S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sens. C. JOHNSON, ADAMS, DIAZ, DUANE, FOLEY, KRUEGER, MONTGOMERY, ONORATO, PARKER, SAMPSON, SAVINO, SERRANO, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to health insurance benefits for domestic partners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 3 of subsection (a) of section 3216 of the insurance law is amended and a new paragraph 5 is added to read as follows:

(3) "Family" may include husband, wife, DOMESTIC PARTNER or dependent children, or any other person dependent upon the policyholder.

(5) "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO WITH RESPECT TO ANOTHER PERSON:

(A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATIONSHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGISTERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY, OR FOREIGN JURISDICTION; OR

(B) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING, BUT NOT LIMITED TO: COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON; SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS; OR THE LENGTH OF THE PERSONAL RELATIONSHIP OF THE PERSONS.

S 2. Paragraph 4 of subsection (c) of section 3216 of the insurance law is amended by adding a new subparagraph (D) to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(D) THE SUPERINTENDENT SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, PROVIDE FOR QUALIFICATION STANDARDS FOR DOMESTIC PARTNER BENEFITS BY REGULATION. SUCH REGULATIONS:

(I) SHALL PROHIBIT THE COVERAGE OF MORE THAN ONE DOMESTIC PARTNER AT THE SAME TIME UNDER A FAMILY CONTRACT, OR COVERAGE OF A DOMESTIC PARTNER OF AN INSURED OR CERTIFICATE HOLDER WHO IS ALSO MARRIED, OR COVERAGE AS A DOMESTIC PARTNER OF ANYONE LESS THAN EIGHTEEN YEARS OF AGE OR ANY PERSON WHO IS RELATED TO THE OTHER PERSON BY BLOOD IN A MANNER THAT WOULD BAR MARRIAGE TO THE OTHER PERSON IN NEW YORK STATE;

(II) SHALL PROVIDE FOR THE COVERAGE OF A DEPENDENT CHILD OF A DOMESTIC PARTNER UNDER THE SAME TERMS AND CONDITIONS AS WOULD APPLY TO A DEPENDENT CHILD OF THE INSURED OR CERTIFICATE HOLDER OR SPOUSE OF SUCH INSURED OR CERTIFICATE HOLDER;

(III) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO SUBMITS PROOF THAT HE OR SHE IS FORMALLY A PARTY TO A DOMESTIC PARTNERSHIP, OR SIMILAR RELATIONSHIP, ENTERED INTO WITH THE INSURED OR CERTIFICATE HOLDER PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION;

(IV) SHALL, AS AN ALTERNATIVE TO CLAUSE (III) OF THIS SUBPARAGRAPH, PROVIDE FOR OTHER MEANS OF DEMONSTRATING A DOMESTIC PARTNER RELATIONSHIP INCLUDING, BUT NOT LIMITED TO, AN AFFIDAVIT ATTESTING TO THE RELATIONSHIP;

(V) SHALL PROVIDE FOR REASONABLE PROCEDURES FOR NOTIFICATION OF THE CORPORATION BY THE INSURED OR CERTIFICATE HOLDER OF THE END OF THE DOMESTIC PARTNER RELATIONSHIP;

(VI) MAY, FOR PERSONS WHO ARE NOT DEEMED AS QUALIFIED PURSUANT TO CLAUSE (III) OR (IV) OF THIS SUBPARAGRAPH, INCLUDE PROVISIONS REQUIRING PRIOR COHABITATION OF THE INSURED OR CERTIFICATE HOLDER AND THE DOMESTIC PARTNER, PROVIDED THAT SUCH PERIOD OF REQUIRED COHABITATION MAY NOT EXCEED SIX MONTHS; AND

(VII) MAY, FOR PERSONS WHO ARE NOT DEEMED AS QUALIFIED PURSUANT TO CLAUSE (III) OR (IV) OF THIS SUBPARAGRAPH, REQUIRE THE SUBMISSION OF REASONABLE DOCUMENTATION OF RESIDENCE AND FINANCIAL INTERDEPENDENCE OF THE KIND COMMONLY AVAILABLE TO MARRIED PERSONS INCLUDING, BUT NOT LIMITED TO, INCOME TAX RETURNS, PASSPORTS, DRIVERS' LICENSES, UTILITY BILLS, LEASES, DEEDS, JOINT BANKING AND CREDIT CARD ACCOUNTS, RETIREMENT ACCOUNTS AND INSURANCE POLICIES AND BENEFIT STATEMENTS.

