

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1284

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 4, 7, 11, 13, 14, 16, 17, 18, 25, 26, 28, 29, and 30, in each instance, strike “domestic” and substitute “life”; strike beginning with “establishing” in line 7 down through “partnership;” in line 8 and substitute “requiring the Secretary to develop certain forms and make the forms available at certain locations;”; in line 9, strike “registration”; in the same line, after “procedures” insert “for applying for and obtaining a certificate of life partnership”; and strike beginning with “requiring” in line 19 down through “admission;” in line 24 and substitute “providing that this Act may not be construed to recognize, condone, or prohibit a domestic partnership, civil union, or marriage recognized in other states or jurisdictions;”.

On page 2, in lines 2, 4, 6, 7, 8, 10, 11, 14, and 15, in each instance, strike “domestic” and substitute “life”; in line 5, strike “is asking” and substitute “may ask for authorization for”; in line 16, after “terms;” insert “making this Act contingent on the taking effect of another Act;”; in line 20, strike “6-501” and substitute “6-401”; and in the same line, strike “Domestic” and substitute “Life”.

AMENDMENT NO. 2

On page 3, after line 14, insert:

“BY repealing and reenacting, with amendments,

Article - Health - General

Section 6-203(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)

(As enacted by Section 1 of this Act)”;

and in lines 18, 22, 23, 24, 27, 29, and 32, in each instance, strike “DOMESTIC” and substitute “LIFE”.

(Over)

On page 4, in lines 1, 7, 9, 11, 15, 18, 19, 20, and 25, in each instance, strike “DOMESTIC” and substitute “LIFE”; strike in their entirety lines 3 through 6, inclusive; in line 7, strike “(F)” and substitute “(D)”; strike in their entirety lines 13 and 14; and in line 34, strike “INDIVIDUALS” and substitute “INDIVIDUAL”.

AMENDMENT NO. 3

On page 5, in line 2, after “PARTNERSHIP” insert “WITH ANOTHER INDIVIDUAL”.

On pages 5 and 6, strike in their entirety the lines beginning with line 8 on page 5 through line 2 on page 6, inclusive, and substitute:

“(A) THE SECRETARY SHALL DEVELOP:

(1) A “DECLARATION OF LIFE PARTNERSHIP” FORM; AND

(2) A “NOTICE OF TERMINATION OF LIFE PARTNERSHIP” FORM.

(B) (1) THE SECRETARY SHALL DISTRIBUTE “DECLARATION OF LIFE PARTNERSHIP” FORMS AND “NOTICE OF TERMINATION OF LIFE PARTNERSHIP” FORMS TO EACH COUNTY CLERK AND SHALL MAKE THE FORMS AVAILABLE IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND IN LOCAL HEALTH DEPARTMENTS.

(2) (I) THE SECRETARY SHALL MAKE THE FORMS AVAILABLE ON THE DEPARTMENT’S WEBSITE.

(II) EACH COUNTY CLERK SHALL MAKE THE FORMS AVAILABLE ON THE COUNTY CLERK’S WEBSITE.

(C) (1) THE SECRETARY SHALL SET A REASONABLE FEE, BASED ON THE COSTS OF PROCESSING THE FORMS, TO FILE A “DECLARATION OF LIFE PARTNERSHIP” FORM.

(2) THERE SHALL BE NO FEE CHARGED FOR FILING A “NOTICE OF TERMINATION OF LIFE PARTNERSHIP” FORM.

(D) THE FORMS SHALL BE MAILED TO THE SECRETARY BY CERTIFIED MAIL ACCORDING TO INSTRUCTIONS PROVIDED ON THE FORMS.

6-204.

(A) (1) THE “DECLARATION OF LIFE PARTNERSHIP” FORM SHALL REQUIRE EACH INDIVIDUAL SEEKING DESIGNATION AS A LIFE PARTNER TO:

(I) VERIFY THAT EACH INDIVIDUAL MEETS THE REQUIREMENTS OF § 6-202 OF THIS SUBTITLE;

(II) PROVIDE A MAILING ADDRESS; AND

(III) SIGN THE FORM WITH A DECLARATION THAT THE DECLARATIONS MADE ON THE FORM ARE TRUE, CORRECT, AND CONTAIN NO MATERIAL OMISSIONS OF FACT TO THE BEST KNOWLEDGE AND BELIEF OF EACH APPLICANT.

(2) THE “DECLARATION OF LIFE PARTNERSHIP” FORM SHALL REQUIRE THE SIGNATURE AND SEAL OF ACKNOWLEDGMENT BY A NOTARY PUBLIC TO BE BINDING AND VALID.

(B) THE SECRETARY SHALL REGISTER THE “DECLARATION OF LIFE PARTNERSHIP” FORM AS PROVIDED IN § 6-206 OF THIS SUBTITLE, AND SHALL RETURN A COPY OF THE REGISTERED FORM TO THE LIFE PARTNERS AT THE ADDRESS PROVIDED BY THE LIFE PARTNERS AS THEIR COMMON RESIDENCE.

(C) AN INDIVIDUAL WHO HAS PREVIOUSLY REGISTERED A LIFE PARTNERSHIP WITH THE SECRETARY MAY NOT REGISTER A NEW LIFE PARTNERSHIP UNTIL 90 DAYS AFTER THE DATE THAT A NOTICE OF TERMINATION OF LIFE PARTNERSHIP WAS RECORDED BY THE SECRETARY.”.

AMENDMENT NO. 4

On pages 6 and 7, strike in their entirety the lines beginning with line 3 on page 6 through line 4 on page 7, inclusive.

