



Testimony of Barbara Lyons
Wisconsin Right to Life

in support of
Assembly Bill 216

Before the Assembly Health Committee
Wednesday, May 29, 2013

WISCONSIN RIGHT TO LIFE TESTIMONY
The Health Care Conscience Act -- AB 216

The Health Care Conscience Act has two components.

The first provision prohibits the use of public funds to pay for abortion coverage for public employees. The Health Care Conscience Act includes public employees under provisions of current law (s.20.927) that prohibit the use public funds to pay a physician or surgeon or hospital, clinic or other medical facility for the performance of an abortion except in certain cases specified in current law.

Wisconsin currently pays for abortion coverage for public employees for any reason, at any stage of pregnancy. Eighteen states do not allow abortion coverage in insurance plans for public employees. Federal employee health care plans do not cover abortions by action of Congress.

Wisconsin currently prohibits payment for abortions of Medicaid recipients and will not provide abortion coverage under the health insurance exchanges set up under the federal health care law. This provision of AB 216 provides equity so that taxpayers are not funding abortions for any group of people in Wisconsin.

Wisconsin Right to Life urges the state legislature to join those 18 states and the Congress by voting to prohibit abortion coverage for public employees.

The second provision exempts certain religious organizations, employers and institutions of higher learning from the mandate to provide insurance coverage for abortion-inducing drugs. Current state law mandates that employers provide insurance coverage for abortion-inducing drugs through health insurance policies sold in Wisconsin. This mandate violates the conscience rights of many employers and religious institutions who, on religious grounds, object to providing insurance coverage for the destruction of human life. The only way an employer or religious institution can avoid this onerous mandate is to self-insure. Self-insurance is not an acceptable solution because it is expensive to implement and can result in reduced coverage and increased costs for employees.

The Health Care Conscience Act exempts the coverage of abortion-inducing and other drugs from an insurer that issues group health insurance plans to a religious organization, religious employer or religious institution of higher learning that meets the bill's criteria. Wisconsin Right to Life urges the legislature to provide this conscience relief for these individuals and entities.



ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Assembly Committee on Health
FROM: Representative André Jacque
DATE: May 29, 2013
RE: Assembly Bill 216

Chairman Severson and Committee Members:

Thank you for holding this hearing and the opportunity to testify before you today as the author of Assembly bill 216, legislation Senator Grothman and I are bringing forward to institute important conscience protections.

As part of the federal Obamacare mandate, the U.S. Department of Health and Human Services requires that all health plans nationally provide coverage of contraceptive services, including sterilizations and abortion-causing drugs - a devastating blow to the religious rights and freedoms of millions of individuals and employers.

The HHS announced an infamously narrow exception to this directive, stating that it will define “religious employer” as

1. Non-profit organizations recognized by the Internal Revenue Code as places of worship or their affiliated entities.
2. Also, non-exempt religious entities that object to the coverage are given “safe harbor” from compliance until August 1, 2013 and may invoke an accommodation which still requires them to facilitate this objectionable coverage.

Notwithstanding the near total disregard of American religious conscience in the Obama administration, religious organizations and entities in Wisconsin were sidelined even before that in the 2009 state budget by a provision that requires health insurance policies to provide coverage for prescribed contraceptives and related services.

Unlike the federal government and most other states with similar mandates, *Wisconsin provides zero exemption for religious groups that oppose artificial contraception and abortifacients on faith based and moral grounds.*

Many employers and religious organizations in Wisconsin hold that that life begins at conception and understand that certain types of contraceptives operate to eliminate a child already conceived.

The only way an employer or organization can avoid the Wisconsin mandate is to self-insure, a luxury that many employers and organizations who object to Wisconsin's homegrown mandate for reasons of faith cannot afford.

This extra expense remains a tax on their conscience.

In addition, this legislation will extend and clarify Wisconsin's longstanding prohibition on the use of public funds to pay for abortion to public healthcare benefits, respecting the conscience of state residents by prohibiting tax dollars from paying for this objectionable practice, disallowing the taxpayer funded Group Insurance Board from contracting or paying for abortions unless a pregnancy falls within certain rare exceptions including rape, incest and life of the mother.

