

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 796

(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, 30, 32, and 34, in each instance, strike “domestic” and substitute “life”; strike beginning with “establishing” in line 7 down through “procedures;” in line 9 and substitute “requiring individuals to register with the Secretary of Health and Mental Hygiene in order to enter into a life partnership; requiring the Secretary to develop certain forms and make the forms available at certain locations; establishing certain procedures for applying for and obtaining a certificate of life partnership;”; in line 18, strike “in” and substitute “under”; 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;”; and in line 31, strike “treating”.

On page 2, in lines 1, 2, 3, 5, 6, 9, and 10, in each instance, strike “domestic” and substitute “life”; in line 15, strike “6-501” and substitute “6-401”; and in the same line, strike “Domestic” and substitute “Life”.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 14 on page 3 through line 33 on page 9, inclusive.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 4 through 6, inclusive; in line 7, strike the brackets; in the same line, strike “(E)”; in line 9, strike the brackets; in the same line, strike “(F)”; and after line 10, insert:

“(F) “LIFE PARTNER” MEANS AN INDIVIDUAL WHO HAS REGISTERED FOR A CERTIFICATE OF LIFE PARTNERSHIP WITH THE SECRETARY UNDER TITLE 6 OF THIS

(Over)

ARTICLE.”.

AMENDMENT NO. 4

On page 11, in lines 21 and 32, in each instance, strike “DOMESTIC” and substitute “LIFE”.

On page 12, in line 16, strike “DOMESTIC” and substitute “LIFE”.

On page 13, in lines 14 and 34, in each instance, strike “DOMESTIC” and substitute “LIFE”.

AMENDMENT NO. 5

On page 14, after line 9, insert:

“TITLE 6. LIFE PARTNERSHIPS.

SUBTITLE 1. DEFINITIONS.

6-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CERTIFICATE OF LIFE PARTNERSHIP” MEANS A CERTIFICATE ISSUED BY THE SECRETARY ESTABLISHING A LIFE PARTNERSHIP AND AUTHORIZING THE LIFE PARTNERS TO CLAIM THE BENEFITS OF A LIFE PARTNERSHIP.

(C) (1) “COMMON RESIDENCE” MEANS THE SHARED PLACE WHERE BOTH LIFE PARTNERS LIVE.

(2) “COMMON RESIDENCE” INCLUDES THE SHORT-TERM OR LONG-TERM TEMPORARY LEAVING OF THE COMMON RESIDENCE BY ONE LIFE PARTNER WITH THE INTENT TO RETURN TO THE COMMON RESIDENCE.

(3) “COMMON RESIDENCE” DOES NOT MEAN THAT:

(I) BOTH LIFE PARTNERS ARE REQUIRED TO HAVE THE RIGHT TO LEGAL POSSESSION OF THE COMMON RESIDENCE; OR

(II) A LIFE PARTNER MAY NOT HAVE AN ADDITIONAL

RESIDENCE.

(D) (1) "MUTUAL INTERDEPENDENCE" MEANS THAT EACH LIFE PARTNER IN A RELATIONSHIP CONTRIBUTES TO THE MAINTENANCE AND SUPPORT OF THE OTHER LIFE PARTNER AND THE RELATIONSHIP.

(2) "MUTUAL INTERDEPENDENCE" DOES NOT MEAN THAT THE LIFE PARTNERS ARE REQUIRED TO CONTRIBUTE EQUALLY TO THE RELATIONSHIP.

SUBTITLE 2. GENERAL PROVISIONS AND REGISTRATION OF LIFE PARTNERSHIPS.

6-201.

(A) A LIFE PARTNERSHIP IS NOT ESTABLISHED AND AN INDIVIDUAL MAY NOT CLAIM THE BENEFITS OF A LIFE PARTNERSHIP UNLESS THE INDIVIDUAL HAS BEEN ISSUED A CERTIFICATE OF LIFE PARTNERSHIP BY THE SECRETARY.

(B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.

6-202.

