

November 9, 2020

ATTORNEY GENERAL RAOUL ISSUES STATEMENT IN DEFENSE OF THE AFFORDABLE CARE ACT

Raoul, 20 States and the District of Columbia Will Defend the ACA in the U.S. Supreme Court on Nov. 10

Chicago — Attorney General Kwame Raoul today issued the following statement ahead of tomorrow’s oral arguments before the United States Supreme Court in the Affordable Care Act (ACA) repeal case, *California v. Texas*. Raoul, along with 20 states and the District of Columbia, are defending the ACA, including the law’s protections for people with preexisting conditions, public health investments, and Medicaid expansion.

“The COVID-19 pandemic has magnified the inequity in our nation’s health care system and reinforced the critical need for all Americans to have access to quality health care coverage,” Raoul said. “Invalidating the Affordable Care Act will risk the health care of millions of Americans, including hundreds of thousands of Illinois residents and many individuals with preexisting conditions, at a time when access health care coverage is more important than ever. As a cancer and COVID-19 survivor, I appreciate the need to protect individuals who have preexisting conditions, and I will continue to fight to protect the Affordable Care Act and the health and safety of all Illinois residents.”

Raoul and the coalition argue that every American could be affected if the ACA is invalidated. In particular, the following benefits are at stake:

- Health care for the 20 million Americans who are able to afford insurance either through Medicaid expansion or thanks to tax credits and employer-sponsored plans through health care exchanges.
- Guaranteed coverage for the 133 million Americans, including 17 million children, who have a preexisting health condition and benefit from the law’s protection against discrimination and higher costs based on health status.
- Health care for young adults under the age of 26 covered by a parent’s plan.
- Families of children with chronic health conditions who are currently protected from lifetime insurance limits.
- Funding for our nation’s public health system, including investments in local and state public health systems that help during the pandemic, FDA biosimilars which power drug costs, and more including Medicare payment reforms, Indian health services, and work to fight the opioid epidemic.

In 2018, a Texas-led coalition, supported by the federal government filed suit arguing that Congress rendered the ACA’s individual mandate unconstitutional when it reduced the penalty to \$0, and that the rest of the ACA should be held invalid as a result of that change. Raoul and a coalition of 20 attorneys general defended the ACA in its entirety. The 5th Circuit held that the individual mandate is unconstitutional, but declined to further rule on the validity of the ACA’s remaining provisions. The court instead sent the case back to the Northern District of Texas to determine which provisions of the 900-page law are still valid. In January, Attorney General Raoul joined the coalition in filing a petition to the U.S. Supreme Court seeking review of the 5th Circuit’s decision. The Supreme Court granted review in March.

Joining Raoul in his defense of the ACA are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Massachusetts, Michigan, Minnesota (by and through its Department of Commerce), Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington, as well as the governor of Kentucky.