

## State Corporation Commission 2010 Fiscal Impact Statement

**1. Bill Number:** SB163

House of Origin      X   Introduced               Substitute               Engrossed  
Second House         X   In Committee           Substitute               Enrolled

**2. Patron:** Edwards

**3. Committee:** Commerce and Labor

**4. Title:** Health savings accounts; exemption from creditors' claims.

**5. Summary:** Virginia Health Savings Account Plan. Defines a "health savings account" (HSA) as a HSA or medical savings account authorized under § 220 or 223 of the Internal Revenue Code of 1986. The bill provides that, notwithstanding a provision of law to the contrary, the rights of a participant or beneficiary to the money, assets and income of a health savings account are exempt from creditor process and are not liable for attachment, garnishment or other process and cannot be seized, taken, appropriated or applied by any legal or equitable process of law to pay any debt or liability of the participant or beneficiary of the account.

**6.** No Fiscal Impact on the State Corporation Commission.

**7. Budget amendment necessary:** No

**8. Fiscal implications:** None on the State Corporation Commission or the Department of Taxation

**9. Specific agency or political subdivisions affected:** State Corporation Commission Bureau of Insurance and the Department of Taxation

**10. Technical amendment necessary:** No

**11. Other comments:** Senate Bill 163 adds § 38.2-5604 to Chapter 56, which prescribes requirements for health savings accounts (HSAs). While the Virginia Health Savings Account Plan is in Title 38.2 (Insurance), the State Corporation Commission has no enforcement authority over HSAs. The State Corporation Commission's enforcement authority actually extends to the high deductible health plans used in connection with HSAs. Passage of Senate Bill 163 could require the State Corporation Commission and the Department of Taxation to update the Virginia Health Savings Accounts Plan. The State Corporation Commission and the Department of Taxation are responsible for revisions to the plan under HSA chapter. The State Corporation Commission has contacted the Department of Taxation in connection with the bill.

**Date:** 02/18/10 V. Tompkins

cc: Secretary of Commerce and Trade  
Secretary of Health and Human Resources