

# SENATE BILL 239

P4

3lr1252  
CF 3lr3060

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By: **Senator Feldman**

Introduced and read first time: January 24, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 8, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Employee and Retiree Health and Welfare Benefits Program – Domestic**  
3 **Partnerships**

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

10 BY repealing and reenacting, without amendments,  
11 Article – Health – General  
12 Section 6–101  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2022 Supplement)

15 BY adding to  
16 Article – State Personnel and Pensions  
17 Section 2–501.1  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – State Personnel and Pensions  
22 Section 2–502

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2022 Supplement)

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

5 **Article – Health – General**

6 6–101.

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

9 (1) Are at least 18 years old;

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

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

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

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

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

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

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

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

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

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

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

- 1 (vi) A joint checking account, joint investments, or a joint credit  
2 account;
- 3 (vii) A joint renter's or homeowner's insurance policy;
- 4 (viii) Coverage on a health insurance policy;
- 5 (ix) Joint responsibility for child care, such as guardianship or school  
6 documents; or
- 7 (x) A relationship or cohabitation contract.

### 8 Article – State Personnel and Pensions

#### 9 2–501.1.

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

#### 14 2–502.

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

17 (b) (1) The Program:

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.