



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

- *I am enrolled in the \$1,500/\$3,000 Deductible Plan with my domestic partner (not married). How does the HSA work for us?*
 - Due to IRS regulations, you cannot use an HSA jointly with your partner. However, this is to your advantage. IRS limitations on spousal HSA contributions do not apply to domestic partners. You each can open a separate HSA. Your domestic partner can open an HSA with any bank that offers HSAs.
 - 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 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 IRS rules state that you are not eligible to receive reimbursements from your HSA for the health expenses of your domestic partner who does not qualify as your Code 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.
 - If your partner is not a Section 152 dependent and is enrolled in this plan or his/her own high deductible health plan (HDHP), he/she can open an HSA with a participating bank. Please consult your tax advisor for more information.

- *My same-sex partner and I were married in a state which recognizes same-sex marriage. Can he/she be considered my spouse in this case?*
 - If you are legally married in a state that recognizes same-sex marriage, your same-sex spouse is your legal spouse under federal tax law.
 - IRS limitations on spousal HSA contributions apply to you and your same-sex spouse.
 - You can receive reimbursements from your HSA for the health expenses of your same-sex spouse.
 - State Tax Law may be different depending on your state of residence. Please consult with your tax advisor if you reside in a state that does not recognize same-sex marriage.