WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 623

By Senators Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Maroney, Romano, Stollings, Takubo, Weld, and Woelfel

[Introduced February 14, 2022; referred
to the Committee on Banking and Insurance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, all related to creating a State Living Donor Protection Act; setting forth prohibited acts related to insurance coverage for living organ donors; authorizing enforcement by the Insurance Commissioner; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

Article 61. STATE LIVING DONOR PROTECTION ACT.

§33-61-1. Living donor protection act; prohibited actions; enforcement; and effective date.

(a) This article shall be known and may be cited as the Living Donor Protection Act.

(b) For purposes of this act, the term “policy” means a life insurance policy, disability insurance policy, or a long-term care insurance policy.

(c) *Prohibition* – Notwithstanding any other provision of law to the contrary, it shall be unlawful to:

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

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

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

(d) The state insurance commissioner shall take such actions authorized under this chapter and in §33-2-1, *et seq.* of this code, that are necessary to enforce this article.

(e) This act becomes effective July 1, 2022.

NOTE: The purpose of this bill is to create a State Living Donor Protection Act; setting forth prohibited acts related to insurance coverage for living organ donors; authorizing enforcement by the insurance commissioner; and providing an effective date.

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