S 3. Section 3221 of the insurance law is amended by adding two new subsections (r) and (s) to read as follows:

(R) A GROUP POLICY PROVIDING HOSPITAL, SURGICAL OR MEDICAL EXPENSE INSURANCE OTHER THAN ACCIDENT ONLY TO A FAMILY MEMBER OF THE POLICY OR CERTIFICATE HOLDER MUST, IF REQUESTED BY THE POLICYHOLDER, MAKE AVAILABLE AND, IF REQUESTED BY THE INSURED OR CERTIFICATE HOLDER, PROVIDE COVERAGE FOR THE DOMESTIC PARTNER OF THE INSURED OR CERTIFICATE HOLDER. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO WITH RESPECT TO ANOTHER PERSON:

(1) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATIONSHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGISTERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY, OR FOREIGN JURISDICTION; OR

(2) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO: COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON

HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON; SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS OR THE LENGTH OF THE PERSONAL RELATIONSHIP OF THE PERSONS.

(S) THE SUPERINTENDENT SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION, PROVIDE FOR QUALIFICATION STANDARDS FOR DOMESTIC PARTNER BENEFITS BY REGULATION. SUCH REGULATIONS:

(1) SHALL PROHIBIT THE COVERAGE OF MORE THAN ONE DOMESTIC PARTNER AT THE SAME TIME UNDER A FAMILY CONTRACT, OR COVERAGE OF A DOMESTIC PARTNER OF AN INSURED OR CERTIFICATE HOLDER WHO IS ALSO MARRIED, OR COVERAGE AS A DOMESTIC PARTNER OF ANYONE LESS THAN EIGHTEEN YEARS OF AGE OR ANY PERSON WHO IS RELATED TO THE OTHER PERSON BY BLOOD IN A MANNER THAT WOULD BAR MARRIAGE TO THE OTHER PERSON IN NEW YORK STATE;

(2) SHALL PROVIDE FOR THE COVERAGE OF A DEPENDENT CHILD OF A DOMESTIC PARTNER UNDER THE SAME TERMS AND CONDITIONS AS WOULD APPLY TO A DEPENDENT CHILD OF THE INSURED OR CERTIFICATE HOLDER OR SPOUSE OF SUCH INSURED OR CERTIFICATE HOLDER;

(3) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO SUBMITS PROOF THAT HE OR SHE IS FORMALLY A PARTY TO A DOMESTIC PARTNERSHIP, OR SIMILAR RELATIONSHIP, ENTERED INTO WITH THE INSURED OR CERTIFICATE HOLDER PURSUANT TO THE LAWS OF THE UNITED STATES, OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION;

(4) SHALL, AS AN ALTERNATIVE TO PARAGRAPH THREE OF THIS SUBSECTION, PROVIDE FOR OTHER MEANS OF DEMONSTRATING A DOMESTIC PARTNER RELATIONSHIP INCLUDING, BUT NOT LIMITED TO, AN AFFIDAVIT ATTESTING TO THE RELATIONSHIP;

(5) SHALL PROVIDE FOR REASONABLE PROCEDURES FOR NOTIFICATION OF THE INSURER BY THE INSURED OR CERTIFICATE HOLDER OF THE END OF THE DOMESTIC PARTNER RELATIONSHIP;

(6) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO PARAGRAPH THREE OR FOUR OF THIS SUBSECTION, INCLUDE PROVISIONS REQUIRING PRIOR COHABITATION OF THE INSURED OR CERTIFICATE HOLDER AND THE DOMESTIC PARTNER, PROVIDED THAT SUCH PERIOD OF REQUIRED COHABITATION MAY NOT EXCEED SIX MONTHS; AND

(7) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO PARAGRAPH THREE OR FOUR OF THIS SUBSECTION, REQUIRE THE SUBMISSION OF REASONABLE DOCUMENTATION OF RESIDENCE AND FINANCIAL INTERDEPENDENCE OF THE KIND COMMONLY AVAILABLE TO MARRIED PERSONS INCLUDING, BUT NOT LIMITED TO, INCOME TAX RETURNS, PASSPORTS, DRIVERS' LICENSES, UTILITY BILLS, LEASES, DEEDS, JOINT BANKING AND CREDIT CARD ACCOUNTS, RETIREMENT ACCOUNTS AND INSURANCE POLICIES AND BENEFIT STATEMENTS.

