



STATE OF CONNECTICUT

INSURANCE DEPARTMENT

Consumer Update

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CONTACT: Consumer Affairs Division
PHONE: (800) 203-3447 or (860) 297-3900
EMAIL: cid.ca@ct.gov

CONNECTICUT SUPREME COURT DECISION ON SAME SEX MARRIAGE/ EXISTING CONNECTICUT LAW ON CIVIL UNIONS

The Insurance Department is providing the following information about the recent Connecticut Supreme Court decision on same sex marriage and also updating information about the existing state law on civil unions.

Property and casualty insurers, life and health insurers, and health care centers doing business in Connecticut are now required to treat same sex married partners the same as opposite sex married partners, for insurance purposes. In addition property and casualty insurers, life and health insurers, and health care centers are required to treat parties to a civil union the same as a spouse, for insurance purposes.

If consumers have any questions or if they have a complaint about how an insurer is handling these requirements, consumers should contact the Consumer Affairs Division of the Insurance Department at 800-203-3447 or 860-297-3900 or by email at cid.ca@ct.gov

Background

1. Connecticut Supreme Court decision on same sex marriage

A Connecticut Supreme Court decision effective October 28, 2008, Elizabeth Kerrigan et al v. Commissioner of Public Health et al (SC 17716,) provides that the Connecticut law limiting marriage to heterosexual couples violates the state constitutional guarantee of equal protection for all. 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 term “spouse” as used in 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.

Please note, however, that a same sex married partner is not recognized for federal tax law purposes. Accordingly, there may be a federal tax impact to the policyholder or certificateholder, due to covering a same sex married partner. Consumers need to check with their tax advisor for information on federal tax rules.

2. Public Act 05-10 Concerning Civil Unions

The Connecticut legislature enacted [Public Act 05-10](#) effective October 1, 2005 which provides that same sex partners may enter into a legal civil union performed by a judge, family support magistrate, state referee, justice of the peace, or 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, insurers are required to treat partners who have entered into a civil union the same as spouses are treated for insurance purposes.

Please note that federal tax law does not recognize civil unions. Accordingly, there may be a federal tax impact to the policyholder/certificateholder due to coverage of a civil union partner, and consumers need to check with their tax advisor for information on federal tax rules.

3. Domestic Partners

Domestic partners are not included in the above legal requirements. Current law does not provide the same protections for a domestic partner as it does for a spouse in a same sex marriage or a party to a civil union. Insurers may cover or not cover domestic partners, according to policy language, which for group coverage is based upon the election of the plan sponsor. If domestic partners are covered under a policy, again there may be federal tax consequences. Consumers need to check with their tax advisor concerning federal tax rules.

ABOUT THE CONNECTICUT INSURANCE DEPARTMENT

The mission of the Connecticut Insurance Department is to serve consumers in a professional and timely manner by providing assistance and information to the public and to policy makers, by regulating the insurance industry in a fair and efficient manner which promotes a competitive and financially sound insurance market for consumers, and by enforcing the insurance laws to ensure that consumers are treated fairly and are protected from unfair practices. For more information, visit the Connecticut Insurance Department at www.ct.gov/cid.

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