

Court upholds religious accommodation in Obamacare

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PHILADELPHIA (BNG)—A federal appeals court ruled accommodations in the Affordable Care Act are adequate to protect the religious freedom rights of employers who do not qualify for exemptions but who object to contraception coverage in worker insurance plans on religious grounds.

The 3rd Circuit Court of Appeals [reversed](#) injunctions by two lower courts. The previous rulings prevented the federal government from forcing religious nonprofits and schools to provide insurance coverage for contraceptives in student and employee health care plans or to certify they object to the services on moral grounds.

Once the employers advise the government they will not pay for contraception, responsibility for coverage for those services shifts to a separate insurance issuer or a third-party administrator. No premium or fee on the group health plan or plan participants and beneficiaries is imposed.

'Burdensome' requirement

The faith-based organizations contended the requirement to register their intent not to participate in contraceptive coverage not only was burdensome, but also resulted in giving workers access to forms of birth control that prevent pregnancy after conception, makes the employers complicit in killing human life.

A three-judge panel of the 3rd U.S. Circuit Court of Appeals disagreed. Justices reasoned the act of stating on a self-certification form employers object on religious grounds to providing such coverage "is a declaration

that they will not be complicit in providing coverage.”

The act of opting out does not facilitate the provision of contraceptive coverage by third parties, the court concluded. Instead, the third parties providing coverage do so as a result of legal obligations imposed by the Affordable Care Act.

The court further rejected the argument that automatically exempting religious employers while requiring faith-based colleges and hospitals to self-report divides “good works” or “faith-in-action” employers from “house-of-worship employers” and entitling the burden-free exercise of religion by one group and not the other.

Distinction same as one used by the IRS

The appellate court responded the distinction used by the Obama administration is the same one used by the Internal Revenue Service. The IRS allows religious employers like churches and their integrated auxiliaries to enjoy tax advantages over other entities without being thought to violate the First Amendment’s Establishment Clause.

The appeals court decision agreed with earlier findings of the 6th, 7th and District of Columbia circuits.

GuideStone Christian Resources, insurer for the Southern Baptist Convention, won an injunction preventing the government from enforcing the contraceptive mandate in December 2013. That ruling is [under appeal](#) in the 10th U.S. Circuit Court of Appeals in Denver.