



Domestic Partners Frequently Asked Questions: The City of Boulder's \$1,500 Deductible Plan with HSA

- *I am enrolled in the \$1,500 Deductible Plan with my domestic partner. How does the HSA work for us?*
 - Due to IRS regulations, you cannot own a family level HSA jointly with your partner. However, this is to your advantage. IRS limitations on spouses do not apply to domestic partners. You each can open a separate HSA.
 - If you cover yourself and your partner on the \$1,500 Deductible Plan, you both are eligible to contribute up to the maximum family contribution of \$6,450 in each of your HSAs. Please consult your tax advisor to verify your contribution limits.
 - If you have a domestic partner but are enrolled in single coverage, you may only contribute up to the single contribution limit.

- *Can I use my own HSA funds to pay for my domestic partner's health expenses?*
 - No. Federal tax rules state that a domestic partner who does not qualify as a Section 152 dependent is not eligible to receive reimbursements from the HSA.
 - Section 152 dependent: when the employee provides more than half the domestic partner's support, the domestic partner lives in the same principal residence with the employee for the entire taxable year, and the relationship between the employee and domestic partner does not violate a local law.
 - As long as the domestic partner is enrolled in this plan or his/her own HDHP, and is not a Section 152 dependent, he/she can open an HSA with a participating bank. Please consult your tax advisor for more information.

- *My same-sex domestic partner and I were married in a state which recognizes gay marriage. Can he/she be considered my spouse in this case?*
 - No, federal tax law defines a spouse as a person of the opposite sex regardless of variance in state law.