



ATTORNEY GENERAL GEORGE JEPSEN

STATES WITHDRAW FEDERAL CHALLENGE; NEW RULE PROTECTS WOMEN'S ACCESS TO HEALTH SERVICES

For Immediate Release

FRIDAY MARCH 4, 2011

HARTFORD – Obama administration changes have prompted Connecticut and seven other states to voluntarily dismiss a federal court challenge to 2008 regulations that jeopardized women's access to reproductive health services, Attorney General George Jepsen said Friday.

A notice to voluntarily dismiss their action without prejudice was filed in U.S. District Court in Hartford by the Attorneys General for Connecticut, Massachusetts, New Jersey, Rhode Island, Illinois, California, Oregon and New York.

The states determined that prosecution of the lawsuit was no longer necessary because the Obama administration issued a new rule that rescinded objectionable parts of a regulation that had been issued in 2008 in the final weeks of the Bush administration.

The lawsuit sought to block the enforcement of the "midnight" regulation because it jeopardized women's access to vital medical services, including emergency contraception. It also threatened Connecticut's eligibility for billions of dollars in federal funding if health care providers continued to follow state law requiring them to give women information about and access to reproductive health services, particularly emergency contraception.

"The Obama administration has accomplished by regulation, what we sought to do in the court – protect access to essential health care services and federal funding without undermining the rights of health-care providers on conscience issues," Jepsen said.

Health-care providers in Connecticut are protected by long-standing and unchanged federal and state laws that allow them to decline to participate in health care services they find objectionable on religious or moral grounds. The new rule simply rescinds the portions of the midnight regulations that were unclear or overly broad in scope.

Connecticut sued in U.S. District Court in Hartford in January 2009, challenging the regulation and seeking to block its enforcement. It was joined by seven other states in the action. Connecticut later led a group of 16 states in submitting comments to the U.S. Department of Health and Human Services, seeking rescission of the midnight regulation.

Assistant Attorney General Maura Murphy Osborne and Special Counsel Robert W. Clark represented Jepsen in this case.

-END-

CONTACT: *Susan E. Kinsman*, susan.kinsman@ct.gov; 860-808-5324; 860-478-9581 (cell)