

HHS' Abortion-Pill Mandate Comes Under Fire in New Lawsuit

The American Center for Law and Justice (ACLJ), a pro-life legal organization that focuses on constitutional law, on Thursday filed its fourth direct challenge to the mandate of the Department of Health and Human Services (HHS) on the basis that the mandate violates the religious beliefs of business owners.

The lawsuit was filed in the U.S. District Court for the District of Columbia and contends that the **HHS Mandate** violates constitutional and statutory rights by requiring two Ohio companies and their owners to purchase health insurance for employees that include coverage for contraception, sterilization and abortion-inducing drugs.

The ACLJ represents Francis A. Gilardi Jr. and Philip M. Gilardi, two brothers who own and control two companies that are involved in the processing, packaging and transportation of fresh produce. The companies are: Freshway Foods, a nearly 25-year-old family-owned fresh produce processor and packer, which serves 23 states and has 340 full-time employees; and Freshway Logistics, a family-owned for-hire carrier of mainly refrigerated products serving 23 states for the last 10 years with approximately 55 full-time employees. Both companies are located in Sidney, Ohio, a city in west-central Ohio located about 40 miles north of Dayton.

The owners, who are Catholic, contend that the HHS mandate requiring coverage for contraception, sterilization and **abortion-inducing drugs** violates their religious beliefs.

"Our clients believe that having to pay for contraceptives, abortion-inducing drugs and sterilization will cause them to

violate their religious beliefs and moral values,” said Edward White, senior counsel of the ACLJ. “They have specifically excluded such things from their company’s health insurance plan for the past 10 years. The HHS mandate, however, will require them to pay for such drugs and services on April 1. They have filed this lawsuit seeking an injunction against the mandate so they can continue to run their business in accordance with their religious beliefs and moral values.”

The lawsuit argues that the HHS mandate violates the **First Amendment**, the Religious Freedom Restoration Act, and the Administrative Procedure Act.

The lawsuit contends that the HHS mandate forces the owners to “violate their religious beliefs and moral values” or face crippling fines and penalties. For the two companies combined, the fines and penalties would total nearly \$40,000 a day, amounting to \$14.4 million annually, which the owners contend will be “ruinous” for their businesses.

The companies face an April 1 renewal date for their health insurance coverage. The lawsuit requests the court declare the mandate unconstitutional and enter an injunction preventing the mandate’s application to the plaintiffs.

Thursday’s lawsuit represents the fourth direct challenge in federal court by the ACLJ to the HHS mandate. The ACLJ has successfully obtained injunctions in the three other direct challenges, barring enforcement of the mandate until the legal challenges are resolved. In addition to the direct challenges, the ACLJ has filed 13 amicus briefs backing other legal challenges to the HHS mandate.