O.C.G.A. § 17-7-150 to allow a prosecuting attorney to move for a change of venue, whenever, in such prosecuting attorney's judgment, an impartial jury cannot be obtained in the county where the crime is alleged to have been committed if a previous prosecuting attorney has recused himself or herself, been disqualified, or been removed from the case for cause; or if a local government official has publicly released information prejudicial to the administration of justice which has the potential to have tainted the local jury pool.

The House approved the bill by a 170-0 vote, and the Senate passed the substitute bill by a 50-0 vote. The House agreed to the Senate substitute by a 168-0 vote. Governor Kemp signed the bill on May 3, 2021 as **Act Number 562**. The bill took effect upon signature.

- [HR 52](#), authored by Representative Katie Dempsey (R-Rome), creates the House Study Committee on Childhood Lead Exposure. The Study Committee will study the full effect of childhood lead exposure and make recommendations on how Georgia can effectively prevent adverse outcomes.

The House adopted the resolution by a 158-0, constituting final adoption. Members appointed to this study are: Representatives Katie Dempsey, Karla Drenner, Matthew Gambill, Mesha Mainor, and Mark Newton.

- [SB 20](#), authored by Senator Chuck Payne (R-Dalton), amends O.C.G.A. § 15-11-747 to add three new members to the Child Advocate Advisory Committee. These new members include a current or former foster parent to be appointed by the Governor, a former foster child that reached the age of majority or graduated from high school while in the foster care system to be appointed by the Lt. Governor, and an individual that served at least three years as a court appointed special advocate to be appointed by the Speaker of the House.

The Senate passed the bill by a 48-0 vote, and the House passed the bill by a 156-0 vote. Governor Kemp signed the bill on May 3, 2021, as **Act Number 136**. The bill takes effect on July 1, 2021.

- [SB 28](#), authored by Senator Bo Hatchett (R-Demorest), amends multiple Code sections in Titles 15, 19, and 49 relating to juvenile justice and domestic relations. Specifically, the bill:
 - Amends O.C.G.A. § 15-11-68 to require juvenile court intake officers to receive at least two hours of annual training on the same topics as his or her initial eight-hour training;
 - Amends O.C.G.A. § 15-11-133.1 to require orders for temporary alternatives to foster care include specific conditions and limitations on the conduct of the parent, guardian, or legal guardian including requiring the individual to prohibit access to the child by an individual; comply with any existing visitation agreement associated with the voluntary placement; abstain from offensive conduct against a child or his or her parent, guardian, or legal custodian; give proper attention to the care of his or her home; cooperate in good faith with DFCS; refrain from acts of commission or omission that may render a home an improper place for a child; and ensure that a child attends school pursuant to any valid law relating to compulsory attendance;
 - Amends O.C.G.A. § 15-11-133.1 to allow for orders for temporary alternatives to foster care to include an order that the DFCS provide services designed to allow the child to remain safely in the child's home;
 - Amends O.C.G.A. § 15-11-133.1 to remove the five-day requirement for a preliminary protective hearing when a temporary alternative foster care order is issued;
 - Amends O.C.G.A. § 15-11-145 to allow a court to consider evidence, including hearsay evidence, to determine the needs of an alleged dependent child or to make determinations or findings in a preliminary protective hearing;
 - Amends O.C.G.A. §§ 15-11-215, 216, and 230 to allow a court to consider evidence, including hearsay evidence, to determine the needs of a child adjudicated as a dependent child and the most appropriate case plan and permanency plan;
 - Amends O.C.G.A. § 15-11-215 to clarify that the presumption that a continuation of the child's placement with his or her current caregivers is in the child's best interests shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian;
 - Amends O.C.G.A. §§ 15-11-321 and 322 to allow a court to consider evidence, including hearsay evidence, to determine the needs of a child and the permanency and custody of a child whose parents have had their parental rights terminated or who have surrendered their parental rights;
 - Amends O.C.G.A. § 19-7-5 to provide definitions for abandonment, emotional abuse, legal custodian, neglect, person responsible for care of a child, and prenatal abuse;
 - Amends O.C.G.A. § 19-7-5 to expand the definition for child abuse and clarify that treatment of a child in good faith solely by spiritual means

through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner is not in and of itself child abuse; and

- Amends O.C.G.A. §§ 15-11-2, 19-7-5, 19-15-1, and 49-5-40 to replace references to prostitution with sexual servitude.

The bill passed the Senate by a 49-0 vote, and the House passed the bill as a substitute by a 123-46 vote. The Senate agreed to the House substitute by a 46-0 vote. Governor Kemp signed the bill on May 3, 2021 as **Act Number 138**. The bill takes effect January 1, 2022.

- [SB 107](#), authored by Senator Brian Strickland (R-McDonough), creates O.C.G.A. § 20-3-660 to provide that tuition and all fees, including, but not limited to, any fees, costs, or charges relating to housing, meal, or room and board programs, for any undergraduate program in the Technical College System of Georgia be waived for foster and adopted children who meet certain requirements. To be eligible, a student must be from a family that received state-funded adoption assistance, be in the custody of the Division of Family and Children Services, be participating in the Division's independent living program, or is an adopted child who was in the permanent legal custody of and placed for adoption by the Division following the child's fourteenth birthday. The student must enroll within three years of high school graduation or attainment of a GED (but be no older than 28) and remain in good academic standing. The Division is charged with advertising and assisting students with accessing this program, and the Technical College System of Georgia is directed to work with the Division to minimize necessary paperwork. The bill also ""urges and recommends"" that the Board of Regents of the University System of Georgia adopt a similar policy to allow foster and adopted children to attend for free.

The bill also incorporates language from HB 7, which amends O.C.G.A. §§ 20-3-66 and 20-4-21 to require that the University System of Georgia and Technical College System of Georgia consider students from a homeless situation as in-state students for tuition purposes.

This bill passed the Senate by a 50-0 vote, and the House passed bill as a substitute by a vote of 166-0. The Senate agreed to the House substitute by a 53-0 vote. Governor Kemp signed the bill on May 3, 2021 as **Act Number 139**. The bill takes effect on July 1, 2021.

- [SB 117](#), authored by Senator Butch Miller (R-Gainesville), amends O.C.G.A. § 16-6-5.1 to provide for an offense of improper sexual conduct of a minor by a person in a position of trust. Under the bill, a person commits the offense of improper sexual contact by a person in a position of trust in the first degree when a person in a position of trust engages in sexually explicit conduct with a minor for whom he or she has entered into an agreement entrusting him or her with the responsibility of education and supervision of such minor. A person commits the offense of

improper sexual contact by a person in a position of trust in the second degree when a person in a position of trust engages in sexual contact, excluding sexually explicit conduct, with a minor for whom he or she has entered into an agreement entrusting him or her with the responsibility of education and supervision of such minor.

The bill also provides for a new definition of dangerous sexual offense after June 30, 2021, for purposes of O.C.G.A. § 42-1-12.

The Senate passed the bill by a 52-0 vote, and the House passed the bill as a substitute by a 170-0 vote. The Senate agreed to the House substitute by a 51-0 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 237**. The bill takes effect on July 1, 2021.

Criminal Justice

- [HB 94](#), authored by Representative Bonnie Rich (R-Sugar Hill), adds O.C.G.A. §§ 16-8-24 and 16-8-25 to create new crimes for the possession of stolen mail and porch piracy. For possession of stolen mail, an individual must possess stolen mail addressed to three or more different mailboxes or addresses and possess a minimum of ten separate pieces of stolen mail. For porch piracy, a person must take or remove three or more envelopes, bags, packages, or other related articles of another person without the permission from the porch, steps, or immediate vicinity of any entrance or exit of a dwelling of three or more different mailboxes or addresses. The new offenses are felonies with the penalty of imprisonment of one to five years, although the legislation does allow the offenses to be punished as misdemeanors in the discretion of the trial judge.

The House approved the bill by a 101-67 vote, and the Senate passed the bill as a substitute by a 38-14 vote. The House agreed to the Senate substitute by a 103-59 vote. Governor Kemp signed the bill on May 10, 2021, as **Act Number 269**. The bill takes effect on July 1, 2021.

- [HB 168](#), authored by Representative Jesse Petrea (R-Savannah), amends O.C.G.A. § 42-5-36 to exempt certain inmate records for individuals that were convicted of a dangerous sexual offense against a minor or serious violent felony from state secret protections when requested by a district attorney.

The bill passed the House 99-66, and the Senate approved the measure by a 40-11 vote. Governor Kemp signed the bill on April 21, 2021, as **Act Number 22**. The law takes effect on July 1, 2021.

- [HB 231](#), authored by Representative Houston Gaines (R-Athens), amends Titles 16 and 19 to expand the applicability of protective orders involving victims of stalking, particularly relating to individuals involved in a ""dating relationship"" and persons through whom a past or present pregnancy has developed.

The bill passed the House by a 174-0 vote, and the Senate passed the bill as a substitute by a 53-0 vote. The House agreed to the Senate substitute by a 169-0 vote. Governor Kemp signed the bill on May 10, 2021, as **Act Number 273**. The bill takes effect on July 1, 2021.

