

Trump administration limits access to birth control under ACA

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The Trump administration has announced plans to revoke the federal requirement for employers to include birth control coverage in health insurance plans. The new policy would expand exemptions under the Affordable Care Act (ACA) for employers who claim moral or religious objections to contraception.

Under the previous mandate, more than 55 million women employees had access to no-cost birth control. According to the Kaiser Family Foundation, the percentage of women employees that pay with their own money for birth control fell from 21 percent to 3 percent after contraception became a covered preventive benefit.

The new exemptions will be available to for-profit companies, nonprofit organizations and colleges and universities that provide health care to students and employees.

Hundreds of thousands of women could potentially lose access to benefits they receive at no cost. The Trump administration itself estimated that some 200 employers who have already voiced opposition to the Obama-era mandate would qualify for exemption, and that 120,000 women would be affected.

In expanding the exemption for employers, the Trump administration claims there are “dozens of programs that subsidize contraception for the low-income women” and various alternative sources for birth control exist.

The administration also cites health risks that it says are correlated with the use of certain types of contraceptives, and claims the previous mandate that required employers to cover birth control could promote “risky sexual behavior” among teenagers and young adults.

In contrast, many obstetricians and gynecologists say contraceptives have been and are generally beneficial

for women's health.

Dr. Haywood L. Brown, the president of the American College of Obstetricians and Gynecologists, expressed concern for consequences on women's health. “Affordable contraception for women saves lives,” he said. “It prevents pregnancies. It improves maternal mortality. It prevents adolescent pregnancies.”

The Trump administration cites the Religious Freedom Restoration Act, a 1993 law protecting religious liberty, as legal reasoning for the new mandate. The administration admits that moral objections are not protected by the law, but states: “Congress has a consistent history of supporting conscience protections for moral convictions alongside protections for religious beliefs.”

Attorney General Jeff Sessions announced the Department of Justice would take steps to protect the new policy and stated, “President Trump promised that this administration would ‘lead by example on religious liberty,’ and he is delivering on that promise.”

The new policy is expected to face a large number of lawsuits. The National Women's Law Center, a nonprofit advocacy group, has been preparing a lawsuit since last spring. Brigitte Amiri, a senior attorney for the ACLU, said, “We are preparing to see the government in court.”

In addition, Massachusetts Attorney General Maura Healey and California Attorney General Xavier Becerra announced plans to file a suit against the new mandate.

Trump's new policy is an obvious attempt to win support from religious groups and conservatives, such as Speaker of the House Paul Ryan, who claimed today is “a landmark day for religious liberty.”

A group supportive of the administration's action is the Little Sisters of the Poor, an order of Roman Catholic nuns who said that being required to cover

contraception would make them “morally complicit in grave sin.” The organization sued the government, despite an already existing exemption for churches and other religious employers to opt out by notifying the government.

During his 2016 presidential bid, Trump promised that he would “make absolutely certain religious orders like the Little Sisters of the Poor are not bullied by the federal government because of their religious beliefs.” At a Rose Garden ceremony in May, he told the religious order, “Your long ordeal will soon be over.”

The Trump administration’s mandate sets a dangerous precedent for working women’s health. In 2014, in the case *Burwell v. Hobby Lobby*, the Supreme Court ruled that the ACA violated the religious liberty of Hobby Lobby, and stated that corporations could object to the birth control coverage mandate on religious grounds. Under Trump’s mandate, corporations could deny women employees access to no-cost birth control simply based on “moral objections.”

The new policy sets a precedent for corporations to deny other health coverage to employees under conditions in which the state of women’s health in the United States is already dire. The US holds the highest maternal mortality rate among industrialized nations, and a lack of access to birth control will potentially exacerbate the problem.

The new policy goes into effect immediately.



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