

Jesse Gelsomini in HR Magazine: Justices Uphold Expanded Religious Exemption to Contraceptive Mandate

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Haynes Boone Partner [Jesse Gelsomini](#) talked with *HR Magazine* about the U.S. Supreme Court ruling July 8 that the Trump administration lawfully exempted religious objectors from Affordable Care Act (ACA) regulations that require health plans to include contraceptive coverage.

Here is an excerpt:

In *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, the high court considered the tension between religious freedom and health care access. Although the ACA doesn't directly require employers to provide female workers with access to birth control, health plans are supposed to provide coverage for "additional preventive care and screenings" without "any cost-sharing requirements."

Under the Obama administration, the U.S. Department of Health and Human Services (HHS) determined that various forms of birth control should be included, but exemptions were allowed for religious institutions and nonprofits. Trump administration regulations significantly expanded the exemptions to the contraceptive mandate to include private employers with religious or moral objections.

In a 7-2 decision, the Supreme Court held that the government "had the authority to provide exemptions from the regulatory contraceptive requirements for employers with religious and conscientious objections."

The debate may not be over yet, noted Jesse Gelsomini, an attorney with Haynes Boone in Houston. The lower courts could weigh in on whether the government followed proper procedures when it expanded the exemption.

"Furthermore," he said, "if there's a change in administration, the exemption rules could change again."

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