



Josh Kaul
Wisconsin Attorney General

P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

April 2, 2019

**Federal Court Grants Wisconsin’s Withdrawal from Case Challenging
Prohibition of Discrimination under Affordable Care Act**

MADISON, Wis. – Attorney General Josh Kaul today announced the federal district court for the Northern District of Texas dismissed the State of Wisconsin from *Franciscan Alliance, Inc., et al. v. Price, et al.*, a case challenging the U.S. Department of Health and Human Services’ ability to prohibit discrimination in health care on the basis of “gender identity” and “termination of pregnancy.”

“The State of Wisconsin should not have been involved in this lawsuit, and I am glad to be able to announce that we no longer are,” said Attorney General Kaul.

In *Franciscan Alliance, Inc., et al. v. Price, et al.*, 16-cv-00108-O (N.D. Tex.), the State of Wisconsin was one of several plaintiff states challenging a U.S. Dept. of Health and Human Services rule—45 C.F.R. § 92.4—that defines the phrase “on the basis of sex” in the Affordable Care Act’s prohibition on discrimination in health care to include “gender identity” and “termination of pregnancy.” The federal district court for the Northern District of Texas issued a nationwide preliminary injunction preventing enforcement of this rule on December 31, 2016. An appeal of that injunction was then filed with the Fifth Circuit Court of Appeals.

Recently, the Wisconsin Department of Justice filed motions to dismiss the State of Wisconsin from the district court action and from the appeal. On March 29, 2019, the Fifth Circuit dismissed the State of Wisconsin from the appeal. On April 2, 2019, the district court dismissed the State of Wisconsin from the civil action.

As a result, the State of Wisconsin is no longer involved in federal litigation challenging this Affordable Care Act rule that prohibits discrimination in health care on the basis of “gender identity” and “termination of pregnancy.”