



# Jonathan Skrmetti Attorney General & Reporter

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## ATTORNEY GENERAL SKRMETTI'S STATEMENT ON PROPOSED HHS HIPAA PRIVACY RULE

**Nashville** – In response to public interest in a recent comment letter Attorney General Jonathan Skrmetti joined related to a rule proposed by the U.S. Department of Health and Human Services (“HHS”), General Skrmetti issues this statement:

“In June, I joined eighteen other state AGs in opposing rulemaking by the U.S. Department of Health and Human Services. I did so because the proposed rule is a hastily-assembled mess that is bad for Tennessee and bad for America.

Some confused commentators have equated my opposition to this rule with asserting a right to prosecute women who go out of state for abortions. This is simply not true: Tennessee’s abortion law does not apply to women who seek abortions, I have no enforcement authority with respect to Tennessee’s abortion law, and I am the attorney general of Tennessee and not some other state.

The proposed rule illegally exceeds the scope of HHS’s statutory authority. Major changes to the law require legislation, not bureaucratic decrees. Further, the proposed rule unconstitutionally interferes with state enforcement of state laws. The proposed rule plays politics with healthcare data privacy at the expense of consistency and coherence.

We get it: the administration does not like any limits on abortion. But the Constitution gives states, not the federal government, the authority to regulate abortion. Members of the administration are free to engage in persuasion and politicking on their own time to try to change state laws. They cannot abuse the powers of the federal government to usurp the lawful authority of the people of the states. We have enough problems to address at the federal level without illegitimately dragging state-level problems into the mix.

The proposed rule is bad for Tennessee and bad for America, and I will continue to oppose it.”

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