



Michigan Catholic Conference challenges Affordable Care Act contraception mandate in federal court

kathleen.sebelius.jpg

Health and Human Services Secretary Kathleen Sebelius is named as a defendant in a suit filed by the Michigan Catholic Conference on Thursday challenging the contraception mandate in the Affordable Care Act. (AP Photo)

Brian Smith | bsmith11@mlive.com By **Brian Smith | bsmith11@mlive.com**

Follow on Twitter

on November 14, 2013 at 12:28 PM

LANSING -- A lawsuit filed Thursday in federal court by the **public policy arm of the Catholic Church in Michigan** is challenging a federal mandate to provide contraception services under the Affordable Care Act.

The Michigan Catholic Conference filed the suit in U.S. District Court for the western district of Michigan, which covers Lansing, Grand Rapids, Kalamazoo and Marquette. The conference was joined as a plaintiff by the Catholic Charities branch serving the Diocese of Kalamazoo.

The suit seeks an injunction to prevent HHS Secretary Kathleen Sebelius, Treasury Secretary Jacob Lew, Labor Secretary Thomas Perez and their federal departments from enforcing the mandate or the financial penalties associated with the mandate against the plaintiffs and non-profit groups who receive health insurance through plans offered by the Catholic Conference.

"In short, the mandate, ... requires non-exempt religious organizations, like Plaintiff Catholic Charities, to provide, pay for, and/or facilitate objectionable insurance coverage contrary to their sincerely held religious beliefs or face onerous fines," the complaint states.

The suit lists several agencies that would be affected by the requirement to provide contraception services as part of health insurance, including Detroit Loyola High School, Catholic Social Services of Washtenaw County, St. Francis Home and Baraga Broadcasting, all of which provide insurance under plans offered through the Michigan Catholic Conference.

The suit alleges that despite an "accommodation" for religious non-profit organizations, the groups will be required to provide the coverage in contradiction to established Catholic doctrine.

Non-exempt organizations may be affiliated with a religious organization but are not considered religious employers under federal law.

"No matter how Defendants may phrase it, it is beyond dispute that a non-exempt religious organization's employees would be receiving contraceptive coverage by virtue of their participation in the MCC Plan," the lawsuit alleges. "Plaintiffs are coerced, through threats of crippling fines and other pressure, into facilitating access to contraception, abortion-inducing products, sterilization, and related counseling for employees on their health plans, contrary to their sincerely held religious beliefs."

The suit alleges the mandate, scheduled to take effect in January, violates the establishment clause of the First Amendment, the federal Religious Freedom Restoration Act and federal laws controlling how regulations are proposed.

"The government's intrusion into the internal affairs of religious organizations and its effort to define a religious employer must be opposed on grounds that it violates First Amendment rights," the Catholic Conference said in a statement.

*Brian Smith is the statewide education and courts reporter for MLive. Email him at bsmith11@mlive.com or follow him on **Twitter** or **Facebook**.*

© 2013 MLive.com. All rights reserved.