

960--A

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:

1 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:
2
3 (3) "Family" may include husband, wife, DOMESTIC PARTNER or dependent
4 children, or any other person dependent upon the policyholder.
5 (5) "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO WITH RESPECT TO ANOTHER
6 PERSON:
7 (A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATIONSHIP
8 WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
9 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGISTERED
10 AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
11 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
12 OR FOREIGN JURISDICTION; OR
13 (B) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
14 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
15 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING, BUT NOT LIMITED TO:
16 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
17 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
18 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS; OR THE LENGTH OF
19 THE PERSONAL RELATIONSHIP OF THE PERSONS.
20 S 2. Paragraph 4 of subsection (c) of section 3216 of the insurance
21 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.

LBD00041-04-9

(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

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14 adoption has not been revoked, shall be effective from the moment of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

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

38 (A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
39 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
40 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
41 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
42 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
43 OR FOREIGN JURISDICTION; OR

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

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

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

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

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

8 (C) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO
9 SUBMITS PROOF THAT HE OR SHE IS FORMALLY A PARTY TO A DOMESTIC PARTNER-
10 SHIP, OR SIMILAR RELATIONSHIP, ENTERED INTO WITH THE INSURED OR CERTIF-
11 ICATE HOLDER PURSUANT TO THE LAWS OF THE UNITED STATES OR OF ANY STATE,
12 LOCAL OR FOREIGN JURISDICTION;

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

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

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

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

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

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

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

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

29 (A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
30 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
31 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
32 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
33 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
34 OR FOREIGN JURISDICTION; OR

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

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

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

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

55 (C) SHALL INCLUDE A PROVISION WHICH DEEMS AS QUALIFIED ANY PERSON WHO
56 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.