

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4809

BY DELEGATES HORNBY, CHIARELLI, WILLIS, PINSON,

AND HECKERT

[Passed February 26, 2024; in effect ninety days from
passage.]

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

Be it enacted by the Legislature of West Virginia:

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

§35-1B-1. Short title.

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

§35-1B-2. Rule of Construction.

1 Nothing in this Article shall be construed to abrogate or reduce a right, privilege or
2 protection reserved for or accruing to a religious organization pursuant to §35-1A-1 of this code.

§35-1B-3. 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.

§35-1B-4. Definition.

1 "Health care sharing ministry" for purposes of this article means a not for profit
2 organization:

3 (a) Whose members are limited to those who share a common set of ethical or religious
4 beliefs and share medical expenses among members in accordance with those beliefs without
5 regard to the state in which a member resides or is employed;

6 (b) That provides for the financial or medical needs of a member through contributions
7 from other members;

8 (c) Whose members retain membership even after they develop a medical condition;

9 (d) Provides amounts that members may contribute with no assumption of risk or promise
10 to pay among the members and no assumption of risk or promise to pay by the health care sharing
11 ministry to the members;

12 (e) Provides to the members annually the total dollar amount of qualified needs actually
13 shared in the previous year in accordance with criteria established by the health care sharing
14 ministry;

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

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

§35-1B-5. 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.

§35-1B-6. Third-party Payers.

1 Health Care Sharing Ministries may not be considered third-party payers for any purposes
2 where the term "Third Party Payer or Payers" occurs in any sections of law of this code, including
3 financial assistance programs for hospitals, Medicaid, SCHIP, other safety net programs for health
4 care, and chapter 33 of this code.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor