

## California Bill Would Overturn Directive Forcing Churches to Provide Abortion Coverage

By Heather Clark

**SACRAMENTO, Calif.** — A proposed bill in California seeks to overturn a recent directive that would force all faith-based employers to offer abortion coverage regardless of their religious beliefs.

As previously reported, the California Department of Managed Health Care (DMHC) issued a letter last August requiring all insurance companies in the state to cover abortions, which would force all faith-based organizations to provide coverage despite their convictions, and would leave no way to opt out or choose an alternative plan.

“Abortion is a basic health care service,” Director Michelle Rouillard wrote to the seven insurance companies that refused to offer coverage. “All health plans must treat maternity services and legal abortion neutrally.”

She asserted that abortion must be covered because the “California Constitution prohibits health plans from discriminating against women who choose to terminate a pregnancy,” and also cited a 1975 law surrounding “medically necessary” health care.

The directive is believed to come as a result of a decision made last year by two Roman Catholic/Jesuit universities in the state, Santa Clara University and Loyola Marymount University, to no longer pay for abortions, but that employees could buy coverage through a third party. Some faculty members objected to the announcement and called upon Gov. Jerry Brown to intervene.

The Life Legal Defense Foundation (LLDF) and Alliance Defending Freedom (ADF) soon filed a complaint with the U.S. Department of Health and Human Services after the DMHC refused to change its decision following written correspondence between the groups.

In October, LLDF and ADF filed a second complaint with the federal government on behalf of seven churches, one of which operates a Christian school, to again assert that the mandate violates the rights of faith-based employers. It cited the federal Weldon Amendment, which mandates that a state be forfeited of certain government funds if it “subjects any ... health care entity to discrimination” because the entity “does not provide, pay for, provide coverage of, or refer for abortions.”

Skyline Church in La Mesa, Foothill Church and Foothill Christian School in Glendora, Alpine Christian Fellowship in El Cajon, The Shepherd of the Hills Church in Porter Ranch, City View Church in San Diego, Faith Baptist Church in Santa Barbara, and Calvary Chapel Chino Hills in Chino were all represented in the complaint.

Now, Assembly Member Shannon Grove has presented a proposal that would overturn the mandate, and would make it illegal for entities to be punished for not providing abortion coverage.



“Notwithstanding any other law, a health care service plan is not required to include abortion as a covered benefit. The director shall not deny, suspend, or revoke the license of, or otherwise sanction or discriminate against, a licensee on the basis that the licensee excludes coverage for abortions pursuant to this section,” A.B. 1254 reads.

However, it also notes that “[t]his section does not require a health care service plan to exclude or restrict coverage for abortions.”

Alliance Defending Freedom (ADF) Senior Counsel Casey Mattox testified in favor of the legislation before the Assembly’s Committee on Health on Tuesday.

“Assembly Bill 1254 would simply restore the status quo ante and ensure California’s continued compliance with its obligations under the Weldon Amendment,” he stated. “It would not prohibit insurers from covering any legal health service, but religious employers would remain free, as before, to contract for insurance plans that did not require them to pay for abortions.”

“Churches and other religious employers should not be coerced by the government into violating their fundamental beliefs by being party to elective abortion,” Mattox continued. “When Congress enacted the Weldon Amendment, it sought to ensure that the government could never strong-arm pro-life employers into paying for abortion coverage. California is blatantly ignoring federal law and pushing its abortion ideology on citizens while still receiving taxpayer money.”

While the bill initially failed in committee by a 5-14 vote, a motion to reconsider was anonymously agreed upon. The measure will be brought up again at another time, which has yet to be determined.