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4 A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 3.1,
5 consisting of sections numbered 58.1-339.15, 58.1-339.16, and 58.1-339.17, relating to Health Insurance
6 Premium Stabilization Tax Credit Act.
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8 Patron—Reid
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10 Committee Referral Pending

11 Be it enacted by the General Assembly of Virginia:

12 1. That the Code of Virginia is amended by adding in Chapter 3 of Title 58.1 an article numbered 3.1,
13 consisting of sections numbered 58.1-339.15, 58.1-339.16, and 58.1-339.17, as follows:

14 Article 3.1.

15 *Health Insurance Premium Stabilization Tax Credit Act.*

16 § 58.1-339.15. *Definitions.*

17 As used in this article, unless the context requires a different meaning:

18 "Certifiable premium" means the amount certified by the Division pursuant to § 58.1-339.16, for which a
19 qualified taxpayer is allowed to claim a tax credit pursuant to § 58.1-339.17 for the taxable year.

20 "Commission" means the State Corporation Commission.

21 "Coverage month" means a month during which a qualified taxpayer is enrolled in a qualified health
22 plan.

23 "Division" means the Health Benefit Exchange, a division within the Commission through which it
24 administers the Exchange.

25 "Exchange" means, as the context requires, either (i) the Division or (ii) the Virginia Health Benefit
26 Exchange established pursuant to the provisions of Chapter 65 (§ 38.2-6500 et seq.) of Title 38.2 and in
27 accordance with § 1311(b) of the Federal Act, through which qualified health plans and qualified dental
28 plans are made available to qualified individuals through the American Health Benefit Exchange and to
29 qualified employers through the Small Business Health Options Program (SHOP) Exchange. "Exchange,"
30 when referring to the Virginia Health Benefit Exchange, collectively refers to both the American Health
31 Benefit Exchange and the SHOP Exchange.

32 "Federal Act" means the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended
33 by the federal Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may further be
34 amended, and regulations issued thereunder.

35 "Poverty guidelines" means the poverty guidelines of the 48 contiguous states and the District of
36 Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services
37 under the authority of § 673(2) of the federal Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

38 "Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets
39 the criteria for certification described in § 1311(c) of the Federal Act and § 38.2-6506.

40 "Qualified taxpayer" means a taxpayer that during the taxable year (i) was enrolled in a qualified health
41 plan through the Exchange and (ii) had a Virginia adjusted gross income in excess of 400 percent of the
42 poverty guidelines.

43 "Rating area" means the rating area established in accordance with § 300gg of the Federal Act.

44 "Silver plan" means a qualified health plan that is identified as a silver-level plan as described in
45 subdivision 4 of § 38.2-6505, is offered through the Exchange, and provides self-coverage and family
46 coverage options.

47 § 58.1-339.16. *State Corporation Commission to certify credit amounts.*

48 A. The Division shall determine each qualifying taxpayer's certifiable premium for each taxable year in
49 which such taxpayer may claim a tax credit pursuant to § 58.1-339.17.

50 B. A qualifying taxpayer's certifiable premium, with respect to any taxable year, shall be the sum of each
51 coverage month's premium balance across all coverage months for such taxable year.

52 C. A qualifying taxpayer's coverage month premium balance, with respect to any coverage month, shall
53 be equal to the lesser of:

54 1. The monthly premium for a qualified health plan in which such qualifying taxpayer and any covered
55 spouse or dependent is enrolled through the Exchange; or

56 2. The difference, if any, between (i) the monthly premium that would apply if each individual covered
57 under the qualified health plan as described in subdivision 1 were covered by the second lowest cost silver
58 plan of the individual market in the rating area in which such taxpayer resides and (ii) an amount equal to

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HB405

59 8.5 percent of such taxpayer's Virginia adjusted gross income divided by 12.

60 D. The Division shall annually report to the Department each qualifying taxpayer's certifiable premium
61 for each taxable year.

62 **§ 58.1-339.17. Health insurance premium stabilization tax credit.**

63 A. For taxable years beginning on and after January 1, 2026, but before January 1, 2031, a qualified
64 taxpayer shall be allowed a refundable credit against the tax levied pursuant to § 58.1-320 in an amount
65 equal to such taxpayer's certifiable premium. Any qualified taxpayer that is married and enrolled in the same
66 qualified health plan as his spouse, if filing separately, may only be allowed to claim 50 percent of such
67 certifiable premium.

68 B. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be
69 refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value within 90
70 days after the filing date of the income tax return on which the individual applies for the refund.

71 C. The Tax Commissioner, in consultation with the Division, shall develop guidelines for claiming the
72 credit provided by this article. Such guidelines shall be exempt from the provisions of the Administrative
73 Process Act (§ 2.2-4000 et seq.).