

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4317

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TULLY, PACK, D. JEFFRIES, KEATON, HANNA, ELLINGTON,
GRAVES AND MANDT

[Originating in the Committee on Health and Human
Resources; reported on February 25, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated 33-57-2, relating to health insurance; prohibiting certain actions and defining
3 terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

**§33-57-2. Prohibition on denial of coverage, increase in premiums, or cancellation of
sickness, disability, or long-term care insurance for living organ donors.**

1 (a) For purposes of this section, the term “living organ donor” means an individual who
2 has donated all or part of an organ and is not deceased.

3 (b) Notwithstanding the provisions of §33-1-1 et seq. of this code, an insurer subject to
4 §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of
5 this code which issues or renews a health insurance policy on or after July 1, 2022, may not:

6 (1) Decline or limit coverage of a person under any sickness, disability, or long-term care
7 insurance policy solely due to the status of such person as a living organ donor;

8 (2) Preclude an insured from donating all or part of an organ as a condition of continuing
9 to receive a sickness, disability, or long-term care insurance policy; or

10 (3) Otherwise discriminate in the offering, issuance, cancellation, amount of such
11 coverage, price, or any other condition of a sickness, disability, or long-term care insurance policy
12 for a person, based solely and without any additional actuarial risks upon the status of such person
13 as a living organ donor.

NOTE: The purpose of this bill is to prohibit the denial, cancellation, or other discrimination in policies of life insurance, sickness, disability, or long-term care insurance due to the status of the insured as a living organ donor.

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