

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 26

**Introduced by Assembly Members Migden, Kuehl, and
Villaraigosa**

**(Coauthors: Assembly Members Alquist, Aroner, Calderon,
Firebaugh, Keeley, Knox, Lempert, Longville, Mazzoni,
Romero, and Steinberg)**

**(Coauthors: Senators Bowen, Solis, Speier, and
Vasconcellos)**

December 7, 1998

An act to add Division 2.5 (commencing with Section 297) to the Family Code, to add ~~Sections 1261 and 1374.58~~ *Article 9 (commencing with Section 22867) to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, and to add Section 1261 to the Health and Safety Code, and to add Section 10121.7 to the Insurance Code*, relating to domestic partners.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as amended, Migden. Domestic partners.

(1) Existing law sets forth the requirements of a valid marriage, and specifies the rights and obligations of spouses during marriage.

This bill would ~~define "domestic partners"~~ *provide that a domestic partnership shall be established between 2 adults of the same sex who have a common residence and meet other*

specified criteria and *would* provide for the registration of domestic partnerships with the Secretary of State. The bill would also specify procedures for the termination of domestic partnerships. The bill would prohibit a person who has filed a Declaration of Domestic Partnership from filing a new declaration until at least 6 months has elapsed from the date that a Notice of Termination of Domestic Partnership was filed with the Secretary of State in connection with the termination of the most recent domestic partnership, except where the previous domestic partnership ended because one of the partners died *or married*.

The bill would require the Secretary of State to prepare forms for the registration and termination of domestic partnerships, ~~and~~ distribute these forms to each county clerk. ~~The bill would~~, *and* require the Secretary of State to establish, by regulation, and charge fees for processing these forms. The bill would require these forms to be available to the public at the office of the Secretary of State and each county clerk. A Declaration of Domestic Partnership would be required to be accompanied by a specified declaration of veracity. Violation of this requirement would be a misdemeanor. By creating a new crime and by increasing the duties of the county clerk, the bill would impose a state-mandated local program.

This bill would provide that any domestic partnership entered into outside of this state, which would be valid by the laws of the jurisdiction under which the partnership was created, shall be valid in this state.

The bill would also preempt, on and after January 1, 2000, any local ordinance or law that provides for the creation of a domestic partnership, as specified, except that a local jurisdiction may retain or adopt policies or laws that offer rights to domestic partners within the jurisdiction and impose duties that are in addition to the rights and duties established by state law, as specified.

(2) Existing law does not specify requirements concerning patient visitation in all health facilities.

This bill would require a health facility to allow a patient's domestic partner and other specified persons to visit a patient, except under specified conditions.



~~(3) 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 administered by the Insurance Commissioner.~~

~~Existing law requires that health care service plans and disability insurers 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 to offer coverage to employers and guaranteed associations for a domestic partner of an employee, subscriber, insured, or policyholder to the same extent, and subject to the same terms and conditions, as provided to a dependent of an employee, subscriber, insured, or policyholder. The bill would also require that if an employer or guaranteed association elects to purchase coverage for domestic partners, a health care service plan or a policy of group disability insurance that provides hospital, medical, or surgical expense benefits for employees, subscribers, insureds, or policyholders and their dependents shall 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 in accordance with the terms and conditions of the group contract, as specified. The bill would also provide that such a health care service plan or policy of group disability insurance may require a copy of a valid Declaration of Domestic Partnership and notification of termination of the domestic partnership.~~

~~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.—*The existing Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to provide health benefits plan coverage to state and local public employees and annuitants and their family members.*~~



This bill would authorize the state and local employers to offer health care coverage and other benefits to domestic partners, as defined, who have submitted certificates of eligibility or Declarations of Domestic Partnership to the board.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Division 2.5 (commencing with Section
2 297) is added to the Family Code, to read:

3

4 DIVISION 2.5. DOMESTIC PARTNER
5 REGISTRATION

6

7 PART 1. DEFINITIONS

8

9 297. (a) Domestic partners are two adults who have
10 chosen to share one another's lives in an intimate and
11 committed relationship of mutual caring.

12 (b) A domestic partnership shall be established when
13 all of the following requirements are met:

14 (1) Both persons have a common residence.



1 (2) Both persons agree to be jointly responsible for
2 each other's basic living expenses incurred during the
3 domestic partnership.

4 (3) Neither person is married or a member of another
5 domestic partnership.

