

1 **H. B. 2392**

2
3 (By Delegates Fleischauer, Miley, Brown,
4 Caputo, Hatfield, Longstreth, Marshall
5 and Morgan)
6

7 [Introduced January 12, 2011; referred to the
8 Committee on Banking and Insurance then the Judiciary.]
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §5-16-7f; that said
12 code be amended by adding thereto a new section, designated
13 §33-15-22; that said code be amended by adding thereto a new
14 section, designated §33-16-18; and that said code be amended
15 by adding thereto a new section, designated §33-16D-17, all
16 relating to prohibiting gender discrimination in health care
17 insurance plans.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended,
20 by adding thereto a new section, designated §5-16-7f; that said
21 code be amended by adding thereto a new section, designated §33-15-
22 22; that said code be amended by adding thereto a new section,
23 designated §33-16-18; and that said code be amended by adding
24 thereto a new section, designated §33-16D-17, all to read as
25 follows:

26 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**

1 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**

2 **MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

3 **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

4 **§5-16-7f. Use of gender to establish plan rates prohibited.**

5 Beginning January 1, 2012, no insurance plans provided in this
6 article may use the gender of a person as a rating factor for
7 premiums charged in the plan.

8 **CHAPTER 33. INSURANCE.**

9 **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

10 **§33-15-22. Use of gender of insured to establish rates prohibited.**

11 Beginning January 1, 2012, for every policy of insurance or
12 insurance plan provided in this article which provides coverage for
13 hospital, surgical, or medical care coverage in the State of West
14 Virginia, gender of a person may not be used as a basis for premium
15 rates charged during a rating period to the persons in that class
16 for the same or similar coverage.

17 **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

18 **§33-16-18. Use of gender of insured to establish rates prohibited.**

19 Beginning January 1, 2012, for every policy of insurance or
20 insurance plan provided in this article which provides coverage for
21 hospital, surgical, or medical care coverage in the State of West
22 Virginia, gender of a person may not be used as a basis for premium
23 rates charged during a rating period to the persons in that class
24 for the same or similar coverage.

1 **ARTICLE 16D. MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**

2 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

3 **§33-16D-17. Required policy coverage for autism spectrum disorder.**

4 Beginning January 1, 2012, for every policy of insurance or
5 insurance plan provided in this article which provides coverage for
6 hospital, surgical, or medical care coverage in the State of West
7 Virginia, gender of a person may not be used as a basis for premium
8 rates charged during a rating period to the persons in that class
9 for the same or similar coverage.

NOTE: The purpose of this bill is to prohibit the use of the gender of insured persons as a rate-making factor for health insurance policies.

These sections are new; therefore, it has been completely underscored.