NC Attorney General Josh Stein Condemns New Federal Attack on LGBTQ Rights

North Carolina Attorney General Josh Stein today condemned the federal government’s latest effort to undermine the health care rights of LGBTQ individuals and families. Under a new federal proposal, the U.S. Department of Health and Human Services (HHS) is attempting to eliminate explicit protections for “gender identity or sexual orientation” in federal grant regulations.

“These protections are vital to ensuring safe, equal treatment for North Carolina’s residents,” said Attorney General Josh Stein. “Eliminating these protections puts LGBTQ individuals – especially children – at greater risk for suffering discrimination and for receiving inadequate care. That’s unacceptable – the federal government needs to stop degrading public health protections.”

The proposal would apply to a broad range of HHS grant programs, including maternal and child health programs, federally funded health maintenance programs, Head Start programs, and mental health and substance abuse grants. The coalition of attorneys general notes that this proposal is arbitrary and capricious and that the agency failed to provide any adequate explanation for its reasoning.

This proposal marks only the latest step the federal government has taken to deny LGBTQ rights, youth, and families access to care and critical social services. LGBTQ families who foster and adopt children are among the most likely to be harmed by potentially being excluded from participation in federally funded child-placing programs and from caring for vulnerable children. There are an estimated 257,900 LGBTQ families in America who are raising children. This proposal would eliminate 20 percent of youth in foster care identified as LGBTQ, as compared to an estimated 8.3 percent in the general population.

Additionally, the Trump administration is moving the goalposts on defining who is eligible for anti-discrimination protections under federal statutes. For instance, the Trump administration’s position on transgender issues has been that trans women are not women and trans men are not men. This position is discriminatory and violates Title VII of the Civil Rights Act by arguing before the U.S. Supreme Court that the law does not protect against discrimination based on sexual orientation or transgender status.

Attorney General Stein is joined in submitting the comment letter by the Attorneys General of California, Massachusetts, Pennsylvania, Colorado, Delaware, and Hawaii, as well as the Attorney General of the District of Columbia. A copy of the comment letter can be found at https://www.ncattorneysgeneral.org/resources.