

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §33-61-1, all related to creating a State Living Donor Protection Act; setting
 3 forth prohibited acts related to insurance coverage for living organ donors; authorizing
 4 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.

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

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

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

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

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

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

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

18 (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.