



# Equal Rights Advocates

Since 1974, Fighting for Women's Equality

March 23, 2009

Senator Elaine K. Alquist  
Chair, Senate Health Committee  
State Capitol, Room 5080  
Sacramento, CA 95814

Senator Ellen Corbett  
Chair, Senate Judiciary Committee  
State Capitol, Room 5108  
Sacramento, CA 95814

Re: Support for SB 54

Dear Senator Alquist and Senator Corbett:

On behalf of the more than two million California women between the ages of 19 and 64 who lack any insurance whatsoever, and many million more who are under-insured, Equal Rights Advocates ("ERA") urges the Legislature to pass SB 54.

ERA is a non-profit women's legal advocacy organization that provides assistance for sex discrimination in employment and education, including sexual harassment, pregnancy discrimination, and pay equity. We also staff a nation-wide "Advice and Counseling" hotline which provides legal information and referrals to women across the country on these same issues. We are keenly aware of the deleterious impact that gender rating—the practice of making health insurance more expensive for women-- has upon United States women in general and California women in particular.

Two California statutes currently permit sex discrimination in health insurance pricing: Section 10140 of the California Insurance Code and Section 1365.5 of the California Health & Safety Code. This practice denies women equal access to insurance, and violates the Constitutional guarantee that the law applies equally to all persons. But more important than being unfair and discriminatory, these two laws hurt California women's economic well-being and cause them to suffer from more acute health problems. Because uninsured and under-insured women frequently lack access to adequate preventive care, they are more likely than those with insurance coverage to be hospitalized for avoidable health problems, to be diagnosed at later stages of the disease, and to forgo necessary medical care or prescription medication to treat their health problems. SB 54 would amend these two anti-discrimination statutes to include gender as a prohibited basis for discrimination in the pricing of individually-purchased health insurance policies.

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ERA supports SB 54 and urges the Legislature to pass it for the following reasons:

- Gender rating hurts California women.
- Under current law, women under 55 pay up to 39% more than men for the same health care coverage.
- SB 54 eliminates provisions of current law that expressly authorize sex discrimination.
- Banning gender rating will not impose any financial burden on the State.
- Eliminating gender rating will reduce costs to public health care providers.
- SB 54 will not increase the number of uninsured in California.
- Eliminating sex discrimination in health insurance pricing will not decrease insurance option for California consumers.
- SB 54 advances California's public health policy of encouraging preventive care.
- SB 54 does not threaten the vitality of California's health insurance industry.

ERA urges the Legislature to support SB 54 to rid California's health insurance laws of their explicit unlawful sex discrimination and help over a million California women obtain affordable health care coverage. New York, Massachusetts, Montana and Oregon have already ended gender rating. We hope the California Legislature will also lead the way by eliminating this unconstitutional practice and improving women's health throughout California.

Sincerely,



Debra A. Smith

cc: Members and Consultants, Senate Health Committee  
Members and Consultants, Senate Judiciary Committee  
Senator Mark Leno  
Senator Leland Yee  
Lynn M. Suter, Legislative Advocate  
Nancy Kirshner-Rodriguez, Mayor's Office

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