

Senate Concurrent Resolution No. 1615

By Senator Pilcher-Cook, Abrams, Apple, Bruce, Donovan, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeier, Petersen, Pyle, A. Schmidt, Taddiken, Umbarger and Wagle

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1 A CONCURRENT RESOLUTION urging President Barack Obama and
2 the United States Department of Health and Human Services to
3 rescind its "preventive services" rule under the "Affordable Care Act,"
4 specific services in violation of religious liberty and the free exercise
5 thereof.
6

7 WHEREAS, The First Amendment to the United States Constitution
8 guarantees that Congress shall make no law prohibiting the free exercise
9 of religion; and

10 WHEREAS; Many employers in this country are organizations
11 founded on deeply-held religious beliefs; and

12 WHEREAS, The law has always protected the rights of those
13 employers and their employees not to take actions which would violate
14 their conscience and those religious beliefs without penalty; and

15 WHEREAS, On January 20, 2012, the United States Department of
16 Health and Human Services announced its new rule requiring almost all
17 employers, including employers with deeply held religious beliefs, to
18 provide health insurance coverage that includes specific services in
19 violation of religious liberty and free exercise thereof; and

20 WHEREAS, On February 10, 2012, the United States Department of
21 Health and Human Services announced a change to its new rule to require
22 all insurance companies, including the self-insured and organizations
23 owned by those with deeply held religious beliefs, to provide health
24 insurance coverage that includes specific services in violation of religious
25 liberty and the free exercise thereof; and

26 WHEREAS, As a result of the modification to such rule, employers
27 will still be compelled to purchase and provide such health insurance
28 coverage, albeit indirectly as these services and products cannot be free
29 and must still be paid for by passing the costs to the purchaser, in
30 violation of such employer's conscience and the conscience of the
31 dedicated employees of the employer or to cease providing health
32 insurance coverage altogether and incur a penalty for doing so; and

33 WHEREAS; As a result of the modification to such rule, the self-
34 insured and health insurance companies will be compelled to purchase

1 and provide specific services in violation of religious liberty and the free
2 exercise thereof in violation of such health insurance company's owner's
3 conscience and the conscience of the dedicated employees of the health
4 insurance company or to cease providing health insurance coverage
5 altogether and go out of business; and

6 WHEREAS; By being compelled to purchase and provide such health
7 insurance coverage, such employers and health insurance companies are
8 in effect being compelled to purchase and provide specific services in
9 violation of religious liberty and the free exercise thereof to others; and

10 WHEREAS; The United States Department of Health and Human
11 Services' rule is being used to force the private sector to pay for
12 government-mandated controversial entitlements with funds from the
13 private sector; and

14 WHEREAS; The United States Department of Health and Human
15 Services' rules are not accountable to the people as such rules are still
16 being modified and can be changed at any time without a vote of
17 Congress, thereby lacking clear protection of the people; and

18 WHEREAS; The United States Department of Health and Human
19 Services' rule is government coercion of religious people and groups to
20 violate their most deeply held convictions; and

21 WHEREAS, The United States Department of Health and Human
22 Services' final rule is a direct threat to the religious freedom of all
23 citizens of the United States; and

24 WHEREAS, If the federal government can dictate what health
25 services must be provided to employees of religious groups, when these
26 "health services" violate basic tenets of the faith of the religious groups,
27 the federal government is, in fact, dictating what tenets of faith are
28 acceptable; and

29 WHEREAS, If the federal government can dictate the tenets of faith
30 or religious groups, such government is in violation of the First
31 Amendment by denying religious freedom; and

32 WHEREAS, The rules force health insurance companies to provide
33 these health services consisting of specific services in violation of
34 religious liberty and the free exercise thereof without a co-pay,
35 misleading the insured that these are free services; and

36 WHEREAS, Coercing religious ministries and citizens to pay directly
37 for actions which violate their conscience is an unprecedented incursion
38 of freedom of conscience; Now, therefore,

39 *Be it resolved by the Senate of the State of Kansas and the House of*
40 *Representatives concurring therein:* That we urge President Barack
41 Obama and the United States Department of Health and Human Services
42 to rescind the recently announced rule that mandates "health services" in
43 health insurance policies, mandating coverage of specific services and

1 products that violate the religious tenets of a large portion of the
2 population of the United States and which is a direct violation of the
3 United States Constitution.

4 *Be it further resolved:* That the Secretary of the Senate shall send an
5 enrolled copy of this concurrent resolution to President Barack Obama, to
6 Kathleen Sebelius, Secretary of the Department of Health and Human
7 Services and to each member of the Kansas Congressional Delegation.