(A) TO QUALIFY FOR A CERTIFICATE OF LIFE PARTNERSHIP, A REGISTRANT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) A REGISTRANT QUALIFIES UNDER THIS SECTION IF:

(1) EACH INDIVIDUAL IS AT LEAST 18 YEARS OLD;

(2) THE INDIVIDUALS ARE NOT RELATED TO THE OTHER BY BLOOD OR MARRIAGE WITHIN FOUR DEGREES OF CONSANGUINITY UNDER THE CIVIL LAW RULE;

(3) (I) THE INDIVIDUALS ARE OF THE SAME SEX; OR

(Over)

(II) THE INDIVIDUALS ARE OF THE OPPOSITE SEX;

(4) NEITHER INDIVIDUAL IS MARRIED OR IS A MEMBER OF A CIVIL UNION OR DOMESTIC PARTNERSHIP WITH ANOTHER INDIVIDUAL;

(5) THE INDIVIDUALS AGREE TO BE IN A RELATIONSHIP OF MUTUAL INTERDEPENDENCE;

(6) THE INDIVIDUALS SHARE A COMMON RESIDENCE; AND

(7) THE INDIVIDUALS AGREE TO REGISTER WITH THE SECRETARY.

6-203.

(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.

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

(B) THE SECRETARY SHALL REGISTER THE “DECLARATION OF LIFE

(Over)

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.

6-205.

(A) (1) A LIFE PARTNERSHIP SHALL TERMINATE:

(I) ON THE DEATH OF A LIFE PARTNER; OR

(II) WHEN A NOTICE OF TERMINATION OF LIFE PARTNERSHIP HAS BEEN ACCEPTED FOR RECORD BY THE SECRETARY.

(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.

(B) (1) WITHIN 90 DAYS OF THE DISSOLUTION OF A LIFE PARTNERSHIP, AT LEAST ONE MEMBER OF THE LIFE PARTNERSHIP SHALL SEND, BY CERTIFIED MAIL, A NOTICE TO THE SECRETARY.

(2) WHEN THE SECRETARY ACCEPTS FOR RECORD A NOTICE, THE SECRETARY SHALL:

(I) ENDORSE ON THE NOTICE ITS ACCEPTANCE FOR RECORD AND THE DATE AND TIME OF ACCEPTANCE;

(II) RECORD PROMPTLY THE NOTICE; AND

(III) PROVIDE THE LIFE PARTNER WHO FILED THE NOTICE TWO COPIES OF THE NOTICE WITH THE ENDORSEMENTS REQUIRED IN ITEM (I) OF THIS PARAGRAPH.

(3) WITHIN 5 DAYS OF RECEIVING THE COPIES OF THE NOTICE ENDORSED BY THE SECRETARY, THE LIFE PARTNER SHALL SEND, BY CERTIFIED MAIL, A COPY OF THE NOTICE ENDORSED BY THE SECRETARY TO THE OTHER LIFE PARTNER'S LAST KNOWN ADDRESS.

(C) (1) (I) THIS SUBSECTION APPLIES TO A LIFE PARTNER WHO HAS GIVEN A COPY OF A CERTIFICATE OF LIFE PARTNERSHIP TO A THIRD PARTY TO QUALIFY FOR OR CLAIM ANY BENEFIT OR RIGHT OF A LIFE PARTNER.

(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.

(2) ANY BENEFIT OR RIGHT OFFERED BY A THIRD PARTY THAT A LIFE PARTNER CLAIMS AS A RESULT OF A LIFE PARTNERSHIP, SHALL IMMEDIATELY TERMINATE ON THE TERMINATION OF A LIFE PARTNERSHIP.

(3) ON THE TERMINATION OF A LIFE PARTNERSHIP, A LIFE PARTNER SHALL GIVE OR SEND TO THE THIRD PARTY, AT THE LAST KNOWN ADDRESS OF THE THIRD PARTY, WRITTEN NOTIFICATION THAT THE LIFE PARTNERSHIP HAS BEEN TERMINATED.

(4) A THIRD PARTY WHO SUFFERS A LOSS AS A RESULT OF THE FAILURE OF A LIFE PARTNER TO NOTIFY THE THIRD PARTY OF THE TERMINATION OF A LIFE PARTNERSHIP IS ENTITLED TO RECOVER ANY ACTUAL DAMAGES.

6-206.

THE SECRETARY SHALL KEEP A CERTIFICATE OF LIFE PARTNERSHIP BOOK,

(Over)

WHICH SHALL CONTAIN:

- (1) A COMPLETE RECORD OF EACH REGISTRATION ISSUED;
- (2) A COMPLETE RECORD OF ALL MATTERS THE DESIGNATED OFFICIAL IS REQUIRED TO ASCERTAIN THAT RELATE TO THE RIGHTS OF AN INDIVIDUAL TO OBTAIN A REGISTRATION;
- (3) IN REGULAR ORDER, THE ITEMS SUBMITTED BY THE REGISTRANTS AS REQUIRED UNDER THIS TITLE;
- (4) PROPERLY INDEXED, THE NAME OF EACH INDIVIDUAL WHO INTENDS TO REGISTER A LIFE PARTNERSHIP; AND
- (5) THE DATE EACH REGISTRATION WAS RECORDED AND THE NAME OF THE NOTARY PUBLIC WHO WITNESSED THE SIGNATURES.