Wisconsin should not violate the consciences of its citizens by forcing their or their organization's tax dollars or other funds to be used contrary to their faith and moral values.

Thank you again for your time and for your consideration of Assembly Bill 216.



PO Box 1327 • Madison WI 53701-1327
608-268-5074 (Madison) • 866-849-2536 (toll-free) • 608-256-3370 (fax)
Email: info@wifamilyaction.org
Web site: www.wifamilyaction.org
Blog: <http://blog.wifamilyaction.com>

Testimony in Support of Assembly Bill 216
Assembly Committee on Health
Julaine K. Appling, WFA President
May 29, 2013

Thank you, Chairman Severson and committee members, for the opportunity to testify today in support of Assembly Bill 216. I am Julaine Appling, president of Wisconsin Family Action, an organization dedicated to strengthening, preserving and promoting marriage, family, life and liberty in The Badger state. Our mission affords us the privilege of working extensively with churches and religiously-affiliated or faith-based organizations statewide.

We are very grateful for Rep. Jacque and Sen. Grothman's aggressive approach on this important matter of respecting the religious freedom and the pro-life position of many Wisconsin citizens and religious organizations.

This bill corrects two egregious wrongs. First, it rightly restores religious freedom and conscience protection as it relates to pro-life beliefs for churches and other faith-based not-for-profits organizations—protections that were removed at the state level in 2009 Wisconsin legislation and have been further trampled at the federal level by Health and Human Service mandates related to the Patient Protection and Affordable Care Act.

Second, this bill keeps taxpayers from having to fund abortion-related activities for state employees who are insured through the Group Insurance Board. This bill reflects the very real truth that abortion and very often contraception are not health care. Abortion and contraception are also not rights. Taxpayers should not be forced to pay for them. In addition, religious beliefs and conscience issues should not be dismissed and trumped by these controversial issues.

To our way of thinking, this is a common-sense bill in light of the situation we are currently in at both the state and federal levels; and we urge you to support it and to recommend it to the full Assembly. Thank you for your time and attention to this matter.



Wisconsin Medical Society

Your Doctor. Your Health.

TO: Assembly Committee on Health
Representative Erik Severson, MD, Chair

FROM: Mark Grapentine, JD
Senior Vice President - Government Relations

DATE: May 29, 2013

RE: Opposition to 2013 Assembly Bill 216

On behalf of about 12,000 members statewide, the Wisconsin Medical Society thanks the committee for this opportunity to share our opposition to 2013 Assembly Bill 216, which bars the Group Insurance Board from offering state employees health insurance that includes services for certain abortion coverage, and also widens the religious exemption for a self-insured plan not wishing to cover contraceptives.

The Society has policy opposing the part of AB 216 specific to its effect on availability of contraceptives:

INS-010

Coverage for Contraceptive Drugs: The Wisconsin Medical Society supports a mandate that requires insurers, HMOs and employee health benefit plans that offer prescription drug benefits to provide coverage for prescription contraceptive drugs and devices approved by the FDA and provide coverage for outpatient contraceptive services (consultation, exams, procedures and medical services, including natural family planning) if the plan covers other related outpatient services. (HOD, 0413)

The Society's policy speaks to the importance of the availability of contraceptive medical care, which is an area of medicine that can often be complicated by very personal decision-making. When a patient reaches a decision on contraceptive options after a private discussion with his or her physician, the Society believes that decision on a patient's care in this area should not ultimately be thwarted due to a policy decision made in the State Legislature.

The Society believes that availability of contraceptive care is a vital part of a patient's well-being. Reducing access to this area of care by allowing insurance companies to utilize a broader religious-based opt-out will only reduce the needed availability of this care by forcing a patient to pay costs out-of-pocket. It is reasonable to conclude that this will reduce the number of patients obtaining contraceptives.