- [HB 236](#), authored by Representative Yasmin Neal (D-Morrow), creates O.C.G.A § 19-13-4.1 to allow a family violence victim who petitions and obtains a protective order to request periodic security checks from any local law enforcement agency with jurisdiction in which the petitioner resides. Such security checks shall occur at intervals and times in the discretion of the local law enforcement agency and shall continue for the duration of the order or until such request is withdrawn by the petitioner or the local law enforcement agency determines that the petitioner's circumstances no longer appear to require such security checks.

The House passed the bill by a 166-0 vote, and the Senate passed the bill by a 51-0 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 183**. The bill took effect immediately.

- [HB 255](#), authored by Representative Scott Holcomb (D-Atlanta), amends Titles 15, 17, 35, 43 to enact the "Sexual Assault Reform Act of 2021." Specifically, the bill creates O.C.G.A. § 17-5-74 directing the Criminal Justice Coordinating Council to create and operate a state-wide sexual assault kit tracking system and require at O.C.G.A. § 35-1-23 that every law enforcement agency in the state access and use the Violent Criminal Apprehension Program established and maintained by the Federal Bureau of Investigation.

The bill passed the House by a 174-0 vote, and the Senate approved the measure by a 49-0 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 251**. The bill takes effect on July 1, 2021.

- [HB 258](#), authored by Representative Steven Sainz (R-Woodbine), amends O.C.G.A. §§ 16-6-22.1 and 22.2 to provide that, when a victim is under the age of 16 and the conduct is for the purpose of sexual arousal on the part of the alleged offender or alleged victim, consent of the victim shall not be a defense to a prosecution for sodomy, aggravated sodomy, child molestation, aggravated child molestation, sexual battery, and aggravated sexual battery.

The House passed the bill by a 173-0 vote, and the Senate passed the bill as a substitute by a vote of 47-0. The House agreed to the Senate's changes by a 159-0 vote. Governor Kemp signed the bill on April 21, 2021 as **Act Number 16**. The law takes effect on July 1, 2021.

- [HB 363](#), authored by Representative John LaHood (R-Valdosta), amends Title 16 to revise several criminal provisions relating to protection of elder persons. Specifically, the bill removes enhanced penalties for certain offenses against

elderly persons at O.C.G.A. §§ 16-8-12 and 16-5-20, 23, and 23.1. It also creates a definition for "abuse of access" for the illegal taking of resources from a disabled or elderly person if the resource was obtained due to the person's age or disability and addition it to the definition for "exploit" at O.C.G.A. § 16-5-100.

The bill also amends O.C.G.A. § 16-6-5.1 relating to improper sexual contact by employee, agent, or foster parent by clarifying that the offense covers any individual who has improper sexual contact and is an employee or agent over a person participating in a program or within a facility as a condition of probation or parole or accountability court.

The bill passed the House by a 171-0 vote, and the Senate passed the bill as a substitute by a 47-0 vote. The House agreed to the Senate substitute by a 164-0 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 190**. The bill takes effect on July 1, 2021.

- [HB 479](#), authored by Representative Bert Reeves (R-Marietta), amends multiple Titles to reform the state's citizen's arrest laws. In addition to repealing Article 4 of Chapter 4 of Title 17 (the existing citizen's arrest statute), the bill creates a new article at O.C.G.A. § 17-4-80 that only allows an individual to detain another when the individual is an owner of a retail or food service establishment or other business and reasonably suspects the person is shoplifting or committing theft, when acting as a weight inspector in the course of his or her duties, or when providing private security pursuant to Chapter 38 of Title 43. The bill also requires that any individual detained be released or turned over to law enforcement in a reasonable time and prohibits the use of deadly force except in cases of defense of self or others, defense of a habitation, or prevention of the commission of a forcible felony.

The bill also amends O.C.G.A. § 17-4-20 relating to when law enforcement officers may make arrests outside of their jurisdiction. Under the bill, such arrests may be made if the offense is committed in such officer's presence or within such officer's immediate knowledge; when in immediate pursuit of an offender for an offense committed within the jurisdiction of the law enforcement agency that employs such law enforcement officer; or while aiding or assisting another law enforcement officer in the jurisdiction of the law enforcement agency employing such other law enforcement officer.

The House approved the bill by a 173-0 vote, and the Senate passed the bill as a substitute by a 52-1 vote. The House agreed to the Senate changes by a 169-0 vote. Governor Kemp signed the bill on May 10, 2021, as **Act Number 264**. The bill took effect immediately.

- [HB 495](#), authored by Representative Clint Crowe (R-Jackson), amends O.C.G.A. §§ 35-3-4 and 42-1-13 to provide that the Sexual Offender Registration Review Board use, and the Georgia Bureau of Investigation provide, general criminal history record information in determining a sexual offender's risk assessment. The

bill also allows the Sexual Offender Registration Review Board to employ its own investigators.

The House passed the bill by a 172-0 vote, and the Senate approved the measure by a 50-1 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 199**. The bill takes effect on July 1, 2021.

- [HB 534](#), authored by Representative Josh Bonner (R-Fayetteville), amends Titles 16 and Title 40 to create new criminal offenses for illegal drag racing that include the suspension of driver's licenses with scaling penalties for subsequent violations.

The House approved the bill by a 130-39 vote, and the Senate passed the bill by a 46-3 vote. Governor Kemp signed the bill on May 3, 2021, as **Act Number 152**. The bill took effect immediately.

- [HB 635](#), authored by Representative Rob Leverett (R-Elberton), amends Titles 15, 17, and 36 to allow judges of the superior, state, probate courts and magistrates to perform any lawful judicial act regardless of their physical location when the act is performed.

The bill was amended to add the content from HB 555, creating O.C.G.A. § 17-7-4 to allow defendants in criminal proceedings to request a trial of the sitting court without a jury, and HB 556, creating O.C.G.A. § 15-6-18 to revise authority for trial upon accusations.

The bill passed the House by a 166-0 vote, and the Senate passed the substitute bill by a 51-0 vote. The House agreed to the Senate substitute by a 165-1 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 202**. The bill took effect immediately.

- [HR 24](#), authored by Representative Derek Mallow (D-Savannah), compensates Dominic Brian Lucci for his time served under a wrongful conviction. The total compensation is \$1,000,000.

The House adopted the resolution by a 154-12 vote, and the Senate adopted the resolution by a 52-0 vote. Governor Kemp signed the resolution on May 10, 2021, as **Act Number 293**. The resolution took effect upon his signature.

- [HR 25](#), authored by Representative Derek Mallow (D-Savannah), compensates Mark Jason Jones for time served under a wrongful conviction. The total compensation is \$1,000,000.

The House adopted the resolution by a 149-9 vote, and the Senate adopted the resolution by a 52-0 vote. Governor Kemp signed the resolution on May 10, 2021, as **Act Number 294**. The resolution took effect upon his signature.

- [HR 26](#), authored by Representative Derek Mallow (D-Savannah), compensates Kenneth Eric Gardiner for his time served under a wrongful conviction. The total compensation is \$1,000,000.

The House adopted the resolution by a 150-12 vote, and the Senate adopted the resolution by a 52-0 vote. Governor Kemp signed the resolution on May 10, 2021, as **Act Number 295**. The resolution took effect upon his signature.

- [SB 33](#), authored by Senator Clint Dixon (R-Buford), creates O.C.G.A. § 51-1-56 to grant a cause of action to victims of human trafficking against their perpetrators. The bill also creates a 10-year statute of limitations and provides for a stay of any such suit while criminal actions are pending. Victims may recover damages and reasonable attorney's fees.

The Senate approved the measure by a 50-0 vote, and the House passed the bill by a vote of 164-0. Governor Kemp signed the bill on April 27, 2021, as **Act Number 28**. The bill takes effect on July 1, 2021.

- [SB 34](#), authored by Senator Clint Dixon (R-Buford), amends O.C.G.A. § 19-12-1 to allow victims of human trafficking to petition a court for a change of name under seal and seek waiver of the public notice requirement. This bill extends these protections that are already provided to domestic violence victims to trafficking victims.

The bill passed the Senate by a 50-0 vote, and the House passed the bill by a vote of 162-0. Governor Kemp signed the bill on April 27, 2021, as **Act Number 29**. The bill takes effect on July 1, 2021.

- [SB 78](#), authored by Senator Harold Jones (D-Augusta), amends O.C.G.A. § 16-11-90 to expand the scope of the criminal statute preventing the electronic transmission of sexually explicit content without the consent of the depicted person. The bill expands prohibited transmission to include posting to a website, peer-to-peer file-sharing site, thumbnail gallery, movie gallery post, linked list, live webcam, web page, or message board, that advertises or promotes its service as showing, previewing, or distributing sexually explicit conduct. The bill also provides for enhanced penalties for this type of transmission including up to a \$100,000 fine and one to five years imprisonment (two to five for second and subsequent offenses).

The bill passed the Senate by a 46-1 vote, and the House approved a substitute to the bill by a 169-0 vote. The Senate agreed to the House substitute by a 47-0 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 207**. The bill takes effect on July 1, 2021.

