



California Public Employees' Retirement System  
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## Health Benefits

# Circular Letter

December 18, 2019

Circular Letter: 600-056-19

Distribution: Special

**To: All CalPERS Health Benefits Officers and Assistant Health Benefits Officers**  
**Subject: Implementation of New Domestic Partners Legislation (SB 30)**

### Purpose

The purpose of this Circular Letter is to inform you of Senate Bill 30 signed by the governor on July 30, 2019. Senate Bill 30 amended the definition of a domestic partner in Family Code sections 297 and 299.2, effective January 1, 2020. The amendment eliminated the following requirements:

- Individuals entering into a domestic partnership be of the same sex.
- At least one partner be age 62 or over for opposite sex domestic partnerships.

Senate Bill 30 no longer limits domestic partnerships to certain individuals. Under the new definition of a domestic partnership, any couple over the age of 18, and those younger who qualify under the requirements set forth in section 297.1 of the Family Code, are eligible to establish a domestic partnership. The Secretary of State will start registering Declarations of Domestic Partnership under the new definition effective January 1, 2020.

## **Public Employees' Medical & Hospital Care Act**

The Public Employees' Medical & Hospital Care Act (PEMHCA) Government (Gov.) Code section 22771 defines a domestic partnership as two people who meet the criteria set forth in sections 297 or 299.2 of the Family Code.

Entering into a domestic partnership is considered a qualifying event that will permit an employee or annuitant to add the domestic partner and domestic partner's children to their CalPERS health plan. However, enrolling a domestic partner is not a qualifying event to change health plans.

Gov. Code section 22771(b) allows public agencies that have established a definition of domestic partnerships prior to January 1, 2000, to enroll domestic partners based on the contracting agencies definition. Contracting agency employers that have their own definition of domestic partnerships documented by their governing board prior to January 1, 2000, are not impacted by this change and may continue using their own definition.

## **Employee and Annuitant Responsibilities**

Consistent with previous domestic partnership enrollments, employees must apply to enroll a domestic partner within 60 days of registering their domestic partnership. The employee may also request enrollment during open enrollment or request a 90-day late enrollment. Please note the following:

- A copy of the Declaration of Domestic Partnership must be included.
- To add a domestic partner's children, a copy of the children's birth certificate naming the domestic partner as the parent must be provided.
- Employees or annuitants shall notify his or her employer or CalPERS when a domestic partnership has been terminated.

## **Employer Responsibilities**

Health benefits officers (HBO) are responsible for ensuring that domestic partners enrolling under the new definition have a Declaration of Domestic Partnership filed with the Secretary of State after January 1, 2020. Below is a list of additional HBO responsibilities to ensure documentation of eligibility is collected, validated, and retained:

- Obtain a copy of the finalized registered Declaration of Domestic Partnership provided by the Office of the Secretary of State.
- Retain all required health enrollment forms and supporting documents.
- Process health transactions once all required documentation is received and maintain mandatory changes for member's dependents.

- Ensure documents are complete, free of errors, and signed either electronically or physically by both the HBO and the employee.
  - Forms can be retained in an electronic file with an electronic signature. See Circular Letter [600-010-19 \(PDF\)](#) for more information regarding electronic signatures.
- Obtain, when appropriate, a Notice of Termination of Domestic Partnership and timely process all required health transactions upon receiving notification that a domestic partnership has been terminated.

## Resources

Your employees and annuitants can obtain detailed information about legal requirements and how to register by visiting the Secretary of State's website at [www.sos.ca.gov](http://www.sos.ca.gov).

Additionally, HBOs can find all eligibility requirements and a list of supporting documentation in the following health benefit guides:

- [Public Agency & Schools Health Benefits Guide \(PDF\)](#)
- [State Health Benefits Guide \(PDF\)](#)

## Questions

We are committed to assisting you conduct business with the CalPERS Health Benefits Program. If you have questions, visit [www.calpers.ca.gov](http://www.calpers.ca.gov) or call the CalPERS Customer Contact Center at **888 CalPERS** (or **888-225-7377**).

Rob Jarzombek, Chief  
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