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Citing conscience laws, Illinois judge halts contraceptive mandate

by Dennis Sadowski by Catholic News Service

Washington — The Catholic owners of an Illinois health services consulting company have won a temporary restraining order against the state's contraceptive mandate.

Judge Terence Sheen of the DuPage County Circuit Court granted the order Tuesday to Christopher and Mary Anne Yep and their company, Triune Health Group Inc., saying Illinois' conscience laws take precedence over the state mandate that the health insurance they provide to their employees must cover abortion, sterilizations and contraceptives.

"The unique thing about this order is that it's the first recognition by an Illinois court that the state's contraception mandate may be pre-empted by our religious freedom and conscience laws," said attorney Peter Breen, executive director of the Thomas More Society, the Chicago-based public interest law firm representing the Yeps, who are Catholic.

In a parallel case, the Yeps and Triune won a preliminary injunction Jan. 4 in U.S. District Court for the Northern District of Illinois against the Department of Health and Human Services' contraceptive mandate.

Breen told Catholic News Service on Thursday that the Yeps were pleased with Sheen's decision, which cited conscience protections outlined in the state's Religious Freedom Restoration Act and Health Care Right of Conscience Act.

"This is an area of law where there is not a lot of precedent," said Breen, who argued the case before Sheen. "We are glad to be able to get a first victory and be able to hopefully blaze a path for other employers in the state of Illinois to be able to offer conscience-compliant health care."

There was no immediate word whether the Illinois attorney general would appeal Sheen's ruling.

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