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SENATE BILL 439

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO HEALTH INSURANCE; REQUIRING INSURERS TO OFFER
HEALTH CARE COVERAGE FOR CERTAIN DOMESTIC PARTNERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 59A, Article 22 NMSA
1978 is enacted to read:

"[NEW MATERIAL] COVERAGE OF DOMESTIC PARTNERS.--

A. An insurer that provides group health insurance
pursuant to Chapter 59A, Article 22 NMSA 1978 shall make
available, upon an employer's request prior to issuance,
delivery or renewal, coverage for domestic partners of
employees who work or are expected to work an average of at
least twenty hours per week over a six-month period. Nothing
in this section shall be construed to require an employer to
offer or provide coverage for domestic partners of employees

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1 who work or are expected to work an average of at least twenty
2 hours per week over a six-month period.

3 B. As used in this section, "domestic partners"
4 means unmarried partners over eighteen years of age who:

5 (1) are in a mutually exclusive, committed
6 relationship;

7 (2) have shared a primary residence for twelve
8 or more consecutive months;

9 (3) are jointly responsible for the common
10 welfare of each other; and

11 (4) share financial obligations."

12 Section 2. A new section of Chapter 59A, Article 23 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] COVERAGE OF DOMESTIC PARTNERS.--

15 A. An insurer that provides group health insurance
16 pursuant to Chapter 59A, Article 23 NMSA 1978 shall make
17 available, upon an employer's request prior to issuance,
18 delivery or renewal, coverage for domestic partners of
19 employees who work or are expected to work an average of at
20 least twenty hours per week over a six-month period. Nothing
21 in this section shall be construed to require an employer to
22 offer or provide coverage for domestic partners of employees
23 who work or are expected to work an average of at least twenty
24 hours per week over a six-month period.

25 B. As used in this section, "domestic partners"

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1 means unmarried partners over eighteen years of age who:

2 (1) are in a mutually exclusive, committed
3 relationship;

4 (2) have shared a primary residence for twelve
5 or more consecutive months;

6 (3) are jointly responsible for the common
7 welfare of each other; and

8 (4) share financial obligations."

9 Section 3. A new section of the Health Maintenance
10 Organization Law is enacted to read:

11 "[NEW MATERIAL] COVERAGE OF DOMESTIC PARTNERS.--

12 A. A health maintenance organization that provides
13 coverage for health care services pursuant to the Health
14 Maintenance Organization Law shall make available, upon an
15 employer's request prior to issuance, delivery or renewal,
16 coverage for domestic partners of employees who work or are
17 expected to work an average of at least twenty hours per week
18 over a six-month period. Nothing in this section shall be
19 construed to require an employer to offer or provide coverage
20 for domestic partners of employees who work or are expected to
21 work an average of at least twenty hours per week over a six-
22 month period.

23 B. As used in this section, "domestic partners"
24 means unmarried partners over eighteen years of age who:

25 (1) are in a mutually exclusive, committed

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1 relationship;

2 (2) have shared a primary residence for twelve
3 or more consecutive months;

4 (3) are jointly responsible for the common
5 welfare of each other; and

6 (4) share financial obligations."

7 Section 4. A new section of the Nonprofit Health Care
8 Plan Law is enacted to read:

9 "[NEW MATERIAL] COVERAGE OF DOMESTIC PARTNERS.--

10 A. A health care plan that provides coverage for
11 health care pursuant to the Nonprofit Health Care Plan Law
12 shall make available, upon an employer's request prior to
13 issuance, delivery or renewal, coverage for domestic partners
14 of employees who work or are expected to work an average of at
15 least twenty hours per week over a six-month period. Nothing
16 in this section shall be construed to require an employer to
17 offer or provide coverage for domestic partners of employees
18 who work or are expected to work an average of at least twenty
19 hours per week over a six-month period.

20 B. As used in this section, "domestic partners"
21 means unmarried partners over eighteen years of age who:

22 (1) are in a mutually exclusive, committed
23 relationship;

24 (2) have shared a primary residence for twelve
25 or more consecutive months;

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1 (3) are jointly responsible for the common
2 welfare of each other; and

3 (4) share financial obligations."

4 Section 5. APPLICABILITY.--The provisions of this act
5 apply to policies, plans, contracts and certificates delivered
6 or issued for delivery or renewed, extended or amended in this
7 state on or after July 1, 2009.

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