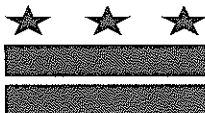


Government of the District of Columbia
Department of Insurance, Securities and Banking



Thomas E. Hampton
Commissioner

BULLETIN
09-IB-01-07/02

TO: ALL INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, AND
THIRD-PARTY FILERS LICENSED TO DO BUSINESS IN THE DISTRICT
OF COLUMBIA

SUBJECT: IMPLEMENTATION OF THE DOMESTIC PARTNERSHIP JUDICIAL
DETERMINATION OF PARENTAGE AMENDMENT ACT OF 2009, AND
THE JURY AND MARRIAGE AMENDMENT ACT OF 2009

FROM: THOMAS E. HAMPTON, COMMISSIONER

DATE: JULY 2, 2009

This Bulletin is issued to provide guidance to all Insurers, Health Maintenance Organizations, and Third-Party Filers licensed to do business in the District of Columbia regarding two recently enacted laws in the District of Columbia. The first law, the Jury and Marriage Amendment Act of 2009, (D.C. Act 18-70; 56 DCR 3797), is projected to be effective on July 6, 2009. The second law, the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009 (D.C. Act 18-84; 56 DCR 4269), is projected to be effective on July 20, 2009. These two laws include provisions that will impact insurance coverage eligibility. A summary of the applicable provisions and instructions for compliance with those provisions are provided below.

1. Jury and Marriage Amendment Act of 2009: Section 3(b) of this law provides that marriages legally entered into in another jurisdiction between two persons of the same sex shall be recognized as a marriage in the District, as long as the marriage is not expressly prohibited by sections 46-401 through 46-404 of the District of Columbia Official Code (2001), or deemed illegal under section 46-405 of the District of Columbia Official Code (2001).

Pursuant to this law, insurance products that claim to cover the spouse of a primary insurance policyholder, or in case of group policies, the spouse of an employee of the group policyholder, shall be deemed to cover the same-sex spouse of the insured,

provided that the marriage of the two persons meet the requirements set forth above. This requirement shall apply to all policies issued or renewed on or after July 6, 2009.

2. Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009:

Section 4 of this law does two principal things. First, it would direct the Mayor to recognize, as domestic partnerships in the District,¹ those relationships, other than marriages, that are established under the laws of other jurisdictions and are “substantially similar” to domestic partnerships in the District. Second, in the event that the Mayor does not exercise this broad recognition authority, the Act would require District government agencies to recognize as domestic partnerships in the District those relationships, other than marriages, between same-sex couples in other jurisdictions that have all the rights and duties of marriage, regardless of the description of the relationship (e.g., civil unions, domestic partnerships, etc.).

Pursuant to this law, insurance products that claim to cover the domestic partner of a primary insurance policyholder, or in the case of group policies, the domestic partner of an employee of the group policyholder, shall be deemed to cover the same-sex domestic partner of the insured of relationships recognized as domestic partnerships pursuant to the law. This requirement shall apply to all policies issued or renewed on or after July 20, 2009.

If you have any questions regarding the implementation of the Jury and Marriage Amendment Act of 2009, or the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009, or need additional information and a copy of the laws, please contact Jamai Fontaine, Insurance Examiner Manager, Department of Insurance, Securities and Banking, at (202) 442-7782, or by e-mail at jamai.fontaine@dc.gov.

¹ See section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992, D.C. Law 9-114, D.C. Official Code § 32-701(4) (2001) (definition of domestic partnership).