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Subject: Administration takes steps to ensure women's continued access to contraception coverage, while respecting religious-based objections

HHS Intergovernmental and External Affairs Notification

August 22, 2014

From: Paul Dioguardi
Director, Office of Intergovernmental and External Affairs
U.S. Department of Health and Human Services

RE: Administration takes steps to ensure women's continued access to contraception coverage, while respecting religious-based objections

Today, the Administration took several steps to help ensure women, whose coverage is threatened, receive coverage for recommended contraceptive services at no additional cost, as they should be entitled to under the Affordable Care Act. The rules, which are in response to recent court decisions, balance our commitment to helping ensure women have continued access to coverage for preventive services important to their health, with the Administration's goal of respecting religious beliefs. The first administration action announced today maintains the existing accommodation for certain religious non-profits, but also creates an additional pathway for eligible organizations to provide notice of their objection to covering contraceptive services. In addition, the Administration is soliciting comment on how it might extend to certain closely held for-profit companies the same accommodation that is available to non-profit religious organizations, while continuing to urge Congress to take action to ensure women's access to contraception services.

In July 2013, the Administration published final rules providing women with coverage for recommended preventive care, including all Food and Drug Administration-approved contraceptive services prescribed by a health care provider, without cost-sharing, while providing an accommodation for certain non-profit religious employers that object to contraceptive coverage on religious grounds so that they do not have to contract, arrange, pay, or refer for such coverage for their employees or students.

The rules announced today address both *non-profits* and *closely held for-profit entities*:

Interim Final Rule for Non-profits: a second pathway

The interim final regulations lay out an additional way for organizations eligible for an accommodation to provide notice of their religious objection to providing coverage for contraceptive services. The rule allows these eligible organizations to notify the Department of Health and Human Services in writing of their religious objection to providing contraception coverage. HHS and the Department of Labor will then notify insurers and third party administrators so that enrollees in plans of such organizations receive separate coverage for contraceptive services, with no additional cost to the enrollee or the employer. The interim final rule solicits comments, but goes into effect upon publication.

Closely Held For-Profit Entities

The Administration is also issuing a proposed rule soliciting comments on how it might extend to certain closely held for-profit entities, like Hobby Lobby, the same accommodation that is available to non-profit religious organizations. Under the proposal, these companies would not have to contract, arrange, pay or refer for contraceptive coverage to which they object on religious grounds. The proposal seeks comment on how to define a closely held for-profit company and whether other steps might be appropriate to implement this policy.

The administration continues to encourage Congress to act to ensure that women affected by the Supreme Court's Hobby Lobby decision have access to the same coverage options offered to others, while it begins the process of soliciting feedback to determine how, through rulemaking, it can ensure that the religious concerns of organizations are respected and women are able to get coverage of recommended preventive services without cost sharing, as intended under the health care law.

A detailed fact sheet is available [here](#):

You can read the notice of proposed rulemaking [here](#)

The interim final rule with comment is available [here](#)

Questions or Concerns? Contact HHSIEA@hhs.gov