

By: Stickland

H.C.R. No. 32

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Under §1001(5) of The Patient Protection And
2 Affordable Care Act, commonly referred to as "Obamacare,"
3 nongrandfathered group health plans must cover certain preventive
4 health services including various preventive services for women as
5 provided in guidelines issued by the Health Resources Services
6 Administration (HRSA), a component of the Federal Department of
7 Health and Human Services; and

8 WHEREAS, HRSA's guidelines for women's preventive services
9 require businesses and organizations to cover "all Food and Drug
10 Administration approved contraceptive methods, sterilization
11 procedures, and patient education and counseling for all women with
12 reproductive capacity as prescribed by a provider;" this standard
13 requires coverage of "emergency contraceptives" such as the
14 "morning after pill," also known as "Plan B" and the "week after
15 pill" also known as "Ella," which many evangelical leaders consider
16 abortion-inducing drugs; and

17 WHEREAS, Businesses which refuse to comply with the
18 requirements imposed by the Federal Department of Health and Human
19 Services through The Patient Protection And Affordable Care Act may
20 be subject to tax penalties of \$100 per employee per day; and

21 WHEREAS, No fewer than 110 plaintiffs including religious
22 organizations, universities, and closely held private businesses
23 have filed 43 independent cases against the Secretary of the
24 Federal Department of Health and Human Services, Kathleen Sebelius,

1 seeking injunctions against requirements of the act which the
2 plaintiffs believe would violate their religious conscience,
3 specifically their religiously-based opposition to abortion; and

4 WHEREAS, The Federal Department of Health and Human Services
5 and the Barack Obama Administration have refused to provide an
6 exemption for religiously-based businesses and organizations to
7 the contraception provision requirements of The Patient Protection
8 And Affordable Care Act; and

9 WHEREAS, The Barack Obama Administration threatens privately
10 held businesses with crippling tax penalties if their owners refuse
11 to violate their religious consciences by providing the offending
12 contraception pills and procedures; and

13 WHEREAS, The largest privately held business to publicly
14 state its unwillingness to abide by the requirements of The Patient
15 Protection And Affordable Care Act as prescribed by the Federal
16 Department of Health and Human Services is Hobby Lobby Stores Inc.,
17 a privately held retail chain with more than 500 arts and crafts
18 stores in 41 states, including Texas; and

19 WHEREAS, The owners of Hobby Lobby state that "the foundation
20 of [their] business has been, and will continue to be strong values,
21 and honoring the Lord in a manner consistent with Biblical
22 principles," and

23 WHEREAS, The owners of Hobby Lobby have described the Federal
24 Department of Health and Human Services contraception mandate as a
25 "poison pill" which they are willing to swallow, regardless of the
26 financial consequences to their business, in order to avoid
27 abandoning their religious faith and consciences; and

1 WHEREAS, With 13,000 employees, Hobby Lobby may soon be
2 subjected to crippling tax penalties of up to 1.3 million dollars
3 per day; and

4 WHEREAS, Religious freedom is a cornerstone of American
5 liberty and is enshrined in the First Amendment in the Bill of
6 Rights of the Constitution of the United States of America and is
7 further protected under the Religious Freedom Restoration Act of
8 1993 which states that "government shall not substantially burden a
9 person's exercise of religion even if the burden results from a rule
10 of general applicability;" now, therefore be it

11 RESOLVED, That the 83rd Legislature of the State of Texas
12 concludes that the contraception requirements imposed on
13 closely-held religiously-based private businesses such as Hobby
14 Lobby and other religiously-based businesses and organizations by
15 the by the Federal Department of Health and Human Services through
16 The Patient Protection And Affordable Care Act violate the
17 Constitution of the United States of America and other federal
18 laws; that this legislature concludes that the crippling tax
19 penalties threatened by the Federal Department of Health and Human
20 Services are unconscionable and contradictory to the basic
21 principles of this nation's founding; and, be it further

22 RESOLVED, That the State of Texas refuses to assist the
23 Federal Government in enforcing unconstitutional laws and
24 regulations and this Legislature urges other states and other
25 government officials to uphold their oaths to the Constitution and
26 do the same; and, be it further

27 RESOLVED, That this Legislature calls on Congress and the

1 Federal Department of Health and Human Services to cease imposing
2 contraception mandates on private businesses and, barring that,
3 provide an exemption to religiously-based businesses and
4 organizations which hold a religious objection to providing
5 contraceptive pills and procedures; and, be it further

6 RESOLVED, That until such time as the Federal Government
7 ceases to impose contraception mandates or provides an exemption
8 for religiously-based businesses, the State of Texas will do
9 everything in its power to protect the religious liberties of Texas
10 businesses and citizens; and, be it further

11 RESOLVED, That the Texas secretary of state forward official
12 copies of this resolution to the president of the United States, the
13 secretary of the Federal Department of Health and Human Services,
14 the president of the Senate and the speaker of the House of
15 Representatives of the United States Congress and to all the
16 members of the Texas delegation to the congress with the request
17 that this resolution be officially entered in the Congressional
18 Record as a memorial to the Congress of the United States of
19 America.