

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled
Senate Bill 545

BY SENATOR AZINGER

[Passed March 2, 2019; in effect from passage]

FILED

2019 MAR 26 P 5:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB545

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1 AN ACT to amend and reenact §64-7-4 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the Office of the Insurance Commissioner to promulgate a legislative rule
3 relating to HIV testing; and eliminating outdated testing protocols.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO
PROMULGATE LEGISLATIVE RULES.**

§64-7-4. Office of the Insurance Commissioner.

1 The legislative rule filed in the State Register on April 3, 2003, authorized under the
2 authority of §33-2-10(a) of this code, relating to standards for AIDS-related underwriting questions
3 and AIDS testing in connection with applications for life or health insurance policies (AIDS
4 Regulations, 114 CSR 27) is authorized with the following amendment:

5 “5.9. The testing is required to be administered on a nondiscriminatory basis for all
6 individuals in the same underwriting class. No proposed insured may be denied coverage or
7 rated a substandard risk on the basis of HIV testing unless acceptable testing protocol is followed
8 including the use of FDA-licensed tests. ~~The following is the acceptable HIV testing protocol for~~
9 ~~use in this state:~~

10 ~~a. An initial enzyme-linked immunosorbent assay (ELISA) test is administered to the~~
11 ~~proposed insured, and it indicates the presence of HIV antibodies; and~~

12 ~~b. A second ELISA test is administered and it indicates the presence of HIV; and~~

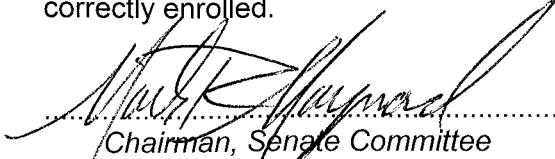
13 ~~c. A Western Blot test is conducted and it confirms the results of the two ELISA tests.~~

14 5.10. If any of the tests in the ~~ELISA-ELISA-Western Blot series produce~~ confirmatory
15 test produces a negative result, the testing ceases and the proposed insured cannot be denied
16 coverage based on AIDS-related testing.

17 ~~For Example: If the initial ELISA test yields a negative result, the testing ceases. If the~~
18 ~~initial ELISA test yields a positive result and the subsequent ELISA test yields a negative result,~~

19 ~~the testing ceases. If both ELISA tests yield a positive result and the Western Blot test yields a~~
20 ~~negative result, for purposes of insurability, the results are negative.”~~

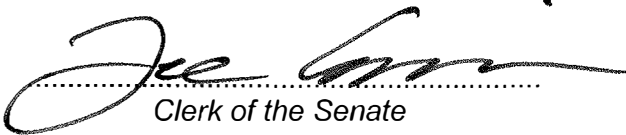
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, Senate Committee



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Chairman, House Committee

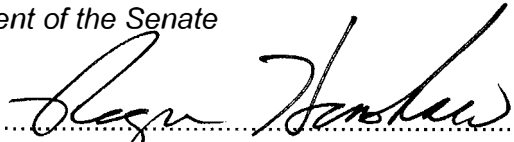
Originated in the Senate.

In effect from passage.



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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within is approved this the 26th
Day of March, 2019.


.....
Governor

OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE

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FILED

PRESENTED TO THE GOVERNOR

MAR 08 2019

Time 3:27 pm