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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO DOMESTIC RELATIONS

Introduced By: Senator Leo R. Blais

Date Introduced: February 26, 2008

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 31

RECIPROCAL BENEFICIARY AGREEMENTS

15-31-1. Purpose of chapter –Rights and related responsibilities. -- (a) The purpose of this chapter is to permit any two (2) unmarried persons who are excluded from entering into a valid marriage under the marriage laws of this state, as specified in the provisions of chapters 15-1, 15-2, and 15-3 of this title, or who are or were related by blood, adoption, or marriage, to establish a reciprocal beneficiary agreement to extend the rights and related responsibilities enumerated in this chapter to each reciprocal beneficiary.

(b) These rights and related responsibilities are:

(1) Emergency and nonemergency medical care and treatment and hospital visitation and related notification;

(2) The right to authorize the care and treatment of a reciprocal beneficiary through terminal care documents and medical treatment documents and the right to make medical decisions on behalf of a reciprocal beneficiary pursuant to the Rhode Island general laws;

(3) The right to participate in decision making relating to anatomical gifts of a reciprocal beneficiary;

(4) The right to participate in decision making relating to the disposition of remains of a

reciprocal beneficiary;

(5) The rights inuring from the laws relating to intestate succession in the same position as a spouse pursuant to title 33 of the general laws;

(6) The rights associated with the acquisition, ownership, or transfer, inter vivos or at death, of real property, including eligibility to hold real and personal property as joint tenants with right of survivorship or as tenants in common.

(b) This chapter shall not be construed to create any rights or responsibilities for reciprocal beneficiaries that are not specifically enumerated.

15-31-2. Definitions. – As used in this chapter, unless the context otherwise requires:

(a) "Reciprocal beneficiary" means a person who has entered into a valid reciprocal beneficiary agreement pursuant to the provisions of this chapter.

(b) "Reciprocal beneficiary agreement" means an agreement that is entered into by two (2) persons who qualify as reciprocal beneficiaries and that is evidenced by a form provided by the secretary of state that, when executed, grants the rights and related responsibilities set forth in this chapter to the signatories. The secretary of state is hereby directed to create a forum which shall satisfy and fulfill the requirements of this chapter.

15-31-3. Formation. -- (a) Two (2) persons shall be reciprocal beneficiaries if they:

(1) are at least eighteen (18) years of age;

(2) are not a party to a marriage or another reciprocal beneficiary agreement;

(3) are otherwise excluded from marrying each other under the marriage laws of this state, as specified in this title, including, but not limited to, the provisions of chapter 15-1, "Persons Eligible to Marry."

(4) Enter into the reciprocal beneficiary agreement without force, fraud, or duress; and

(5) Execute a reciprocal beneficiary agreement form provided by the secretary of state in the presence of a notary public and file the agreement with the clerk of the city and/or town in which at least one of the reciprocal beneficiaries resides. A copy of the reciprocal agreement shall also be forwarded by the clerk to the department of health and held in the same manner as a certificate of marriage.

15-31-4. Termination - property division. -- (a) A reciprocal beneficiary agreement shall be terminated as follows:

(1) When either party enters into a valid marriage recognized under the marriage laws of this state, as specified in this title; or

(2) When either party terminates the agreement under the procedures necessary for revoking a last will and testament and files notice of termination with the clerk of the city or town

where the reciprocal beneficiaries filed their reciprocal beneficiary agreement.

(b) The division of assets after termination of a reciprocal beneficiary agreement shall be done in accordance with the provisions of this title, including, but not limited to, the provisions of chapter 15-5, "Divorce and Separation."

15-31-5. Applicability - domestic partnerships. -- (a) Domestic partners registered pursuant to another state's law shall be deemed to have executed a reciprocal beneficiary agreement if the parties otherwise qualify as reciprocal beneficiaries pursuant to this chapter. Domestic partners who do not qualify to become reciprocal beneficiaries shall not be deemed to have a valid legal status within the state of Rhode Island as domestic partners.

(b) Legal contracts other than domestic partnerships, pursuant to another state's law, other than a marriage between a man and a woman, shall be treated as reciprocal beneficiary agreements if:

(1) The parties qualify to enter into a reciprocal beneficiary agreement pursuant to this chapter; and

(2) Both parties are present or reside in this state.

SECTION 2. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance Policies" is hereby amended by adding thereto the following section:

27-18-69. Reciprocal beneficiaries covered as dependents for purposes of insurance. -- Notwithstanding any provision of the general or public laws to the contrary, reciprocal beneficiaries as defined in chapter 15-31 shall be covered to the same extent as other dependents as subscribing to a plan which includes coverage for a family member shall also provide equivalent coverage for a reciprocal beneficiary.

SECTION 3. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service Corporations" is hereby amended by adding thereto the following section:

27-19-60. Reciprocal beneficiaries covered under subscribers plan. -- Notwithstanding any provision of the general or public law to the contrary, reciprocal beneficiaries as defined in chapter 15-31 shall be covered to the same extent as other dependents as subscribing to a plan which includes coverage for a family member shall also provide equivalent coverage for a reciprocal beneficiary.

SECTION 4. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service Corporations" is hereby amended by adding thereto the following section:

27-20-55. Reciprocal beneficiaries covered under subscribers plan. -- Notwithstanding any provision of the general or public law to the contrary, reciprocal beneficiaries as defined in chapter 15-31 shall be covered to the same extent as other dependents

as subscribing to a plan which includes coverage for a family member shall also provide equivalent coverage for a reciprocal beneficiary.

SECTION 5. Chapter 27-41 of the General Laws entitled "Health Maintenance Organizations" is hereby amended by adding thereto the following section:

27-41-73. Reciprocal beneficiaries covered as dependents for purposes of coverage. - - Notwithstanding any provision of the general or public law to the contrary, reciprocal beneficiaries as defined in chapter 15-31 shall be covered to the same extent as other dependents. A participant in a health maintenance organization which includes coverage for a family member shall also provide equivalent coverage for a reciprocal beneficiary.

SECTION 6. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO DOMESTIC RELATIONS

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This act would authorize the establishment of reciprocal beneficiary agreements for the purpose of permitting any two (2) unmarried persons who are excluded from entering into a valid marriage under the marriage laws of this state, or who are or were related by blood, adoption, or marriage, and who meet specified requirements, to establish a reciprocal beneficiary agreement that extends specific rights and related responsibilities to each reciprocal beneficiary. The act would specify the rights and related responsibilities that would extend to reciprocal beneficiaries, including, but not limited to, health care insurance benefits.

This act would take effect upon passage.

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