6 (4) The two persons are not related by blood in a way
7 ~~which~~ *that* would prevent them from being married to
8 each other in this state.

9 (5) Both persons are at least 18 years of age.

10 (6) *Both persons are members of the same sex.*

11 (7) *Both persons are capable of consenting to the*
12 *domestic partnership.*

13 (8) *Neither person has previously filed a Declaration*
14 *of Domestic Partnership with the Secretary of State*
15 *pursuant to this division that has not been terminated*
16 *under Section 299.*

17 (9) Both file a Declaration of Domestic Partnership
18 with the Secretary of State pursuant to this division.

19 (c) "Have a common residence" means that ~~two~~
20 ~~people are cohabitants~~ *both domestic partners share the*
21 *same residence.* It is not necessary that the legal right to
22 possess the common residence be in both of their names.
23 Two people ~~are cohabitants~~ *have a common residence*
24 even if one or both have additional residences. Domestic
25 partners do not cease to ~~be cohabitants~~ *have a common*
26 *residence* if one leaves the common residence but intends
27 to return.

28 (d) "Basic living expenses" means ~~food and shelter,~~
29 *shelter, utilities, and all other costs directly related to the*
30 *maintenance of the common household of the common*
31 *residence of the domestic partners.* It also means any
32 other cost, such as medical care, if some or all of the cost
33 is paid as a benefit because a person is another person's
34 domestic partner.

35 (e) "Joint responsibility" means that each partner
36 agrees to provide for the other partner's basic living
37 expenses if the partner is unable to provide for herself or
38 himself. *Persons to whom these expenses are owed may*
39 *enforce this responsibility if, in extending credit or*
40 *providing goods or services, they relied on the existence*



1 *of the domestic partnership and the agreement of both*
2 *partners to be jointly responsible for those specific*
3 *expenses.*

4

5

PART 2. REGISTRATION

6

7 298. (a) The Secretary of State shall prepare forms
8 entitled “Declaration of Domestic Partnership” and
9 “Notice of Termination of Domestic Partnership” to
10 meet the requirements of this division. These forms shall
11 require the signature and seal of an acknowledgment by
12 a notary public to be binding and valid.

13 (b) (1) The Secretary of State shall distribute these
14 forms to each county clerk. These forms shall be available
15 to the public at the office of the Secretary of State and
16 each county clerk.

17 (2) The Secretary of State shall, by regulation,
18 establish fees for the actual costs of processing each of
19 these forms, and shall charge these fees to persons filing
20 the forms.

21 (c) The Declaration of Domestic Partnership shall
22 require each person who wants to become a domestic
23 partner to (1) state that he or she meets the requirements
24 of Section 297 at the time the form is signed, (2) provide
25 a mailing address, (3) sign the form with a declaration
26 that representations made therein are true, correct, and
27 contain no material omissions of fact to the best
28 knowledge and belief of the applicant, and (4) have a
29 notary public—~~notarize~~ *acknowledge* his or her signature.
30 *Both partners’ signatures shall be affixed to one*
31 *Declaration of Domestic Partnership form, which form*
32 *shall then be transmitted to the Secretary of State*
33 *according to the instructions provided on the form.*
34 Violations of this subdivision are punishable as a
35 misdemeanor.

36 298.5. (a) Two persons desiring to become domestic
37 partners may complete and file a Declaration of
38 Domestic Partnership with the Secretary of State.

39 (b) *The Secretary of State shall register the*
40 *Declaration of Domestic Partnership in a registry for*



1 *those partnerships, and shall return a copy of the*
2 *registered form to the domestic partners at the address*
3 *provided by the domestic partners as their common*
4 *residence.*

5 (c) No person who has filed a Declaration of Domestic
6 Partnership may file a new Declaration of Domestic
7 Partnership until at least six months after the date that a
8 Notice of Termination of Domestic Partnership was filed
9 with the Secretary of State pursuant to subdivision (b) of
10 Section 299 in connection with the termination of the
11 most recent domestic partnership. This prohibition does
12 not apply if the previous domestic partnership ended
13 because one of the partners died *or married*.

14
15 PART 3. TERMINATION

16
17 299. (a) A domestic partnership is terminated when
18 any one of the following occurs:

19 (1) One partner gives or sends to the other partner a
20 written notice *by certified mail* that he or she is
21 terminating the partnership.

22 (2) One of the domestic partners dies.

23 (3) One of the domestic partners marries.

24 (4) The domestic partners no longer have a common
25 residence.