- [SB 105](#), authored by Senator Brian Strickland (R-McDonough), amends Titles 17 and 42 to provide for a unified process by which felony probationers may seek

early termination of probation following good behavior. Specifically, the legislation provides for a judicial pathway by which such individuals without arrests, at least 24 months without a probation revocation, and no outstanding restitution can petition a court for early termination. The bill also creates a uniform court standard for the grant of such relief: the best interest of justice and the welfare of community.

The bill passed the Senate by a 53-0 vote, and the House passed the bill by a vote of 169-2. Governor Kemp signed the bill on May 3, 2021, as **Act Number 151**. The bill took effect upon signature.

- [SB 114](#), authored by Senator Randy Robertson (R-Cataula), amends O.C.G.A. § 43-1-19 to preclude licensing boards from denying a license based solely on an individual being under community supervision (probation or parole) unless the individual is convicted of a felony violation of Chapter 5 of Title 16 or a crime requiring registration on the state sexual offender registry.

The Senate passed the bill by a 48-0 vote, and the House approved the measure by a 152-14 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 208**. The bill took effect upon signature.

- [SB 174](#), authored by Senator Steve Gooch (R-Dahlonega), amends O.C.G.A. § 17-6-12 to add burglary, entering an automobile or other mobile vehicle with intent to commit theft or felony, stalking, and misdemeanors involving family violence to the list of bail restricted offenses for which a judge may not issue an unsecured judicial release. The bill also revises the definition of unsecured judicial release to include any release that does not specify a dollar amount or property to secure release and is either on a person's recognizance or for the purpose of entering a pretrial release program, a pretrial release and diversion program, or a pretrial intervention and diversion program.

The bill passed the Senate by a 50-0 vote, and the House approved the bill as a substitute by a 99-71 vote. The Senate approved the House substitute by a 36-14 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 216**. The bill took effect upon signature.

- [SB 235](#), authored by Senator Ben Watson (R-Savannah), amends O.C.G.A. § 16-11-38 to clarify that wearing a mask in public is only illegal when the wearer has the intent to conceal his or her identity. The bill also provides an express exception to the law for individuals wearing a mask for the purpose of complying with the guidance of any health care agency or health care provider to prevent the spread of COVID-19 or other coronaviruses or influenza or other infectious diseases.

The Senate passed the bill by a 49-0 vote, and the House passed the bill as a substitute by a vote of 166-1. The Senate agreed to the House substitute by a 48-2 vote. Governor Kemp signed the bill on April 21, 2021, as **Act Number 18**. The law takes effect on July 1, 2021.

General Interest

- [HB 80](#), authored by Representative David Ralston (R-Blue Ridge), is the Amended FY21 State Budget.

The House approved the bill by a 149-20 vote, and the Senate passed the bill by substitute by a 52-0 vote. The House approved an amendment to the Senate substitute by a 165-4 vote, and the Senate agreed to the amendment by a 50-0 vote. The Governor signed the bill on February 15, 2021 as **Act Number 2**, and the bill took effect upon signature.

- [HB 81](#), authored by Representative David Ralston (R-Blue Ridge), is the FY22 State Budget.

The House approved the bill by a 136-31 vote, and the Senate passed the bill by substitute by a 54-0 vote. The bill was assigned to a Conference Committee, and the House and Senate approved the Conference Committee Report by votes of 148-21 and 52-0. Governor Kemp signed the resolution on May 10, 2021, as **Act Number 305**. The bill takes effect on July 1, 2021.

- [HB 98](#), authored by Representative Eddie Lumsden (R-Armuchee), amends O.C.G.A. § 50-14-1 to allow public agencies to conduct meetings by teleconference in cases of local, state, or federal states of emergency. The bill requires that members of the public be afforded to opportunity to participate as fully as if the meeting were in person in cases of public hearings held via teleconference.

The bill passed the House by a 162-0 vote, and the Senate approved the measure as a substitute by a 43-1 vote. The House agreed to the substitute by a 151-1 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 171**. The bill took effect upon signature.

- [HB 112](#), authored by Representative Trey Kelley (R-Cedartown), is an extension of the immunity provision from liability claims which may be filed regarding exposures to COVID-19. You will recall that the General Assembly passed a law in 2020 to address this immunity in O.C.G.A. § 51-16-1 et seq. HB 112 extends the protection to July 14, 2022 (now set to expire on July 14, 2021). Governor Kemp signed the bill on May 4, 2021 as **Act Number 175**. The bill takes effect on July 1, 2021.

- [HB 134](#), authored by Representative Victor Anderson (R-Cornelia), amends O.C.G.A. § 50-14-3 to exclude discussions by public agencies about cybersecurity contracting and planning from open meeting requirements. Under the bill, these

discussions may be had in executive session with any vote on such a contract being held in open session.

The House approved the bill by a 170-0 vote, and the Senate passed the bill by a 51-0 vote. Governor Kemp signed the bill on April 29, 2021, as **Act Number 35**. The bill took effect upon signature.

- [HB 146](#), authored by Representative Houston Gaines (R-Athens), amends O.C.G.A. § 45-20-17 to provide for paid parental leave for state employees including any full-time employee of the executive, legislative, and judicial branches or local boards of education. Under the bill, each eligible employee is entitled to a total of 120 hours of paid parental leave per year on a rolling basis. Each employing entity is required to create its own rules for the administration of the paid parental leave. Employees are required to work continuously for six months before becoming eligible for parental leave. The bill prohibits an employer from restraining or interfering with an employee's attempt to access this leave or discharging, retaliating, or taking any other adverse employment action against an employee who uses the leave. However, employers may take action against any employee who provides false documentation or information related to accessing parental leave.

The bill passed the House by a 155-2 vote, and the Senate passed the bill as a substitute by a vote of 52-0. The House agreed to the Senate substitute by a 153-8 vote. Governor Kemp signed the bill on May 5, 2021, as **Act Number 225**. The bill takes effect on July 1, 2021.

- [HB 150](#), authored by Representative Bruce Williamson (R-Monroe), amends O.C.G.A. § 46-1-6 to prohibit local governmental entities from adopting policies that prohibit the connection or reconnection of any utility service based on the source of energy or fuel. Specifically, the bill prohibits local policies that have the effect of prohibiting (1) the connection or reconnection of a customer to an electric utility, gas company, or natural, manufactured, or liquefied petroleum gas service; (2) sales of liquefied petroleum gas, including, but not limited to, directly to a consumer by a retail establishment; or (3) sales of other liquefied petroleum products.

The bill was approved the House by a 103-62 vote, and the Senate passed the bill as a substitute by a 34-15 vote. The House agreed to the substitute by a 107-52 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 254**. The bill took effect immediately.

- [HB 306](#), authored by Representative Stan Gunter (R-Blairsville), extends in Chapter 12 of Title 14 permissions, which were permitted during the pandemic by the Governor, for corporations to conduct virtual shareholder meetings by codifying the permissions. The law permits annual shareholder and special shareholder meetings to be conducted via remote communications. Further, this legislation

allows, in Chapter 3 of Title 14, nonprofit corporations the ability to hold annual meetings of their members and special meetings of members be conducted via remote communication. The law also establishes requirements for these remote meetings.

The bill was approved by the House by a vote of 169-0; the Senate passed the bill as a substitute by a 52-0 vote. The House agreed to the Senate substitute by a vote of 163-0. Governor Kemp signed HB 306 on April 29, 2021 as **Act Number 37**. The bill took effect upon signature.

- [HB 511](#), authored by Representative Bert Reeves (R-Marietta), amends several titles to require that certain State fees be dedicated to the purposes for which they were instituted. The bill is enabling legislation for a constitutional amendment that passed last year to allow for dedication of these revenues. The bill creates the following trust funds and designates the trustees for each: Solid Waste Trust Fund (funded by scrap tire fees), Hazardous Waste Trust Fund (solid waste tipping fees), State Children's Trust Fund (marriage and divorce filing fees), Wildlife Endowment Trust Fund (lifetime sports license fees), Trauma Care Network Trust Fund (super speeder fees), Transportation Trust Fund (hotel/motel fees, alternative fuel vehicle fees, heavy weight vehicle impact fees), Georgia Agricultural Trust Fund (agricultural tax exemption fees), Fireworks Trust Fund (fireworks excise tax), and Georgia Transit Trust Fund (rideshare fees). These fees account for less than 1% of the State's budget, and the legislation provides for an escape hatch if the fees exceed 1% in future years.

The House approved the bill by a 168-0 vote, and the Senate passed the bill by a vote of 51-0. Governor Kemp signed the bill on May 10, 2021, as **Act Number 290**. The bill takes effect on July 1, 2022.

- [HB 714](#), authored by Representative Trey Kelley (R-Cedartown), revises the Georgia Civil Practice Act. Specifically, the bill amends O.C.G.A. § 9-11-67.1 to require that any settlement offer in an injury case prior to an answer being filed include medical or other records in the offeror's possession that are sufficient to allow the recipient to evaluate the claim. Such offer may include a term requiring that the recipient provide the offeror a statement, under oath, regarding whether all liability and casualty insurance issued by the recipient that provides coverage or that may provide coverage for the claim at issue has been disclosed to the offeror. The bill also amends O.C.G.A. § 33-7-11 relating to uninsured motorist insurance coverage to provide a penalty of the greater of 25% of the ultimate recovery or \$25,000 if a refusal to pay is made in bad faith. Finally, the bill amends the Metropolitan Atlanta Rapid Transit Authority Act of 1965 to provide that claims against MARTA may be brought in the State or Superior Court of Fulton County.

