

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 774
Judiciary

(Delegate Impallaria, *et al.*)

Family Law - Marriage - Definition and Benefits

This bill further defines marriage by specifying that marriage means a lifetime commitment between a man and a woman and a marriage cannot be intended unless both parties intend a lifetime commitment to each other. A benefit provider (defined to include an insurance provider and an employer) that provides a benefit plan to a married couple is not required to provide the same benefit plan to an unmarried couple. The bill specifies that a benefit provider may establish a benefit plan rate for a married couple that differs from a benefit plan rate for an unmarried couple.

Fiscal Summary

State Effect: None. The bill would not alter governmental operations or finances as it generally codifies existing practice.

Local Effect: None. The bill would not alter governmental operations or finances as it generally codifies existing practice.

Small Business Effect: None.

Analysis

Current Law: State law provides that only a marriage between a man and a woman is valid in this State. State law neither prohibits nor requires the issuance of benefits to unmarried couples. State law does not prohibit benefit plan providers from establishing different rates for different classes of beneficiaries, as long as the differences are not based on the suspect classifications of race, color, creed, or national origin.

Background: In Maryland, Montgomery County, Baltimore City, Greenbelt, and Takoma Park extend domestic partner benefits to their employees. In Montgomery County, the provision of domestic partner benefits is not contingent on the relationship status of the partners. State law does not address civil or common law unions, as they are not recognized under State law. The Court of Appeals has held that the extension of health insurance benefits by a county to the same-sex domestic partners of county employees is not invalid under State law. *Tyma v. Montgomery County*, 369 Md. 497 (2002).

The Administrative Office of Courts advises that in fiscal 2006, 68% of custody, visitation and child support cases handled by the Baltimore City Circuit Court Family Division involved parents who had never been married.

State employee benefit plans offer coverage for the employees and their legal spouses only.

Small Business Effect: The Maryland Insurance Administration advises that this bill is not expected to change insurance policies or rates. Some carriers currently provide discounts for couples and the discounts are limited to those couples who are married. Under this bill, that practice would continue. A carrier who wants to provide a discounted rate to unmarried couples, or otherwise assess rates differently, could do so under current law and under the provisions of this bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Council on Compensation Insurance, Montgomery County, Prince George's County, Howard County, Judiciary (Administrative Office of the Courts), Maryland Association of Counties, CareFirst Blue Cross/Blue Shield, Maryland Insurance Administration, Department of Budget and Management, Baltimore City, Department of Legislative Services

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