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Hawaii Attorney General Condemns Federal Proposals to Roll Back Critical Anti-Discrimination Protections for Patients and Students

HONOLULU – Hawaii Attorney General Clare E. Connors today joined two multistate comment letters, led by California, in opposition to federal proposals that roll back critical anti-discrimination protections for patients and students. Both of these proposals stem from President Trump's Executive Order that allows faith-based organizations to deny services. In the first proposal, the U.S. Department of Health and Human Services (HHS) would eliminate transparency requirements for faith-based providers that help patients understand their rights and access referrals to care from alternative providers. In the second, the U.S. Department of Education (ED) is vastly expanding the definition used to claim a religious exemption under Title IX of the Education Amendments Act of 1972 (Title IX). This would allow schools to discriminate on the basis of sex against students or faculty based on the moral beliefs and practices of administrators, even if those practices have no connection with a religion. Together, these federal proposals are part of the Trump Administration's ongoing assault on the rights of women, survivors of sexual harassment and violence, and LGBTQ individuals.

"The federal proposals arising from the President's executive order allow for unacceptable discrimination," said Attorney General Connors. "The Departments of Health and Human Services and Education are stepping backwards, and in doing so, they are placing vulnerable members of our community at risk of harm."

In the first comment letter, the coalition contends that HHS' proposal fails to safeguard the rights of women and LGBTQ individuals, who already disproportionately face barriers to care, particularly when it comes to obtaining accurate information about their healthcare and referrals. The receipt of accurate and impartial information from providers is vital to a patient's health, and could mean the difference between life and death. Under the proposal, faith-based providers will no longer be required to notify patients of their rights, including the right to a referral. For instance, removing notice and referral requirements will adversely impact women's ability to access critical reproductive care, including abortion. In fact, religiously-affiliated crisis pregnancy

centers, which have seen an uptick in federal funding, have been known to offer patients misleading information in an attempt to discourage them from obtaining an abortion or accessing contraception. In the comment letter, the coalition maintains that HHS' proposal is arbitrary and capricious because it fails to consider the evidence or adequately justify the proposed changes.

In the second comment letter, the coalition highlights how ED's proposal to expand religious exemptions under Title IX could give schools free rein to discriminate against students or faculty on the basis of sex, significantly harming people who have suffered discrimination, including sexual harassment and violence. Currently, Title IX contains a narrow religious exemption for educational institutions controlled by a religious organization. The proposal would allow more schools to discriminate on the basis of sex by broadening the criteria for institutions to claim a religious exemption such that even schools with a tenuous relationship with religion could claim exemption from Title IX requirements. As a result, under the proposal, a student could unlawfully face discrimination for using birth control, being pregnant or parenting a child out of marriage, or for being LGBTQ, simply because of the moral beliefs or practices of school administrators. Sexual harassment and violence survivors could also be denied the protections of Title IX by schools claiming to be exempt under the proposed rule. This kind of discrimination can needlessly and seriously disrupt students' academic trajectories and careers and has a detrimental long-term effect on the mental and physical health of students. The coalition also notes that the proposal is arbitrary and capricious because the federal government failed to provide any substantive reasoning that would justify this dramatic departure in policy, which is contrary to the goals of Title IX.

A copy of the HHS comment letter is available [here](#). In filing the letter, Attorney General Connors joins the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia.

A copy of the ED comment letter is available [here](#). In filing the letter, Attorney General Connors joins the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia.

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