The House approved the bill by a 137-31 vote, and the Senate passed the bill as a substitute by a 52-1 vote. The House agreed to the Senate substitute by a 116-

46 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 203**. The bill takes effect on July 1, 2021.

- [SB 6](#), authored by Senator John Albers (R-Roswell), is the "Tax Credit Return on Investment Act of 2021" and was ultimately passed as an omnibus tax reform bill. The bill:

- Creates O.C.G.A. § 28-5-41.1 to allow the Chairmen of the House Ways and Means Committee and Senate Finance Committee to each to request up to five economic analyses per year on individual tax provisions of existing or proposed law, with a specificity of a single tax exemption, exclusion, or deduction;
- Creates O.C.G.A. § 48-7-40.1B to establish an additional \$1,250.00 per job tax credit for medical equipment and supplies manufacturers or pharmaceutical and medicine manufacturers qualified to claim a job tax credit;
- Amends O.C.G.A. § 48-7-40.1A relating to the tax credit for PPE manufacturers to prevent double-dipping;
- Amends O.C.G.A. § 48-7-40.25 to provide for tax credits relating to a high-impact aerospace defense project;
- Amends O.C.G.A. § 48-7-40.34 to extend tax credits for Class III railroads until January 1, 2027;
- Amends O.C.G.A. § 48-8-3 to extend sales and use tax exemptions for purchases made during the entire time of construction of the competitive project of regional significance until June 30, 2023;
- Amends O.C.G.A. § 48-8-3 to create a sales and use tax exemption for tickets, fees, or charges for admission to a fine arts performance or exhibition conducted within a facility that is owned or operated by a non-profit organization or a museum of cultural significance until December 31, 2022;
- Amends O.C.G.A. § 48-8-3.2 to extend sales and use tax exemptions for purchases of concrete mixing and transporting equipment parts until June 30, 2026;
- Amends O.C.G.A. § 48-8-3.4 to extend the sales and use tax limitation on maintaining, refitting, or repairing a boat until June 30, 2031;
- Amends O.C.G.A. § 48-7-29.8 sunsetting tax credits for rehabilitation of historic structures in 2023;
- Amends O.C.G.A. § 48-7-40.12 to clarify availability of the tax credit for qualified research expenses; and
- Amends O.C.G.A. § 48-8-3 to update applicability of the sales and use tax exemption for the sale or lease of computer equipment to be incorporated into a facility or facilities to any high-technology company.

The bill was approved as a Conference Committee Report by a vote of 146-25 in the House and 52-0 in the Senate. Governor Kemp signed the bill on May 4, 2021, as **Act Number 166**. The bill takes effect on July 1, 2021.

- [SB 32](#), authored by Senator Matt Brass (R-Newnan), amends O.C.G.A. § 43-1-2 to provide that home addresses of licensees be excluded from the public roster of licensees maintained by the State's professional licensing boards. The bill also amends O.C.G.A. § 50-18-72 to protect the mobile telephone numbers and insurance information of public employees (including teachers in public and nonpublic schools) from disclosure on the Open Records Act.

The Senate approved the bill by a 48-0 vote, and the House passed the bill as a substitute by a 165-0 vote. The Senate agreed to the House substitute by a 52-0 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 247**. The bill took effect upon signature.

- [SB 168](#), authored by Senator Larry Walker, III (R-Perry), extends in Chapter 12 of Title 14 permissions, which were permitted during the pandemic by the Governor, for corporations to conduct virtual shareholder meetings by codifying the permissions. The law permits annual shareholder and special shareholder meetings to be conducted via remote communications. Note, it does not allow for nonprofit entities to have the same permission for such virtual meetings as HB 306. The law also establishes requirements for these remote meetings.

The bill was approved by the Senate with a vote of 51-0, and it passed the House with a vote of 161-0. Governor Kemp signed the bill on April 27, 2021 as **Act Number 31**. The bill took effect upon signature.

- [SB 202](#), authored by Senator Max Burns (R-Sylvania), is known as the “Election Integrity Act of 2021.” The bill makes sweeping reforms to the administration of Georgia’s elections including provisions to repeal signature matching for absentee ballots and codify ballot drop box hours for primary and general election periods. The bill also revises the election-related duties of the Secretary of State and gives the legislature authority to appoint the Chairman of the State Elections Board; a position previously occupied by the Secretary of State. The bill vests State Elections Board with the authority to suspend county or municipal elections superintendents and appoint temporary superintendents in their place. The bill sets forth a process for the enactment of emergency rules by the State Elections Board which requires notification to the General Assembly. This notification requirement also applies to any consent agreements, orders, or settlements. The bill proscribes county and municipal boards of elections from accepting funding, grants, or gifts from any source other than government entities. Other provisions including outlawing individuals from providing food or drink to voters in line and removing the limit on challenges to a voter’s qualifications for a specific individual.

The bill passed by Committee substitute in the Senate by a vote of 32-20 and passed the House by substitute by a vote of 100-75 and was immediately transmitted to the Senate. The Senate agreed to the House substitute by a vote of 34-20. Governor Kemp signed the bill on March 25, 2021 as **Act Number 9**. The bill became effective upon signature.

Health

- [HB 34](#), authored by Representative Dave Belton (R-Buckhead), is the "Audiology and Speech-Language Pathology Interstate Compact" written into Chapter 44 of Title 43. It gives the Board of Audiology and Speech-Language Pathology the authority to conduct criminal background checks through submission of fingerprints to the FBI through the Georgia Crime Information Center in O.C.G.A. § 43-44-6(a). Through this legislation, it will allow greater use of telehealth so that these professionals, who obtain this license through the compact, may utilize the privilege to practice in a remote state. Further, this Compact only becomes functional when at least states adopt it; Georgia will be the eleventh state to adopt the compact. State practice laws will govern the practice of these individuals. Practitioners are required to follow the laws of the state where the service is being provided.

The bill was approved by the House with a vote of 165-1 and then passed the Senate by a vote of 44-0. Governor Kemp signed the bill on May 10, 2021 as **Act Number 285**. The bill takes effect on July 1, 2021.

- [HB 93](#), authored by Representative Sharon Cooper (R-Marietta), is a repeal of certain requirements in Chapter 22 of Title 31 regarding clinical laboratories. This legislation was proposed at the request of the Department of Community Health. It eliminates the duplicative state licensure and regulation of clinical laboratories and repeals provisions relating to examination of human specimens and methods for selection of blood donors and collection, storage, and processing of human blood. Further, it also eliminates the state inspections of clinical laboratories. Laboratories in Georgia will be required to be "certified" (operating under a certificate of waiver from the federal Centers for Medicare and Medicaid Services pursuant to the federal Clinical Laboratory Improvement Amendments of 1988). The legislation also imposes a new definition for the term, "pharmacy care" at O.C.G.A. § 26-4-5(31) to also include:

Ordering and administering tests that have been cleared or approved for home use by the federal Food and Drug Administration and interpreting the results as a means to screen for or monitor disease, disease risk factors, or drug use and to facilitate patient education. A pharmacist conducting such a test shall do so at a pharmacy or other facility that has obtained any necessary certification from or that is operating under a certificate of waiver from the federal Centers for Medicare and Medicaid Services pursuant to the federal Clinical Laboratory Improvement Amendments of 1998.

The bill was approved by the House with a vote of 161-0 and passed the Senate by a vote of 48-0. Governor Kemp signed the bill on May 5, 2021 as **Act Number 223**. The bill takes effect on July 1, 2021.

- [HB 119](#), authored by Representative Lee Hawkins (R-Gainesville), amends O.C.G.A. § 14-7-4(a) to permit chiropractors to organize and jointly own a professional corporation with a physician when both are practicing within their respective scopes of practice.

The bill was approved by the House with a vote of 163-0 and passed the Senate with a vote of 47-6. Governor Kemp signed the bill on April 29, 2021 as **Act Number 34**. The bill takes effect on July 1, 2021.

- [HB 128](#), authored by Representative Rick Williams (R-Milledgeville), creates “Gracie’s Law” in O.C.G.A. § 31-1-24 to prohibit providers from discriminating against potential organ transplant recipients due solely to the physical or mental disability of the potential recipient. The legislation also incorporates language from Representative Kasey Carpenter’s bill, [HB 212](#), regarding revisions to parental consent for resuscitation in Chapter 39 of Title 31 in Part II of the bill. When a minor child is a candidate for non-resuscitation, an order not to resuscitate may be issued only with the oral or written consent of the minor’s parent (except as outlined in O.C.G.A. § 31-39-4(e)).

The bill was approved by the House 166-0 and passed the Senate with an amendment by a vote of 52-0. The House approved the Senate amendment 163-1. Governor Kemp signed the bill on May 6, 2021 as **Act Number 244**. The bill takes effect on July 1, 2021.