6-207.

(A) AN INDIVIDUAL MAY NOT KNOWINGLY MAKE ANY MATERIAL FALSE STATEMENT TO OBTAIN OR TO HELP ANOTHER INDIVIDUAL TO OBTAIN A CERTIFICATE OF LIFE PARTNERSHIP IN VIOLATION OF THIS TITLE.

(B) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF PERJURY.

6-208.

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

SUBTITLE 3. MEDICAL EMERGENCIES.

6-301.



(A) A HOSPITAL, RELATED INSTITUTION, AND RESIDENTIAL TREATMENT CENTER, AS DEFINED IN § 19-301 OF THIS ARTICLE, SHALL ALLOW A PATIENT'S LIFE PARTNER, THE CHILDREN OF THE PATIENT'S LIFE PARTNER, AND THE LIFE PARTNER OF THE PATIENT'S PARENT OR CHILD TO VISIT, UNLESS:

(1) NO VISITORS ARE ALLOWED;

(2) THE FACILITY REASONABLY DETERMINES THAT THE PRESENCE OF A PARTICULAR VISITOR WOULD ENDANGER THE HEALTH OR SAFETY OF A PATIENT OR MEMBER OF THE FACILITY STAFF; OR

(3) THE PATIENT TELLS THE FACILITY STAFF THAT THE PATIENT DOES NOT WANT THE INDIVIDUAL TO VISIT.

(B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL, RELATED INSTITUTION, OR RESIDENTIAL TREATMENT CENTER FROM ESTABLISHING REASONABLE RESTRICTIONS UPON VISITATION, INCLUDING RESTRICTIONS ON THE HOURS OF VISITATION AND NUMBER OF VISITORS.

6-302.

(A) THIS SECTION APPLIES TO TWO ADULTS WHO QUALIFY FOR A CERTIFICATE OF REGISTRATION OF A LIFE PARTNERSHIP BUT ARE NOT REGISTERED.

(B) IN THE CASE OF A MEDICAL EMERGENCY, TWO ADULTS SHALL BE TREATED AS LIFE PARTNERS IF ONE OF THE ADULTS TELLS, IN GOOD FAITH, THE EMERGENCY MEDICAL PROVIDER OR HOSPITAL PERSONNEL THAT THE ADULTS ARE IN A MUTUALLY INTERDEPENDENT RELATIONSHIP, FOR THE FOLLOWING PURPOSES ONLY:

(1) IN ACCORDANCE WITH COUNTY OR COMPANY EMERGENCY MEDICAL SERVICES TRANSPORT POLICIES, ALLOWING ONE ADULT TO ACCOMPANY THE ILL OR INJURED ADULT BEING TRANSPORTED TO A HOSPITAL IN AN

(Over)

EMERGENCY VEHICLE; AND

(2) VISITATION WITH THE ILL OR INJURED ADULT ADMITTED TO A HOSPITAL ON AN EMERGENCY BASIS ON THE SAME BASIS AS A MEMBER OF THE ILL OR INJURED ADULT’S IMMEDIATE FAMILY.

SUBTITLE 4. LIFE PARTNER’S RIGHTS AND OBLIGATIONS.

6-401.

(A) THE RIGHTS AND OBLIGATIONS OF A LIFE PARTNER AS A RESULT OF REGISTERING A LIFE PARTNERSHIP ARE ONLY THOSE DESCRIBED IN THIS ARTICLE, TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE, TITLE 6 OF THE REAL PROPERTY ARTICLE, AND TITLE 4 OF THE ESTATES AND TRUSTS ARTICLE.

(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.”;

and in line 23, strike “DOMESTIC” and substitute “LIFE”.

AMENDMENT NO. 6

On page 15, in lines 4 and 33, in each instance, strike “DOMESTIC” and substitute “LIFE”.

On page 17, in lines 2, 6, 7, 8, and 22, in each instance, strike “DOMESTIC” and substitute “LIFE”; and in line 22, strike “6-101” and substitute “1-101”.

On page 18, in line 17, strike “DOMESTIC” and substitute “LIFE”; and in the same line, strike “6-101” and substitute “1-101”.

On page 19, in line 1, strike “DOMESTIC” and substitute “LIFE”; in line 2, strike “6-101” and substitute “1-101”; and in lines 8 and 14, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively.