

19-454 TRUMP V. PENNSYLVANIA

DECISION BELOW: 930 F.3d 543

LOWER COURT CASE NUMBER: 17-3752, 18-1253, 19-1129, 19-1189

QUESTION PRESENTED:

The Patient Protection and Affordable Care Act (ACA), 42 U.S.C. 18001 *et seq.*, requires many group health plans and health-insurance issuers that offer group or individual health coverage to provide coverage for preventive services, including women's preventive care, without cost-sharing. See 42 U.S.C. 300gg-13(a). Guidelines and regulations implementing that requirement promulgated in 2011 by the Departments of Health and Human Services, Labor, and the Treasury mandated that such entities cover contraceptives approved by the Food and Drug Administration. The mandate exempted churches, and subsequent rulemaking established an accommodation for certain other entities with religious objections to providing contraceptive coverage. In October 2017, the agencies promulgated interim final rules expanding the exemption to a broad range of entities with sincere religious or moral objections to providing contraceptive coverage. In November 2018, after considering comments solicited on the interim rules, the agencies promulgated final rules expanding the exemption.

The questions presented are as follows:

1. Whether the agencies had statutory authority under the ACA and the Religious Freedom Restoration Act of 1993, 42 U.S.C. 2000bb *et seq.*, to expand the conscience exemption to the contraceptive-coverage mandate.

2. Whether the agencies' decision to forgo notice and opportunity for public comment before issuing the interim final rules rendered the final rules-which were issued after notice and comment-invalid under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, 701 *et seq.*

3. Whether the court of appeals erred in affirming a nationwide preliminary injunction barring implementation of the final rules.

CONSOLIDATED WITH 19-431 FOR ONE HOUR ORAL ARGUMENT.

PRESS RELEASE OF APRIL 3, 2020

IN KEEPING WITH PUBLIC HEALTH GUIDANCE IN RESPONSE TO COVID-19, THE COURT WILL POSTPONE THE ORAL ARGUMENTS CURRENTLY SCHEDULED FOR THE APRIL SESSION.

PRESS RELEASE OF APRIL 13, 2020

RESCHEDULED FOR ORAL ARGUMENTS BY TELEPHONE CONFERENCE. THE JUSTICES AND COUNSEL WILL ALL PARTICIPATE REMOTELY.

CERT. GRANTED 1/17/2020