



September 11, 2017

Via E-Mail and U.S. Mail: OCRCComplaint@hhs.gov

Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, DC 20201

Re: Complaint of Discrimination in Violation of Federal Statutes

Dear Sir or Madam:

Alliance Defending Freedom represents Calvary Chapel Pearl Harbor, d/b/a/ A Place for Women in Waipio, a pro-life pregnancy center which provides medical services under the supervision of a medical director, and which has been subjected to unlawful discrimination by the state of Hawaii. Hawaii is subject to the Church Amendments (42 U.S.C. § 300a-7), the Public Health Service (PHS) Act (§ 245 (42 U.S.C. § 238n)), and/or the Weldon Amendment (Continuing Appropriations Resolution, Pub. L. No. 113-164, Sec. 101(a) (Sept. 19, 2015)) by virtue of its status as a recipient of federal funding.

A Place for Women in Waipio provides medical and other services in conformance with its religious convictions that all human life should be respected in all stages of life, included life within the womb. These convictions prohibit A Place for Women in Waipio from performing, assisting in, referring for, or participating in any way with abortion or abortion-causing drugs. The rights of A Place for Women in Waipio to offer medical assistance to women in need without compromising their religious convictions relating to abortion or abortion-causing drugs are protected by the First Amendment to the United States Constitution and the Constitution of the State of Hawaii, in addition to the federal conscience laws named above.

Pursuant to Hawaii Act 200, signed into law by Governor David Ige on July 11, 2017, “limited service pregnancy centers” must post a written notice stating that “Hawaii has public programs that provide immediate free or low-cost access to comprehensive family planning services, including, but not limited to, all FDA-approved methods of contraception and pregnancy-related services for eligible women. To apply online for medical insurance coverage, that will cover the full range of family planning and prenatal care services, go to mybenefits.hawaii.gov. Only ultrasounds performed by qualified healthcare professionals and read by licensed clinicians should be considered medically

accurate.” Act 200 § 2(b). The notice must state “the internet address for online medical assistance applications and the statewide phone number for medical assistance applications.” *Id.* The notice must be disclosed in “at least one of the following ways”:

- (1) A public notice on a sign sized at least eight and one-half inches by eleven inches. written in no less than twenty-two point type, and posted in a clear and conspicuous place within the center's waiting area so that it may be easily read by individuals seeking services from the center; or
- (2) A printed or digital notice written or rendered in no less than fourteen point type that is distributed individually to each patient or client at the time of check-in for services; provided that a printed notice shall be available to all individuals who cannot or do not wish to receive the notice in a digital format

Id.

Because Act 200 violates its right to practice medicine according to their conscience and religious beliefs, A Place for Women in Waipio and others brought suit in the United States District Court for the District of Hawaii. The attached Complaint, *Calvary Chapel Pearl Harbor v. Chin*, No. 1:17-cv-00326-DKW-KSC (filed July 12, 2017) (attached as Exhibit A), contains the factual and legal descriptions of this violation of our clients’ rights. The Plaintiffs have also filed a Motion for a Preliminary Injunction, which is currently set to be heard by the Court on September 22, 2017.

Please promptly inform us of the actions your office plans to take regarding this violation. Thank you for your attention to this matter.

Sincerely yours,

/s/ Elissa Graves
Elissa Graves, Esq.

cc: Kevin Theriot, Esq., Senior Counsel, Alliance Defending Freedom
Clients