

15-119 SOUTHERN NAZARENE UNIVERSITY V. BURWELL

DECISION BELOW: 794 F.3d 1151

LOWER COURT CASE NUMBER: 14-6026, 14-6028

QUESTION PRESENTED:

In *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2785 (2014), this Court held that the application of federal regulations implementing the Patient Protection and Affordable Care Act of 2010 ("ACA") to compel certain for-profit religious employers to provide health-insurance coverage for all FDA-approved contraceptives, *see* 77 Fed. Reg. 8725, 8725 (Feb. 15, 2012) (the "Mandate"), violated the Religious Freedom Restoration Act ("RFRA"). The government offers nonprofit religious employers an alternative means of complying with the Mandate that involves submitting a form that includes all FDA-approved contraceptives in or under the auspices of employers' healthcare plans.

Petitioners, four religious universities, object as a matter of conscience to facilitating contraception that may prevent the implantation of a human embryo in the womb, and brought suit seeking relief from the Mandate under RFRA. The decision below rejected their claims, ruling that RFRA's substantial burden analysis turns on courts' secular assessment of the time, cost, and energy involved in complying with the Mandate, not Petitioners' religious view of the required action's moral significance.

The question presented is:

Whether the alternative means for nonprofit religious employers to comply with the ACA's contraceptive-coverage Mandate alters *Hobby Lobby's* substantial-burden analysis or identification of a free exercise violation under RFRA.

CONSOLIDATED WITH 14-1418, 14 -1453, 14-1505, 15-35, 15-105 AND 15-191.

ORDER OF MARCH 29, 2016: THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL BRIEFS THAT ADDRESS WHETHER AND HOW CONTRACEPTIVE COVERAGE MAY BE OBTAINED BY PETITIONERS' EMPLOYEES THROUGH PETITIONERS' INSURANCE COMPANIES, BUT IN A WAY THAT DOES NOT REQUIRE ANY INVOLVEMENT OF PETITIONERS BEYOND THEIR OWN DECISION TO PROVIDE HEALTH INSURANCE WITHOUT CONTRACEPTIVE COVERAGE TO THEIR EMPLOYEES. . . .

CERT. GRANTED 11/6/2015