

# Overview of State Gift Annuity Regulations

## 1. State law requires segregated reserve, annual reporting, and/or detailed application (11):

State	Years in operation	Board resolution	Disclosure in agreement	Reserve required	Investment limitations	Other registrations
AL <sup>1</sup>	—	—	yes	yes	—	—
AR	5	yes	—	yes <sup>2</sup>	yes <sup>3</sup>	—
CA	10	yes	yes	yes <sup>4</sup>	yes <sup>4</sup>	—
FL	5	—	yes	yes <sup>5</sup>	yes	—
HI <sup>6</sup>	10 in HI	—	yes	yes	— <sup>7</sup>	—
MD	10 in MD	—	yes <sup>8</sup>	yes	— <sup>7</sup>	—
NJ	10	yes	—	yes	— <sup>7</sup>	yes <sup>9</sup>
NY	10	yes	—	yes	— <sup>7</sup>	—
ND	—	—	—	yes	—	—
TN	—	—	yes <sup>8</sup>	yes <sup>10</sup>	— <sup>7</sup>	—
WA <sup>11</sup>	3	—	—	yes	— <sup>7</sup>	yes <sup>12</sup>

### NOTES:

<sup>1</sup> Regulated by Securities Dept. rather than Insurance

<sup>2</sup> May elect to segregate AR annuitants

<sup>3</sup> Prudent investor standard allowed

<sup>4</sup> CA annuitants only

<sup>5</sup> May elect to segregate FL annuitants

<sup>6</sup> Law requires \$200,000 of assets in Hawaii

<sup>7</sup> Prudent investor standard

<sup>8</sup> If signed, or in separate signed document

<sup>9</sup> Registration with NJ Div. of Revenue and NJ Dept. of Law and Public Safety

<sup>10</sup> TN-only fund allowed but no longer mandated

<sup>11</sup> Organization must have \$500,000 in unrestricted net assets

<sup>12</sup> Registration with WA Secretary of State

## 2. State law provides for exemption - Notification required (14):

State	Years in operation	Board resolution	Disclosure in agreement	Reserve required	Available assets	Other registrations
AK	3	—	yes	—	\$300k	—
CT	3	—	yes	—	\$300k	—
GA <sup>13</sup>	3	—	yes	—	\$300k	—
ID	3	—	yes	—	\$100k	—
IA	3	—	yes	—	\$300k	—
MS	3	—	yes	—	\$300k	yes <sup>14</sup>
MO	3	—	yes	—	\$100k	—
NV	3	—	yes	—	\$300k	—
NH <sup>15, 16</sup>	3	—	yes	yes	\$300k	yes <sup>17</sup>
NM	3	—	yes	—	\$300k <sup>18</sup>	—
NC	3	—	yes	—	\$100k	—
OK <sup>13</sup>	3	—	yes	—	\$100k	—
TX	3	—	yes	—	\$100k	—
WV	3	—	yes	—	\$300k	—

### NOTES:

<sup>13</sup> Annual reporting: submission of audited financial statement

<sup>14</sup> Registration with MS Secretary of State (as charitable organization)

<sup>15</sup> Annual reporting: re-notification

<sup>16</sup> Annuity rates must not exceed ACGA suggested rates

<sup>17</sup> General registration with NH Dept. of Justice in some instances

<sup>18</sup> Either in unrestricted assets or reserve fund

## 3. State law provides for exemption - No notification required (22):

State	Years in operation	Board resolution	Disclosure in agreement	Reserve required	Available assets	Other registrations
AZ	3	—	— <sup>19</sup>	—	\$300k	—
CO	3	—	yes	—	—	—
DE	—	—	—	—	—	—
IL	20 <sup>20</sup>	—	—	—	\$2 mil. <sup>20</sup>	—
IN	—	—	—	—	—	—
KS	—	—	—	—	—	—
KY	—	—	—	—	—	yes <sup>21</sup>
LA	—	—	—	—	—	—
ME	5	—	—	—	—	yes <sup>22</sup>
MA	—	—	—	—	—	—
MI	—	—	—	—	—	—
MN	—	—	—	—	—	—
MT	3 <sup>20</sup>	—	—	yes <sup>20</sup>	\$100k <sup>20,23</sup>	—
NE	3	—	—	—	—	—
OR	5	—	— <sup>24</sup>	yes	\$300k	—
PA	3	—	yes	—	\$100k <sup>25</sup>	yes <sup>26</sup>
SC	5	—	—	—	—	—
SD	10	—	yes	—	\$500k	yes <sup>27</sup>
UT	—	—	—	—	—	—
VA	3	—	yes	—	\$100k	—
VT	3	—	yes	—	\$300k	—
WI	3	—	yes <sup>28</sup>	—	—	—

### NOTES:

<sup>19</sup> Detailed disclosure statement to donor prior to gift

<sup>20</sup> Waived if annuities reinsured

<sup>21</sup> Certain charities must file copy of Form 990 with KY Attorney General

<sup>22</sup> Registration with ME Secretary of State (qualified as foreign corporation)

<sup>23</sup> \$100k in unrestricted assets or \$300k net worth

<sup>24</sup> Content-specific written disclosure, in agreement or other document

<sup>25</sup> Plus one-half principal value of then outstanding annuities

<sup>26</sup> Certain charities must register with PA Dept. of State (general solicitation law)

<sup>27</sup> Registration with SD Secretary of State (qualified as foreign corporation)

<sup>28</sup> Language modified when law changed 4/18/14

## 4. State law does not specifically address gift annuities (4):

DC, OH <sup>29</sup>, RI, WY

### NOTES:

<sup>29</sup> OH previously provided for an exemption from securities law under now rescinded administrative rule. OH Court of Appeals case decided in 2002 held gift annuities not subject to insurance regulation (OH Supreme Court declined to hear appeal).