



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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STATEMENT ON TITLE X “GAG RULE” COURT DECISION

Today, the United States Court of Appeals for the Fourth Circuit [affirmed](#) a district court’s decision blocking the Department of Health and Human Services’ Title X ‘Gag Rule’ in Maryland. The rule imposes detrimental restrictions on the federal Title X program, which funds free or low-cost reproductive health services for millions of women each year. Under the restrictions, funded family planning service providers are prohibited from referring clients for abortion, and Title X facilities are required to be physically separate from facilities that provide abortion services.

Among the reasons the Fourth Circuit gave for affirming the district court’s injunction was HHS’s failure to analyze the costs of the rule, which was the focus of two [amicus briefs](#) filed by the Institute for Policy Integrity at New York University School of Law. Our brief argued that “the Rule’s estimates were seemingly derived from thin air, in stark contrast to those best practices.” The court agreed, writing, “For all we can tell, this number was pulled from thin air.”

Bethany Davis Noll, Litigation Director at the Institute for Policy Integrity, has released the following statement on the decision:

“The Trump administration’s changes to the Title X program are causing serious harms to both patients and healthcare providers. Title X grantees like Planned Parenthood serve as the sole healthcare provider for many women. In causing clinic closures and reduced services, HHS’s rule deprives low-income women of a wide range of services beyond contraceptive access. The Fourth Circuit’s decision confirms that HHS had no excuse for ignoring these harms.”

The Institute for Policy Integrity at NYU School of Law [filed two briefs in the Fourth Circuit case](#). Our filings are cited by the court, along with many other amicus briefs filed in opposition to the rule. Additionally, in a separate challenge to the rule, Policy Integrity [filed briefs in several district courts and the Ninth Circuit](#). The Ninth Circuit denied an injunction of the rule and as such the rule is in force everywhere except Maryland.

Policy Integrity also [submitted public comments](#) detailing HHS’s failure to provide a complete and accurate assessment of the rule’s costs and benefits.

Please let me know if you'd like to speak with one of our attorneys about the ruling or related issues.

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[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts, legislatures, and executive agencies.