



STATE OF CONNECTICUT

INSURANCE DEPARTMENT

BULLETIN IC - 21
November 18, 2008

TO: All Property and Casualty Insurers, All Life and Health Insurers, and All HealthCare Centers
Authorized to Conduct Business in Connecticut

SUBJECT: Definition of Spouse under Insurance Policies

The Connecticut Insurance Department is issuing insurers information on the recent Connecticut Supreme Court ruling on same sex marriage as well as to remind insurers of Connecticut's 2005 law concerning civil unions.

1. Connecticut Supreme Court decision on same sex marriage

The Connecticut Supreme Court held on October 10, 2008, in Elizabeth Kerrigan et al v. Commissioner of Public Health et al (SC 17716) that the Connecticut law limiting marriage to heterosexual couples violates the state constitutional guarantee of equal protection for all. The decision was effective October 28, 2008. As a result of the decision, a spouse in a same sex marriage is to be treated the same as a spouse in a heterosexual marriage, for all purposes, including insurance.

The Department does not require any re-filing of forms. However, the term "spouse" as used in existing insurance policies will now be interpreted to include a same sex spouse, pursuant to a legal marriage entered into in Connecticut or another state which recognizes same sex marriage.

With respect to new forms filed by insurers, the Department will not approve forms which exclude a same sex married partner from the definition of "spouse" in a policy, or otherwise do not provide the same treatment for a same sex spouse as for an opposite sex spouse, under policy benefits, terms, and conditions.

2. Public Act 05-10 Concerning Civil Unions

Effective October 1, 2005, the Connecticut legislature enacted Public Act 05-10 (codified as Sections 46b-38aa to 46b-38pp, inclusive, Connecticut General Statutes). Public Act 05-10 provides that same sex partners are permitted to obtain a license and to enter into a legal civil union performed by a judge, family support magistrate, state referee, a justice of the peace, or a member of the clergy. Parties who have been joined in a civil union in Connecticut and issued a license by an applicable town registrar of vital statistics, are entitled to all the same benefits, protections, and responsibilities under law, as are granted to spouses in a marriage. Parties who have entered into a legal civil union in another state, but covered under a Connecticut-regulated policy, are also entitled to the same treatment. Accordingly, the Department reminds insurers, as earlier indicated in 2005, that insurers are required to treat partners who have entered into civil unions the same as spouses are treated for insurance purposes.

As insurers have filed forms from October 1, 2005 on, the Department has been requiring changes in forms by insurers, as necessary, to give effect to Public Act 05-10.

Thomas R. Sullivan
Insurance Commissioner