



DEPARTMENT OF THE ATTORNEY GENERAL

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Hawaii Joins Coalition of Attorneys General to Stop Trump Administration Rule That Would Permit Discrimination in Healthcare

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 23 attorneys general in filing a motion for summary judgment in the U.S. District Court for the Southern District of New York asking for the Trump Administration’s discriminatory rule undermining Section 1557 of the Affordable Care Act (ACA) to be vacated and set aside. This provision in the ACA precludes discrimination on the basis of race, color, national origin, sex, disability, and age in federal healthcare programs. The rule issued by the Administration illegally rolls back these critical protections.

“The Trump Administration’s rule is illegal and will harm those who most need protections,” said Attorney General Connors. “This is a dangerously regressive rule that restricts access to health care. The potential damage to our communities is especially egregious in the midst of a pandemic.”

Section 1557 of the ACA is the first federal civil rights law to expressly prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in federal health programs.

In the motion, the coalition argues that the rule should be vacated in its entirety because:

- It is contrary to law, including ACA Section 1557;
- The States will bear new administrative, regulatory, investigative, enforcement, and healthcare burdens and costs because of it;
- The removal of the definition of “on the basis of sex” and weakened protections for language assistance services is arbitrary and capricious; and
- The rule’s addition of broad religious exemptions for abortion are arbitrary and capricious, contrary to law, and exceed statutory authority.

On April 30, 2020, Attorney General Becerra and Massachusetts Attorney General Maura Healey led a multistate coalition in [filing a comment letter](#) urging the U.S. Department of Health and Human Services (HHS) not to finalize its proposed regulation which sought to undermine Section 1557's critical anti-discrimination protections for marginalized populations including the LGBTQ community, women, communities of color, and individuals with disabilities. In July, the coalition, led by Attorney General Becerra, Massachusetts Attorney General Maura Healey and New York Attorney General Letitia James [filed a lawsuit challenging the Trump Administration's final rule](#). Federal judges out of the U.S. District Court for the Eastern District of New York and the District of Columbia have recently blocked HHS from enforcing portions of the rule in cases filed by private litigants.

In today's filing – led by California Attorney General Xavier Becerra, Massachusetts Attorney General Maura Healey, and New York Attorney General Letitia James – Attorney General Connors is joined by the attorneys general of Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia.

A copy of the motion is available [here](#).

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