



**DEPARTMENT OF THE ATTORNEY GENERAL**  
KA 'OIHANA O KA LOIO KUHINA

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**ATTORNEY GENERAL LOPEZ FIGHTS FOR INCREASED ACCESS TO BIRTH  
CONTROL COVERAGE**

**FOR IMMEDIATE RELEASE**

April 4, 2023

Honolulu, HI – Hawai'i Attorney General Anne Lopez today joined a coalition of 22 states in urging the Biden Administration to scrap dangerous Trump-era rules that allow employers to interfere in the reproductive-health decisions of their employees. These rules took away contraceptive coverage from women who should have been entitled to complete coverage under the Affordable Care Act (ACA) and added broad, unreasonable exemptions that allowed nearly all types of employers to deny birth-control coverage to their employees.

Today, in a letter welcoming the Biden Administration's proposal to rescind parts of the Trump-era rules, the coalition of attorneys general highlighted that expanding access to birth control would help people live healthy, happy, and empowered lives.

“As Attorney General, I have a strong interest in the legal protection of access to contraceptive coverage in Hawai'i,” Attorney General Lopez said. “Contraceptive coverage is an important aspect of preventive healthcare that empowers individuals to reach their educational and economic goals.”

The ACA's contraceptive-coverage mandate was signed into law in 2010 to correct historic inequities in women's health care. The mandate required all employers and sponsors of health plans to cover the cost of preventive services necessary for women's health, including contraceptive services. It is estimated that more than 62 million women have benefited from the ACA's birth control coverage mandate. Studies have shown that access to contraceptive care supports people's ability to control their own reproductive health, and promotes access to education, jobs, and financial empowerment.

After the Trump Administration issued broad religious and moral exemptions that allowed employers to stop providing contraceptive coverage if they had religious or moral objections, between 70,500 and 126,400 women are estimated to have lost birth-control coverage. The exemptions did not even require the employees to be informed before they lost coverage—the employer could simply object and never let the employee know.

In February this year, the Biden Administration proposed new regulations to correct these problems. The proposed regulation would:

- Rescind the Trump-era moral exemption rule;
- Retain the Trump-era religious exemption rule; and
- Create an Individual Contraceptive Arrangement (ICA) to ensure that patients enrolled in health plans or coverage sponsored by objecting entities would still have the opportunity to obtain contraceptive services at no cost.

In the letter, addressed to U.S. Health and Human Services Secretary Xavier Becerra, U.S. Treasury Secretary Janet Yellen, and Acting U.S. Labor Secretary Julie Su, the coalition of attorneys general welcome the Biden Administration proposal to restore access to cost-free contraceptive coverage for all Americans. The coalition letter further supports rescinding the moral exemption, and urges the Biden Administration to narrow the religious exemption, and make necessary improvements to the ICA, including:

- Expanding the ICA to include a wider spectrum of individuals who are excluded from contraceptive coverage;
- Carrying out a publicity and outreach campaign to inform patients and providers about the ICA and help them enroll in it; and
- Providing additional protections to secure patients' privacy, safeguarding them from retaliation, and creating a process for contesting medical bills.

Joining Attorney General Lopez are the attorneys general of California, Massachusetts, Pennsylvania, and New Jersey, who led this effort. They are joined by the attorneys general of Arizona, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

A copy of the comment letter can be found [here](#).

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