S 4. Paragraph 1 of subsection (d) of section 4304 of the insurance law, as amended by section 65-e of part A of chapter 58 of the laws of 2007, is amended and two new paragraphs 4 and 5 are added to read as follows:

(1) No contract issued pursuant to this section shall entitle more than one person to benefits except that a contract issued and marked as a "family contract" may provide that benefits will be furnished to a husband and wife, or husband, wife OR DOMESTIC PARTNER and their dependent child or children, or any child or children not over nineteen years of age, provided that an unmarried student at an accredited institution of learning may be considered a dependent until he OR SHE becomes twenty-three years of age, provided that the coverage of any such "family contract" may include, at the option of the insurer, any unmarried child until attaining age twenty-five, and provided also that the coverage of any such "family contract" shall include any other unmarried child, regardless of age, who is incapable of self-sustaining employment by

reason of mental illness, developmental disability, mental retardation, as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which dependent coverage would otherwise terminate, so that such child may be considered a dependent. Notwithstanding any rule, regulation or law to the contrary, any "family contract" shall provide that coverage of newborn infants, including newly born infants adopted by the insured or subscriber if such insured or subscriber takes physical custody of the infant upon such infant's release from the hospital and files a petition pursuant to section one hundred fifteen-c of the domestic relations law within thirty days of birth; and provided further that no notice of revocation to the adoption has been filed pursuant to section one hundred fifteen-b of the domestic relations law and consent to the adoption has not been revoked, shall be effective from the moment of birth for injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities including premature birth, except that in cases of adoption, coverage of the initial hospital stay shall not be required where a birth parent has insurance coverage available for the infant's care. This provision regarding coverage of newborn infants shall not apply to two person coverage. In the case of individual or two person coverages the corporation must also permit the person to whom the policy is issued to elect such coverage of newborn infants from the moment of birth. If notification and/or payment of an additional premium or contribution is required to make coverage effective for a newborn infant, the coverage may provide that such notice and/or payment be made within no less than thirty days of the day of birth to make coverage effective from the moment of birth. This election shall not be required in the case of student insurance or where the group remitting agent's plan does not provide coverage for dependent children.

(4) A HOSPITAL SERVICE CORPORATION OR HEALTH SERVICE CORPORATION WHICH PROVIDES A "FAMILY CONTRACT" TO AN INDIVIDUAL OR A GROUP MUST, IF REQUESTED BY THE POLICYHOLDER, MAKE AVAILABLE AND, IF REQUESTED BY THE INSURED OR CERTIFICATE HOLDER, PROVIDE COVERAGE FOR THE DOMESTIC PARTNER OF THE INSURED OR CERTIFICATE HOLDER. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO WITH RESPECT TO ANOTHER PERSON:

(A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATIONSHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGISTERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY, OR FOREIGN JURISDICTION; OR

(B) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO: COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON; SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS; OR THE LENGTH OF THE PERSONAL RELATIONSHIP OF THE PERSONS.

(5) THE SUPERINTENDENT SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, PROVIDE FOR QUALIFICATION STANDARDS FOR DOMESTIC PARTNER BENEFITS BY REGULATION. SUCH REGULATION:

(A) SHALL PROHIBIT THE COVERAGE OF MORE THAN ONE DOMESTIC PARTNER AT THE SAME TIME UNDER A FAMILY CONTRACT, OR COVERAGE OF A DOMESTIC PARTNER OF AN INSURED OR CERTIFICATE HOLDER WHO IS ALSO MARRIED, OR COVERAGE AS

A DOMESTIC PARTNER OF ANYONE LESS THAN EIGHTEEN YEARS OF AGE OR ANY PERSON WHO IS RELATED TO THE OTHER PERSON BY BLOOD IN A MANNER THAT WOULD BAR MARRIAGE TO THE OTHER PERSON IN NEW YORK STATE;

(B) SHALL PROVIDE FOR THE COVERAGE OF A DEPENDENT CHILD OF A DOMESTIC PARTNER UNDER THE SAME TERMS AND CONDITIONS AS WOULD APPLY TO A DEPENDENT CHILD OF THE INSURED OR CERTIFICATE HOLDER OR SPOUSE OF SUCH INSURED OR CERTIFICATE HOLDER;

