

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4539**

**FISCAL  
NOTE**

By Delegates G. Howell and Willis

[Introduced January 19, 2026; referred to the  
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §33-16B-5, relating to accident and sickness rates; providing a definition;  
3 providing notice of approved rate change; and establishing when rate changes can take  
4 effect.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 16B. ACCIDENT AND SICKNESS RATES.**

### **§33-16B-5. Notice of rate changes.**

1 (a) Definitions. — The term "insurer" means any entity subject to the insurance laws and  
2 regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers  
3 to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care  
4 services, including, without limitation, an insurance company offering accident and sickness  
5 insurance, a health maintenance organization, a nonprofit hospital service corporation, a nonprofit  
6 medical service corporation, a domestic insurance company that offers or provides health  
7 insurance coverage in the state and a foreign insurance company that offers or provides health  
8 insurance coverage in the state.

9 (b) Notice of approved rate change. —

10 If the commissioner approves a rate change, the commissioner shall provide written notice  
11 to the insurer that rates have been approved. Upon receipt of a notice of approval, the insurer  
12 shall send written notice, no less than 30 days prior to open enrollment, of the new rate change, by  
13 first class mail to all policyholders affected by the rate change. The notice shall inform  
14 policyholders in size 16-point font in bold the actual dollar amount of the approved premium rate  
15 increase for the policyholder, the specific percentage by which the current premium will be  
16 increased for the policyholder, the effective date of the new rate, describe in plain, understandable  
17 terms any changes in plan design or any changes in benefits, including a reduction in benefits or  
18 changes to waivers, exclusions or conditions, and highlight this information by printing in 16-point  
19 font in bold. The notice shall also provide information about public programs, including but not

20 limited to Medicaid, High Risk Pools, and CHIP.

21 (c) *Effective date.* — Any rate change by an insurer shall take effect after open enrollment

22 has closed.

NOTE: The purpose of this bill is to provide policyholders notice of upcoming rate changes in their policies and establish when rate changes can take effect.

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