

15-191 GENEVA COLLEGE V. BURWELL

DECISION BELOW: 778 F.3d 422

LOWER COURT CASE NUMBER: 13-3536, 14-1374

QUESTION PRESENTED:

The government recently declared that under federal regulations implementing the Patient Protection and Affordable Care Act of 2010 ("ACA"), it is giving "seamless coverage" of contraception to participants in the health plans of objecting religious organizations. 80 Fed. Reg. 41,318, 41,328 (July 14, 2015). Petitioner Geneva College objects as a matter of religious belief to providing a health plan that is seamless with coverage of abortifacients that may prevent the implantation of an embryo.

In *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2785 (2014), this Court held that compelling certain for-profit religious employers to provide health insurance coverage for objectionable FDA-approved contraceptives, *see* 77 Fed. Reg. 8725, 8725 (Feb. 15, 2012) (the "Mandate"), violated the Religious Freedom Restoration Act ("RFRA"). Geneva College similarly sought relief from the Mandate under RFRA. Yet the decision below held that the Mandate "totally removes" Geneva College from the process, despite its use of "seamless coverage," and therefore it does not burden religious exercise under RFRA, substantially or otherwise.

The question presented is:

Whether, under *Hobby Lobby*, the Mandate's imposition of seamless abortifacient coverage on objecting religious nonprofit organizations' health plans substantially burdens religious exercise and violates RFRA.

CONSOLIDATED WITH 14-1418, 14 -1453, 14-1505, 15-35, 15-105 AND 15-119.

ORDER OF MARCH 29, 2016: THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL BRIEFS THAT ADDRESS WHETHER AND HOW CONTRACEPTIVE COVERAGE MAY BE OBTAINED BY PETITIONERS' EMPLOYEES THROUGH PETITIONERS' INSURANCE COMPANIES, BUT IN A WAY THAT DOES NOT REQUIRE ANY INVOLVEMENT OF PETITIONERS BEYOND THEIR OWN DECISION TO PROVIDE HEALTH INSURANCE WITHOUT CONTRACEPTIVE COVERAGE TO THEIR EMPLOYEES. . . .

CERT. GRANTED 11/6/2015