

Chapter 120

(Senate Bill 239)

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Domestic Partnerships

FOR the purpose of establishing that terms under a certain provision of law that denote a spousal relationship shall be construed to include a party to a domestic partnership; establishing that the provisions of the State Employee and Retiree Health and Welfare Benefits Program that apply to spouses apply to parties who have entered into a domestic partnership; and generally relating to the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 6–101
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 2–501.1
Annotated Code of Maryland
(2015 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–502
Annotated Code of Maryland
(2015 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

6–101.

(a) In this title, “domestic partnership” means a relationship between two individuals who:

- (1) Are at least 18 years old;

(2) Are not related to each other by blood or marriage within four degrees of consanguinity under civil law rule;

(3) Are not married or in a civil union or domestic partnership with another individual; and

(4) Agree to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship, even if both individuals are not required to contribute equally to the relationship.

(b) An individual who asserts a domestic partnership under subsection (a) of this section may be required to provide:

(1) An affidavit signed under penalty of perjury by two individuals stating that they have established a domestic partnership; and

(2) Proof of any two of the following documents:

(i) Joint liability of the individuals for a mortgage, lease, or loan;

(ii) The designation of one of the individuals as the primary beneficiary under a life insurance policy on the life of the other individual or under a retirement plan of the other individual;

(iii) The designation of one of the individuals as the primary beneficiary of the will of the other individual;

(iv) A durable power of attorney for health care or financial management granted by one of the individuals to the other individual;

(v) Joint ownership or lease by the individuals of a motor vehicle;

(vi) A joint checking account, joint investments, or a joint credit account;

(vii) A joint renter's or homeowner's insurance policy;

(viii) Coverage on a health insurance policy;

(ix) Joint responsibility for child care, such as guardianship or school documents; or

(x) A relationship or cohabitation contract.

Article – State Personnel and Pensions

2-501.1.

IN THIS SUBTITLE, THE TERMS “SPOUSE”, “FAMILY”, “IMMEDIATE FAMILY”, “DEPENDENT”, AND ANY OTHER TERMS THAT DENOTE THE SPOUSAL RELATIONSHIP SHALL BE CONSTRUED TO INCLUDE A PARTY TO A DOMESTIC PARTNERSHIP, AS DEFINED IN § 6-101 OF THE HEALTH – GENERAL ARTICLE.

2-502.

(a) There is a State Employee and Retiree Health and Welfare Benefits Program, to be developed and administered by the Secretary.

(b) (1) The Program:

(i) subject to the regulations adopted under § 2-503 of this subtitle, shall encompass all units in the Executive, Judicial, and Legislative branches of State government, including any unit with an independent personnel system;

(ii) shall include the health insurance benefit options established by the Secretary; and

(iii) except as provided in paragraph (2) of this subsection, may include any other benefit option that the Secretary considers appropriate.

(2) The Program may not contain any of the benefits provided under Division II or Title 35 or Title 37 of this article.

(C) THE PROVISIONS OF THE PROGRAM THAT APPLY TO SPOUSES SHALL APPLY TO PARTIES WHO HAVE ENTERED INTO A DOMESTIC PARTNERSHIP, AS DEFINED IN § 6-101 OF THE HEALTH – GENERAL ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, April 24, 2023.