- [HB 163](#), authored by Representative Sharon Cooper (R-Marietta), requires in O.C.G.A. § 49-4-159.1 the Department of Community Health to submit a Medicaid state plan amendment to permit “express lane enrollment” in the state’s Medicaid program by no later than June 30, 2022. This enrollment will also apply to eligibility for PeachCare for Kids. It directs the Department of Human Services to enroll and renew children when they apply for SNAP (food stamp) benefits.

The bill was approved by the House by a vote of 166-0 and passed the Senate by a vote of 52-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 178**. The bill takes effect on July 1, 2021.

- [HB 234](#), authored by Representative Lee Hawkins (R-Gainesville), enacts the “Self-funded Healthcare Plan Opt-in to the Surprise Billing Consumer Protection Act” in a new Chapter 20F of Title 33 (Georgia’s Insurance Code). It allows a “self-funded healthcare plan to elect on an annual basis whether to participate in the ‘Surprise Billing Consumer Protection Act’ found in Chapter 20E of Title 33.” It defines a “self-funded healthcare plan” as “an arrangement whereby an employer

assumes the financial risk for providing healthcare benefits to its employees and such arrangement is subject to the exclusive jurisdiction of ERISA.”

The bill was approved by the House by a vote of 165-0 and passed the Senate by a vote of 52-0. Governor Kemp signed the bill on April 29, 2021 as **Act Number 36**. The bill took effect upon signature.

- [HB 271](#), authored by Representative Bert Reeves (R-Marietta), creates a new Code section at O.C.G.A. § 31-11-31.2 to authorize the Department of Community Health to assess one or more provider matching payments on ambulance services for the purpose of obtaining federal financial participation for Medicaid. The money would be sent to the Indigent Care Trust Fund for matching purposes.

The bill was approved by the House by a vote 160-0 and passed the Senate by a vote of 51-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 186**. The bill takes effect on July 1, 2021.

- [HB 307](#), authored by Representative Sharon Cooper (R-Marietta), creates the “Georgia Telehealth Act” at O.C.G.A. § 33-24-56.5. This law strengthens provisions previously passed by the General Assembly in 2019 regarding use of telehealth. This bill codifies some of the permissions granted by the Department of Community Health during the pandemic in regards to telehealth and addresses current telehealth law in the state’s insurance code. Specifically, the legislation:
 - authorizes health care providers to provide telemedicine services from home;
 - authorizes patients to receive telemedicine services from their home, workplace, or school;
 - allows for audio-only care under certain circumstances (e.g. when there is no two-way audio communication or when there is no broadband) to enhance telehealth mental health counseling;
 - prohibits insurers from requiring that patients have in-person consultation before receiving telemedicine services;
 - defines interprofessional consultation (which means an assessment and management service in which a patient's health care provider seeks treatment advice from a consulting provider with specific specialty expertise to assist the patient's health care provider in diagnosing or treating the patient);
 - prohibits more stringent utilization review requirements;
 - prohibits separate deductibles for telemedicine services;
 - prohibits an insurer from requiring that health care providers use a specific telehealth platform or vendor;
 - prohibits additional restrictions on prescribing medications through telemedicine; and

- requires documentation by health care providers for telemedicine services that equals or exceeds in-person consultation.

The bill was approved by the House by a vote of 58-0 and passed the Senate by substitute by a vote of 52-0. The House agreed to the substitute by a vote of 168-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 188**. The bill took effect upon signature.

- [HB 316](#), authored by Representative Ron Stephens (R-Savannah), amends O.C.G.A. § 26-4-82(d) to increase the pharmacist to pharmacy technician ratio for providing direct supervision at any time (from three to four as long as two of the four are “certified” and if supervising three technicians, there is a requirement that one of those three is certified). Certification for a pharmacy technician requires:
 - (1) Have successfully passed a certification program approved by the board of pharmacy;
 - (2) Have successfully passed an employer's training and assessment program which has been approved by the board of pharmacy; or
 - (3) Have been certified by either the Pharmacy Technician Certification Board or any other nationally recognized certifying body approved by the board of pharmacy.

The bill was approved by the House by a vote of 159-0 and passed the Senate by a vote of 50-0. Governor Kemp signed the bill on April 21, 2021 as **Act Number 19**. The bill takes effect on July 1, 2021.

- [HB 367](#), authored by Representative Butch Parrish (R-Swainsboro), is the annual update to Georgia’s dangerous drug list in Chapter 13 of Title 16.

The bill was approved by the House by a vote of 164-0 and passed the Senate by a vote of 47-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 191**. The bill took effect upon signature.

- [HB 370](#), authored by Representative Jan Jones (R-Milton), amends Chapter 7 of Title 31 regarding county and municipal hospital authorities. It provides for term limits for members of joint hospital authorities (limiting membership to three terms for individuals or a total of 12 years beginning on and after July 1, 2021 and applies solely to a hospital with more than 900 licensed beds (Grady)) and provides that joint hospital authorities that lease certain hospitals are subject to limitations on utilization of revenues.

The bill was approved by the House by a vote of 105-59 and passed the Senate with an amendment by a vote of 46-2. The House agreed to the legislation as amended with a 98-67 vote. Governor signed the bill on May 10, 2021 as **Act Number 274**. The bill takes effect on July 1, 2021.

- [HB 395](#), authored by Representative Dave Belton (R-Buckhead), is the Professional Licensure Compact. It is one of the three compacts taken up this year (the others included HB 34 and HB 268; [HB 34](#), the Audiology and Speech-Language Pathology Interstate Compact, and [HB 268](#), The Occupational Therapy Licensure Compact Act. This compact enacts the Professional Counselor Licensure Compact and grants a “privilege to practice” in Chapter 10A of Title 43. The compact will be administered by the Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists. It contains criminal background check language which requires a satisfactory check to be obtained by applicants through the state’s Georgia Crime and Information Center and FBI. For participation, it requires that licensees pass a nationally recognized exam approved by the Commission; requires licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work; and have a supervised postgraduate experience. To exercise the “privilege to practice” under the terms and provisions of the Compact, the licensee is required to:
 - Hold a license in the home state;
 - Have a valid United States Social Security Number or National Practitioner Identifier;
 - Be eligible for a privilege to practice in any member state;
 - Have not had any encumbrance or restriction against any license or privilege to practice within the previous two (2) years;
 - Notify the Commission that the licensee is seeking the privilege to practice within a remote state(s);
 - Pay any applicable fees, including any state fee, for the privilege to practice;
 - Meet any continuing competence/education requirements established by the home state;
 - Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a privilege to practice; and
 - Report to the Commission any adverse action, encumbrance, or restriction on license taken by any non-member state within 30 days from the date the action is taken.

A privilege to practice will be valid until the expiration date of the licensee’s home state license. A licensee providing professional counseling in a remote state, under this “privilege to practice,” is required to adhere to the laws and regulations of the remote state and a licensee providing professional counseling services in a remote state is subject to that state’s regulatory authority. The compact includes the creation of a commission of member states to regulate the compact. The

compact is not effective until ten states enact the compact and at that time the commission will meet to create and promulgate the rules.

The bill was approved by the House by a vote of 133-0 and passed the Senate by a vote of 53-0. Governor Kemp signed the bill on May 10, 2021 as **Act Number 287**. The bill takes effect on July 1, 2021.

- [HB 454](#), authored by Representative Mark Newton (R-Augusta), amends O.C.G.A. § 33-20C-2, addressing online provider directories, to add a new (g) so as to require that when an insurer's provider directory which is "accessed through the insurer's website 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 during the designated open enrollment time frame, and subsequent to open enrollment in the succeeding plan year, the provider is no longer in-network for the covered person's benefit plan, such insurer shall, subject to the coverage terms of the health benefit plan, reimburse the provider at its most recent contracted in-network rates for a period ending 180 days after the date upon which the provider contract terminates or ending on the last day of the covered person's coverage, whichever occurs sooner. The provider shall accept the insurer's payment in full. Any amount paid to the provider by the insurer pursuant to this subsection shall not be required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by such covered person." It also adds language so that an insurer may not terminate a provider during a declared public health emergency (and cannot terminate that provider until 150 days after the end of the declared public health emergency). Further it requires that the insurer pay the provider at the most recently contracted in-network rate. It also adds that Georgia's "right to shop" insurance coverage, found in O.C.G.A. § 33-24-59.27, becomes effective on January 1, 2022.

The bill was approved by the House by a vote of 173-0 and passed the Senate by substitute by a vote of 49-0. The House agreed to the substitute by a vote of 162-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 195**. The bill takes effect on July 1, 2021.

- [HB 509](#), authored by Representative Houston Gaines (R-Athens), adds a new Insurance Code section at O.C.G.A. § 33-30-16 to require certain insurers to make at least one reasonably priced comprehensive major medical health insurance policy available to residents in this state without limitation or exclusion based on preexisting conditions. Further, this requirement would apply if there is a repeal or judicial invalidation by the United States Supreme Court of certain provisions of the federal "Patient Protection and Affordable Care Act."