26 (b) Upon termination of a domestic partnership, at
27 least one former partner shall file a Notice of Termination
28 of Domestic Partnership with the Secretary of State *by*
29 *mailing a completed form to the Secretary of State by*
30 *certified mail. The date on which the Notice of*
31 *Termination of Domestic Partnership is received by the*
32 *Secretary of State shall be deemed the actual termination*
33 *date of the domestic partnership, unless termination is*
34 *caused by the death or marriage of a domestic partner, in*
35 *which case the actual termination date shall be the date*
36 *indicated on the Notice of Termination of Domestic*
37 *Partnership form.* The partner who files the Notice of
38 Termination of Domestic Partnership shall send a copy of
39 the notice to the last known address of the other partner.

1 (c) A former domestic partner who has given a copy
2 of a Declaration of Domestic Partnership to any third
3 party in order to qualify for any benefit or right shall,
4 within 60 days of termination of the domestic partnership,
5 give or send to the third party, at the last known address
6 of the third party, written notification that the domestic
7 partnership has been terminated. A third party who
8 suffers a loss as a result of failure by the domestic partner
9 to send this notice shall be entitled to seek recovery from
10 the partner who was obligated to send it for any actual loss
11 resulting thereby.

12 ~~(d) Failure to file the Notice of Termination of~~
13 ~~Domestic Partnership required in subdivision (b) or to~~

14 (d) Failure to provide the third party notice required
15 in subdivision (c) shall not delay or prevent the
16 termination of the domestic partnership.

17

18

PART 4. LEGAL EFFECT

19

20 299.5. (a) The obligations that two people have to
21 each other as a result of creating a domestic partnership
22 are those described in Section 297. Registration as a
23 domestic partner under this division shall not be evidence
24 of, or establish, any rights existing under law other than
25 those expressly provided to domestic partners in this
26 division, ~~Sections 1261 and 1374.58 and Section 1261~~ of the
27 ~~Health and Safety Code, or Section 10121.7 of the~~
28 ~~Insurance Code. Safety Code.~~

29 The provisions relating to domestic partners provided
30 in this division, ~~Sections 1261 and 1374.58 and Section 1261~~
31 ~~of the Health and Safety Code, and Section 10121.7 of the~~
32 ~~Insurance and Safety Code~~ shall not diminish any right
33 under any other provision of law.

34 (b) Upon the termination of a domestic partnership,
35 the partners, from that time forward, shall incur none of
36 the obligations to each other as domestic partners that are
37 created by this division, ~~Sections 1261 and 1374.58 and~~
38 ~~Section 1261 of the Health and Safety Code, or Section~~
39 ~~10121.7 of the Insurance Code.~~

40 ~~(c) Health and Safety Code.~~



1 (c) *The filing of a Declaration of Domestic*
2 *Partnership pursuant to this division shall not change the*
3 *character of property, real or personal, or any interest in*
4 *any real or personal property owned by either domestic*
5 *partner or both of them prior to the date of filing of the*
6 *declaration.*

7 (d) *The filing of a Declaration of Domestic*
8 *Partnership pursuant to this division shall not, in and of*
9 *itself, create any interest in, or rights to, any property,*
10 *real or personal, owned by one partner in the other*
11 *partner, including, but not limited to, rights similar to*
12 *community property or quasi-community property.*

13 (e) *Any property or interest acquired by the partners*
14 *during the domestic partnership where title is shared*
15 *shall be held by the partners in proportion of interest*
16 *assigned to each partner at the time the property or*
17 *interest was acquired unless otherwise expressly agreed*
18 *in writing by both parties. Upon termination of the*
19 *domestic partnership, this subdivision shall govern the*
20 *division of any property jointly acquired by the partners.*

21 (f) *The formation of a domestic partnership under this*
22 *division shall not change the individual income or estate*
23 *tax liability of each domestic partner prior to and during*
24 *the partnership, unless otherwise provided under*
25 *another state or federal law or regulation.*

26 (g) *Any domestic partnership entered into outside of*
27 *this state, which would be valid by the laws of the*
28 *jurisdiction under which the partnership was created,*
29 *shall be valid in this state.*

30 ~~SEC. 2.~~

31
32 *PART 5. PREEMPTION*

33
34 299.6. (a) *Any local ordinance or law that provides*
35 *for the creation of a “domestic partnership” shall be*
36 *preempted on and after January 1, 2000, except as*
37 *provided in subdivision (c).*

