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## **Judge Dismisses Birth Control Coverage Complaint** *Decision Reinforces Governor Nixon's Veto of MO Birth Control Refusal Bill*

Statement from Planned Parenthood affiliates in Missouri:

"The federal judge found no need for additional refusal provisions sought by the states and Catholic groups and dismissed the suit. Last week's ruling shows that it is possible to balance religious liberties with women's health and current law does just that. Governor Nixon was right to veto Missouri's Birth Control Refusal bill (SB 749). Talk of trying to override the Governor's veto makes no sense and will do nothing to improve the health and safety of Missourians."

Judge Dismisses States' Contraceptive Coverage Lawsuits as Premature

**July 18, 2012** — A federal judge in Nebraska on Tuesday dismissed a lawsuit filed by seven states and three Catholic groups challenging the federal contraceptive coverage rules, *The Hill's* "[Healthwatch](#)" reports (Baker, "Healthwatch," *The Hill*, 7/17).

U.S. District Court Judge Warren Urbom ruled that the lawsuit was premature because the plaintiffs do not face an immediate threat of having to offer coverage, given that the Obama administration agreed to work with religiously affiliated entities and has delayed enforcement of the rules until August 2013 (Schulte, *AP/Sacramento Bee*, 7/17).

The ruling marks the first time a federal judge has dismissed one of the [lawsuits](#) challenging the rules, according to the [Center for Reproductive Rights](#) (Baynes, *Reuters*, 7/17).

### **Case Background**

The lawsuit was filed by attorneys general from Florida, Michigan, Nebraska, Ohio, Oklahoma, South Carolina and Texas. Pius X Catholic High School, Catholic Social Services and Catholic Mutual Relief Society of America are also plaintiffs in the case (*National Journal*, 7/17).

The suit alleged that religious employers that oppose contraception would be effectively forced to stop offering health coverage because of the new rules, which the suit contends would lead to higher enrollment in state Medicaid programs and increase patient volume at state-subsidized hospitals and medical centers.

The rules implement a provision in the Affordable Care Act ([PL 111-148](#)) that requires health plans to cover preventive services without copayments or deductibles. In February, the Obama administration announced that it would [alter](#) the rules so that religiously affiliated employers will not have to offer contraceptive coverage for their employees, but their health insurance companies will be required to

provide no-cost coverage directly to women.

The Department of Justice had requested that the case be dismissed, arguing that the plaintiffs do not face an immediate threat of having to offer the coverage (*Women's Health Policy Report*, 7/13).

### **Case Dismissal**

Urbom said that in addition to failing to prove that they faced an immediate threat, the Catholic groups that joined the suit did not show that they would not qualify for the religious exemption. He also noted that the administration has said it will continue to work with religiously affiliated groups (*AP/Sacramento Bee*, 7/17).

The judge rejected the states' argument that the rules would increase demand for state resources, saying it was "based on conjecture about the reactions of third parties" and that "one can only speculate whether the plaintiffs will ever feel any effects from the rule when the temporary enforcement safe harbor terminates" (O'Hanlon, *Lincoln Journal Star*, 7/17).

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