



GET THE FACTS: On the HHS Contraceptives Mandate

In 2012, the Department of Health and Human Services issued a women's preventative care mandate pursuant to the Affordable Care Act that requires all employer-sponsored insurance to cover a comprehensive list of contraceptive drugs and procedures. This sparked an election-year debate that the media claimed pitted women against religious communities that object to the use of contraception.

But the issue is much more complex than that. There are many reasons that even nonreligious people might oppose such a mandate. It will have consequences on public health, markets, and First Amendment rights.

How might this mandate affect public health?

Proponents of the mandate suggest that increased insurance coverage for contraception will result in fewer unexpected pregnancies and make family planning easier. This may be true for some people. But even without universal first-dollar coverage, [99 percent of sexually active people](#) report having access to contraception, implying that a lack access to birth control is not the main cause of unexpected pregnancies. While the "perfect use" failure rate of "The Pill" is 1 percent, the "typical use" failure rate is much higher – [9 percent](#). With this in mind, it's no surprise that half of women seeking abortions report using contraception during the month they conceived.

Increasing coverage for various types of hormonal birth controls may have other impacts on public health that merit investigation. For example, lower cost contraception can lead to higher rates of sexual activity or an increase in the average [number of partners](#). This mandate may also encourage substitution away from condom use, which could increase the rate of sexually transmitted disease.

How might this mandate affect markets for contraception, health insurance, and jobs?

By eliminating copays, this HHS mandate will further skew the market for contraceptives by shielding consumers from the cost of various drugs. Ultimately, women will still pay for the services they consume, through their insurance premiums. In fact, because of the mandate, drug companies [may take advantage](#) of an artificial increase in demand and raise the price of their products. In the long run, this market distortion could result in fewer choices for women and discourage innovation.

Like any other coverage mandate, this policy will result in a higher cost to insurance companies and therefore to employers who provide health insurance. Raising the cost of employment will [reduce job supply and discourage](#) much-needed economic growth, wage increases, and hiring.

How might this mandate affect our First Amendment rights?

Decisions about when life begins and whether or not to use birth control can be very personal decisions that vary depending on the moral values of each individual. The government should leave individuals to make choices based on their own consciences. Without this HHS mandate, women would still be free to buy insurance policies that cover contraception, sterilization, and even abortion. Employers would still be free to provide such insurance. Only with this mandate are choices restricted: Every woman is forced to buy a plan that covers contraceptive services, even if she disagrees with the use of such services.

This HHS mandate relies on the idea that individuals are only free to have diverse moral perspectives in certain parts of life (for example, within the walls of a temple, church, or mosque). Individuals should be free to live their lives in accordance with their views on right and wrong, so long as they do not take away from the rights of others. This isn't just about religion; it's about individual freedom.