The bill was approved by the House by a vote of 121-11 and passed the Senate by a vote of 51-1. Governor Kemp signed the bill on May 6, 2021 as **Act Number 235**. The bill takes effect on July 1, 2021.

- [HB 567](#), authored by Representative Sharon Cooper (R-Marietta), requires that health care providers, health care facilities, and pharmacies be provided access to the Maternal Mortality Review Committee records within 30 days of request for that information in O.C.G.A. § 31-2A-16(d). Further, the legislation authorizes that the Department of Public Health is to consider recommendations from the Newborn Screening and Genetics Advisory Committee to include disorders which are added to federal Recommended Uniform Screening Panel. The legislation also establishes the Newborn Screening and Genetics Advisory Committee composed of not less than 11 and not more than 21 members who will be appointed by the Commissioner of the Department of Public Health. In part, this Advisory Committee is to consider and make recommendations to the Commissioner related to the inclusion of screening for any disorder added to the federal Recommended Uniform Screening Panel (RUSP), within one year of such addition, and as part of such recommendations, the Advisory Committee is to advise the Commissioner on the estimated cost to the department for screening for such disorder.

The bill was approved by the House 166-2 and passed the Senate by substitute 51-0. The House agreed to the Senate substitute by a vote of 170-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 200**. The bill takes effect on July 1, 2021.

- [SB 43](#), authored by Senator Matt Brass (R-Newnan), is to be known as the “Noncovered Eye Care Services Act” in O.C.G.A. § 33-6-4. It prohibits an insurer from:
 - 1) requiring an ophthalmologist or optometrist to accept as payment an amount set by such insurer for services that are not covered eye care services under the covered person's eye care benefit plan as a condition to join or participate in its provider network.
 - 2) drafting, publishing, disseminating, or circulating any explanations of benefit forms that include language that directly or indirectly states or implies that an ophthalmologist or optometrist should extend discounts to patients for noncovered eye care services.
 - 3) requiring an ophthalmologist or optometrist within its provider network to extend any discounts on services that are not covered eye care services.

The bill passed the Senate 50-0 and passed the House by substitute 152-17. The Senate agreed to the House substitute by a vote of 49-0. Governor Kemp signed the bill on May 6, 2021 as **Act Number 248**. The bill takes effect on July 1, 2021 and applies to all policies or contracts issued, delivered, issued for delivery, or renewed in this state on or after such date.

- [SB 46](#), authored by Senator Dean Burke (R-Bainbridge), is an omnibus health bill. Initially, is sought to expand existing law on who may administer vaccines during a public health emergency. It adds language so that the following may do so:

emergency medical technicians (O.C.G.A. § 31-11-53((a)(3)); and certified cardiac technicians and trainees (O.C.G.A. § 31-11-55(a)(2)(E). It also adds a new Code section at O.C.G.A. § 31-11-60.2 to require that all licensed persons license or certified based upon successful completion of training in O.C.G.A. § 31-11-51(e)(1) and O.C.G.A. § 31-11-52(c) are subject to random testing for use of illegal drugs and such testing shall occur at least biannually for the first two years of licensure or certification.

The legislation also amends current law regarding the state's maintenance of a statewide vaccination registry for children under the age of 18, adding the United States Department of Health and Human Services and its subsidiaries through a data use agreement for the limited purpose of reporting vaccines administered in response to a public health emergency declared pursuant to O.C.G.A. § 38-3-51 for the purpose of averting a serious and imminent threat to life and safety, so long as the United States Department of Health and Human Services and its subsidiaries adhere to state and federal privacy laws and so long as a person's name is not provided by the department. It does allow the parent or guardian of an individual who is 18 years of age or younger to request an exemption from enrollment in the registry.

It further codifies the definition of "GRITS" at O.C.G.A. § 43-23-26.1 so that it is the "Georgia Registry of Immunization Transactions" or "vaccination registry" as established by the Department of Public Health. In this same Code section, it defines "vaccine" and what is permitted and required under a vaccine protocol agreement, including that the "GRITS" must be checked by the pharmacist, nurse, or his or her designee prior to administration of the vaccine.

This legislation also incorporates language from [HB 275](#) from Representative Lauren McDonald (R-Cumming) by adding a new Code section at O.C.G.A. § 25-4-11.1 so that all firefighters based upon successful completion of training outlined in O.C.G.A. § 25-4-8(a)(2)(A) are subject to random testing for the evidence of use of illegal drugs and that such testing is to occur at least biannually for the first two years of licensure or certification.

This legislation also amends O.C.G.A. § 42-5-57 at (b) so as to permit the institution of a program of rehabilitation which includes training following the Georgia Fire Academy curriculum and allows the institution of a program of rehabilitation which includes training for emergency medical services personnel within the confines of a penal institution.

The bill also incorporates [HB 450](#), authored by Representative Mark Newton (R-Augusta), to amend the Low THC Oil Patient Registry at O.C.G.A. § 31-2A-18(f), addressing the confidentiality of information which is to be subject to the provisions of the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, and any regulations. It does allow the sharing of that information to "government entities and other entities" for statistical, research, educational,

instructional, drug abuse prevention, or grant application purposes after removing all personal identifiers or other information which could be used to identify prescribers.

The bill was approved by the Senate by a vote of 47-3 and passed the House by substitute by a vote of 109-56. The Senate agreed to the House substitute by a vote of 38-11. Governor Kemp signed the bill on May 10, 2021 as **Act Number 292**. The bill took effect upon signature.

- [SB 80](#), authored by Senator Kay Kirkpatrick (R-Marietta), creates the “Ensuring Transparency in Prior Authorization Act” in Chapter 46 of Title 33 by providing additional standards for utilization review. This new Chapter applies to several entities including: (1) Private review agents; (2) Utilization review entities; (3) All health insurers and stand-alone dental plans that provide accident and sickness insurance products whether on an individual, group, or blanket basis as provided in this title; (4) All administrators of such products licensed in accordance with Article 2 of Chapter 23 of this title; (5) All pharmacy benefits managers; (6) All contracts entered into or renewed by the Department of Community Health with a contracted entity to provide healthcare coverage or services pursuant to the state health benefit plan; and (7) All contracts entered into or renewed by the Department of Community Health and care management organizations to provide or arrange for healthcare coverage or services on a prepaid, capitated basis to members.

The bill was approved by the Senate by a vote of 50-0 and passed the House by substitute by a vote of 167-0. The Senate agreed to the House substitute by a vote of 52-0. Governor Kemp signed the bill on May 10, 2021 as **Act Number 266**. This bill takes effect on January 1, 2022, and applies to all policies or contracts issued, delivered, issued for delivery, or renewed in this state on or after such date.

- [SB 215](#), authored by Senator Larry Walker, III (R-Perry), adds a new Code section at O.C.G.A. § 31-7-12.7 so as to authorize certified medication aides to administer certain medications to nursing home residents under certain circumstances. These certified medication aides, employed by a nursing home, are not authorized to administer Schedule II narcotic controlled substances. The legislation also includes a new Code section at O.C.G.A. § 31-7-12.8.66 requiring the Department of Community Health to approve employer based programs sponsored by or offered in assisted living communities, private home care providers, personal care homes, or other long-term care facilities licensed by the Department for certified nurse aide training and competency examination programs, in the same manner as such programs are approved in nursing homes, as determined by the Department. The department shall require all employer-based programs to meet the requirements set forth in 42 C.F.R. 483.152 and other applicable laws and regulations.

The bill was approved by the Senate by a vote of 50-0 and passed the House by substitute by a vote of 154-9. The Senate agreed to the House substitute by a vote of 49-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 218**. The bill took effect upon signature.

- [SR 281](#), authored by Senator Butch Miller (R-Gainesville), creates the Senate Study Committee on Violence Against Health Care Workers. The Study Committee will assess the causes and the solutions to the ever-increasing violence committed against health care workers that need to be undertaken.

The Senate adopted the resolution by a 49-0 vote, which constituted final adoption.

Education

- [HB 32](#), authored by Representative Dave Belton (R-Buckhead), amends O.C.G.A. § 20-2-251 to create a teacher recruitment and retention program by providing a refundable tax credit of \$3,000 per qualifying teacher per year for up to five school years. The department must pick no more than 100 schools from the list of qualifying schools to become a part of the program. The Office of Student Achievement is required to create program objectives and annually measure and evaluate the program. The program is limited to 1,000 teachers statewide during any given school year. The program will be available beginning in the 2022 tax year, and no new applications to the program will be accepted after December 31, 2031.

The House approved the bill by a 165-0 vote, and the Senate voted 50-0 to approve the bill by substitute. The House subsequently approved an amendment to the substitute by a 168-0 vote, and the Senate gave final approval by a 50-0 vote. Governor Kemp signed the bill on April 21, 2021, as **Act Number 27**. The bill takes effect on July 1, 2021.

- [HB 173](#), authored by Representative Tommy Benton (R-Jefferson), amends O.C.G.A. § 47-20-87 to increase the allowable percentage of alternative investments for large state retirement systems from 5% to 10%. The allowable percentage increase does not apply to the Teachers Retirement System and Employees Retirement System, which both remain at 5%. The bill also amends O.C.G.A. § 47-2-21 to allow trustees to consider nominations from state retiree organizations in selecting new trustees.

