WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4317

By Delegates Burkhammer, Pinson, Mazzocchi, Tully, Pack, D. Jeffries, Keaton, Hanna, Ellington, Graves and Mandt

[Originating in the Committee on Health and Human Resources; reported on February 25, 2022]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated 33-57-2, relating to health insurance; prohibiting certain actions and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-2. Prohibition on denial of coverage, increase in premiums, or cancellation of sickness, disability, or long-term care insurance for living organ donors.

(a) For purposes of this section, the term “living organ donor” means an individual who has donated all or part of an organ and is not deceased.

(b) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2022, may not:

(1) Decline or limit coverage of a person under any sickness, disability, or long-term care insurance policy solely due to the status of such person as a living organ donor;

(2) Preclude an insured from donating all or part of an organ as a condition of continuing to receive a sickness, disability, or long-term care insurance policy; or

(3) Otherwise discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a sickness, disability, or long-term care insurance policy for a person, based solely and without any additional actuarial risks upon the status of such person as a living organ donor.

NOTE: The purpose of this bill is to prohibit the denial, cancellation, or other discrimination in policies of life insurance, sickness, disability, or long-term care insurance due to the status of the insured as a living organ donor.

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