

**From:** [Saranna Thornton](#)  
**To:** [E-OHPSCA2713.EBSA](#)  
**Subject:** Religious Employer Exemption for coverage of Prescription Contraceptives  
**Date:** Wednesday, August 10, 2011 8:19:10 PM

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To Whom It May Concern,

I am astounded that a religious refusal exemption is even being considered regarding the coverage of prescription contraceptives. Such an exemption would be **illegal** under current employment law -- i.e., Title VII of the 1964 Civil Rights Act, as amended by the 1978 Pregnancy Discrimination Act.

Please read the EEOC's decision on this matter at:  
<http://www.eeoc.gov/policy/docs/decision-contraception.html>.

Specifically:

- \* Prescription contraceptives are only available for women. There is no prescription contraceptive for men.
- \* Prescription contraceptives include medication and devices that prevent the medical condition of pregnancy.
- \* Under the Pregnancy Discrimination Act it is illegal for employers of 15 or more workers to offer health insurance plans that discriminate against women based on their ability to become pregnant.
- \* According to the EEOC employers who provide health insurance coverage for medication or devices that prevent medical conditions such as the flu, high blood pressure, MUST provide equal coverage to women employees who use prescription contraceptives.
- \* Regarding a right to refusal on religious grounds the EEOC notes that Congress only authorized such refusal for abortion coverage. EEOC lawyers conclude that because Congress had the ability to extend that refusal right to prescription contraceptives and didn't -- that creating such an exemption violates the law.

If you adopt a right to religious refusal in your regulations, I am certain that there will be lawsuits. Employers will get sued for violating federal employment law, raising the costs of the new health care reforms unnecessarily. This will happen because your regulation is a **violation of federal law**. Please consult with EEOC attorneys before acting!

Additionally, I join with the American Association of University Women (AAUW) in asking you to accept the recommendations of the Institute of Medicine as pertain to coverage of preventive care under the new health care law, and to reject any exemptions for "religious employers."

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