WELLS LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW

220 COURT PLAZA BUILDING
228 ROBERT S. KERR AVENUE
OKLAHOMA CITY, OK 73102
405.235.2944 (T)
405.239.2665 (F)
BILLWELLS@WEB-LAW.COM (E)

Burwell, et al. v. Hobby Lobby Stores, Inc., et al.
U.S. Supreme Court (06/30/14)

Background

- ➢ The Patient Protection and Affordable Care Act of 2010 ("ACA") requires certain employers to offer group health insurance that includes coverage of 20 Food and Drug Administration-approved contraceptive methods ("contraceptive mandate").

- ➢ The ACA provides that "religious employers" (e.g., churches) are exempt from the contraceptive mandate, and allows religion-based, non-profit organizations (e.g., hospitals) to opt out with the submission of a religious-objection certification.

- ➢ Hobby Lobby Stores, Inc., an Oklahoma for-profit corporation, claimed that providing four of the 20 mandated methods runs afoul of its owners' religious beliefs in violation of the Religious Freedom Restoration Act of 1993 ("RFRA").

- ➢ RFRA provides that the government cannot substantially burden a "person's" exercise of religion unless the burden is the least restrictive means in furthering a compelling governmental interest.

Holding (Justice Alito writing for a 5-4 majority)

- ➢ After concluding that privately-held (e.g., family-owned) for-profit corporations are "persons" under RFRA, and that the mandate imposes a substantial burden on Hobby Lobby's exercise of religion, the U.S. Supreme Court held that Hobby Lobby is not required to comply with the mandate because the opt-out option available to non-profit organizations represents a lesser-restrictive means that can be applied to for-profit corporations like Hobby Lobby.

American Public Health Association Angle

- ✔ The American Public Health Association ("APHA") joined with the National Health Law Program ("NHLP") in filing a brief in support of the government's position, arguing that evidence-based standards of care recognize contraception as essential preventive care (citing, e.g., heart conditions, diabetes, lupus).

- ✔ Justice Ginsburg favorably cited to the NHLP/APHA brief in her dissent.