38 (b) *Domestic partnerships created under any local*
39 *domestic partnership ordinance or law before January 1,*
40 *2000, shall remain valid. On and after January 1, 2000,*



1 *domestic partnerships previously established under a*
2 *local ordinance or law shall be governed by this division*
3 *and the rights and duties of the partners shall be those set*
4 *out in this division, except as provided in subdivision (c),*
5 *provided a Declaration of Domestic Partnership is filed*
6 *by the domestic partners under Section 298.5.*

7 (c) *Any local jurisdiction may retain or adopt*
8 *ordinances, policies, or laws that offer rights within that*
9 *jurisdiction to domestic partners as defined by Section*
10 *297 or as more broadly defined by the local jurisdiction's*
11 *ordinances, policies, or laws, or that impose duties upon*
12 *third parties regarding domestic partners as defined by*
13 *Section 297 or as more broadly defined by the local*
14 *jurisdiction's ordinances, policies, or laws, that are in*
15 *addition to the rights and duties set out in this division,*
16 *and the local rights may be conditioned upon the*
17 *agreement of the domestic partners to assume the*
18 *additional obligations set forth in this division.*

19 SEC. 2. *Article 9 (commencing with Section 22867) is*
20 *added to Chapter 1 of Part 5 of Division 5 of Title 2 of the*
21 *Government Code, to read:*

22

23 *Article 9. Domestic Partners*

24

25 22867. *It is the purpose of this article to provide*
26 *employers the ability to offer health care coverage*
27 *through this part to the domestic partners of their*
28 *employees and annuitants.*

29 22868. *For this part only, and only for the purposes of*
30 *providing health care coverage pursuant to this part, a*
31 *domestic partner is an adult in a domestic partnership, as*
32 *defined in Section 22869, with a person enrolled as an*
33 *employee or annuitant of an employer contracting with*
34 *the board for health benefits coverage, who has*
35 *submitted to the system a certificate of eligibility*
36 *pursuant to Section 22872 or a valid Declaration of*
37 *Domestic Partnership filed pursuant to Division 2.5*
38 *(commencing with Section 297) of the Family Code.*



1 22869. For purposes of this part, a “domestic
2 partnership” shall be two people who meet all of the
3 criteria set forth in Section 297 of the Family Code

4 22871. Notwithstanding any other provision of law, a
5 domestic partner shall be included in the definition of a
6 family member for purposes of Sections 22777, 22778,
7 subdivision (a) of Section 22791, Sections 22811, 22811.5,
8 22811.6, 22812, 22813, 22815, subdivision (c) of Section
9 22816, Sections 22816.3, 22816.35, 22817, 22819, 22823,
10 subdivision (a) of Section 22825, subdivision (a) of
11 Section 22825.1, Section 22825.7, paragraph (1) of
12 subdivision (b) of Section 22840.2, subdivision (f) of
13 Section 22840.2, subdivision (b) of Section 22856, and
14 Section 22859.

15 22871.1. Notwithstanding Section 22871 or any other
16 provision of law, a domestic partner shall not be included
17 in the definition of a family member for purposes of
18 subdivisions (e) and (f) of Section 22754, subdivision (a)
19 of Section 22811.6, and Section 22821.

20 22871.2. Notwithstanding subdivision (f) of Section
21 22754 or any other provision of law, a domestic partner
22 shall be considered to be a family member for purposes
23 of Section 22810 except that a domestic partner shall not
24 be considered a family member for purposes of continued
25 health coverage eligibility upon the death of the
26 employee or annuitant.

27 22872. (a) In order to receive any benefit provided
28 by this article, an employee or annuitant and his or her
29 domestic partner shall complete, have notarized, and file
30 on a form designated by the board, a certificate of
31 eligibility or a valid Declaration of Domestic Partnership
32 filed pursuant to Division 2.5 (commencing with Section
33 297) of the Family Code.

34 (b) The employee or annuitant shall also provide a
35 signed statement indicating that the employee or
36 annuitant agrees that he or she may be required to
37 reimburse the employer, their designated health services
38 plan, and the system, for any expenditures made by the
39 employer, their designated health services plan, and the
40 system, for medical claims, processing fees,



1 administrative charges, costs, and attorney's fees on
2 behalf of the domestic partner if any of the submitted
3 documentation is found to be incomplete, inaccurate, or
4 fraudulent.

