

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

LEGATUS; WEINGARTZ SUPPLY )  
COMPANY; and DANIEL WEINGARTZ, )  
President of Weingartz Supply Company, )

Plaintiffs, )

v. )

KATHLEEN SEBELIUS, Secretary of the )  
United States Department of Health and )  
Human Services; UNITED STATES )  
DEPARTMENT OF HEALTH AND )  
HUMAN SERVICES; SETH D. HARRIS, )  
Acting Secretary of the United States )  
Department of Labor; UNITED STATES )  
DEPARTMENT OF LABOR; TIMOTHY )  
GEITHNER, Secretary of the United States )  
Department of the Treasury; and UNITED )  
STATES DEPARTMENT OF THE )  
TREASURY, )

Defendants. )

Case No.: 2:12-cv-12061-RHC-MJH

BRIEF STATEMENT REGARDING  
STATUS OF RULEMAKING PROCESS

Judge Robert H. Cleland

Magistrate Judge Michael Hluchaniuk

In accordance with this Court’s October 31, 2012 order (*see* ECF No. 39), the government respectfully submits this fourth brief statement describing the current status of the rulemaking process.

On March 21, 2012, the Department of Health and Human Services (“HHS”), the Department of Labor, and the Department of the Treasury published an Advance Notice of Proposed Rulemaking (“ANPRM”) soliciting comments on potential proposed amendments to the preventive services coverage regulations to establish alternative ways to fulfill the

requirements of section 2713 of the Public Health Service Act, 42 U.S.C. § 300gg-13(a)(4), and companion provisions under the Employee Retirement Income Security Act and the Internal Revenue Code, when non-grandfathered health coverage is sponsored or arranged by certain religious organizations that object to coverage of contraceptive services for religious reasons and that are not exempt from the contraceptive-coverage requirement under the final regulations published on February 15, 2012. 77 Fed. Reg. 16,501 (Mar. 21, 2012). The comment period closed on June 19, 2012. HHS, Labor, and Treasury received nearly 200,000 public comments on the ANPRM.

After considering the comments received on the ANPRM, HHS, Labor, and Treasury issued a Notice of Proposed Rulemaking on February 1, 2013. *See* <https://www.federalregister.gov/articles/2013/02/06/2013-02420/coverage-of-certain-preventive-services-under-affordable-care-act>. As explained in the government's prior brief statements, the NPRM provides a further opportunity for public comment. HHS, Labor, and Treasury intend to finalize amendments to the preventive services coverage regulations before August 1, 2013.

Dated: February 4, 2013

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on February 4, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Erin E. Mersino, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: NONE.

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