



# The American College of Obstetricians and Gynecologists, District IX / CA

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March 28, 2007

The Honorable Dave Jones, Chair  
Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

**RE: Assembly Bill 43 (Leno)**  
**ACOG-IX/CA Position: SUPPORT**

Dear Assemblyman Jones:

The American College of Obstetricians and Gynecologists, District IX (California), representing more than 5,000 physicians, dedicated to the health care of California's women, is pleased to support AB 43. The bill will be heard in the Assembly Judiciary Committee on April 10th.

ACOG-IX has recently established a Committee on Health Care for Underserved Women to review issues relevant to underserved populations, including young women, disabled women, senior women, lesbians and others. In order to assist us in developing our position on the bill, the Committee has reviewed and confirmed the scientific findings compiled by Dr. Kate O'Hanlan from the National Library of Medicine, and from other national medical and scientific associations such as ours, which issue policy and set standards of care. While lengthy, this letter is essentially a review of the current science, and provides an understanding for both the rationale of our position, and the strength with which we will advance our position. All of the scientific evidence demands that we view sexual orientation as neutrally as we view handedness, skin color or any other biological trait: without discrimination.

The bill would amend state law to end the tradition of exclusion of same-sex couples from civil marriage and the social support and legal protections that come with it. California domestic partnership law currently provides registered domestic partners with a significant number of legal rights and benefits available to married couples, however, it does not provide many rights under federal law that are available to legally married couples and it is not a universally recognized legal relationship. This bill reaffirms religious freedom in that no priest, minister, or rabbi of any religious denomination can be required to solemnize any marriage that violates his or her religion.

**AB 43 is consistent with the ACOG mission of improving the health of underserved women in the following ways:**

### **Improved access to medical care by women:**

The Women's Health Initiative (WHI) and other studies show that lesbians are

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less likely to have health insurance coverage.<sup>1,2</sup> Equal access to civil marriage will enable more women to obtain medical care, including preventive care, through their spouses' employment insurance.<sup>3</sup> With more women participating in standard screening protocols and disease prevention efforts, earlier diagnoses and reduced disease incidence and mortality can be expected.

**Improved quality of medical care for women:**

ACOG has identified that lesbians are an underserved minority that would be better served by culturally competent clinicians.<sup>4</sup> Understanding of a woman's family support, sexual orientation and behavior are critical in creating a healthy doctor patient relationship, providing appropriate health counseling and screening tests, leading to higher rates of follow-up and compliance. Clinicians can gain greater cultural proficiency working with lesbian families if partnered lesbians were in the standard civil marriage context.

Equal access to civil marriage will reduce the stigma associated with homosexuality and enable lesbian couples to feel safer disclosing their sexual orientation to their clinicians.<sup>5</sup> Within a standard civil marriage context, clinicians can more clearly identify immediate family and next of kin, to communicate with, engage support from, and obtain consents in emergencies from patients' actual immediate family members, rather than more distant relatives with less knowledge of patients' true wishes and health needs. The current need to obtain extensive power of attorney forms from same-sex couples will be obviated.

**Improved mental and physical health for women:**

The American Psychiatric Association has endorsed equal access to civil marriage "in the interest of maintaining and promoting mental health."<sup>6</sup> The American Psychological Association has endorsed equal access to civil marriage because "discrimination of all kinds takes a toll on people's health and psychological well being."<sup>7</sup> Stigma from legal discrimination, encoded in California laws, causes lower self-care, higher rates of depressive distress, substance abuse and suicide, and lower social and vocational aspirations among lesbians.<sup>8</sup> WHI data confirm that lesbians have significantly higher rates of smoking, alcohol use and abuse, obesity, diabetes, hypertension, cancers, and heart disease than heterosexual women.<sup>1</sup>

**Improved health of young lesbians and adolescents:**

Stigma and misinformation about lesbian and gay youth can cause isolation, fear, and lack of peer and family support, resulting in higher rates of emotional distress, suicide attempts, risky sexual behavior and substance abuse.<sup>10</sup> Lesbian and gay youth sustain more physical, emotional, and verbal violence by their peers, and are more at risk for substance abuse, risky sex behaviors, undesired pregnancy, and sexually transmitted diseases.<sup>5</sup> Equal access to civil marriage will confirm to all California families that youth who are gender atypical or who identify as lesbian, gay or bisexual teens, should be accepted and equally valued by society.

