

December 23, 2019

ATTORNEY GENERAL RAOUL CALLS ON COURT TO UPHOLD CONTRACEPTIVE COVERAGE MANDATE

Raoul & 21 Attorneys General File Brief in Support of Continued Coverage for Contraception

Chicago — Attorney General Kwame Raoul today joined 21 attorneys general in filing an amicus brief defending the rights of women across the country to the full and equal access to birth control guaranteed by the Affordable Care Act (ACA).

Raoul and the coalition filed the brief in the U.S. Court of Appeals for the 5th Circuit in the case *DeOtte v. Azar*. In this case, the state of Nevada has sought to intervene and defend the contraceptive mandate, because the federal government has failed to do so and has effectively agreed to an order that permanently bars the federal government from enforcing this critical part of the ACA. The motion to intervene was denied by the lower court. Raoul and the coalition argue that this motion should have been granted and that the order preventing enforcement of the contraceptive mandate should be reversed.

“Over 50 million women rely on coverage for contraception as a fundamental part of their health care plan,” Raoul said. “Employers do not have the right to stand between their female employees and the reproductive health care they need.”

Since the ACA was enacted in 2010, employers that provide health insurance coverage to their employees have been required to include coverage for contraception, at no cost to the employee, with narrow exceptions for religious non-profit organizations and for closely held, for-profit companies. For those employees working for employers that object to coverage for contraceptives, the ACA creates a way to allow for seamless, alternative contraception coverage. The ACA provides more than 55 million women in the United States access to birth control with no out-of-pocket costs.

Raoul and the coalition also note that the 5th Circuit and seven other courts of appeals have already rejected the plaintiffs’ argument that the mere act of opting out of providing contraceptive coverage substantially burdens their exercise of religion under the Religious Freedom Restoration Act.

The plaintiffs’ arguments are in line with those the federal government is making to justify new regulations that authorize employers with a religious or moral objection to block their employees and their employees’ dependents from receiving insurance coverage for contraceptive care and services. A nationwide injunction granted in the Eastern District of Pennsylvania has stopped these regulations from going into effect while litigation is pending. A separate case out of the Northern District of California has produced a preliminary injunction covering all of the plaintiff states challenging the rules, including Illinois.

Joining Raoul in filing the amicus brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.