

The Contraceptive Conundrum: The costly component of the Affordable Care Act for BYU Students

By Lauren Vidler

HRWF (17.05.2016) - Some students at Brigham Young University (BYU), a private religious university in Utah, are faced with fines up to hundreds of dollars come tax season, as their school health plan is no longer adequate according to the federal standard.

As of August 31, 2015, BYU health insurances provided by Deseret Mutual, no longer qualifies as "minimum essential coverage" under the Affordable Care Act (ACA). The student plan does not comply with the provision of federal law requiring contraceptive coverage.

The US Federal government added a female contraception mandate to the ACA, believing that companies which covered prescription drugs to their employees but didn't provide birth control were discriminating on the basis of sex. Contraceptive provision is not only a right of the woman but lack of affordable birth-control options can have far reaching consequences for society.

BYU's students, agree to abide by an Honor Code that prohibits premarital sex due to religious beliefs. However, according to the most recent available statistics from 2014, around one in four BYU students are married.

The Church of Jesus Christ of Latter-day Saints (LDS Church), which owns and operates the school of roughly 30,000, leaves it up to married couples in the Mormon faith to make their own choices on contraception. The LDS church does not prohibit the use of birth-control but rather states "The decision of how many children to have and when to have them is a private matter for the husband and wife." Yet, the church's own insurer, which covers all LDS Church employees — including BYU faculty — does not cover family-planning devices or medication.

Exclusions under the policy include family planning, including contraception, birth control devices, and/or sterilisation procedures, unless the patient meets "Deseret Mutual's current medical criteria". According to a source, in order to qualify for sterilisation or birth control, he and his wife had to have had five children, "the golden number" so to speak. No religious doctrine has been found to support such a threshold, with official church statements stating, "Decisions about birth control and the consequences of those decisions rest solely with each married couple."

In 2012, the UN boldly declared access to contraception a human right, pressing that everyone should be able to determine when and if to have children. Providing a woman freedom to exercise her reproductive rights, can provide access and availability to other rights, such as the right to education. The report states, "Today, family planning is almost universally recognised as an intrinsic right".

The LDS church does not object to birth control on religious or moral grounds as some faiths do. But for several religious employers, providing access to contraception is contrary to religious beliefs or in some instances, immoral. Employers so minded have argued, they are being forced to choose between obeying their moral conscience and obeying the law of the land, and as such are suffering a violation of freedom of religion or belief.

Of the estimated 10,000 students covered under the school health insurance policy, not all will have to pay fines. But many, including international students—who have limited choice when it comes to health insurance—and students above the poverty line or those in three person families, face governmental penalties and depend upon non-profits for their contraceptive needs.

BYU is not the only religious school to fall short in failing to provide family-planning and contraceptive options. The University of Notre Dame and Catholic University, in Washington D.C., are amongst a number of religious schools challenging the federal regulations on religious grounds. This issue brings to light the tension between freedom of religion and belief and women's rights, which are often thought to have competing values.