



Written by [Jack Kenny](#) on March 8, 2012

N.H. House Votes Employer Exemption to Contraceptive Mandate

Reflecting an ongoing controversy in Washington, D.C., New Hampshire's House of Representatives Wednesday approved a bill to exempt employers with religious or moral objections from provisions of a state law requiring health insurance plans to provide coverage for contraception. The bill passed in the heavily Republican House by a vote of 196-150 after a spirited debate, with arguments for religious liberty met with vigorous objections to limits on women's access to reproductive health services.



"It is unconstitutional to force religious institutions to pay for products they object to on religious grounds," said Rep. Andrew Manuse, (R- Derry, left) a sponsor of the bill. "I object to the idea that government can force religious organizations to pay for products or procedures that are in conflict with their teaching." But opponents argued that the bill would allow not just religious institutions but any employer who claimed a moral or religious objection to exclude contraception coverage in a health plan for employees. Arguing that the bill was more about opposing contraception than defending religious freedom, Rep. Christopher Serlin (D-Portsmouth) wondered aloud why the legislation does not allow an employer of the Jehovah's Witness faith to exclude coverage for blood transfusions from an employee health plan.

"If we took the question of constitutional protection and religious faith to the extreme, polygamy would still be legal in Utah now," Serlin argued.

Opponents of the bill rallied on the State House steps, the *New Hampshire Union Leader* reported, before voicing their opposition in the House gallery, drawing a sharp rebuke from House Speaker William O'Brien, a Mont Vernon Republican who supports the bill. During the rally, former state Senator and current Democratic candidate for Governor Jackie Cilley described the bill as part of "a series of attacks on the women of New Hampshire."

Arguing against a similar bill, since defeated, in the U.S. Senate, Senator Jeanne Shaheen, a New



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Hampshire Democrat who was the state's governor from 1997-2003, noted in an February 29 op ed column in the *Union Leader* that there was little controversy over the state mandate at the time it was passed. "When I was governor I was proud to sign a law that required most private insurance plans to cover contraceptives," wrote Shaheen who won election to the U.S. Senate in 2008. "There was little opposition and bipartisan support when I signed the bill in 1999."

Contraceptive coverage became a national controversy earlier this year when the Obama administration announced that the exemption from contraceptive coverage for employees of houses of worship under the Patient Protection and Affordable Care Act would not extend to health insurance coverage provided for employees of religious-affiliated institutions, such as hospitals and universities. The U.S. Conference of Catholic Bishops vigorously objected. President Obama later proposed that insurance companies be required to provide the contraception coverage, but the religious institutions would not be required to pay for it, a plan that did not overcome the objections of the bishops. Secretary of Health and Human Services Kathleen Sibelius and others have said insurance companies would be willing to absorb the cost of the coverage because paying for contraception costs the companies less than providing health care for children.

"The reason this issue has come to light now is that ObamaCare is forcing people to buy health insurance," said House Majority Leader D.J. Bettencourt, a Salem Republican who supports the employer exemption. "This bill has sent a clear message that here in New Hampshire we value our citizens and employers' right to religious liberties," he said.

The bill would still have to pass in the state Senate, where Republicans have a 19-5 majority. It might then face a veto from Gov. John Lynch, a Democrat in his fourth term. Lynch has said he is in favor of leaving the contraceptive mandate unchanged. The 196-150 vote in the House is well below the two-thirds that would be needed to overcome the Governor's veto.



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