We agree with the American Academy of Pediatrics, the American Counseling Association, the American Psychiatric Association, the American Psychological Association, the National Association of School Psychologists, and the National Association of Social Workers who jointly produced a booklet for school administrators, which states: “homosexuality is not a mental disorder and thus there is no need for a cure.”<sup>10</sup> They suggest that with reduced stigma, all youth will be better able to navigate adolescence and assume their adult identities with greater mental and physical health.

**Improved maternity care:**

Equal access to civil marriage will enhance maternity outcomes because more women will access maternity care through their spouse’s employment insurance. Reduced stigma will enhance compliance with maternity care. The pregnant woman's spouse will be recognized by the health care system, enhancing support for the pregnant lesbian. Civil marriage will help to strengthen the family and enhance the bonding of the new parents and grandparents to the child.

**Improved social and legal supports for lesbians’ families:**

Civil marriage provides for specific rights for married individuals, not otherwise available to state recognized domestic partnerships or civil unions, or by individual contracts. The State of California assigns hundreds of benefits, rights and responsibilities to married couples, over and above the 1,138 conferred by the Federal government, all with the goal of supporting the health and welfare of married families. Equal access to civil marriage will safeguard more of California’s families.

The National Association of Social Workers has endorsed equal access to civil marriage because same-sex couples will have rights such as “family health insurance coverage, child custody and medical and bereavement leave...be able to file joint tax returns and enjoy income and estate tax benefits...assume pension benefits in the event of the death of a same-sex partner...have the automatic ability to make medical decisions for an incapacitated spouse, petition for their same-sex partner to immigrate...become entitled to leave of absence (up to 12 weeks) from work to care for a seriously ill partner or parent of a partner, share in parenting responsibilities of children brought into their families through birth, adoption, surrogacy or other means without being questioned or challenged through legal means, and will have the ability to purchase continued health coverage for a same-sex partner after the loss of a job.”<sup>11</sup>

The American Psychoanalytic Association has endorsed equal access to civil marriage saying that “marriage is a basic human right... the State should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities, and commitment of civil marriage.”<sup>12</sup>

**Improved health of children in lesbian families:**

The United States Census reveals that 33% of lesbian couples are raising children under age 18. The Child Welfare League of America states that “based on a preponderance of existing research substantiating the ability of gay, lesbian, and bisexual adults to serve as competent, caring, supportive and loving parents, and consistent with the Standards of Excellence for Child Welfare Services, the Child Welfare League of America commits its experience, its resources, and its influence to supporting GLBTQ children, youth, adults, and families involved in America's child welfare system.”<sup>13</sup> The American Association of Child and Adolescent Psychiatry has stated that “there is no evidence to

suggest or support that parents with a gay, lesbian, or bisexual orientation are per se different from or deficient in parenting skills, child-centered concerns and parent-child attachments, when compared to parents with a heterosexual orientation.”<sup>14</sup>

The American Academy of Pediatrics has also reviewed the literature about child health outcomes and parenting abilities by same-sex partners, and has thus endorsed civil marriage for same-sex couples because “the rights, benefits and protections would further strengthen their families.”<sup>5</sup>

Equal access to civil marriage gives more children two legal parents who are committed to their children’s’ emotional and financial care and welfare, and who will be more available than one parent for parental childcare and for emergencies. Civil marriage protects the legal, financial and medical benefits of children in cases of parental death or disability by providing public and private benefits available only through a legally recognized parent. Equal access to civil marriage also protects children in cases of divorce by requiring that financial settlements and parenting rights and duties be decided in the Family Court, which takes into account the best interests of children and facilitates faster resolution of family disputes, rather than in civil court, which interprets contracts and lacks the family-focused procedures of the Family Court.

**Improved health and welfare of senior women:**

Equal access to civil marriage protects senior women's health and welfare in cases of death or disability of their earning spouse by providing access to standard marital tax-free spousal inheritance and greater Social Security and retiree benefits. Healthcare decisions for seniors in nursing homes are clarified with civil marriage. The American Psychiatric Association states that “excluding these adults from civil marriage protections of survivorship and inheritance rights, financial benefits, and legal recognition as a couple in health care settings increases the psychological burden associated with aging.”<sup>6</sup>

As you can see, the reasons for our support are multiple and are grounded in science and medicine. For the above listed reasons, the **American College of Obstetricians and Gynecologists, District IX (California) strongly supports AB 43 and asks for your “AYE” vote.**

Sincerely,



Shannon Smith-Crowley  
Legislative Advocate  
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cc: Assembly Member Mark Leno  
Assembly Judiciary Committee Members  
Assembly Judiciary Committee Consultant  
Assembly Republican Caucus Consultant

Women’s Health Care Physicians  
Education • Advocacy • Practice • Research

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