(Over)

On page 7, in line 5, strike “6-204.” and substitute “6-205.”; in line 6, after “(A)” insert “(1)”; in line 7, strike “(1)” and substitute “(I)”; in line 8, strike “(2)” and substitute “(II)”; after line 9, insert:

“(2) NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, THE POST-DEATH RIGHTS CONFERRED TO A LIFE PARTNER DO NOT TERMINATE UPON THE DEATH OF A LIFE PARTNER.”;

in line 11, strike “FORMER DOMESTIC PARTNER” and substitute “MEMBER OF THE LIFE PARTNERSHIP”; and in line 25, strike “SECTION” and substitute “SUBSECTION”.

AMENDMENT NO. 5

On page 7, in lines 6, 7, 8, 10, 18, 22, 24, 25, 26, 27, 29, 30, 31, and 33, in each instance, strike “DOMESTIC” and substitute “LIFE”; in line 25, after “(1)” insert “(I)”; and after line 27, insert:

“(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN EMPLOYER TO OFFER OR PROHIBIT AN EMPLOYER FROM OFFERING HEALTH INSURANCE BENEFITS TO LIFE PARTNERS.”;

AMENDMENT NO. 6

On page 8, in lines 2, 3, 6, 15, 22, 29, and 30, in each instance, strike “DOMESTIC” and substitute “LIFE”; strike line 4 in its entirety; in line 5, strike “6-301.” and substitute “6-206.”; in line 12, strike “TESTIFIED TO” and substitute “SUBMITTED”; strike beginning with “AUTHORIZED” in line 17 down through “PARTNERSHIP” in line 18 and substitute “NOTARY PUBLIC WHO WITNESSED THE SIGNATURES”; in line 19, strike “6-302.” and substitute “6-207.”; after line 24, insert:

“6-208.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE.”;

in line 25, strike “4.” and substitute “3.”; and in line 26, strike “6-401.” and substitute “6-301.”.

AMENDMENT NO. 7

On page 9, in line 2, strike “A PARTICULAR PERSON” and substitute “THE INDIVIDUAL”; in line 7, strike “6-402.” and substitute “6-302.”; in lines 9, 12, 21, 23, and 24, in each instance, strike “DOMESTIC” and substitute “LIFE”; in line 16, after “(1)” insert “IN ACCORDANCE WITH COUNTY OR COMPANY EMERGENCY MEDICAL SERVICES TRANSPORT POLICIES.”; in line 21, strike “5.” and substitute “4.”; in line 22, strike “6-501.” and substitute “6-401.”; in line 25, strike “TITLE” and substitute “ARTICLE, TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE, TITLE 6 OF THE REAL PROPERTY ARTICLE, AND TITLE 4 OF THE ESTATES AND TRUSTS ARTICLE”; and strike in their entirety lines 26 through 33, inclusive, and substitute:

“(B) THE ESTABLISHMENT OF A LIFE PARTNERSHIP REGISTRY IN THIS STATE MAY NOT BE CONSTRUED TO RECOGNIZE, CONDONE, OR PROHIBIT A DOMESTIC PARTNERSHIP, CIVIL UNION, OR MARRIAGE BETWEEN TWO INDIVIDUALS OF THE SAME SEX ENTERED INTO IN ANOTHER STATE OR JURISDICTION.”.

AMENDMENT NO. 8

On page 10, in lines 7 and 8, in each instance, strike “DOMESTIC” and substitute “LIFE”.

On page 11, in line 24, strike “DOMESTIC” and substitute “LIFE”.

On page 12, in lines 1 and 19, in each instance, strike “DOMESTIC” and substitute “LIFE”.

On page 13, in line 18, strike “DOMESTIC” and substitute “LIFE”.

On page 14, in lines 4 and 29, in each instance, strike “DOMESTIC” and substitute “LIFE”.

On page 15, in line 8, strike “DOMESTIC” and substitute “LIFE”.

On page 16, in line 2, strike “DOMESTIC” and substitute “LIFE”.

On page 17, in lines 5, 9, 10, 11, and 25, in each instance, strike “DOMESTIC” and substitute “LIFE”; and in line 25, strike “§ 6-101” and substitute “§ 1-101”.

(Over)

On page 18, in line 23, strike “DOMESTIC” and substitute “LIFE”; and in line 23, strike “§ 6-101” and substitute “§ 1-101”.

On page 19, in line 5, strike “DOMESTIC” and substitute “LIFE”; and in lines 5 and 6, strike “§ 6-101” and substitute “§ 1-101”.

AMENDMENT NO. 9

On page 19, after line 11, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

6-204.

(a) (1) The “Declaration of Life Partnership” form shall require each individual seeking designation as a life partner to:

(i) Verify that each individual meets the requirements of § 6-202 of this subtitle;

(ii) Provide a mailing address;

(iii) Sign the form with a declaration that declarations made on the form are true, correct, and contain no material omissions of fact to the best knowledge and belief of each applicant.

(2) The “Declaration of Life Partnership” form shall require the signature and seal of an acknowledgment by a notary public to be binding and valid.

(3) THE “DECLARATION OF LIFE PARTNERSHIP” FORM SHALL INCLUDE A REFERENCE TO THE INFORMATION ON AN ADVANCE DIRECTIVE FORM DEVELOPED UNDER § 5-615 OF THIS ARTICLE.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2004, contingent on the taking effect of Chapter ____ (H. B. 557) of the Acts of the General Assembly of 2004, and if Chapter ____ does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.”;

in lines 12 and 18, strike “3.” and “4.”, respectively, and substitute “5.” and “6.”, respectively; and in line 18, after “That” insert “, subject to Section 4 of this Act,”.