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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 **THE STATE OF CALIFORNIA; THE**
13 **STATE OF DELAWARE; THE STATE OF**
14 **MARYLAND; THE STATE OF NEW**
15 **YORK; THE COMMONWEALTH OF**
16 **VIRGINIA,**

17 Plaintiffs,

18 v.

19 **ALEX M. AZAR, II, IN HIS OFFICIAL**
20 **CAPACITY AS SECRETARY OF THE U.S.**
21 **DEPARTMENT OF HEALTH & HUMAN**
22 **SERVICES; U.S. DEPARTMENT OF**
23 **HEALTH AND HUMAN SERVICES; R.**
24 **ALEXANDER ACOSTA, IN HIS OFFICIAL**
25 **CAPACITY AS SECRETARY OF THE U.S.**
26 **DEPARTMENT OF LABOR; U.S.**
27 **DEPARTMENT OF LABOR; STEVEN**
28 **MNUCHIN, IN HIS OFFICIAL CAPACITY AS**
SECRETARY OF THE U.S. DEPARTMENT OF
THE TREASURY; U.S. DEPARTMENT OF
THE TREASURY; DOES 1-100,

Defendants,

and,

29 **THE LITTLE SISTERS OF THE POOR,**
30 **JEANNE JUGAN RESIDENCE; MARCH**
31 **FOR LIFE EDUCATION AND DEFENSE**
32 **FUND,**

Defendant-Intervenors.

4:17-cv-05783-HSG

DECLARATION OF BRUCE S.
ANDERSON, Ph.D.

1 I, BRUCE S. ANDERSON, declare:

2 1. I declare under penalty of perjury that the foregoing is true and correct and of my own
3 personal knowledge.

4 2. I am the Director of the Hawaii State Department of Health (“HDOH”).

5 3. The HDOH administers the State’s Title X family planning grant and related
6 reproductive and women’s health programs. The Title X grant helps to fund approximately 58%
7 of Hawaii’s family planning services. In 2016, Title X grant funding provided approximately
8 16,000 women and men comprehensive family planning and related preventive health services,
9 including contraceptive services and client centered education, counseling and referrals. These
10 services are provided on six islands (Kauai, Oahu, Molokai, Maui, Lanai, and Hawaii) through 12
11 contracts at 30 services sites. These sites include, but are not limited to eight Federally Qualified
12 Health Centers in medically underserved rural areas, three academic settings on Kauai, Maui and
13 Hawaii Islands, and one hospital-based setting on Molokai Island. In almost all of the rural and
14 medically underserved areas of our state, these clinics are the only source for low-cost family
15 planning services.

16 4. The State of Hawaii has a law that that mandates employer group accident and health
17 or sickness plans to provide contraceptive services or supplies. Unlike the federal law (Public
18 Health Service Act 2713), Hawaii law permits an insurer to collect copayments on contraceptive
19 supplies so long as they are not unusual. Hawaii law provides that coverage shall include
20 reimbursement to a health care provider or dispensing entity for prescription contraceptive
21 supplies intended to last up to a twelve-month period for an insured and that coverage of
22 contraceptive services shall extend to any dependent of the subscriber who is covered under the
23 policy. The State of Hawaii law does not cover women and covered dependents who have
24 coverage through an employer that uses a self-insured plan. As a result of these rules, women
25 will either: (a) utilize and seek coverage through HDOH’s Title X family planning program
26 resulting in increased enrollment or (b) they will forgo coverage and experience an unintended
27 pregnancy. In both scenarios, the State will suffer increased costs.

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Executed on December 18, 2018, in HONOLULU, HAWAII.



Bruce S. Anderson, Ph.D.
Director
Hawaii State Department of Health