WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2162

By Delegates Keaton and Holstein

[Introduced January 11, 2023; Referred to the Committee on Banking and Insurance then the Judiciary]

A BILL to amend and reenact §33-20B-9 of the Code of West Virginia, 1931, as amended, relating to requiring insurers of physicians who perform abortions to establish a separate insurance pool.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20B. RATES AND MALPRACTICE INSURANCE POLICIES.

§33-20B-9. Authority of commissioner to promulgate rules and regulations regarding affiliate and subsidiary operating results.

The commissioner may, as he or she ~~deems~~ considers necessary after notice and hearing, promulgate rules and regulations in accordance with §29A-3-1 *et seq*. of this code to define the commissioner’s authority to consider the operating results of an insurer's affiliates and subsidiaries in the rate making and solvency determination of that insurer: *Provided*, That prior to July 1, 2023, the commissioner shall promulgate rules in accordance with §29A-3-1 *et seq*. of this code that provide that insurers of physicians who perform abortions shall establish a separate insurance pool: *Provided, however,* That malpractice insurance premiums may not be lower under this separate pool than they would otherwise be to insure the physician.

NOTE: The purpose of this bill is to require insurers of physicians who perform abortions to establish a separate insurance pool.

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