

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 292

By Senators Azinger, Deeds, and Karnes

[Originating in the Committee on Banking and

Insurance; reported on January 24, 2023]

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

Be it enacted by the Legislature of West Virginia:

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

§35-1A-1. Short title.

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

§35-1A-2. 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.

§35-1A-3. Definitions.

1 "Health care sharing ministry" means a non-profit organization that is tax exempt under
2 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, codified in 26 U.S.C. §
3 501(c)(3), which:

4 (a) Limits its participants to those members who share a common set of ethical or religious
5 beliefs;

6 (b) Acts as a facilitator among participants who have financial or medical needs to assist
7 those with financial or medical needs in accordance with criteria established by the health care
8 sharing ministry;

9 (c) Provides for the financial or medical needs of a participant through contributions from
10 other participants;

11 (d) Provides amounts that participants may contribute with no assumption of risk or

12 promise to pay among the participants and no assumption of risk or promise to pay by the health
13 care sharing ministry to the participants;

14 (e) Provides to the participants monthly the total dollar amount of qualified needs actually
15 shared in the previous month in accordance with criteria established by the health care sharing
16 ministry;

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

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

§35-1A-4. 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.

§35-1A-5. Third-Party Payor.

1 A health care sharing ministry may not be considered a third-party payor for any purposes
2 where the term "third-party payor" or similar term, such as "third party payer", occurs in this code,

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- 3 including financial assistance programs for hospitals, Medicaid, the West Virginia Children's
- 4 Health Insurance Program, and other safety net programs for health care set forth in chapter 33 of
- 5 this code.