

## WISCONSIN CATHOLIC CONFERENCE

# Capitol Update

August 5, 2011

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### **Legislature in Recess**

The State Legislature's regular session is currently in recess. Although bills will continue to be introduced and some committee hearings will be held, no floor action will take place until the session resumes on Tuesday, September 13, 2011.

### **U.S. Bishops Oppose Federal Contraceptive Mandate**

Effective immediately, the U.S. Department of Health and Human Services (HHS) has issued new regulations regarding coverage standards for well-woman visits, breastfeeding and prenatal support, various health screenings, and numerous other services, including contraceptive services. The regulations require all private health care plans to cover female surgical sterilization, all drugs and devices approved by the Food and Drug Administration (FDA) as contraceptives (including drugs such as Ella that can act like the abortion drug RU-486), and patient education and counseling for all women of reproductive capacity. The health care plans may not charge a copayment, coinsurance, or deductible to the insured when the service is delivered by a network provider.

An HHS interim final rule also provides an exemption for group health plans sponsored by certain religious employers from the requirement to cover contraceptive services. However, this exemption is very limited. A religious employer is defined as one that:

1. Has the inculcation of religious values as its purpose;
2. Primarily employs persons who share its religious tenets;
3. Primarily serves persons who shares its religious tenets; and
4. Is a non-profit organization under the Internal Revenue Code section 6033(a)(1) and 6033(a)(3)(A)(I) or (iii).

As written, this exemption would apply to Catholic dioceses and parishes that purchase health insurance for their employees. However, it appears that other Catholic entities that do not employ or serve primarily Catholics would not fall under this exemption. Furthermore, private employers who object in conscience to the provision of contraceptive and sterilization coverage would also not be exempt.

In response to this HHS rule, Cardinal Daniel N. DiNardo, chairman of the U.S. bishops' Committee on Pro-Life Activities issued a press release, calling the exemption "so narrow as to exclude most Catholic social service agencies and health care providers." For a copy of the Archbishop's statement, go to:

<http://www.usccb.org/comm/archives/2011/11-154.shtml>

HHS has instituted a sixty day public comment period on the above definition for religious employer, as well as possible alternative definitions. Interested parties should submit comments to HHS, referencing file code CMS-9992-IFC2, by mail, in person, or electronically at <http://www.regulations.gov>, which are then displayed publicly on the same website. WCC staff will be providing additional information in the next *Update*.

### **USCCB Urges Support for Respect for Rights of Conscience Act**

In anticipation of the new HHS rule described above mandating sterilization and contraception in health care plans, Cardinal DiNardo last week urged U.S. Representatives to co-sponsor and promote passage of [H.R. 1179](#). Known as the "Respect for Rights of Conscience Act" and introduced by Reps. Jeff Fortenberry (R-NE) and Dan Boren (D-OK), the measure will ensure that all who participate in the health care system "retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions."

To send a message to your U.S. Representative, urging support for H.R. 1179, go to: [http://capwiz.com/wisconsin\\_nasccd/issues/alert/?alertid=52092261](http://capwiz.com/wisconsin_nasccd/issues/alert/?alertid=52092261)

### **New Bills of Interest**

[SB 159. Schools](#) (Kedzie) Underage persons under the influence of alcohol beverages on school premises and providing a penalty. To Education.

[AB-210. Health Insurance Reform](#) (Petersen) Incorporates the health insurance coverage requirements of the federal Patient Protection and Affordable Care Act into state statutes. To Insurance.

[AB-213](#). **Employer Medical Care Payments** (Doyle) Adopts federal law relating to excluding from an employee's income certain payments from an employer related to medical care. To Tax Exemptions.

[AB-214](#). **Fetal Body Parts** (Jacque) Prohibits sale and use of fetal body parts. To Criminal Justice and Corrections.

### **Web Sites of Interest**

<http://www.legis.state.wi.us/waml>

- Who are my legislators

[Directory of Senate Members](#)

[Directory of Assembly Members](#)

<http://www.legis.state.wi.us/leginfo.html>

- 2011-12 Session Schedule
- Weekly Schedule of Committee Activities
- Senate and Assembly Daily Floor Calendar

*Capitol Update* is a periodic e-mail on legislative issues from the Wisconsin Catholic Conference.

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