

California court: Doctors can't discriminate on the basis of sexual orientation: Fertility treatments

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California's Supreme Court has ruled that doctors cannot discriminate against gays and lesbians even if they believe their religious freedom will be violated during a course of treatment.

The case involved a San Diego County lesbian, Guadalupe Benitez, who informed doctors that she and her partner wanted to pursue fertility treatments. Two doctors said that their religious beliefs would prevent them from performing an artificial insemination for Benitez.

Benitez sued, citing California's civil rights act.

The Constitution's "right to the free exercise of religion does not exempt defendant physicians here from conforming their conduct to the [civil rights] act's antidiscrimination requirements even if compliance poses an incidental conflict with defendants' religious beliefs," wrote Associate Justice Joyce L. Kennard in a unanimous decision August 18.

The judge said the civil rights act imposes "certain antidiscrimination obligations" on business establishments, including medical groups.

One of the doctors, Christine Brody, said her religious objection was because Benitez was not married. But Benitez argued that Brody objected to performing the procedure because Benitez is a lesbian.

The judge said the doctors could refuse to perform the medical procedure for all patients or refer them to a physician in their practice not holding the same religious objection.

Lawyers for the doctors are considering an appeal to the U.S. Supreme Court. -
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