

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2843

BY DELEGATES KEATON, BARNHART, WAMSLEY,
HOLSTEIN, AND HAYNES

[Introduced March 02, 2021; Referred to the
Committee on Banking and Insurance then the
Judiciary]

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

1 The commissioner may as he ~~or she deems~~ considers necessary after notice and hearing
 2 promulgate rules ~~and regulations~~ in accordance with §29A-3-1 *et seq.* of this code to define the
 3 commissioner’s authority to consider the operating results of an insurer’s affiliates and
 4 subsidiaries in the rate making and solvency determination of that insurer: Provided, That prior to
 5 July 1, 2021, the commissioner shall promulgate rules in accordance with §29A-3-1 *et seq.* of this
 6 code that provide that insurers of physicians who perform abortions shall establish a separate
 7 insurance pool: *Provided, however,* That malpractice insurance premiums may not be lower under
 8 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.