The bill passed the House by a 171-0 vote, and the Senate passed the bill by a vote of 47-1. Governor Kemp signed the bill on May 10, 2021, as **Act Number 271**. The bill takes effect on July 1, 2021.

- [HB 208](#), authored by Representative Mike Cheokas (R-Americus), amends O.C.G.A. § 1-4-24 to declare the second Wednesday of February as National Swearing-in Day for individuals joining the military from JROTC. The bill

recognizes branches including the Army, Navy, Marines, Coast Guard, Air Force, Army National Guard, Air National Guard, and Merchant Marines.

The House approved the measure by a 170-0 vote, and the Senate passed the bill as a substitute by a 53-0 vote. The House agreed to the Senate substitute by a 172-0 vote. Governor Kemp signed the bill on May 3, 2021 as **Act Number 142**. The bill takes effect on July 1, 2021.

- [HB 287](#), authored by Representative Bonnie Rich (R-Sugar Hill), amends O.C.G.A. § 20-2-142 to include tobacco and vapor products in the course of instruction regarding alcohol and drugs required each year for all students in grades kindergarten through 12. The bill also requires State Board of Education shall prescribe a course of study in human trafficking awareness for grades six through 12.

The House passed the measure by a 156-0 vote, the Senate passed the bill as a substitute adding the human trafficking awareness section by a vote of 50-0. The House agreed to the Senate substitute by a 163-0 vote. Governor Kemp signed the bill on April 27, 2021, as **Act Number 30**. The bill takes effect on July 1, 2021.

- [HB 392](#), authored by Representative Jason Ridley (R-Chatsworth), amends O.C.G.A. § 3-3-21 to allow counties and municipalities to regulate the distance from school property that wine and malt beverages may be sold. If a local government declines to define such a distance, sales may occur at no closer than 100 yards. The bill also amends O.C.G.A. § 3-9-10 to allow hotels and motels to provide mixed drinks through room service.

The House passed the bill by a 126-35 vote, and the Senate approved the measure by substitute by a 39-8 vote. The House agreed to the substitute by a 129-38 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 192**. The bill took effect upon signature.

- [HB 606](#), authored by Representative Randy Nix (R-LaGrange), amends O.C.G.A. § 20-3-519 to include high schools accredited by the Georgia Independent School Association as "eligible high schools" for purposes of determining a student's eligibility for the HOPE Scholarship.

The bill passed the House by a 161-0 vote, and the Senate approved the measure by a 50-0 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 201**. The bill takes effect on July 1, 2021.

- [HB 631](#), authored by Representative Mike Cheokas (R-Americus), amends O.C.G.A. § 38-3-182 to require to Georgia Emergency Communications Authority to, upon request from a public safety answering point, provide assistance with processes to be regarded as Logan's List (the collection, storage, retrieval, and dissemination of information voluntarily submitted to a public safety answering

point which indicates an individual has a physical, mental, or neurological condition which impedes his or her ability to communicate with any law enforcement officer or emergency responder).

The House approved the bill by a 169-1 vote, and the Senate passed a substitute to the bill by a 49-0 vote. The House agreed to the Senate substitute by a 163-0 vote. Governor Kemp signed the bill on May 3, 2021, as **Act Number 143**. The bill takes effect on July 1, 2021.

- [SB 42](#), authored by Senator Jeff Mullis (R-Chickamauga), amends O.C.G.A. § 20-14-33 to require local school systems to publish information regarding student disciplinary and placement actions reported pursuant to O.C.G.A. § 20-2-740 online and make physical copies available free of charge. Such information must be presented in a format that can be easily understood by parents and other members of the community who are not educators, and such publication shall include information for each school in the local school system. The bill also requires that student discipline data be included in the annual report regarding elementary and secondary education produced by the Office of Student Achievement. The bill does not, as originally introduced, remove discipline data from the star rating system.

The bill was also amended to incorporate the text of [SB 51](#), the Dexter Mosely Act. This language creates O.C.G.A. § 20-2-319.6 to provide eligibility for home study students to participate in extracurricular activities and interscholastic activities under the sponsorship, direction, and control of his or her resident school or resident school system, subject to certain requirements. A student seeking to participate must enroll in a course facilitated by the home study student's resident school system; meet the established age, academic, behavioral, conduct, disciplinary, residence, zoning, and other rules and requirements as other student participants; and participate and be selected in any tryout applicable to all participants. A home study student who withdraws from a public school must wait 12 months before being eligible to participate in extracurricular activities, and a school will be funded through QBE for the courses taken by such students.

The bill passed the Senate by a 39-12 vote, and the House passed the substitute bill by a 149-13 vote. The Senate agreed to the House substitute by a 35-18 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 245**. The bill takes effect on July 1, 2021.

- [SB 47](#), authored by Senator Steve Gooch (R-Dahlonega), amends Title 20 to expand eligibility for the Georgia Special Needs Scholarship to students with Section 504 plans. The bill replaces the 11 existing qualifying conditions with 21 classes of conditions that must relate to the Section 504. The bill also removes the prior year attendance requirement for children of military parents and children adopted from foster care. Under the bill, a student's scholarship amount would be the lesser of an allocation "equivalent to the costs of the educational program that

would have been provided for the student in the resident school system" or actual tuition and fees, which may include assessments, uniforms, therapies, food, tutoring, summer school, and other materials or services as authorized by the Department of Education. The legislation requires the State Board of Education to adopt rules regarding "student eligibility, transparency, and awareness of the impact of the program" that include collection of information and reporting on parental satisfaction and estimated scholarship amounts.

The bill passed the Senate by a 30-23 vote, and the House passed the bill as a substitute by a 91-71 vote. The Senate agreed to the House substitute by a 30-18 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 243**. The bill takes effect on July 1, 2021.

- [SB 59](#), authored by Senator John Albers (R-Alpharetta), amends Title 20 relating to funding for local charter schools and charter systems. Specifically, the bill:
 - Amends O.C.G.A. §§ 20-2-82 and 20-2-2065 to prevent the waiver of the early intervention program provided for in O.C.G.A. § 20-2-153 through flexibility contracts with local education agencies or by charter schools;
 - Amends O.C.G.A. § 20-2-165.1 to allocate FTE earnings to local charter schools in the same way as local charter systems and require the State Board of Education to directly allocate such earnings for local charter schools;
 - Amends O.C.G.A. § 20-2-880 to allow charter schools to elect participation in the State Health Benefit Plan upon renewal of their charters; and
 - Amends O.C.G.A. § 20-2-2068.1 to require local school districts to distribute a proportionate share of federal funds to local charter schools and mutually collaborate and agree upon specific ways for some or all of the charter school's proportionate amount of federal funds to be provided by the local school system through in-kind services, with the terms of such mutual agreement to be included in the charter.

The bill passed the Senate by a 38-15 vote, and the House passed the bill by substitute by a vote of 138-31. The Senate agreed to the House substitute as amended by the Senate and the House subsequently agreed to the Senate amendment by a 113-51 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 158**. The bill takes effect on July 1, 2021.

- [SB 66](#), authored by Senator Jason Anavitarte (R-Dallas) amends Titles 20 and 48 to authorize a nonprofit corporation incorporated by the Georgia Foundation for Public Education to receive private donations to be used for grants to public schools. The bill also provides for the expiration of the Public Education Innovation Fund Foundation's authority to promote public-private partnerships and to receive private donations to be used for grants to public schools.

This bill passed the Senate by a 51-2 vote, and the House passed the bill by a 159-2 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 157**. The bill takes effect on July 1, 2021.

- [SB 81](#), authored by Senator Jeff Mullins (R-Chickamauga), amends O.C.G.A. § 20-4-37 to change the name of the Office of College and Career Transitions to the Office of College and Career Academies. The bill also requires TCSG to collaborate with the Workforce Development Board and Department of Economic Development in recruiting and expanding industries in the state.

The final version of the bill also incorporated language from [HB 67](#), which extends sunset periods on provisions allowing the University System of Georgia to discharge certain debts and carry certain revenues over between fiscal years.

This bill passed the Senate by a 51-0 vote, and the House passed the substitute bill by a 164-0 vote. The Senate agreed to the House substitute by a 50-0 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 252**. The bill took effect upon signature.

- [SB 88](#), authored by Senator Russ Goodman (R-Homerville), is Governor Kemp's teacher pipeline legislative package. The bill provides for a number of initiatives to recruit, retain, and mentor teachers, including:
 - Providing that the Georgia Teacher of the Year serve as an advisor ex officio to the State Board of Education at O.C.G.A. § 20-2-212.1;
 - Providing for a nontraditional teacher certification program for members and veterans of the United States armed forces at O.C.G.A. § 20-2-206;
 - Requiring local school systems participating in a tiered evaluation system to apply the resources saved due to the reduced number of evaluations for evaluators to coach and mentor teachers with three years or less of experience and teachers with a performance rating of 'Needs Development' or 'Ineffective' at O.C.G.A. § 20-2-210;
 - Providing for the Professional Standards Commission to require that teacher education programs include mandatory coursework in differentiated instruction and reading fundamentals at O.C.G.A. § 20-2-984; and
 - Promoting increased student enrollment in and completion of teacher education programs offered at historically black colleges and universities in Georgia .

