

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2162

FISCAL
NOTE

By Delegates Keaton and Holstein

[Introduced January 11, 2023; Referred to the
Committee on Banking and Insurance then the
Judiciary]

1 A BILL to amend and reenact §33-20B-9 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring insurers of physicians who perform abortions to establish a separate insurance
 3 pool.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20B. RATES AND MALPRACTICE INSURANCE POLICIES.

**§33-20B-9. Authority of commissioner to promulgate rules and regulations regarding
affiliate and subsidiary operating results.**

1 The commissioner may, as he ~~or she deems~~ considers necessary after notice and hearing,
 2 promulgate rules and regulations in accordance with §29A-3-1 *et seq.* of this code to define the
 3 commissioner’s authority to consider the operating results of an insurer’s affiliates and
 4 subsidiaries in the rate making and solvency determination of that insurer: *Provided, That prior to*
 5 *July 1, 2023, the commissioner shall promulgate rules in accordance with §29A-3-1 et seq. of this*
 6 *code that provide that insurers of physicians who perform abortions shall establish a separate*
 7 *insurance pool: *Provided, however,* That malpractice insurance premiums may not be lower under*
 8 *this separate pool than they would otherwise be to insure the physician.*

NOTE: The purpose of this bill is to require insurers of physicians who perform abortions to establish a separate insurance pool.

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