

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 292

By Senators Azinger and Deeds

[Introduced January 18, 2023; referred
to the Committee on Banking and Insurance; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §35-1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating
 3 the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing
 4 ministry from the state's insurance laws; providing definitions; providing that membership
 5 in a health care sharing ministry satisfies a requirement to have health care insurance by a
 6 public institution of higher education; and providing that a health care sharing ministry is
 7 not a third-party payer for any purposes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. HEALTH CARE SHARING MINISTRIES FREEDOM TO SHARE ACT.

§35-1A-1. Short title.

1 This article shall be known as the "Health Care Sharing Ministries Freedom to Share Act".

§35-1A-2. Exemption of Health Care Sharing Ministries from the Insurance Code.

1 A health care sharing ministry may not be considered to be engaging in the business of
 2 insurance for purposes of chapter 33 of this code.

§35-1A-3. Definitions.

1 "Health care sharing ministry" means a non-profit organization that is tax exempt under the
 2 Internal Revenue Code which:

3 (a) Limits its participants to those members who share a common set of ethical or religious
 4 beliefs;

5 (b) Acts as a facilitator among participants who have financial or medical needs to assist
 6 those with financial or medical needs in accordance with criteria established by the health care
 7 sharing ministry;

8 (c) Provides for the financial or medical needs of a participant through contributions from
 9 other participants.

10 (d) Provides amounts that participants may contribute with no assumption of risk or
 11 promise to pay among the participants and no assumption of risk or promise to pay by the health

12 care sharing ministry to the participants;

13 (e) Provides to the participants monthly the total dollar amount of qualified needs actually
14 shared in the previous month in accordance with criteria established by the health care sharing
15 ministry;

16 (f) Conducts an annual audit which is performed by an independent certified public
17 accounting firm in accordance with generally accepted accounting principles and which is made
18 available to the public by providing a copy upon request, or by posting on the organization's
19 website; and

20 (g) Provides a written disclaimer on or accompanying all applications and guideline
21 materials distributed by or on behalf of the organization that reads, in substance: "Notice: The
22 organization facilitating the sharing of medical expenses is not an insurance company, and neither
23 its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you
24 with your medical bills will be totally voluntary because no other participant will be compelled by
25 law to contribute toward your medical bills. As such, participation in the organization or a
26 subscription to any of its documents should never be considered to be insurance. Regardless of
27 whether you receive any payments for medical expenses or whether this organization continues to
28 operate, you are always personally responsible for the payment of your own medical bills.

§35-1A-4. Public Institutions of Higher Education.

1 If a public institution of higher education in this state requires a student to purchase health
2 care insurance, the institution shall allow the student to satisfy this requirement through
3 membership in a health care sharing ministry.

§35-1A-5. Third-party Payers.

1 Health Care Sharing Ministries may not be considered third-party payers for any purposes
2 where the term "third Party Payer or Payers" occurs in any sections of law of this code, including
3 financial assistance programs for hospitals, Medicaid, SCHIP, other safety net programs for health

4 care, and chapter 33 of this code.

NOTE: The purpose of this bill is to create the "Health Care Sharing Ministries Freedom to Share Act". The bill exempts a health care sharing ministry from the state's insurance laws.

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