



## GUIDE TO THE ISSUES

# Patient Protection and Affordable Care Act and First Amendment Rights

### Background

The Obama Administration recently finalized rules under the Patient Protection and Affordable Care Act (PPACA) that mandates coverage of preventive health services.<sup>1</sup> These rules provide that any health insurer "must provide coverage for... [a number of items and services] and may not impose any cost-sharing requirements."<sup>2</sup>

The Health Resources and Services Administration has determined that, as of August 1<sup>st</sup>, 2012, "all FDA approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity"<sup>3</sup> fall under the definition of preventive health services.

Except for houses of worship, no accommodations have been made for faith-based employers whose beliefs oppose these practices.<sup>4</sup> Thus, large religious employers, such as Christian schools, Catholic hospitals, and faith-based pregnancy care centers will have to pay for this coverage, sustain a \$2,000 fine per year per employee, or close their doors.<sup>5</sup>

After intense opposition from faith-based organizations, the President offered a compromise to be developed in the next year. Essentially, the forthcoming regulation "will require insurance companies to cover contraception for individual employees if the religious organization chooses not

### ISSUE SNAPSHOT

Recently finalized rules under the PPACA require health insurers to provide preventive health services, including contraception.

These requirements potentially infringe upon the constitutional rights of employers with religious objections to contraception.

Religious organizations should be vigilant to ensure that their constitutional rights are not infringed upon, but Americans should be concerned about the PPACA's encroachment on their health care options.

to."<sup>6</sup> President Obama has suggested that religious organizations would not be forced to make up for the cost of that contraception through higher premiums.

### Policy Considerations

In According to the First Amendment of the Constitution, Congress has no ability to establish any law prohibiting the free exercise of religion. Because several Supreme Court cases have found that the exercise of religion extends beyond acts of worship to acting, or not acting, on religious grounds, the refusal of a religious organization to provide government-mandated birth control