The bill passed the Senate by a 50-0 vote, and the House passed the bill by a vote of 171-1. Governor Kemp signed the bill on May 4, 2021, as **Act Number 159**. The bill takes effect on July 1, 2021.

- [SB 153](#), authored by Senator Greg Dolezal (R-Cumming), amends O.C.G.A. § 20-2-154.1 to require the State Board of Education and Department of Education to

establish a process to designate alternative charter schools that offer programs and services focused on dropout recovery or high school credit recovery.

The bill passed the Senate by a 30-14 vote, and the House passed the bill as a substitute by a 105-59 vote. The Senate agreed to the House substitute by a 39-11 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 156**. The bill takes effect on July 1, 2021.

- [SB 159](#), authored by Senator Steve Gooch (R-Dahlonega), amends O.C.G.A. § 20-2-188 to allow local boards of education to provide transportation with vehicles with a capacity of eight persons or less. It also creates O.C.G.A. § 20-2-1076, which specifically allows boards of education to use vehicles other than school buses for the transport of students who are recipients of special education services or as currently lacking, or during the previous academic year lacked, a fixed, regular, and adequate nighttime residence as described under the McKinney-Vento Homeless Assistance Act. Local districts must comply with requirements set forth by the State Board of Education, including minimum standards and requirements, which shall be delineated separately from requirements for school buses; for maintenance, repair, inspection, and use of such vehicles; minimum qualifications for the drivers of such vehicles; and other requirements as deemed necessary by the State Board. The bill also requires local boards of education to secure insurance to cover bodily injury of students being transported by these vehicles.

The bill passed the Senate by a 53-0 vote, and the House passed the bill as a substitute by a vote of 165-0. The Senate agreed to the House substitute by a vote of 53-0. Governor Kemp signed the bill on May 4, 2021, as **Act Number 155**. The bill takes effect on July 1, 2021.

- [SB 187](#), authored by Senator Lindsey Tippins (R-Marietta), amends O.C.G.A. § 20-3-519.2 to allow students with a disability that prevents or substantially inhibits full-time academic study to apply to the Georgia Student Finance Commission for a limited waiver from the 10-year completion requirement for the HOPE Scholarship.

This bill passed the Senate by a 50-0 vote, and the House passed the bill by a vote of 165-0. Governor Kemp signed the bill on May 6, 2021, as **Act Number 229**. The bill takes effect on July 1, 2021.

- [SB 204](#), authored by Senator Lindsey Tippins (R-Marietta), amends Title 20 to create a pilot program within the Technical College System of Georgia ("TCSG") to allow students over the age of 16 to obtain a high school diploma in conjunction with the completion of their other post-secondary requirements. Specifically, the bill:

- Amends O.C.G.A. § 20-4-11 to empower TCSG to provide an opportunity for individuals, including out-of-school youths, who have reached age 16 and who meet certain criteria, to attain a high school diploma in conjunction with the completion of one or more other components of the postsecondary technical program and award such diplomas;
- Amends O.C.G.A. § 20-4-11 to require TCSG to develop standards and requirements for the attainment of a high school diploma which shall be comparable to the high school graduation requirements set by the State Board of Education for public school programs;
- Creates a subsection at O.C.G.A. § 20-4-141 to require TCSG to establish a pilot program, in coordination with the State Board of Education, Department of Education, the Department of Juvenile Justice, the Department of Corrections, and the Office of Planning and Budget, to allow students who meet eligibility requirements to qualify for enrollment in the Dual Achievement Program at a participating unit of the technical college system and, upon successful completion of the program, be awarded a high school diploma and include up to 5 units of the TSCG over five years;
- Creates a subsection at O.C.G.A. § 20-4-141 to require TCSG to determine the specific competencies concerning the skills and knowledge needed for completion of each component of the program in consultation with the State Board of Education and the Department of Education; and
- Creates a subsection at O.C.G.A. § 20-4-141 to provide for preliminary review of academic records to minimize the risk of prospective students prematurely withdrawing from a secondary school in order to participate in the program.

Students must be 16 years of age or older, have completed at least six of nine specified state-required ninth and tenth grade-level high school courses and any state required tests associated with any such courses, receive a score of admission acceptable on the readiness assessment required by TCSG, and acknowledge consultation with his or her high school principal and waiver of certain rights by participating in the program. The program includes an sunset provision for July 1, 2026.

This bill passed the Senate by a 52-0 vote, and the House passed the bill as a substitute by a 155-14 vote. The Senate agreed to the House substitute by a 48-0 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 253**. The bill takes effect on July 1, 2021.

- [SB 213](#), authored by Senator Tyler Harper (R-Ocilla), amends O.C.G.A. § 20-2-506 to allow school systems to use local option sales tax revenue to pay for energy savings contracts.

This bill passed the Senate by a 51-3 vote, and the House passed the bill by a 164-2 vote. Governor Kemp signed the bill on May 4, 2021, as **Act Number 160**. The bill takes effect on July 1, 2021.

- [SB 246](#), authored by Senator Matt Brass (R-Newnan), is the "The Learning Pod Protection Act". The bill amends O.C.G.A. § 20-2-690 to expressly exempt homeschool students and their voluntary participation in learning pods from any state regulation under Title 20.

The Senate passed the bill by a 29-16 vote, and the House passed the bill as a substitute by a 155-7 vote. The Senate agreed to the House substitute by a 43-8 vote. Governor Kemp signed the bill on May 6, 2021, as **Act Number 246**. The bill takes effect on July 1, 2021.

- [SR 192](#), authored by Senator Chuck Payne (R-Dalton), creates the Senate Age of Mandatory Education Study Committee. The Study Committee will assess whether the age of mandatory attendance in this state should be raised from 16 to 17.

The Senate adopted the resolution by a 47-2 vote, which constituted final adoption.

Mental Health

- [HB 591](#), authored by Representative Don Hogan (R-St. Simon's Island), amends Title 37 and is a part of the recommendations issued by the Behavioral Health Reform and Innovation Commission. It authorizes marriage and family therapists to perform certain acts which physicians, psychologists, licensed professional counselor, and licensed clinical social workers may presently perform regarding emergency examinations of persons for involuntary evaluation and treatment for mental illness or alcohol or drug abuse. Language was added in the waning hours of the Session so as to require that data be kept by the emergency receiving facilities on the numbers of 1013 and 2013 commitments that facilities receive that are signed by all permitted professionals. That data requirement was at the request of the Department of Behavioral Health and Developmental Disabilities, and the data captured is to be reported to the Department no later than January 15, 2023.

The bill was approved by the House with a vote of 153-0 and passed the Senate by substitute 35-14. The agreed to the Senate substitute 163-1. Governor Kemp signed the bill on May 10, 2021 as **Act Number 280**. The bill takes effect on July 1, 2021.

- [SB 4](#), authored by Senator Kay Kirkpatrick (R-Marietta), broadly prohibits the practice of patient brokering in O.C.G.A. § 26-5-80 for substance abuse programs by paying or soliciting referral fees (Chapter 5 of Title 26 oversees drug abuse treatment and education programs). Specifically, it makes it unlawful for any substance abuse provider to:
 - (1) Pay or offer to pay any remuneration, including, but not limited to, a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly,

in cash or in kind, or engage in any split-fee arrangement, in any form, to induce the referral of a patient or patronage to or from a substance abuse provider;

- (2) Solicit or receive any remuneration, including, but not limited to, a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form, in return for the referral of a patient or patronage to or from a substance abuse provider;
- (3) Solicit or receive any remuneration, including, but not limited to, a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form, in return for the acceptance or acknowledgment of treatment from a substance abuse provider; or
- (4) Aid, abet, advise, or otherwise participate in the conduct prohibited by paragraphs (1) through (3) of this subsection.

The legislation defines a “substance abuse provider” as:

- (A) Any state owned or state operated hospital, community mental health center, or other facility utilized for the diagnosis, care, treatment, or hospitalization of persons 21 who are alcoholics, drug dependent individuals, or drug abusers, and any other hospital or facility within the State of Georgia approved for such purposes by the Department of Behavioral Health and Developmental Disabilities;
- (B) Any community service provider contracting with any state or local entity to furnish mental health, developmental disability, and addictive disease services;
- (C) Any drug abuse treatment and education program and narcotic treatment program licensed under this chapter; and
- (D) Any recovery residence.

The legislation also includes a new Code section at O.C.G.A. § 33-1-16.1 to provide that excessive, fraudulent, or high-tech drug testing of certain individuals by any provider is considered a fraudulent insurance act (examples of such include upcoding for more expensive services; billing multiple co-payment amounts; billing for drug testing that was not performed; etc.). Both violations have outlined penalties.

The bill was approved by the Senate by a vote of 52-0 and passed the House by substitute by a vote of 151-0. The Senate agreed to the House substitute by a vote of 51-0. Governor Kemp signed the bill on May 4, 2021 as **Act Number 205**. The bill takes effect on July 1, 2021.