

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



Gennet Purcell
Commissioner

BULLETIN
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TO: All Insurers, Health Maintenance Organizations, Hospital and Medical Service Corporations and Third-Party Filers Licensed to Do Business in the District of Columbia

SUBJECT: Implementation of the Religious Freedom and Civil Marriage Equality Amendment Act of 2009

FROM: Gennet Purcell, Commissioner

DATE: December 17, 2010

This Bulletin is issued to provide guidance to all Insurers, Health Maintenance Organizations, Hospital and Medical Service Corporations and Third-Party Filers licensed to do business in the District of Columbia regarding the Religious Freedom and Civil Marriage Equality Amendment Act of 2009, effective March 3, 2010 (D.C. Law 18-0110; D.C. Official Code §46-401 *et. seq.*). This law includes provisions that impacts insurance coverage eligibility. A summary of the applicable provisions and guidance for compliance is provided below.

Section 2(b) of this law provides that any person may enter into a marriage in the District of Columbia with another person, regardless of gender so long as the marriage is not expressly prohibited by D.C. Official Code §§ 46-401 through 404 and 405 (2001). Pursuant to this law, insurance products that cover the spouse of a primary insurance policyholder, or in the case of group policies, the spouse of an employee covered under a group policy, shall:

- cover the same-sex spouse of the insured and allow equal rights and privileges in the policy as given to a spouse of the opposite sex,

provided the marriage of the two persons meets the requirements set forth above; and

- for same-sex couples married after March 3, 2010, consider the date in which the two persons entered into a recognized marriage as the date of a valid qualifying event for purposes of determining eligibility for benefits.

This requirement shall apply to all applicable new and renewing policies beginning March 3, 2010.

If insurers have any questions regarding the implementation of the Religious Freedom and Civil Marriage Equality 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.

If District of Columbia residents have any questions regarding the application of the Religious Freedom and Civil Marriage Equality Amendment Act of 2009, please contact Lee Backus, Insurance Operations Program Manager, Department of Insurance, Securities and Banking at (202) 442-7812, or by e-mail at lee.backus@dc.gov.