

Trump Administration Eviscerates Obama-Era Birth Control Mandate

President Donald Trump's administration on Friday eviscerated requirements under the Obamacare law that employers provide insurance to cover women's birth control, keeping a campaign pledge that pleased his conservative Christian supporters.

Administration officials said two new federal rules will let any non-profit or for-profit entity make religious or moral objections to obtain an exemption from the law's contraception mandate. The changes also let publicly traded companies obtain a religious exemption.

The move drew fire from reproductive rights advocates and praise from a conservative Christian activists. California's Democratic attorney general pledged to fight to protect the mandate from circumvention. It remained unclear how many women would lose contraception coverage and which companies would use the exemptions.

Trump, who criticized the birth control mandate in last year's election campaign, and won strong support from conservative Christian voters. The Republican president signed an executive order in May asking for rules that would allow religious groups to deny their employees insurance coverage for services they oppose on religious grounds.

The U.S. Department of Health and Human Services on Friday moved to broaden those narrow religious exemptions to include an exception "on the basis of moral conviction" for non-profit and for-profit companies.

The contraception mandate was one provision of the 2010 Affordable Care Act, Democratic former President Barack

Obama's signature legislative achievement, also called Obamacare.

The law required employers to provide health insurance that covers birth control, but religious houses of worship were exempted. Some private businesses sued regarding their rights to circumvent such coverage, and the Supreme Court ruled in 2014 that they could object on religious grounds.

"All Americans should have the freedom to peacefully live and work consistent with their faith without fear of government punishment," the conservative Christian legal activist group Alliance Defending Freedom said in a statement praising the administration's action.

"HHS has issued a balanced rule that respects all sides—it keeps the contraceptive mandate in place for most employers and now provides a religious exemption," said Mark Rienzi, one of the lawyers for the Little Sisters of the Poor, an order of Roman Catholic nuns that runs care homes for the elderly and previously challenged the mandate in court.

"The Little Sisters still need to get final relief in court, which should be easy now that the government admits it broke the law," Rienzi added.

The Little Sisters and other Christian nonprofit employers objected to a 2013 compromise offered by the Obama administration that allowed entities opposed to providing contraception insurance coverage to comply with the law without actually paying for the required coverage.

California Attorney General Xavier Becerra said he was "prepared to take whatever action it takes" to defend the mandate that health insurers provide birth control.

The administration's new contraception exemptions "are another example of the Trump administration trampling on people's rights, but in this case only women," Becerra told Reuters.

The Justice Department on Friday released two memos that will serve as the government's legal basis for justifying the rule and laying out a framework for how apply religious liberty issues in legal opinions, federal rules and grant making.

One memo instructs Justice Department employees to incorporate its legal arguments on religious freedom into litigation strategies and how they review rules. A second memo used a similar directive to government agencies to be used in the course of "employment, contracting and programming." {eo}

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