

FACT SHEET

Amicus Brief in Hobby Lobby and Conestoga Wood Specialties: The Birth Control Coverage Regulations Further Compelling Governmental Interests in Public Health and Gender Equality

January 2014

On January 28, 2014, the National Women's Law Center submitted an amicus brief with the U.S. Supreme Court, in support of the Affordable Care Act's requirement that all new health plans provide insurance coverage of birth control and related education and counseling without cost-sharing. This term, the Supreme Court will consider cases brought by three for-profit companies – Hobby Lobby (a nationwide arts and crafts store chain), Mardel (a Christian bookstore) and Conestoga Wood Specialties (a wood cabinet maker) – challenging the birth control coverage benefit.

The National Women's Law Center brief focuses on the rights of the women who would be harmed by for-profit companies refusing to provide coverage of birth control without cost-sharing as guaranteed under the law.

It analyzes how the birth control requirement furthers the government's compelling interests in public health and gender equality. The brief emphasizes that the rights and interests of the women covered by the companies' health plans weigh heavily against the companies' claims and that the Supreme Court has never held that religious exercise provides a license to harm others or violate the rights of third parties as the companies seek to in these cases.

Sixty-eight organizations committed to women's health signed on to the National Women's Law Center's amicus brief, including the League of Women Voters, the National Association of Women Lawyers, the National Network to End Domestic Violence, the Coalition of Labor Union Women, and Service Employees International Union (SEIU).

The main points of the brief filed by the National Women's Law Center and 68 other organizations include:

The birth control coverage requirement furthers compelling government interests in public health and gender equality.

- Providing access to the full range of FDA-approved birth control methods without cost-sharing furthers women's health.
- The birth control coverage requirement promotes gender equality, including equal access to health care for women.

- Excluding health insurance coverage for birth control discriminates against women.
- Promoting women's access to birth control leads to greater social and economic opportunities for women.

The rights and interests of the employees and dependents covered by the birth control coverage requirement bear heavily on the companies' religious freedom claims.

- If the companies in this case are allowed to refuse to comply with the birth control coverage requirement, the women covered by the companies' health plans would be harmed.
- Supreme Court precedents make clear that the harm to third parties is highly relevant in considering the companies' religious freedom claims.
- The Supreme Court has never held that religious exercise provides a license to harm others or violate the rights of third parties.

That the government provides for certain exemptions does not undermine the compelling interests forwarded by the birth control coverage requirement.

- Virtually all individual and group health plans are already or will soon be required to include birth control coverage.
- It is not uncommon for federal statutes promoting equality interests to have limited exemptions. No court has found or suggested that, as a result of such exemptions, these federal statutes do not forward the government's compelling interest in eliminating discrimination.

To read the full brief and see the full list of organizations that signed onto the brief, please visit:

<http://www.nwlc.org/resource/nwlc-supreme-court-amicus-brief-supporting-contraceptive-coverage-benefit>