

Attorney General Raoul Calls For Increased Access To Birth Control Coverage

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CHICAGO - Attorney General Kwame Raoul, as part of a coalition of 22 states, urged the Biden administration to scrap dangerous federal rules that allow employers to interfere in the reproductive health decisions of their employees.

The rules, put in place under the prior administration, took away contraceptive coverage from women who should have been entitled to complete coverage under the Affordable Care Act (ACA). They added broad, unreasonable exemptions that allowed nearly all types of employers to deny birth control coverage to their employees based on religious or moral objections.

In [a comment letter](#) addressed to U.S. Health and Human Services Secretary Xavier Becerra, U.S. Treasury Secretary Janet Yellen and Acting U.S. Labor Secretary Julie Su, Raoul and the coalition applaud the Biden administration's proposal to restore access to cost-free contraceptive coverage by rescinding the moral exemption and creating alternate means to cover contraceptive services for individuals whose plan sponsors claim the religious exemption. However, the letter also expresses opposition to the administration's decision to retain the overly broad religious exemption promulgated in 2018, which is deemed far beyond what is necessary to protect those with religious objections.

“More than 60 million women rely on coverage for preventative services, including contraception, as a fundamental part of their health care plan,” Raoul said. “Access to contraceptive care supports people's ability to control their reproductive health and promotes access to education, jobs and financial empowerment. Employers do not have the right to stand between their employees and the reproductive health care they need.”

The ACA's contraceptive coverage mandate was signed into law in 2010 to correct historic inequities in women's health care. It required all employers and sponsors of health plans to cover the cost of preventive services necessary for women's health, including contraceptive care. It is estimated that [more than 62 million women have benefited](#) from the ACA's birth control coverage mandate.

After the prior administration issued broad exemptions that allowed employers to stop providing contraceptive coverage if they claimed religious or moral objections, between 70,500 and 126,400 women are estimated to have lost birth control coverage. Further, it did not provide a mechanism for individuals to obtain no-cost contraceptive care from another source, completely undermining the spirit of the Women's Health Amendment's purpose to eliminate discriminatory barriers to preventative women's health care.

In February this year, the Biden administration proposed new regulations to correct these problems. The proposed changes would rescind the moral exemption while retaining the religious exemption. The proposal would create an Individual Contraceptive Arrangement (ICA) to ensure that patients enrolled in health plans or coverage sponsored by objecting entities would still have the opportunity to obtain contraceptive services at no cost.

Raoul and the coalition of attorneys general welcome these proposed changes and also urge the Biden administration to narrow the religious exemption. Their letter calls for needed improvements to the ICA by expanding it to include a wider spectrum of individuals who are excluded from contraceptive coverage and providing additional protections to secure patients' privacy and safeguard them from retaliation. The letter also calls on the administration to create a process for contesting medical bills and to launch an outreach campaign to inform patients and providers about the ICA and help with enrollment.

Joining Raoul in filing the comments are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.