



# Wisconsin Medical Society

Your Doctor. Your Health.

TO: Senate Committee on Health and Human Services  
Senator Leah Vukmir, Chair

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

DATE: June 5, 2013

RE: Opposition to 2013 Senate Bill 202

On behalf of 12,000 members statewide, the Wisconsin Medical Society thanks the committee for this opportunity to share our opposition to 2013 Senate Bill 202, which bars the Group Insurance Board from offering state employees health insurance that includes services for certain abortion coverage, and also creates exceptions for certain insurance plans to provide contraceptive coverage.

The Society has policy opposing the part of SB 202 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 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 SB 202 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](mailto:mark.grapentine@wismed.org) or call 608.442.3800.



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**Testimony in Support of Senate Bill 202**  
**Senate Committee on Health and Human Services**  
**Julaine K. Appling, WFA President**  
**June 5, 2013**

Thank you, Chairman Vukmir and committee members, for the opportunity to testify today in support of Senate Bill 202. 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 Sen. Grothman's and Rep. Jacque'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. It brings Wisconsin religious exemptions in line with what most experts believe will be the revised federal exemptions for the Patient Protection and Affordable Care Act when they are enforced this August.

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. Access is not solely about who is paying for the abortion or contraception. Our organization takes the position that any contraceptive drug or device that is potentially abortion-inducing should not be paid for with public monies. This bill draws appropriate lines and brings public employees under the same type of laws as Wisconsin Medicaid recipients and those who would receive coverage under the health exchanges that are part of the Patient Protection and Affordable Care Act.

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.





WISCONSINRIGHTTOLIFE

**TESTIMONY OF SUSAN ARMACOST  
WISCONSIN RIGHT TO LIFE  
in support of the  
The Health Care Conscience Act -- SB 202**

**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 SB 202 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 supports the amendment to SB 202 which exempts use of contraceptives for medical purposes and urges the legislature to provide this conscience relief for these individuals and entities.



## WISCONSIN CATHOLIC CONFERENCE

**TESTIMONY IN SUPPORT OF SENATE BILL 202:  
HEALTH CARE CONSCIENCE ACT  
Presented to the Senate Committee on Health and Human Services  
By Kim Wadas, Associate Director  
June 5, 2013**

On behalf of the Wisconsin Catholic Conference, I thank you for this opportunity to present testimony in support of Senate Bill 202.

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. Senate Bill 202 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)



SB 202 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 SB 202 aligns state and federal law, providing clarity on the prohibition of public funding for abortion. Much like the Federal Employee Health Benefits Program, SB 202 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 SB 202 recognize the conscience rights of Wisconsin's citizens. We, therefore, urge you to pass it.



**To:** Assembly Committee on Health  
**From:** Sara Finger, Executive Director  
**Re:** Testimony in Opposition to SB 202  
**Date:** June 5, 2013

As Wisconsin's Women's Health Policy leader, we at the Wisconsin Alliance for Women's Health (WAWH) are disheartened to see the proposal and rapid advancement of SB 202 which is yet another thinly-veiled discriminatory attack on women's reproductive rights in Wisconsin. WAWH is a broad and diverse coalition that works to raise the status of Wisconsin women's health. Our vision is an environment in which all women at every stage of life can realize their optimal health and well-being which in turn will support healthy families and communities in our state. This vision is dependent on comprehensive access to women's reproductive health services

**We strongly urge you to vote against Senate Bill 202 as it is discriminatory, interferes with the personal decisions made by women in consultation with their doctors, and would make contraception and abortion prohibitively expensive for many Wisconsin women.**

There are two main components to this bill:

- 1) To prevent public funds from paying for abortions by prohibiting the Group Insurance Board from offering any health insurance plans (contracted or self-insured) that include abortions, and
- 2) To exempt insurers that offer plans to religious groups and institutions from covering contraceptives.

**Part 1: Prohibiting the Group Health Insurance Board from offering plans that include abortions.**

All women deserve the right to make the medical decisions that are right for them and their family without the interference of financial barriers or government regulation. This bill would do both of those things.

SB 202 would be particularly troubling for Wisconsin's public employees who are lower-income; low-income women are more likely to experience an unintended pregnancy and to not have the financial resources to afford an abortion. These unintended pregnancies have a significant negative social outcome; it has been well-documented that unintended pregnancies are associated with adverse maternal and child health outcomes, such as delayed prenatal care, premature birth and negative physical and mental health effects for children.