More important than the fiscal cost is the potential emotional toll for a patient denied contraceptive care. The Institute of Medicine has linked unintended pregnancy to health consequences, including delaying prenatal care, poor birth outcomes and maternal depression. While this certainly does not present in all cases, the IOM's report included one basic conclusion to its report on this topic: increase access to contraception. As AB 216 would accomplish just the opposite, the Society respectfully opposes the bill.

Thank you for this opportunity to provide testimony. If you have further questions please feel free to contact Mark Grapentine at mark.grapentine@wismed.org or call 608.442.3800.



WISCONSIN CATHOLIC CONFERENCE

**TESTIMONY IN SUPPORT OF ASSEMBLY BILL 216:
HEALTH CARE CONSCIENCE ACT
Presented to the Assembly Committee on Health
By Kim Wadas, Associate Director
May 29, 2013**

On behalf of the Wisconsin Catholic Conference, I thank you for this opportunity to present testimony in support of Assembly Bill 216.

This legislation accomplishes two simple and straightforward objectives. One is that it provides religious entities that have a moral objection to purchasing coverage for contraceptive services the same protection under Wisconsin law as provided for under the Patient Protection and Affordable Care Act (ACA). The other is that it affirms that funds held by public authorities are prohibited from being used to subsidize the performance of abortions.

Two sessions ago, the state budget act (2009 Wisconsin Act 28), created Wisconsin Statutes s. 632.895(17), a provision that requires all health insurance policies sold in Wisconsin to provide coverage for prescribed contraceptives and the services necessary to administer those items. Unlike most states with similar requirements, the Wisconsin mandate failed to provide any recognition or protection for religious liberty.

As part of implementation of the ACA, the U.S. Department of Health and Human Services (HHS) also mandated that all health plans nationally provide no-cost coverage of contraceptive services, including sterilizations and abortifacients. This mandate, however, exempts certain religious employers from compliance. In addition, non-exempt religious entities that object to the coverage are given "safe harbor" from compliance until August 1, 2013, and may invoke an accommodation to avoid certain compliance measures.

Federal regulation permits states to place a mandate upon employers that is more onerous than applicable under federal law, as Wisconsin has done. Thus, religious groups in Wisconsin that cannot self-insure have no options and are afforded no recognition or exemption. They are forced to purchase morally objectionable coverage. Assembly Bill 216 addresses this problem by making state law consistent with federal law.

From the perspective of the Church, both the state and federal mandates are unnecessary and unjust. However, at a minimum, federal law recognizes that people of faith should not be forced to pay for something that violates their moral convictions and religious beliefs. Wisconsin, with its strong constitutional recognition of the right of conscience, should do likewise.

(over)

AB 216 recognizes that central to religious liberty is the right to define ministries. As Catholics, we believe that human beings are social by nature. We further believe that each of us has a shared responsibility for the well-being of all. Thus for Catholics, religion is a matter of personal conviction with social consequences.

Ministry in the Catholic tradition is not limited to houses of worship. It finds full expression in service to others. The faith we profess and celebrate in the parish is taken into the world through our hospitals, our schools, our charitable agencies, and our other public ministries.

We don't do these things to make money or to generate converts. We do them because in Matthew 25 Jesus told us to care for the sick, to help the needy, to educate the ignorant, to welcome the stranger, and to care for the poor wherever we find them. Our institutions reach out to those at the margins because Jesus said that it is at the margins of society that we will find Him. We want the freedom to do this without living a lie. We seek the freedom to serve others without violating our principles.

This legislation also makes certain that our state honors Wisconsin Statutes s. 20.927, which prohibits public subsidization of abortions. This is once again an instance where AB 216 aligns state and federal law, providing clarity on the prohibition of public funding for abortion. Much like the Federal Employee Health Benefits Program, AB 216 prohibits the state's Group Insurance Board from providing health insurance that includes coverage for abortion services, with certain exceptions. This legislation makes certain that as a state and as a nation, our public policies champion the dignity of the human person and our public funds are dedicated to the improvement of the human condition.

Both provisions of AB 216 recognize the conscience rights of Wisconsin's citizens. We, therefore, urge you to pass it.