5 22873. (a) Any employer may, at its option, offer
6 health benefits pursuant to this article, to the domestic
7 partners of its employees and annuitants.

8 (b) The employer shall notify the board, in a manner
9 prescribed by the board, that it is electing to provide
10 health care coverage through this article to the domestic
11 partners of its employees and annuitants.

12 (c) The employer shall provide to the system any
13 information deemed necessary by the board to determine
14 eligibility under this article.

15 22874. Notwithstanding any other provision of law,
16 this article shall not be construed to extend any vested
17 rights to any person nor be construed to limit the right of
18 the Legislature to subsequently modify or repeal any
19 provision of this article.

20 22875. This article shall apply to (a) employees who
21 are members of bargaining units only if those units have
22 signed a memorandum of understanding between their
23 employer and the recognized employee organization to
24 adopt the benefits accorded under this article, and (b)
25 the members of the Public Employees' Retirement
26 System who are employed by the Assembly, the Senate,
27 the Judicial Council, and the California State University
28 only if the Assembly Rules Committee, the Senate Rules
29 Committee, the Judicial Council, and the Board of
30 Trustees of the California State University, respectively,
31 make this section applicable to their employees.

32 SEC. 3. Section 1261 is added to the Health and Safety
33 Code, to read:

34 1261. (a) A health facility shall allow a patient's
35 domestic partner, the children of the patient's domestic
36 partner, and the domestic partner of the patient's parent
37 or child to visit, unless one of the following is met:

38 (1) No visitors are allowed.

39 (2) The facility reasonably determines that the
40 presence of a particular visitor would endanger the



1 health or safety of a patient, member of the health facility
2 staff, or other visitor to the health facility, or would
3 significantly disrupt the operations of a facility.

4 (3) The patient has indicated to health facility staff
5 that the patient does not want this person to visit.

6 (b) This section may not be construed to prohibit a
7 health facility from otherwise establishing reasonable
8 restrictions upon visitation, including restrictions upon
9 the hours of visitation and number of visitors.

10 (c) For purposes of this section, “domestic partner”
11 has the same meaning as that term is used in Section 297
12 of the Family Code.

13 ~~SEC. 3. Section 1374.58 is added to the Health and~~
14 ~~Safety Code, to read:~~

15 ~~1374.58. (a) A group health care service plan that~~
16 ~~provides hospital, medical, or surgical expense benefits~~
17 ~~shall offer coverage to employers or guaranteed~~
18 ~~associations, as defined in Section 1357, for the domestic~~
19 ~~partner of an employee or subscriber to the same extent,~~
20 ~~and subject to the same terms and conditions, as provided~~
21 ~~to a dependent of the employee or subscriber, and shall~~
22 ~~inform employers and guaranteed associations of the~~
23 ~~availability of this coverage.~~

24 ~~(b) If an employer or guaranteed association elects to~~
25 ~~purchase coverage for domestic partners pursuant to~~
26 ~~subdivision (a), a health care service plan that provides~~
27 ~~hospital, medical, or surgical expense benefits for~~
28 ~~employees or subscribers and their dependents shall~~
29 ~~enroll as a dependent, upon application by the employer~~
30 ~~or group administrator, a domestic partner of an~~
31 ~~employee or subscriber in accordance with the terms and~~
32 ~~conditions of the group contract that apply generally to~~
33 ~~all dependents under the plan, including coordination of~~
34 ~~benefits.~~

35 ~~(c) For purposes of this section, the term “domestic~~
36 ~~partner” shall have the same meaning as that term is used~~
37 ~~in Section 297 of the Family Code.~~

38 ~~(d) A health care service plan may require that the~~
39 ~~employee or subscriber verify the status of the domestic~~
40 ~~partnership by providing to the plan a copy of a valid~~



1 ~~“Declaration of Domestic Partnership” filed with the~~
2 ~~Secretary of State pursuant to Section 298 or an~~
3 ~~equivalent document issued by a local agency of this state,~~
4 ~~another state, or a local agency of another state under~~
5 ~~which the partnership is created. The plan may also~~
6 ~~require that the employee or subscriber notify the plan~~
7 ~~upon the termination of the domestic partnership.~~

8 ~~(c) Nothing in this section shall be construed to~~
9 ~~expand the requirements of Section 4980B of Title 26 of~~
10 ~~the United States Code, Section 1161, and following, of~~
11 ~~Title 29 of the United States Code, or Section 300bb-1, and~~
12 ~~following, of Title 42 of the United States Code, as added~~
13 ~~by the Consolidated Omnibus Budget Reconciliation Act~~
14 ~~of 1985 (Public Law 99-272), and as those provisions may~~
15 ~~be later amended.~~

