



Horizon Blue Cross Blue Shield of New Jersey

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Brief Notes

News for Brokers and Consultants

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Civil Union Law takes effect

On February 19, 2007, N.J.S.A 37:1-28 et seq. will become effective in New Jersey. This legislation revises the marriage statutes by giving same-sex couples in a “civil union” all the rights granted to married couples. The law does not change provisions of the NJ Domestic Partnership Act affecting employees.

The legislation requires that parties to a civil union have all of the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage. Insurance coverage must be made available to civil union couples and their dependents on the same terms as for married couples.

The terms and conditions for establishing and dissolving of a civil union are the same as the rules of marriage except that the partners receive a civil union license or certificate from the state. To qualify as a civil union, it is necessary for two individuals to:

- Not be a party in another civil union, domestic partnership or marriage;
- Be of the same sex and therefore excluded from marriage laws in this state;
- Be at least 18 years of age, except as minors may marry; or
- Be a party to a civil union recognized under the laws of another state in which the civil union was created.

The following list of legal benefits, protections and responsibilities of spouses shall apply in like manner to the parties to a civil union, but shall not be construed to be an exclusive list of such benefits, protections and responsibilities:

- Adoption laws;
- Laws relating to insurance, pension and health benefits;
- Laws relating to emergency and non-emergency medical care and treatment;
- Family leave benefits; and
- Medical assistance benefits under N.J.S.A. 30:4-D-1, et seq.

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New Jersey law does not affect the status of civil union partners for federal law purposes. The value of the provided benefit could be taxable income to the employee for civil union partners who do not qualify as dependents under the Internal Revenue Code of 1986, as amended. Employers and affected employees should consult their own tax counsel. Also, the New Jersey Small Employer Health Benefits Program Board has stated that while a civil union partner may not constitute a qualified beneficiary for federal COBRA rights, New Jersey law includes a COBRA-like continuation right for all employers with 2 to 50 employees that would apply.

How does this affect the enrollment process?

When benefits are provided by a fully insured benefit plan, Horizon BCBSNJ's current enrollment policies, procedures and requirements with respect to married couples will be parallel and apply to partners in a civil union.

For self-insured business, we will follow the direction of our self-insured clients. Horizon BCBSNJ's current enrollment policies, procedures and requirements with respect to domestic partners will not change.

Horizon BCBSNJ currently requires proof of marriage only when surnames differ. This policy will also apply to civil unions.

If you have any questions, please contact your account consultant or sales representative.