

SENATE BILL 239

P4

3lr1252

By: **Senator Feldman**

Introduced and read first time: January 24, 2023

Assigned to: Budget and Taxation

A BILL ENTITLED

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
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

1
2 6–101.

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

5 (1) Are at least 18 years old;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (viii) Coverage on a health insurance policy;
- 2 (ix) Joint responsibility for child care, such as guardianship or school
3 documents; or
- 4 (x) A relationship or cohabitation contract.

5 **Article – State Personnel and Pensions**

6 **2–501.1.**

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

11 **2–502.**

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

14 (b) (1) The Program:

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2023.