

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-6604 of the Code of Virginia, relating to Commonwealth Health*
 3 *Reinsurance Program; extension of program; percentage goal to decrease premiums.*

4 [H 327]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-6604 of the Code of Virginia is amended and reenacted as follows:**8 **§ 38.2-6604. Commonwealth Health Reinsurance Program Special Fund.**

9 A. The Commission shall be authorized to fund the operations of the Program and to fund other purposes
 10 to implement the approved State Innovation Waiver through funds provided to the Commonwealth pursuant
 11 to the State Innovation Waiver requested pursuant to § 38.2-6606 *and any subsequent approved waiver*
 12 *extensions* and all funds appropriated for such purpose. All funds received under this section and paid into the
 13 state treasury shall be deposited to a special fund designated the "Commonwealth Health Reinsurance
 14 Program Special Fund State Corporation Commission." Interest earned on moneys in the Fund shall remain in
 15 the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of
 16 each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be
 17 used for (i) the purposes of increasing affordability in the individual market through the Program with a goal
 18 of decreasing premiums ~~by up to 20 percent~~, depending on available revenue, and (ii) the establishment,
 19 operation, and administration of the Program in carrying out the purposes authorized under this chapter, to
 20 include additional purposes to implement an approved State Innovation Waiver *or waiver extension* with
 21 funds that remain following the payment of all applicable reinsurance requests for a benefit year.

22 B. The Commission shall not use any special fund revenues dedicated to its other functions and duties,
 23 including revenues from utility consumer taxes or fees from licensees regulated by the Commission, or fees
 24 paid to the office of the Clerk of the Commission, to fund any of the activities or operating expenses of the
 25 Program. The Commission shall not pay any funds beyond the moneys in the Fund for the establishment,
 26 administration, or operation of the Program.

27 C. The provision of reinsurance payments shall not constitute an entitlement derived from the
 28 Commonwealth or a claim on any other money of the Commonwealth.

29 D. The Commission shall have no responsibility to make reinsurance payments that would be payable out
 30 of federal pass-through funding if such federal pass-through funding is insufficient to fully make such
 31 payments.

32 **2. That the State Corporation Commission (the Commission) shall apply to the appropriate federal**
 33 **agencies under § 1332 of the federal Patient Protection and Affordable Care Act, 42 U.S.C. § 18052, for**
 34 **a five-year extension of the existing State Innovation Waiver, as defined in § 38.2-6600 of the Code of**
 35 **Virginia, authorizing the Commonwealth to implement a reinsurance program. The Commission shall**
 36 **implement any extension of such reinsurance program in a manner consistent with the provisions of**
 37 **Chapter 66 (§ 38.2-6600 et seq.) of Title 38.2 of the Code of Virginia, as amended by this act.**

ENROLLED

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