

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4809

By Delegates Hornby, Chiarelli, Willis, Pinson,
and Heckert

[Originating in the Committee on the Judiciary;

Reported on February 12, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, §35-1B-5, and §35-1B-6, all relating
 3 to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health
 4 care sharing ministry from the state's insurance laws; providing definitions; setting forth
 5 requirements for health care sharing ministries to qualify for; providing that membership in
 6 a health care sharing ministry satisfies a requirement to have health care insurance by a
 7 public institution of higher education; and providing that a health care sharing ministry is
 8 not a third-party payer for any purposes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. HEALTH CARE SHARING MINISTRIES FREEDOM TO SHARE ACT.

§35-1B-1. Short title.

1 This article shall be known as the "Health Care Sharing Ministries Freedom to Share Act".

§35-1B-2. Rule of Construction.

1 Nothing in this Article shall be construed to abrogate or reduce a right, privilege or
 2 protection reserved for or accruing to a religious organization pursuant to §35-1A-1 of this code.

§35-1B-3. Exemption of Health Care Sharing Ministries from the Insurance Code.

1 A health care sharing ministry may not be considered to be engaging in the business of
 2 insurance for purposes of chapter 33 of this code.

§35-1B-4. Definition.

1 "Health care sharing ministry" for purposes of this article means a not for profit
 2 organization:

3 (a) Whose members are limited to those who share a common set of ethical or religious
 4 beliefs and share medical expenses among members in accordance with those beliefs without
 5 regard to the state in which a member resides or is employed;

6 (b) That provides for the financial or medical needs of a member through contributions from
 7 other members;

8 (c) Whose members retain membership even after they develop a medical condition;

9 (d) Provides amounts that members may contribute with no assumption of risk or promise
10 to pay among the members and no assumption of risk or promise to pay by the health care sharing
11 ministry to the members;

12 (e) Provides to the members annually the total dollar amount of qualified needs actually
13 shared in the previous year in accordance with criteria established by the health care sharing
14 ministry;

15 (f) Conducts an annual audit which is performed by an independent certified public
16 accounting firm in accordance with generally accepted accounting principles and which is made
17 available to the public by providing a copy upon request, or by posting on the organization's
18 website; and

19 (g) Provides a written disclaimer on or accompanying all applications and guideline
20 materials distributed by or on behalf of the organization that is substantially similar to the following:
21 Notice: The organization facilitating the sharing of medical expenses is not an insurance company,
22 and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to
23 assist you with your medical bills will be totally voluntary because no other participant will be
24 compelled by law to contribute toward your medical bills. As such, participation in the organization
25 or a subscription to any of its documents should never be considered to be insurance. Regardless
26 of whether you receive any payments for medical expenses or whether this organization continues
27 to operate, you are always personally responsible for the payment of your own medical bills.
28 Complaints concerning this health care sharing ministry may be reported to the Attorney General
29 of your state.

§35-1B-5. Public Institutions of Higher Education.

1 If a public institution of higher education in this state requires a student to purchase health
2 care insurance, the institution shall allow the student to satisfy this requirement through
3 membership in a health care sharing ministry.

§35-1B-6. **Third-party** **Payers.**

1 Health Care Sharing Ministries may not be considered third-party payers for any purposes
2 where the term "Third Party Payer or Payers" occurs in any sections of law of this code, including
3 financial assistance programs for hospitals, Medicaid, SCHIP, other safety net programs for health
4 care, and chapter 33 of this code.

NOTE: The purpose of this bill is to create the "Health Care Sharing Ministries Freedom to Share Act". The bill exempts a health care sharing ministry from the state's insurance laws.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.