Wisconsin depends on the more than 30,000 state and local governmental public employees who maintain the critical health and safety services for Wisconsinites year round. The decision to once again reduce the benefits received by public workers is not the direction Wisconsin should be going. With every reduction in salary and benefits, Wisconsin is increasingly risking the loss of skilled public workers to other higher paying jobs with better benefits. A continued shift of this nature would reduce the state's overall governmental efficiency with the loss of skill and historical knowledge.

The discriminatory nature of just this first portion of SB 202 is three-fold. Firstly, women represent 52% of public sector workers in the country and 61% of local public sector workers. Thus, by making any medical restrictions or reductions in benefits for public workers automatically has a disproportionate effect on Wisconsin women. Secondly, men are clearly not the ones trying to access abortions. Thus, this bill would unfairly reduce the work benefits for women who are public employees while keeping them level for men. Thirdly, this bill discriminates against public employees overall as it denies the option of insuring against reproductive health care services for women in the public sector while women in the private sector maintain this important option.





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TO: Members of the Senate Committee on Health & Human Services  
FROM: Representative André Jacque  
DATE: June 5, 2013  
RE: Senate Bill 202

Chairwoman Vukmir and Committee Members:

Thank you for holding this hearing and the opportunity to provide testimony on Senate Bill 202, legislation which Senator Grothman and I are bringing forward to institute important conscience protections.

SB 202 will extend and clarify Wisconsin's longstanding prohibition on the use of public funds to pay for abortion in public health insurance plans, respecting the conscience of state residents by prohibiting the 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 as provided in existing state statutes. In so doing, Wisconsin will be consistent with its own longstanding prohibition on payments for abortion through Medicaid and its more recent prohibition last session that any state exchanges set up through Obamacare not include abortion coverage. In addition, the federal government does not pay for abortions by federal employees.

SB 202 also brings Wisconsin in line with the religious employer exemption proposed for Obamacare by adopting the US Department of Health and Human Services directive that non-profit organizations recognized by the Internal Revenue Code as places of worship or their affiliated entities are not mandated to provide coverage of contraceptive services, including abortion-causing drugs. A forthcoming amendment to SB 202 which has already been introduced in the Assembly makes a technical amendment to ensure that religious entities are able to provide coverage for drugs classified as contraceptives that are prescribed for a medically necessary purpose other than preventing or terminating a pregnancy.

This legislation corrects the fact that Wisconsin's pre-existing 2009 contraceptive coverage mandate made no provision at all for religious entities with a conscientious moral objection to the mandate- a devastating blow to the religious rights and freedoms of millions of individuals and employers. 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.* 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 state level mandate for reasons of faith cannot afford. This extra expense remains a tax on their conscience.

Wisconsin should not violate the consciences of her 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 consideration of Senate Bill 202.

June 5, 2013

To: Members of the Senate Committee on the Health and Human Services  
From: Senator Glenn Grothman  
Re: Senate Bill 202

Chair Vukmir and Committee Members:

This important bill is necessary to preserve the religious freedoms of Wisconsin citizens, not-for-profit employers and religious organizations who have insurance contracts with the Group Insurance Board.

In 2009 Wisconsin Act 28, a health insurance mandate required that all contraceptive services must be covered without exception for all Wisconsin insurance policies. This left no recourse for religious employers or concerned citizen to raise moral objections to the taxpayer funding of contraceptive services. This bill allows for the faith-based organizations and not-for-profit employers to be exempted from having to provide non-health-related contraception.

As part of the rule-making process by the U.S. Department of Health and Human Services during the implementation process of the Affordable Care Act, mandates were set in place which required health care plans nationwide to provide no-cost coverage of contraceptive services. This federal mandate does, however, exempt religious employers from compliance with this requirement to provide free contraception. Currently, Wisconsin state law does not provide for these important exemptions which would preserve religious liberties and honor the moral conscience of religious state employees, faith-based employers and concerned taxpayers at large. This bill adopts federal standards as addressed in the ACA which allow for the conscience of faith-based employers to be exercised.

This bill also affirms Wisconsin's longstanding tradition which prevents public dollars from being used to fund the performance of abortions which also aligns with federal law.

Senate Bill 202 addresses the issues of public funding for abortions and contraceptive services for religious employers and citizens by making state law consistent with federal law. Eighteen other states also provide such exemptions. I hope you will join me in supporting this reasonable legislation which conforms Wisconsin state law to federal regulation on these important issues of conscience.