



Abortion Mandate

EHB 1044

Testimony before the Senate Committee on Health Care

April 1, 2013

Senator Becker and members of the Committee, my name is Peter Sartain. I am the Archbishop of Seattle. I am here this morning on behalf of the Catholic Bishops of our State to ask you to oppose EHB 1044.

It will not come as a surprise that we oppose the very intent of this legislation. The Catholic Church's support for the dignity of the human person and its opposition to abortion are well known and well documented. Deeply rooted in our Catholic faith is the belief that life is sacred from the moment of conception until natural death. We cannot equivocate about that belief.

Thus, we have a related concern about EHB 1044. It has been stated that this bill maintains the status quo and grants a right of conscience. I would like to clarify how EHB 1044 breaks with the status quo and fails in providing a conscience exemption, thus adversely affecting the Catholic Church and our extensive ministries.

The current situation is this: while all state regulated health plans offer abortion in their plans, employers are not required to include this coverage; hence, a true status quo would maintain abortion coverage as optional. This legislation breaks with the status quo, for it now would require state regulated plans, which offer maternity care coverage, to also offer abortion coverage. Therefore, no longer would abortion coverage be optional as it is now; it would be mandatory.

It is also important to point out that this legislation discriminates unjustly against churches, religious organizations and people who for religious reasons oppose abortion. In addition, it must be stated that the supposed protection of the measure's conscience clause in reality offers no protection at all.

In regard to the conscience clause contained in EHB 1044, we grant that it does state in subsection (8) (a) *"No individual or organization with a religious or moral tenet opposed to a specific service may be required to purchase coverage for that service or services if they object to doing so for reason of conscience or religion."*

Yet, the very next sub section, (8) (b), specifically and manifestly eviscerates the conscience protection provided in the preceding clause when it states: *"The provisions of subsections (6) through (9) of this section shall not result in an enrollee being denied coverage of, and timely access to, any service or services excluded from their benefits package as a result of their employer's or another individual's exercise of the conscience clause in (a) of this subsection."*

Thus, we are left with two contradictory statements: The Catholic Church and any other organization and individual employers are granted the right to exercise their consciences and not provide abortion coverage, but at the same time their employees cannot be denied coverage and access to abortion services. As a result, the right to exercise conscience and the requirements of this law are irreconcilable.

The bill attempts to resolve this impasse by instructing the insurance commissioner to establish by rule a mechanism to recognize the right to exercise conscience, while ensuring enrollees timely access to services. I would like to point out that this is the same language previously enacted and found in RCW 48.43.065. In that instance, the Insurance Commissioner could not and did not resolve this dilemma. He only reiterated in rule the inherent conflicted language contained in the law. This lack of precision and clarity in EHB 1044 in effect places the Catholic Church as an employer at risk, as there is no functional conscience clause protection should a suit be brought against the Church for not covering abortion.

We Catholic bishops want to be very clear. The Catholic Church in Washington State and its affiliated organizations do not now, nor will we in the future, offer coverage for abortion in our health care plans. There is every reason to believe that if this legislation passes in its present form, an appeal to the courts, which would be protracted and costly to all parties, would result.

Thank you for your attention. Please oppose EHB 1044.