(C) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO SUBMITS PROOF THAT HE OR SHE IS FORMALLY A PARTY TO A DOMESTIC PARTNERSHIP, OR SIMILAR RELATIONSHIP, ENTERED INTO WITH THE INSURED OR CERTIFICATE HOLDER PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION;

(D) SHALL, AS AN ALTERNATIVE TO SUBPARAGRAPH (C) OF THIS PARAGRAPH, PROVIDE FOR OTHER MEANS OF DEMONSTRATING A DOMESTIC PARTNER RELATIONSHIP INCLUDING, BUT NOT LIMITED TO, AN AFFIDAVIT ATTESTING TO THE RELATIONSHIP;

(E) SHALL PROVIDE FOR REASONABLE PROCEDURES FOR NOTIFICATION OF THE CORPORATION BY THE INSURED OR CERTIFICATE HOLDER OF THE END OF THE DOMESTIC PARTNER RELATIONSHIP;

(F) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO SUBPARAGRAPH (C) OR (D) OF THIS PARAGRAPH, INCLUDE PROVISIONS REQUIRING PRIOR COHABITATION OF THE INSURED OR CERTIFICATE HOLDER AND THE DOMESTIC PARTNER, PROVIDED THAT SUCH PERIOD OF REQUIRED COHABITATION MAY NOT EXCEED SIX MONTHS; AND

(G) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO SUBPARAGRAPH (C) OR (D) OF THIS PARAGRAPH, REQUIRE THE SUBMISSION OF REASONABLE DOCUMENTATION OF RESIDENCE AND FINANCIAL INTERDEPENDENCE OF THE KIND COMMONLY AVAILABLE TO MARRIED PERSONS INCLUDING, BUT NOT LIMITED TO, INCOME TAX RETURNS, PASSPORTS, DRIVERS' LICENSES, UTILITY BILLS, LEASES, DEEDS, JOINT BANKING AND CREDIT CARD ACCOUNTS, RETIREMENT ACCOUNTS AND INSURANCE POLICIES AND BENEFIT STATEMENTS.

S 5. Paragraph 1 of subsection (c) of section 4305 of the insurance law, as amended by chapter 312 of the laws of 2002, is amended and two new paragraphs 3 and 4 are added to read as follows:

(1) Any such contract may provide that benefits will be furnished to a member of a covered group, for [himself, his spouse, his] SUCH MEMBER AND THE SPOUSE, DOMESTIC PARTNER, child or children OF SUCH MEMBER, or other persons chiefly dependent upon him OR HER for support and maintenance; provided that a contract under which coverage of a dependent of a member terminates at a specified age shall, with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental illness, developmental disability, mental retardation, as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which dependent coverage would otherwise terminate and who is chiefly dependent upon such member for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the member has within thirty-one days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. Notwithstanding any rule, regulation or law to the contrary, any contract under which a member elects coverage for [himself, his spouse, his] SUCH MEMBER AND THE SPOUSE, DOMESTIC PARTNER, children or other persons chiefly dependent upon him OR HER for support and maintenance shall provide that coverage of newborn infants, including newly born infants adopted by the insured or subscriber if such insured or subscriber takes physical custody of the infant upon such infant's

release from the hospital and files a petition pursuant to section one hundred fifteen-c of the domestic relations law within thirty days of birth; and provided further that no notice of revocation to the adoption has been filed pursuant to section one hundred fifteen-b of the domestic relations law and consent to the adoption has not been revoked, shall be effective from the moment of birth for injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities including premature birth, except that in cases of adoption, coverage of the initial hospital stay shall not be required where a birth parent has insurance coverage available for the infant's care. This provision regarding coverage of newborn infants shall not apply to two person coverage. In the case of individual or two person coverages the corporation must also permit the person to whom the certificate is issued to elect such coverage of newborn infants from the moment of birth. If notification and/or payment of an additional premium or contribution is required to make coverage effective for a newborn infant, the coverage may provide that such notice and/or payment be made within no less than thirty days of the day of birth to make coverage effective from the moment of birth. This election shall not be required in the case of student insurance or where the group's plan does not provide coverage for dependent children.

