

ASSEMBLY BILL

No. 1059

Introduced by Assembly Member Migden

February 27, 1997

An act to add Section 1374.58 to the Health and Safety Code, and to add Section 10121.7 to the Insurance Code, relating to health coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1059, as introduced, Migden. Health coverage: domestic partners.

(1) Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, a willful violation of any of these provisions is punishable as either a felony or a misdemeanor. Existing law also provides for the regulation of policies of disability insurance and self-insured employee welfare benefit plans administered by the Insurance Commissioner.

Existing law requires that health care service plans, disability insurers, and self-insured employee welfare benefit plans provide coverage for certain benefits and services.

This bill would require a group health care service plan and a policy of disability insurance that provides hospital, medical, or surgical expense benefits for employees, subscribers, insureds, or policyholders and their dependents to provide eligibility and benefits to a domestic partner, as defined, of an employee, subscriber, insured, or policyholder to the same extent as provided to a dependent of an employee, subscriber,

insured, or policyholder. The bill would also require a health care service plan, a policy of group disability insurance, or a self-insured employee welfare benefit plan that provides hospital, medical, or surgical expense benefits for employees, subscribers, insureds, or policyholders and their dependents to enroll as a dependent, upon application by the employer or group administrator, a domestic partner of the employee, subscriber, insured, or policyholder when that employee, subscriber, insured, or policyholder at any time makes an application for enrollment to the employer or group administrator.

Since a willful violation of the provisions applicable to health care service plans is a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1374.58 is added to the Health
2 and Safety Code, to read:
3 1374.58. (a) A group health care service plan that
4 provides hospital, medical, or surgical expense benefits
5 for employees or subscribers and their dependents shall
6 provide eligibility or benefits to the domestic partner of
7 an employee or subscriber to the same extent as provided
8 to a dependent of the employee or subscriber.
9 (b) A health care service plan that provides hospital,
10 medical, or surgical expense benefits for employees or
11 subscribers and their dependents shall enroll as a
12 dependent, upon application by the employer or group
13 administrator, a domestic partner of an employee or
14 subscriber, at any time the employee or subscriber makes



1 an application for enrollment to the employer or group
2 administrator.

3 (c) For purposes of this section, the following
4 definitions apply:

5 (1) “Domestic partner” means an adult who has
6 chosen to share in another’s life in an intimate and
7 committed relationship of mutual caring. A domestic
8 partnership shall be established when all of the following
9 requirements are met:

10 (A) Both persons have a common residence.

11 (B) Both persons agree to be jointly responsible for
12 each other’s basic living expenses during the domestic
13 partnership.

14 (C) Neither person is married or a member of another
15 domestic partnership.

16 (D) The two persons are not related by blood in a way
17 that would prevent them from being married to each
18 other in this state.

19 (E) Both persons are at least 18 years of age.

20 (2) “Have a common residence” means that two
21 people share the same place to live. It is not necessary that
22 the legal right to possess the place be in both of their
23 names. Two people may live together even if one or both
24 have additional places to live. Domestic partners do not
25 cease to live together if one leaves the shared place but
26 intends to return.

27 (3) “Basic living expenses” means basic food and
28 shelter. It also means any other cost, such as medical care,
29 if some or all of the cost is paid as a benefit because a
30 person is another person’s domestic partner.

31 (4) “Joint responsibility” means that each partner
32 agrees to provide for the other partner’s basic living
33 expenses if the partner is unable to provide for herself or
34 himself. Anyone to whom these expenses are owed can
35 enforce this responsibility.

36 SEC. 2. Section 10121.7 is added to the Insurance
37 Code, to read:

38 10121.7. (a) A policy of group disability insurance
39 that provides hospital, medical, or surgical expense
40 benefits for employees, insureds, or policyholders and



1 their dependents shall provide eligibility and benefits to
2 the domestic partner of an employee, insured, or
3 policyholder to the same extent as provided to a
4 dependent of the employee, insured, or policyholder.

5 (b) Each policy of group disability insurance that
6 provides hospital, medical, or surgical expense benefits
7 for employees, insureds, or policyholders and their
8 dependents shall enroll as a dependent, upon application
9 by the employer or group administrator, a domestic
10 partner of the employee, insured, or policyholder when
11 that employee, insured, or policyholder at any time
12 makes an application for enrollment to the employer or
13 group administrator.

14 (c) For purposes of this section, the following
15 definitions apply:

16 (1) “Domestic partner” means an adult who has
17 chosen to share in another’s life in an intimate and
18 committed relationship of mutual caring. A domestic
19 partnership shall be established when all of the following
20 requirements are met:

21 (A) Both persons have a common residence.

22 (B) Both persons agree to be jointly responsible for
23 each other’s basic living expenses during the domestic
24 partnership.

25 (C) Neither person is married or a member of another
26 domestic partnership.

27 (D) The two persons are not related by blood in a way
28 that would prevent them from being married to each
29 other in this state.

30 (E) Both persons are at least 18 years of age.

31 (2) “Have a common residence” means that two
32 people share the same place to live. It is not necessary that
33 the legal right to possess the place be in both of their
34 names. Two people may live together even if one or both
35 have additional places to live. Domestic partners do not
36 cease to live together if one leaves the shared place but
37 intends to return.

38 (3) “Basic living expenses” means basic food and
39 shelter. It also means any other cost, such as medical care,



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2 person is another person's domestic partner.

3 (4) "Joint responsibility" means that each partner
4 agrees to provide for the other partner's basic living
5 expenses if the partner is unable to provide for herself or
6 himself. Anyone to whom these expenses are owed can
7 enforce this responsibility.

8 SEC. 3. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution because the only costs that may be incurred
11 by a local agency or school district will be incurred
12 because this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section
15 17556 of the Government Code, or changes the definition
16 of a crime within the meaning of Section 6 of Article
17 XIII B of the California Constitution.

18 Notwithstanding Section 17580 of the Government
19 Code, unless otherwise specified, the provisions of this act
20 shall become operative on the same date that the act
21 takes effect pursuant to the California Constitution.

