



TRUMP ADMINISTRATION ALLOWS EMPLOYERS TO TAKE BIRTH CONTROL COVERAGE AWAY FROM WOMEN

On Oct.6, 2017, the Trump Administration released two new rules that allow **any** employer with religious or moral objections to refuse to comply with the Affordable Care Act requirement that women receive insurance coverage of birth control, without additional cost. The Trump Administration rules go into effect immediately, leaving women on their own to find and afford birth control.

The Trump Administration Rules Are Broad, Expansive, and Dangerous

The Trump Administration issued two separate rules. One exempts virtually any employer from providing birth control coverage because of religious objections – this includes non-profit organizations, closely-held and publicly traded for-profit companies, and “any other nongovernmental employer.” It also includes institutions of higher education. The second rule grants an exemption for employers other than publicly traded for-profit employers if they object based on undefined “moral” reasons. In other words, the Trump Administration has granted an exemption from providing birth control coverage to almost the entire American workforce.

It is impossible to predict how many employers will take advantage of these new exemptions. There is no required process for employers to certify their religious or moral beliefs. And there is no special notice required to employees.

Many Women Will Lose Birth Control Coverage as a Result of These Rules

Without insurance coverage of birth control, many women will face out-of-pocket costs for birth control that make it difficult, if not impossible, to use the birth control method that best fits their needs. Instead, they would once again have to make tough choices among methods based on cost, rather than on what is most appropriate for them, and some women may be forced to forgo birth control altogether. Before the birth control benefit:

- Costs of birth control made up to 30-44% of women's total out-of-pocket health care costs.
- For someone making the federal minimum wage of \$7.25 an hour, the average cost of a full year's worth of birth control pills without insurance was the equivalent of 51 hours of work.
- The up-front costs of an IUD was nearly a month's salary for someone working full-time at minimum wage.

The Trump Administration rules jeopardize the important gains this country has made in investing in women's health, equality, and economic security. Studies show that the costs associated with contraception lead women to forego it completely, choose less effective methods, or use it inconsistently or incorrectly. This contributed to the nation's high unintended pregnancy rate with accompanying risks to the health of women and children. It also meant some women could not prevent, plan, and space pregnancies, hurting their ability to move forward with their education and career.



Women who no longer have birth control coverage could be forced to go outside of their existing insurance systems and network of health care providers, losing continuity of care. They might have great difficulty finding another source of birth control that is accessible and within a reasonable distance. Publicly-funded systems, like Title X and Medicaid, that provide birth control coverage only provide no-cost birth control to those that meet certain income thresholds. They were not designed to absorb patients who should be getting private birth control coverage. Moreover, the Title X family planning system is already overburdened and underfunded, and both it and Planned Parenthood clinics are facing increasing attacks from the Trump Administration. These rules will force women to incur significant costs—monetary, logistical, and administrative—to access fundamental care and for some, those costs could be insurmountable.

Other Birth Control Protections Will Help Some Women, But Cannot Replace the ACA Birth Control Benefit

Despite the Trump Administration rules allowing employers to refuse to comply with the ACA's birth control benefit, other federal and state protections for birth control coverage remain. But expanding the exemption to the birth control benefit sends women back to a patchwork system of coverage requirements that can be difficult to understand and navigate.

For example, federal and state non-discrimination law – Title VII and state laws that similarly protect against sex discrimination in employment – will still require employers to provide birth control coverage. However, people reliant on insurance provided by small businesses not covered by those laws could be at risk of losing birth control coverage if their employer uses the exemption provided by the Trump Administration rules. Additionally, laws in 26 states require health plans to cover birth control when they cover prescription drugs, and those laws will still provide an important source of birth control coverage. But those laws do not reach “self-funded” plans, which cover over 60 percent of insured workers. And except for laws in four states – California, Illinois, New York, and Vermont – those laws do not explicitly prohibit cost-sharing. Laws in four more states will prohibit cost-sharing in plans beginning in 2018 or 2019: Maine (2019), Maryland (2018), Nevada (2018), and Oregon (2019).

In other words, nothing can replace the ACA's birth control benefit. It accomplished a unique aim: an across-the-board, nationwide requirement that **all** women with health insurance have coverage of all FDA-approved birth control methods and related education and counseling **without any** out-of-pocket costs.

The Trump Administration rules take the country back to a place where a woman's access to insurance coverage of birth control is no longer guaranteed, but rather depends on her boss's religious or moral beliefs. But an employer's beliefs should not be able to override a woman's own religious or moral views and her health care needs. Women deserve insurance coverage of birth control, no matter where they work.

Questions about your birth control coverage?

Contact the National Women's Law Center's CoverHer project – www.coverher.org.

