

STATE OF NEW JERSEY

GOVERNOR PHIL MURPHY

## ICYMI: NJ AG GREWAL JOINS FORCES WITH PENNSYLVANIA AG SHAPIRO TO PROTECT WOMEN'S HEALTH COVERAGE

12/14/2018

*<From the Office of the Attorney General:*

**TRENTON** – Attorney General Gurbir S. Grewal announced today that New Jersey has joined with neighboring Pennsylvania and its Attorney General Josh Shapiro in suing the federal government over recent efforts to roll back federal rules that protect women's health by promoting the availability of contraceptives and reducing the number of unplanned pregnancies.

The Affordable Care Act (ACA) generally requires group health plans and health insurance issuers to cover preventative care and screenings for women. These preventative services include all contraceptive methods approved by the U.S. Food and Drug Administration, which must be covered without any cost sharing (such as copayments, coinsurance, or deductibles).

The Trump Administration has now invited corporations to avoid these requirements by asserting religious or moral objections to covering contraceptive services. The Trump Administration's rules—first issued in October 2017 and finally adopted in November 2018—significantly expand the exemption that the Obama Administration recognized for religious employers and organizations.

"The Trump Administration's decision to strip away protections of the Affordable Care Act is another example of the federal government's reckless restriction of access to crucial health care coverage," said Governor Phil Murphy. "No-cost contraception is an essential component of women's health care and reproductive rights, and my Administration is committed to fighting for New Jersey's women and working families."

"The Murphy Administration is committed to defending the promise of affordable health care for all New Jersey residents," said Attorney General Grewal. "That is why we are challenging yet another unlawful attempt by the current administration to undermine our residents' rights to essential preventative care."

"Contraceptive care is a key aspect of health care, but it also facilitates economic independence for women," said Health Commissioner Dr. Shereef Elnahal. "The Department of Health (DOH) works every day to increase opportunities for New Jerseyans to live their healthiest lives—access to contraception is a critical part of that plan. We refuse to give up the coverage New Jersey women gained by the ACA's guaranteed access to all FDA-approved contraceptives. The Trump administration has weaponized health insurance to attack New Jersey's women. DOH applauds the Governor and the Attorney General for fighting to maintain contraceptive care access for New Jerseyans."

"Under Governor Murphy's leadership, New Jersey has made great strides in improving women's access to quality health care, including contraceptive services. The federal government is going in the opposite direction by unfairly trying to interfere with a woman's ability to make her own health care decisions," said Department of Human Services Commissioner Carole Johnson. "New Jersey is standing up for women across our state to protect our choices and our rights by fighting back against efforts to dismantle the Affordable Care Act's no-cost contraception coverage."

"The Trump Administration's rule undermining protections provided by the Affordable Care Act threatens access to coverage and care for our residents, and the health and wellbeing of women in New Jersey. The Murphy Administration has demonstrated that it will not stand by while the federal government erodes protections afforded residents under the ACA," said Department of Banking and Insurance Commissioner Marlene Caride. "We are proud to join our partners in Pennsylvania in challenging the Trump Administration's unlawful move."

Following today's announcement, New Jersey will join a lawsuit previously filed in the U.S. District Court for the Eastern District of Pennsylvania by Pennsylvania Attorney General Josh Shapiro, which challenged the interim religious and moral exemption rules issued by the Trump Administration in October 2017. Pennsylvania won a court order preventing the interim rules from taking effect.

"Despite previous court orders barring the Trump Administration from implementing rules which threaten the health care and independence of women in Pennsylvania and across America, the federal government continues to seek ways to enact these harsh measures," Shapiro said. "Women need contraception for their health because contraception is medicine, pure and simple. Families rely on the Affordable Care Act's guarantee to afford care; before the ACA families spent thousands of dollars in co-pays. Congress hasn't changed the law, and the President can't simply ignore it with an illegal rule."

"Attorney General Shapiro of Pennsylvania has been a national leader in the legal fight to protect women's health coverage, and today I am proud to join him in that battle," said Attorney General Grewal.

New Jersey has its own law requiring certain health plans to cover prescription contraception, but federal law prevents the State from extending this benefit to the millions of New Jersey residents covered by self-funded employer health plans. The States assert that many women will now be forced to turn to state-funded programs for contraceptives, and for women's services related to unintended pregnancies, resulting in significant new costs to state governments.

In 2010, New Jersey exceeded the national average for unplanned pregnancies while also spending approximately \$186 million in public funds to address pregnancy and childbirth-related services.

New Jersey also has the third-highest maternal mortality rate in the U.S. While a variety of factors have been shown to contribute to high maternal mortality rates, unintended and closely-spaced pregnancies are among those factors.

The States assert that the new federal rules limiting access to no-cost contraception violate the ACA, the Administrative Procedure Act, Title VII of the

Civil Rights Act, the Pregnancy Discrimination Act, and the Due Process and Establishment Clauses of the Constitution.

Deputy Attorneys General Kimberly Cahall and Elspeth Faiman Hans and Assistant Attorney General Glenn J. Moramarco are representing the State of New Jersey in this matter.

View complaint here, <https://www.nj.gov/oag/newsreleases18/Lawsuit.pdf> ([https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_t.e2ma.net\\_click\\_zw9u1\\_nrdit\\_z0swag&d=DwMFaQ&c=4BTEw-1msHjOY4ITcFLmDM6JB8x6ZgbU2J24IH0HZLU&r=xF3DPDNEH8rwpTwtOjb4MHQ0EgF6v3M0zt3hszQvyU&m=6VhdNCPKT2FjlfASnVfCgP84mh4ph-9ZPHuLCalBYx0&s=qnzst-uFrF-ISEm\\_G22uTt0xhiEWG8TOLyqhqu1K15s&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__t.e2ma.net_click_zw9u1_nrdit_z0swag&d=DwMFaQ&c=4BTEw-1msHjOY4ITcFLmDM6JB8x6ZgbU2J24IH0HZLU&r=xF3DPDNEH8rwpTwtOjb4MHQ0EgF6v3M0zt3hszQvyU&m=6VhdNCPKT2FjlfASnVfCgP84mh4ph-9ZPHuLCalBYx0&s=qnzst-uFrF-ISEm_G22uTt0xhiEWG8TOLyqhqu1K15s&e=))

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