

Hospitals, Health Care Institutions and Related Entities: Exemptions to Charitable Solicitation Registration*

*(See important end notes 1 through 5)



Please note that the information in this chart is provided for informational purposes only and should not be relied upon as legal advice. For legal advice related to charitable solicitation registration, competent legal counsel should be consulted.

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State	Exemption	Filing Required for Exemption?
Arkansas	Arkansas Code, 4-28-404. The following charitable organizations shall not be subject to the filing or reporting requirement provisions ... (5) Nonprofit hospitals, i.e., any nonprofit hospital licensed by this state or in any other state	Application
California	California Law on the Supervision of Trustees and Fundraisers for Charitable Purposes, Article 7, Section 12583. The filing, registration, and reporting provisions of this article do not apply to... a charitable corporation or unincorporated association organized and operated primarily as a religious organization, educational institution, hospital, or a health care service plan licensed pursuant to Section 1349 of the Health and Safety Code.	No
Connecticut	C.G.S. Chapter 419d, Sec. 21a-190d . The following charitable organizations shall not be subject to the provisions of sections 21a-190b and 21a-190c... (3) Any nonprofit hospital licensed in accordance with the provisions of section 19a-630 or any similar provision of the laws of any other state	Application
Hawaii	HRS §467B-11.5. The following charitable organizations shall not be subject to sections 467B-2.1 and 467B-6.5,... (4) Any nonprofit hospital licensed by the State or any similar provision of the laws of any other state	Application
Kansas	K.S.A. 17-1762. The following persons shall not be required to register with the secretary of state:... (k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes... (n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state; (o) any licensed community mental health center or licensed mental health clinic	No
Louisiana	16 LA ADC Pt. III §515(C). The provisions of this rule shall not apply to... any hospital organized under the laws of this state, or any voluntary health organization organized under the laws of this state and/or under federal laws. [NOTE: charities not using the services of a professional solicitor are exempt from registration.]	No
Maine ⁶	M.R.S.A Title 9, Chapter 385, Section 5006. The following charitable organizations, persons and institutions are exempt from the license requirements of section 5004: ... (F) Hospitals that are nonprofit and charitable; and (G) Free clinics.	No
Michigan	MCL 400.283, Section 13. A charitable organization's registration and reporting requirements under this act do not apply to any of the following:... (g) A licensed hospital, hospital-based foundation, or hospital auxiliary that solicits funds solely for 1 or more licensed hospitals.	Application
Missouri ⁷	Missouri Charitable Solicitations Law, 407.456 , Section 1, Subsection 2. The provisions of sections 407.459 and 407.462, and subsection 1 of section 407.469 shall not apply to the following:... (4) Hospitals and auxiliaries of hospitals, provided all fund-raising activities and solicitations of contributions are carried on by employees of the hospital or members of the auxiliary and not by any professional fund-raiser who is employed as an independent contractor [NOTE: 501c3 orgs are exempt from charitable registration.]	Letter
New York	EPTL Section 8-1.4 (b) The registration and reporting provisions of this section do not apply to... (5) any hospital...; Section 9.13 (a) EPTL registration exemption claims. An organization is exempt from registration under the EPTL if it fits any of the following definitions: (7) Organization is a hospital, skilled nursing facility or diagnostic/treatment center (EPTL section 8-1.4[b][5] [NOTE: charities that receive less than \$25K from NY donors are exempt from registration.]	Optional Application
North Carolina	NCGS Chapter 131F-3. Exemptions. The following are exempt from the provisions of this Chapter:... (5) Any hospital licensed pursuant to Article 5 of Chapter 131E or Article 2 of Chapter 122C of the General Statutes and any foundation or department having an established identity with that hospital if the governing board of the hospital, authorizes the solicitation and receives an accounting of the funds collected and expended.	No
Pennsylvania ⁸	Pennsylvania Statutes, Title 10, Chapter 4B, Section 162.6(a). The following charitable organizations shall be exempt from the registration requirements of this act:... (2) Hospitals which are subject to regulation by the Department of Health or the Department of Public Welfare and the hospital foundation, if any, which is an integral part thereof. (5) Senior citizen centers and nursing homes which are nonprofit and charitable and which have been granted tax-exempt status under the Internal Revenue Code of 1986 (Public Law 11 99-514, 26 U.S.C. § 1 et seq.), provided that all fundraising activities are carried on by volunteers, members or officers of the Senior Citizen Center and those volunteers, members or officers receive no compensation, directly or indirectly, for the fundraising activities.	Letter Recommended
Rhode Island	RIGL Chapter 5-53.1-3(a) The following persons shall not be required to file a registration statement with the department:... (6) Foundations or associations exclusively for the benefit of... non-profit or charitable hospitals...; (7) Hospitals, which are non-profit and charitable.	No

