
SENATE BILL 5808

State of Washington

69th Legislature

2025 Regular Session

By Senator Robinson

1 AN ACT Relating to funding for health insurance premium
2 assistance; adding a new section to chapter 48.43 RCW; creating a new
3 section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that nonprofit
6 health insurance carriers in the state are required to:
7 (a) Be committed to a nonprofit corporate structure;
8 (b) Provide individuals, businesses, and other groups with
9 affordable and accessible health insurance; and
10 (c) Recognize a responsibility to contribute to the improvement
11 of the overall health status of the residents of the jurisdictions in
12 which they operate.
13 (2) The legislature further finds that access to health insurance
14 and public services play a critical role in improving the health
15 status of Washington residents.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43
17 RCW to read as follows:
18 (1) By July 1, 2026, and annually thereafter, nonprofit health
19 carriers must submit to the commissioner the amount of the carrier's
20 surplus.

1 (2)(a) By October 1, 2026, and annually thereafter, the
2 commissioner must determine whether a nonprofit health carrier's
3 surplus is excessive.

4 (b) The surplus of a nonprofit health carrier must be determined
5 to be excessive if the surplus is greater than 600 percent of the
6 nonprofit health carrier's RBC requirements, in accordance with the
7 formula set forth in the RBC instructions.

8 (3) Except when a reduction in payment is permitted under
9 subsection (4) of this section, if the commissioner determines the
10 surplus of a nonprofit health carrier to be excessive, within 90 days
11 of the determination the nonprofit health carrier must pay three
12 percent of the excessive surplus to the commissioner's office for
13 deposit into the state health care affordability account created in
14 RCW 43.71.130 to administer a premium assistance program, as
15 established in RCW 43.71.110.

16 (4)(a) Within 30 days of a determination by the commissioner that
17 a nonprofit health carrier's surplus is excessive, a nonprofit health
18 carrier may request a hearing by the commissioner to consider a
19 reduction in the required amount of excessive surplus payment to the
20 fund.

21 (b) The commissioner may only reduce a nonprofit health carrier's
22 payment to the fund if the nonprofit health carrier presents clear
23 and compelling evidence to the commissioner that the required amount
24 of excessive surplus payment would render the nonprofit health
25 carrier financially impaired under the laws of this state or any
26 other state in which the nonprofit health carrier is authorized to do
27 business.

28 (c) The hearing must be conducted in accordance with chapter
29 34.05 RCW.

30 (5) The commissioner may adopt rules to implement this section.

31 (6) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Excessive surplus" means the amount of a nonprofit health
34 carrier's surplus above 600 percent of the nonprofit health carrier's
35 RBC requirements, as determined in subsection (2) of this section.

36 (b) "RBC" means risk-based capital.

37 (c) "RBC instructions" has the same meaning as in RCW 48.43.300.

38 (d) "Surplus" means the amount by which a nonprofit health
39 carrier's assets exceed its liabilities.

1 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2026.

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