16 ~~SEC. 4. Section 10121.7 is added to the Insurance~~
17 ~~Code, to read:~~

18 ~~10121.7. (a) A policy of group disability insurance~~
19 ~~that provides hospital, medical, or surgical expense~~
20 ~~benefits shall offer coverage to employers or guaranteed~~
21 ~~associations, as defined in Section 10700, for the domestic~~
22 ~~partner of an employee, insured, or policyholder to the~~
23 ~~same extent, and subject to the same terms and~~
24 ~~conditions, as provided to a dependent of the employee,~~
25 ~~insured, or policyholder, and shall inform employers and~~
26 ~~guaranteed associations of the availability of this~~
27 ~~coverage.~~

28 ~~(b) If an employer or guaranteed association elects to~~
29 ~~purchase coverage for domestic partners pursuant to~~
30 ~~subdivision (a), a disability insurer that provides hospital,~~
31 ~~medical, or surgical expense benefits for employees,~~
32 ~~insureds, or policyholders and their dependents shall~~
33 ~~enroll as a dependent, upon application by the employer~~
34 ~~or group administrator, a domestic partner of the~~
35 ~~employee, insured, or policyholder when that employee,~~
36 ~~insured, or policyholder in accordance with the terms and~~
37 ~~conditions of the group contract that apply generally to~~
38 ~~all dependents under the policy, including coordination~~
39 ~~of benefits.~~



1 ~~(c) For purposes of this section, the term “domestic~~
2 ~~partner” shall have the same meaning as that term is used~~
3 ~~in Section 297 of the Family Code.~~

4 ~~(d) A policy of group disability insurance may require~~
5 ~~that the employee, insured, or policyholder verify the~~
6 ~~status of the domestic partnership by providing to the~~
7 ~~insurer a copy of a valid “Declaration of Domestic~~
8 ~~Partnership” filed with the Secretary of State pursuant to~~
9 ~~Section 298 or an equivalent document issued by a local~~
10 ~~agency of this state, another state, or a local agency of~~
11 ~~another state under which the partnership is created. The~~
12 ~~policy may also require that employee, insured, or~~
13 ~~policyholder notify the insurer upon the termination of~~
14 ~~the domestic partnership.~~

15 ~~(e) Nothing in this section shall be construed to~~
16 ~~expand the requirements of Section 4980B of Title 26 of~~
17 ~~the United States Code, Section 1161, and following, of~~
18 ~~Title 29 of the United States Code, or Section 300bb-1, and~~
19 ~~following, of Title 42 of the United States Code, as added~~
20 ~~by the Consolidated Omnibus Budget Reconciliation Act~~
21 ~~of 1985 (Public Law 99-272), and as those provisions may~~
22 ~~be later amended.~~

23 ~~SEC. 5.~~

24 ~~SEC. 4. No reimbursement is required by this act~~
25 ~~pursuant to Section 6 of Article XIII B of the California~~
26 ~~Constitution for certain costs that may be incurred by a~~
27 ~~local agency or school district because in that regard this~~
28 ~~act creates a new crime or infraction, eliminates a crime~~
29 ~~or infraction, or changes the penalty for a crime or~~
30 ~~infraction, within the meaning of Section 17556 of the~~
31 ~~Government Code, or changes the definition of a crime~~
32 ~~within the meaning of Section 6 of Article XIII B of the~~
33 ~~California Constitution.~~

34 ~~However, notwithstanding Section 17610 of the~~
35 ~~Government Code, if the Commission on State Mandates~~
36 ~~determines that this act contains other costs mandated by~~
37 ~~the state, reimbursement to local agencies and school~~
38 ~~districts for those costs shall be made pursuant to Part 7~~
39 ~~(commencing with Section 17500) of Division 4 of Title~~
40 ~~2 of the Government Code. If the statewide cost of the~~



1 claim for reimbursement does not exceed one million
2 dollars (\$1,000,000), reimbursement shall be made from
3 the State Mandates Claims Fund.

4 ~~Notwithstanding Section 17580 of the Government~~
5 ~~Code, unless otherwise specified, the provisions of this act~~
6 ~~shall become operative on the same date that the act~~
7 ~~takes effect pursuant to the California Constitution.~~

