

Medical manufacturing company wins injunction against HHS mandate

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An appeals court issued a preliminary injunction Feb. 1 against the federal government's contraceptive mandate, saying a Catholic-owned company, Annex Medical, does not have to comply with that part of the Affordable Care Act while its legal challenge makes its way through the courts.

The 8th U.S. Circuit Court of Appeals in St. Louis issued its injunction on behalf of the Minnesota-based manufacturer of medical devices. The U.S. District Court for the District of Minnesota in Minneapolis had ruled against the company.

Annex, which has 16 employees, is not required by law to provide health insurance since it has fewer than 50 employees. The company's owner, Stuart Lind has said his Catholic faith compels him to provide health insurance.

However, he objects to the U.S. Department of Health and Human Services mandate that requires employers, including most religious employers, to include coverage for contraceptives, sterilization and some abortion-inducing drugs free of charge, even if the employer is morally opposed to such services.

The requirement, which is part of the Affordable Care Act, currently has a narrow exemption that applies only to those religious institutions that seek to inculcate their religious values and primarily employ and serve people of their own faith. It does not include a conscience clause for employers who object to providing such coverage.

The same day the 8th Circuit issued its opinion in the Annex case, HHS issued a new set of proposed rules governing contraceptive coverage. The 80-page document, now open for a 60-day comment period, attempts to address objections raised by Catholic and other entities that the rules as currently written violate their religious beliefs.

Annex Medical is represented in its lawsuit by the group Alliance Defending Freedom. Its suit argues that the mandatory coverage provisions violate the owner's rights under the Religious Freedom Restoration Act.

According to the court documents, Lind believes paying for a group health plan that includes such coverage is "sinful and immoral," and the business he owns to provide insurance coverage "in violation of his sincere and deeply held religious beliefs and teachings of the Catholic Church."

"The court did the right thing in issuing its order, and we are confident that this unconstitutional mandate's days are numbered," said the firm's senior counsel, Matt Bowman.

Alliance Defending Freedom is a Christian-based organization based in Scottsdale, Ariz., that provides legal defense against attacks on religious freedom. The group represented Hercules Industries in Colorado, a Catholic-owned company that provides heating, ventilation and air-conditioning. In July, Hercules Industries was granted

a temporary injunction from the HHS contraceptive mandate by a federal judge.

To date, 44 lawsuits have been issued against the HHS's contraceptive mandate; 15 were issued by for-profit businesses and 29 were made by nonprofits groups such as Christian hospitals, universities and charities.

According to the website of the Becket Fund for Religious Liberty, which represents Catholic and other religious institutions in a number of the lawsuits, 14 for-profit plaintiffs have obtained rulings touching on the merits of their claims against the mandate and 11 have secured injunctive relief against it.

In developments on some of the other lawsuits, a federal judge Jan. 22 dismissed a lawsuit filed by the Diocese of Erie, Pa., calling it premature, because the HHS rules for the contraceptive coverage have not been finalized. But he dismissed the case "without prejudice," which means the diocese can bring the case back to court.

In December, a U.S. District Court judge ruled that the lawsuit mandate filed by the New York archdiocese and two other Catholic entities can move forward. Catholic dioceses and other plaintiffs whose cases have been dismissed are appealing those decisions.

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