(3) A HOSPITAL SERVICE CORPORATION OR HEALTH SERVICE CORPORATION WHICH PROVIDES A "FAMILY CONTRACT" TO AN INDIVIDUAL OR A GROUP MUST, IF REQUESTED BY THE POLICYHOLDER, MAKE AVAILABLE AND, IF REQUESTED BY THE INSURED OR CERTIFICATE HOLDER, PROVIDE COVERAGE FOR THE DOMESTIC PARTNER OF THE INSURED OR CERTIFICATE HOLDER. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO WITH RESPECT TO ANOTHER PERSON:

(A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATIONSHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGISTERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY, OR FOREIGN JURISDICTION; OR

(B) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING, BUT NOT LIMITED TO: COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON; SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS; OR THE LENGTH OF THE PERSONAL RELATIONSHIP OF THE PERSONS.

(4) THE SUPERINTENDENT SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, PROVIDE FOR QUALIFICATION STANDARDS FOR DOMESTIC PARTNER BENEFITS BY REGULATION. SUCH REGULATIONS:

(A) SHALL PROHIBIT THE COVERAGE OF MORE THAN ONE DOMESTIC PARTNER AT THE SAME TIME UNDER A FAMILY CONTRACT, OR COVERAGE OF A DOMESTIC PARTNER OF AN INSURED OR CERTIFICATE HOLDER WHO IS ALSO MARRIED, OR COVERAGE AS A DOMESTIC PARTNER OF ANYONE LESS THAN EIGHTEEN YEARS OF AGE OR ANY PERSON WHO IS RELATED TO THE OTHER PERSON BY BLOOD IN A MANNER THAT WOULD BAR MARRIAGE TO THE OTHER PERSON IN NEW YORK STATE;

(B) SHALL PROVIDE FOR THE COVERAGE OF A DEPENDENT CHILD OF A DOMESTIC PARTNER UNDER THE SAME TERMS AND CONDITIONS AS WOULD APPLY TO A DEPENDENT CHILD OF THE INSURED OR CERTIFICATE HOLDER OR SPOUSE OF SUCH INSURED OR CERTIFICATE HOLDER;

(C) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO SUBMITS PROOF THAT HE OR SHE IS FORMALLY A PARTY TO A DOMESTIC PARTNER-

SHIP, OR SIMILAR RELATIONSHIP, ENTERED INTO WITH THE INSURED OR CERTIFICATE HOLDER PURSUANT TO THE LAWS OF THE UNITED STATES, OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION;

(D) SHALL, AS AN ALTERNATIVE TO SUBPARAGRAPH (C) OF THIS PARAGRAPH, PROVIDE FOR OTHER MEANS OF DEMONSTRATING A DOMESTIC PARTNER RELATIONSHIP INCLUDING, BUT NOT LIMITED TO, AN AFFIDAVIT ATTESTING TO THE RELATIONSHIP;

(E) SHALL PROVIDE FOR REASONABLE PROCEDURES FOR NOTIFICATION OF THE CORPORATION BY THE INSURED OR CERTIFICATE HOLDER OF THE END OF THE DOMESTIC PARTNER RELATIONSHIP;

(F) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO SUBPARAGRAPH (C) OR (D) OF THIS PARAGRAPH, INCLUDE PROVISIONS REQUIRING PRIOR COHABITATION OF THE INSURED OR CERTIFICATE HOLDER AND THE DOMESTIC PARTNER, PROVIDED THAT SUCH PERIOD OF REQUIRED COHABITATION MAY NOT EXCEED SIX MONTHS; AND

(G) MAY, FOR PERSONS NOT DEEMED AS QUALIFIED PURSUANT TO SUBPARAGRAPH (C) OR (D) OF THIS PARAGRAPH, REQUIRE THE SUBMISSION OF REASONABLE DOCUMENTATION OF RESIDENCE AND FINANCIAL INTERDEPENDENCE OF THE KIND COMMONLY AVAILABLE TO MARRIED PERSONS INCLUDING, BUT NOT LIMITED TO, INCOME TAX RETURNS, PASSPORTS, DRIVERS' LICENSES, UTILITY BILLS, LEASES, DEEDS, JOINT BANKING AND CREDIT CARD ACCOUNTS, RETIREMENT ACCOUNTS AND INSURANCE POLICIES AND BENEFIT STATEMENTS.

S 6. This act shall take effect immediately.