



FAMILY ISSUE FACT SHEET

No. 2012-18 (January 2012)

HB 2625 – INSURERS; HEALTHCARE COVERAGE; RELIGIOUS BELIEFS

EXECUTIVE SUMMARY

Several sections of Arizona law mandate that employers who provide insurance coverage, HMO services, group or blanket disability insurance, or accountable health plans for prescription drugs also include prescription contraceptives in the coverage.¹ Although the law provides an exception for religious employers, the definition of “religious employer” is too narrow, forcing religious employers and employees to pay for services that they find objectionable on religious grounds. The amendment to HB 2625 changes the definition by expanding those that can be exempted under the right of conscience exemption to providing contraceptives.

BACKGROUND

In 2002, the Arizona legislature passed a law that granted a right of conscience exemption to religious employers. To qualify for the exemption, however, a religious entity would have to pass all three of the following tests:

- (A) The entity primarily employs persons who share the religious tenets of the entity.
- (B) The entity primarily serves persons who share the religious tenets of the entity.
- (C) The entity is a nonprofit organization as described in section 6033(a)(2)(A)(i) or (iii) of the internal revenue code of 1986, as amended.

This exemption is written so narrowly as to include only churches. Churches or religious organizations which devote most of their time to serving the needs of the homeless, feeding the poor, or ministering to those outside of their own congregation would not be exempted, even if all of the employees share the beliefs of the religious organization. Not all religious employers only employ or serve persons who share the same religious tenets of the employer.

Recently, the federal Department of Health and Human Services (“HHS”), under President Obama’s direction, adopted a rule that would force all private health insurance plans to cover contraceptive and sterilization services free of charge, including contraceptives that can act as abortifacients like the “morning-after pill.” After a large public outcry, the Obama administration backpedaled and said that in the name of compromise, it would just require all insurance providers to provide contraceptives in their plans.

This is not a compromise because it still requires many to go against their religious beliefs by providing contraceptives. Additionally, it represents a huge encroachment by the government against protecting religious liberty.

The amendment to HB 2625 does away with the extremely limited exception that is in current Arizona law, and expands those whose religious liberty is protected.

TALKING POINTS

- **The Obama administration’s actions impact every person of faith, regardless of their view of contraception.** By forcing religious employers to cover birth control in their insurance policies, the Department of Health and Humans Services is displaying a complete disregard for our religious liberties guaranteed under the first amendment.
- **Participation in religious communities should be celebrated, not penalized.** Religious organizations provide countless services to our state. The Obama administration’s mandate unconstitutionally penalizes these groups for the practice of their religion.
- **The Constitution doesn’t only guarantee our “freedom to worship” but our freedom to practice our faith.** Americans don’t have to leave their faith at the church door. They have the right to live free from government intrusion.

CONCLUSION

The Arizona legislature should amend the appropriate sections of the statutes to remove the narrow definition of a “religious employer” in order to accommodate the right of conscience for all those with sincerely held religious beliefs on the subject of contraception.

¹ Ariz. Rev. Stat. §§ 20-826(Y), 20-1057.08(A), 20-1402(L), 20-1404(U), 20-2329(A).