

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4089

FISCAL
NOTE

By Delegates Hall, Fehrenbacher, Holstein, Drennan,

Moore, Hott, Riley, and Foggin

[Introduced; referred

To the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding seven new sections,
 2 designated §5-16-8b, §9-5-34, §33-15-4a, §33-16-20, §33-24-15, §33-25-23, and §33-
 3 25A-37, relating to insurance; and providing definitions; and requiring health insurers to
 4 provide coverage for scalp cooling systems for the preservation of hair during cancer
 5 chemotherapy treatment.

6 *PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS JESSICA*
 7 *HUFFMAN'S LAW.*

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-8b. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
 2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
 3 that such device is designed and intended for repeated use and is primarily and customarily used
 4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
 6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
 7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
 8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
 9 Coverage provided under this section may be subject to annual deductibles and coinsurance,

10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
3 that such device is designed and intended for repeated use and is primarily and customarily used
4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
9 Coverage provided under this section may be subject to annual deductibles and coinsurance,
10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4a. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) This section shall be known and cited as "Jessica Huffman's Law".
2 (b) For the purpose of this section, "scalp cooling system" means any device used to cool
3 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
4 that such device is designed and intended for repeated use and is primarily and customarily used
5 to serve a medical purpose.

6 (c) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
7 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
8 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
9 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
10 Coverage provided under this section may be subject to annual deductibles and coinsurance,
11 including copayments, as may be deemed appropriate by the commissioner and as are consistent
12 with those established for other benefits within a given policy.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-20. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
3 that such device is designed and intended for repeated use and is primarily and customarily used
4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
9 Coverage provided under this section may be subject to annual deductibles and coinsurance,
10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.

§33-24-15. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
3 that such device is designed and intended for repeated use and is primarily and customarily used
4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
9 Coverage provided under this section may be subject to annual deductibles and coinsurance,
10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-23. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
3 that such device is designed and intended for repeated use and is primarily and customarily used
4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
9 Coverage provided under this section may be subject to annual deductibles and coinsurance,

10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-37. Required coverage for scalp cooling system for cancer chemotherapy treatment.

1 (a) For the purpose of this section, "scalp cooling system" means any device used to cool
2 the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided
3 that such device is designed and intended for repeated use and is primarily and customarily used
4 to serve a medical purpose.

5 (b) Any insurer who delivers or issues a policy, plan, or contract that is issued or renewed on
6 or after January 1, 2027, under the provisions of this article and provides coverage for cancer
7 chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with
8 cancer chemotherapy treatment as defined by the Centers for Medicare and Medicaid Services.
9 Coverage provided under this section may be subject to annual deductibles and coinsurance,
10 including copayments, as may be deemed appropriate by the commissioner and as are consistent
11 with those established for other benefits within a given policy.

NOTE: The purpose of this bill is to require health insurers to provide coverage for scalp cooling systems for the preservation of hair during cancer chemotherapy treatment.

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