

Hobby Lobby Set to Argue Abortion-Pill Mandate in Appeals Court

A federal court has granted a request by Hobby Lobby stores and sister retailer Mardel Christian and Education to have their Obamacare case heard before a full court, instead of the usual three-judge panel. Oral arguments are set for May 23 in Denver.

“We are grateful that the court granted Hobby Lobby’s petition,” said Kyle Duncan, general counsel for the Becket Fund for Religious Liberty, which represents Hobby Lobby and Mardel, regarding the court’s decision on March 29. “Full court review is reserved only for the most serious legal questions. This case asks whether the First Amendment protects everyone’s right to religious freedom, or whether it leaves out religious business owners like the Greens.”

The Oklahoma-based companies sued the Obama administration last September regarding the U.S. Department of Health and Human Services’ abortion-pill mandate, a regulation under the Affordable Care Act (aka Obamacare), requiring the chains to offer potential abortion-inducing drugs in their employee health-care plans.

In November, a two-judge panel of the 10th U.S. Circuit Court of Appeals denied the chains’ request for a temporary reprieve from the mandate as the case proceeded. But nine 10th Circuit judges will now hear the case. The court also announced March 29 that it will expedite oral arguments.

“It is very good that the 10th Circuit granted a full court hearing on our Hobby Lobby case,” Becket Fund Executive Director Kristina Arriaga said. “Furthermore, of all 52 cases filed on the HHS mandate, only one such hearing has been

granted.”