News



In this June 17, 2019 file photo, The Supreme Court is seen in Washington. The Supreme Court will consider Trump administration rules expanding religious, moral exemptions from contraceptive coverage. (AP/J. Scott Applewhite)

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The Supreme Court will consider allowing the Trump administration to enforce rules that allow more employers to deny insurance coverage for contraceptives to women.

The justices agreed Jan. 17 to yet another case stemming from President Barack Obama's health care overhaul, this time about cost-free birth control. The court probably will hear arguments in April.

The high court will review an appeals court ruling that blocked the Trump administration rules because it did not follow proper procedures. The new policy on contraception, issued by the Department of Health and Human Services, would allow more categories of employers, including publicly traded companies, to opt out of providing no-cost birth control to women by claiming religious objections.

The policy also would allow some employers, though not publicly traded companies, to raise moral objections to covering contraceptives.

Employers also would be able to cover some birth control methods, and not others. Some employers have objected to covering modern, long-acting implantable contraceptives, such as IUDs, which are more expensive and considered highly effective in preventing pregnancies.

The share of female employees paying their own money for birth control pills has plunged to under 4 percent, from 21 percent, since contraception became a covered preventive health benefit under the Obama-era health law, according to the Kaiser Family Foundation.

Even though the Trump rules remain blocked, a ruling by a federal judge in Texas in June already allows most people who object to covering contraception to avoid doing so.

The issue in all the cases is the method originally adopted by the Obama administration to allow religiously affiliated organizations to opt out of paying for contraception while making sure that women under their plans would not be left with the bill.

Some groups complained that the opt-out process violated their religious beliefs and wanted to be relieved of even signaling their religious objection.

The Trump administration issued new rules in 2018. New Jersey and Pennsylvania challenged them in federal court, and the appeals court in Philadelphia decided the rules should be blocked nationwide. The states said the administration rules would result in fewer women receiving cost-free birth control through employer health plans and said states would have to spend more money in their programs that provide contraceptives to women who want them.

The justices said they will hear the administration's appeal together with one filed by the Little Sisters of the Poor, an order of Roman Catholic nuns. The Little Sisters have argued that the Trump rules would protect them from having to provide some birth control, although Obama administration lawyers had argued that they probably were exempt from the rules.

"There are plenty of ways to provide people with contraceptives without forcing Catholic nuns to participate," said Mark Rienzi, a lawyer for the Becket Fund for Religious Liberty, which represents the nuns.

Several other lawsuits are pending around the country. Katie Keith, a health policy expert in Washington, said the high court's consideration of the issue has the potential to resolve all the pending legal fights.

"Religious groups want the court to weigh in once and for all, and they're not going to be happy until we have a clear answer," Keith said.

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