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ATTORNEY GENERAL RAOUL ACTS TO PROTECT FUNDING FOR WOMEN'S HEALTH AND REPRODUCTIVE CARE

Raoul, Coalition File Amicus Brief to Support Rule that Allows More Providers to Receive Title X Family Planning Grants

Chicago — Attorney General Kwame Raoul, as part of a coalition of 24 attorneys general, today filed an amicus brief opposing efforts to halt implementation of the new Title X rule promulgated in 2021 by the U.S. Department of Health and Human Services (HHS). As the amicus brief explains, Attorney General Raoul supports the 2021 rule because it removes harmful restrictions put in place by the previous administration and will allow Title X funds to be distributed to a greater number of family planning and related preventive health service providers. These providers serve millions of low-income or uninsured individuals, and halting implementation of the new rule would unnecessarily and unfairly delay access to Title X grant money to otherwise qualified providers.

Title X is the only federal grant program that funds family planning and counseling programs to help patients access contraception, as well as breast and cervical cancer screenings, screenings and treatments for sexually transmitted infections, and other related health services.

"Title X funding provides critical support to family planning and counseling programs that serve those who have the most need, particularly low-income residents, people with disabilities, LGBTQ individuals, minority communities and rural communities," Raoul said. "I will continue advocating for vital federal funding that ensures all Illinois families have access to the health care services they need."

[The brief](#) – filed in the U.S. District Court for the Southern District of Ohio – supports the 2021 HHS rule that broadens the scope of federal grants under Title X by eliminating the harmful provisions of the 2019 rule, also known as the "gag rule." The 2019 rule imposed onerous requirements for physical separation between abortion and non-abortion services at clinics that provided abortion services, and prohibited clinicians from providing referrals to abortion providers, even when directly requested by the patient. By contrast, under HHS's 2021 rule, Title X funds once again can go to clinics that do not physically separate non-abortion and abortion services and that provide referrals to abortion providers at a patient's request. The brief filed today by Raoul and the coalition asks the court to reject the plaintiff states' request that the court enjoin the 2021 rule.

Raoul and the coalition argue that the plaintiffs' proposed injunction would put patients and providers in harm's way by returning to the 2019 rule, which forced many providers to exit the Title X program and caused a substantial decrease in patient visits and health care services provided. Those in underserved communities were especially impacted by the loss of essential care, particularly low-income individuals, minorities, LGBTQ individuals, individuals living with disabilities, minors and those living in rural areas.

The 2021 HHS rule allows lost providers to reenter the Title X program. The new rule also improves client outcomes by providing greater access to a wider range of health care services and promotes health equity by emphasizing efforts to reach underserved communities.

Today's amicus brief is part of Attorney General Raoul's ongoing advocacy to protect Title X funding. In March 2019, Raoul and a coalition of attorneys general challenged the 2019 Title X family planning, or "gag," rule. After the U.S. Court of Appeals for the 9th Circuit upheld the gag rule, Raoul and the coalition

filed a petition asking the U.S. Supreme Court to hear the case. In May 2020, Raoul and another coalition of attorneys general filed an amicus brief in a separate lawsuit brought by the city of Baltimore opposing the 2019 Title X gag rule. The U.S. Court of Appeals for the 4th Circuit struck down the rule – enjoining it in Maryland while it remained in place across the rest of the nation – after which the federal government filed its own petition asking the U.S. Supreme Court to hear the case. In March 2021, the coalitions in both cases joined with the Biden-Harris administration to ask the Supreme Court to dismiss both cases while HHS acted simultaneously to rescind and replace the rule. In May 2021, the Supreme Court entered an order dismissing both cases and denying efforts by additional parties to step in and defend the gag rule.

Joining Raoul in filing today's brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin.