

The Departments Intend to Amend Existing Religious and Moral Exemptions

On Aug. 16, 2021, the Departments of Health and Human Services (HHS), Labor (DOL) and the Treasury (Departments) issued a [frequently asked question \(FAQ\)](#) regarding enforcement of the contraceptive coverage mandate under the Affordable Care Act (ACA). This FAQ indicates that the Departments intend to amend existing religious and moral exemptions to the contraceptive coverage mandate in light of recent litigation.

The ACA requires non-grandfathered health plans to cover certain women's preventive health services without cost sharing, including all FDA-approved contraceptives. In 2018, the Departments published final regulations that expanded the exemptions and accommodations to the contraceptive mandate to apply to any entities with religious or moral objections to the contraceptive coverage requirement. On July 8, 2020, the U.S. Supreme Court [upheld](#) these regulations as a valid exercise of power.

The new FAQ indicates that the Departments intend to issue regulations within six months to amend the 2018 final regulations. The FAQ does not provide any additional detail or specify the types of changes that may be made.