

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 3142

By Delegates Akers, Maynor, Hott, and Hall

[Originating in the Banking and Insurance

Subcommittee, March 18, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §39A-2-1a, relating to consumer protection and electronic communication;
3 permitting health benefit plan sponsors to authorize electronic means for written
4 communications with covered persons; defining terms; requiring a plan sponsor to confirm
5 that a covered person routinely uses electronic communications during the normal course
6 of employment before consenting on behalf of the covered person in the plan; and
7 providing a means to opt out of electronic communications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CONSUMER PROTECTIONS AND RESPONSIBILITIES IN ELECTRONIC COMMUNICATIONS.

§39A-2-1a. Electronic communications option for health benefit plans; procedures for opting out.

1 (a) As used in this section, the term:

2 "Health benefit plan" means a policy, contract, certificate, or agreement entered into,
3 offered by, or issued by an insurer to provide, deliver, arrange for, pay for, or reimburse any of the
4 costs of healthcare services, including a vision or dental benefit plan.

5 "Plan sponsor" means a person, other than a regulated entity, who establishes, adopts, or
6 maintains a health benefit plan that covers residents of this state, including a plan established,
7 adopted, or maintained by an employer or jointly by an employer and one or more employee
8 organizations, an association, a committee, a joint board of trustees, or any similar group of
9 representatives who establish, adopt, or maintain a plan.

10 (b) The plan sponsor of a health benefit plan may, on behalf of covered persons in the plan,
11 provide the consent to the mailing of all communications related to the plan by electronic means
12 otherwise permitted by §39A-2-1 of this code.

13 (c) Before consenting on behalf of a covered person in the plan, a plan sponsor must
14 confirm that that party routinely uses electronic communications during the normal course of
15 employment.

16 (d) Before providing delivery by electronic means, the insurer for the health benefit plan
17 must:

18 (1) Provide the covered person in the plan an opportunity to opt out of delivery by electronic
19 means; and

20 (2) Document that the remaining conditions under §39A-2-1 of this code are satisfied.