



Equality California | eqca.org

AB 2208 FACT SHEET Updated 7.16.04

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AB 2208: The California Insurance Equality Act By Assemblywoman Christine Kehoe

Coauthors: Assemblymembers: Dymally, Goldberg, Koretz, Laird, Leno, Levine, Lieber, Nation, Ridley-Thomas, and Wolk | Senators: Kuehl, Romero, Soto, Speier, and Vasconcellos

Sponsors: Equality California and Insurance Commissioner Garamendi

The California Insurance Equality Act will conform the Insurance and Health and Safety Codes to AB 205 and existing non-discrimination provisions so registered domestic partners receive the same coverage provided to spouses.

Current Status: Passed Assembly. Pending in Senate Appropriations Committee.

PROBLEM

Insurance coverage, whether for home, auto, health, etc., is a vital concern for lesbian, gay, bisexual, and transgender (LGBT) Californians. Lesbian and Gay Californians in committed relationships are presently unable to marry in California, but are allowed to enter into domestic partnerships. Unfortunately, registered domestic partners are not always treated equally to spouses in the area of insurance which can mean being denied benefits, paying higher premiums, or being denied coverage. Domestic partners are often not treated in accordance with their legal standing or existing non-discrimination laws. Because of this practice, domestic partners and employers are often forced to switch insurers to purchase coverage that treats spouses and domestic partners equally.

SOLUTION

Assembly Bill 2208 will conform the Insurance and Health & Safety Codes to the requirements of AB 205 (Goldberg, Statutes of 2003) and existing non-discrimination provisions in the law for insurance providers who issue policies or plans that cover spouses by ensuring that equal coverage is provided for domestic partners. This bill is necessary to protect families, eliminate uncertainty and to prevent unnecessary litigation.

WHAT IS A DOMESTIC PARTNER?

California law provides that lesbian and gay couples, and heterosexual couples with one partner over the age of 62, may enter into domestic partnerships by registering with the state. Their relationships are legally recognized. It is necessary to register a relationship to have legal standing. While registration isn't the same as marriage, it does secure many important rights and responsibilities. When AB 205 becomes effective on January 1, 2005, registered domestic partners will have most of the same rights and responsibilities under California law as married spouses.



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HOW DOES THIS COMPLEMENT AB 205?

Beginning in 2000 with AB 25, insurance companies were required to offer domestic partners insurance coverage with no requirement for spousal equality. Now with AB 205, there is legal parity between spouses and domestic partners. Insurers should now provide equal coverage.

With the additional responsibilities granted by AB 205, domestic partners are now financially responsible for each other. AB 205 extends community property law, plus sharing of assets and debts, for couples who register with the Secretary of State.

PARTIAL LIST OF REGISTERED SUPPORT

AIDS Project Los Angeles	Lambda Letters Project
American Civil Liberties Union	Legal Aid Society Employment Law Center
Anti-Defamation League	City of West Hollywood
Being Alive Los Angeles, Inc.	Metropolitan Community Church, LA
California Commission on the Status of Women	Mexican American Legal Defense and Educational Fund (MALDEF)
California Department of Justice	National Center for Lesbian Rights
California Insurance Commissioner John Garamendi (Sponsor)	Office of the Attorney General
California Labor Federation, AFL-CIO	Our Family Coalition
California Medical Association	PFLAG-Ventura County
California National Organization of Women	Planned Parenthood Affiliates of California
California Nurses Association	Pride at Work – Southern California
California Retired Teachers Association	San Francisco AIDS Foundation
California State Employees Association	San Francisco Lesbian Gay Bisexual Transgender Community Center
California State School Employees Association	Stonewall Democratic Club of Greater Sacramento
California Teachers Association	Transgender Law Center
Equality California (Sponsor)	
Lambda Legal Defense and Education Fund	