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State	Exemption	Filing Required for Exemption?
Tennessee	Tenn. Code Ann. 48-101-502. (a) The registration requirements of this part do not apply to:... (6) Hospitals and nursing homes that are subject to regulation by the department of health	No
Virginia ⁹	Code of Va., Title 57, Chapter 5, 57-60(A) The following persons shall be exempt from the registration requirements of § 57-49, but shall otherwise be subject to the provisions of this chapter:... (6) Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7; (7) Health care institutions defined herein as any facilities that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, and that are (i) licensed by the Department of Health or the Department of Behavioral Health and Developmental Services; (ii) designated by the Health Care Financing Administration (HCFA) as federally qualified health centers; (iii) certified by the HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without charge; and any supporting organization that exists solely to support any such health care institutions. For the purposes of clause (iv), "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs; (13) Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as regional emergency medical services councils in accordance with § 32.1-111.4:2.	Application
West Virginia	West Virginia Code 29-19-6 The following charitable organizations are not required to file an annual registration statement with the Secretary of State:... (3) Hospitals and licensed nursing homes which are nonprofit and charitable	Letter

NOTES

¹ Hospitals and health care organizations must register to solicit in: AL, AK, CO, DC, FL, GA, IL, KY, MD, MA, MN, MS, NV, NH, NJ, NM, ND, OH, OK, OR, SC, UT, WA & WI.

² There is no charitable solicitations act that requires registration in DE, ID, IN, IA, MT, NE, SD, VT & WY.

³ AZ & TX have charitable solicitation acts, but they are not applicable to hospitals or health care related charities.

⁴ Alabama Code, Title 13A, Article 3 and 3A, Section 13A-9-71 (f) The following persons shall not be required, pursuant to this article, to register with the Attorney General: (4) ...health care foundation..., including...any auxiliaries associated with any such organizations (exemption application required).

⁵ Illinois: Registration is required, but if a hospital or other organization is controlled or operated by a religious organization, then an exemption from annual reporting might be available - see 225 ILCS 460/3 Section 3 (1) (application required).

⁶ Maine R.S.A. Title 9, Chapter 385, Section 5003. 4-C. Free clinic. "Free clinic" means an incorporated nonprofit health facility that provides health care to persons at no charge. 5-C. Hospital. "Hospital" means an institution that is engaged primarily in providing inpatient, outpatient or both inpatient and outpatient medical and psychiatric diagnostic and therapeutic services in the care and treatment of injured, disabled, sick or mentally ill persons who are under the supervision of a physician.

⁷ Missouri exemption is not applicable if an organization uses professional fundraisers to solicit.

⁸ Pennsylvania exemption is not applicable to senior centers and nursing homes that use professional fundraisers to solicit.

⁹ Virginia: "Health care institution" means any medical facility that is tax exempt under the Internal Revenue Code § 501(c)(3) and at least one of the following: 1. Licensed by the Department of Health or by the Department of Behavioral Health and Developmental Services; 2. Designated by the Centers for Medicare and Medicaid Services (CMS) as a federally qualified health center; 3. Certified by CMS as a rural health clinic; or 4. Wholly organized for the delivery of health care services without charge, including the delivery of dental, medical, or other health services where a reasonable minimum fee is charged to cover administrative costs.

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