

## ATTORNEY GENERAL XAVIER BECERRA DEFENDS ACCESS TO AFFORDABLE HEALTHCARE

*Attorney General Becerra, leading a coalition of 14 states and the District of Columbia, filed a motion to intervene in Texas et al. v. United States et al. to defend access to affordable coverage by defending the Affordable Care Act (ACA). Texas's lawsuit seeks to have the ACA and all related rules and regulations deemed unconstitutional and stopped immediately.*

At the end of February, Texas, Wisconsin, and 18 states sued the federal government to overturn the ACA, requesting a permanent injunction halting its implementation, regulation, and enforcement. The *Tax Cuts and Jobs Act*, passed in December 2017, set the penalty for going without insurance to \$0, but did not eliminate the requirement under the ACA. The plaintiffs claim that a penalty of \$0 does not count as a tax and is therefore unconstitutional under the 2012 Supreme Court decision in *National Federation of Independent Businesses v. Sebelius*, which upheld the law as a tax. Plaintiffs demand that the ACA be struck down – eight years after its enactment – which would have serious consequences for families, providers, insurers, businesses, and States all across the country, completely disrupting healthcare.

Attorney General Becerra and 15 other Attorneys General (Connecticut, Delaware, Hawaii, Illinois, Kentucky, Massachusetts, North Carolina, New Jersey, New York, Oregon, Rhode Island, Virginia, Vermont, Washington, and the District of Columbia) have moved to intervene in the lawsuit in order to defend the ACA and the benefits it has afforded to the residents of their states. The Attorneys General argue that Texas' lawsuit is legally insufficient and would cause total chaos in the healthcare market. The lawsuit once again attempts to repeal the ACA with no replace bill, using legal system:

The ACA **has not been repealed** and its constitutionality has been **upheld by the Supreme Court**.

- The ACA has survived about 70 unsuccessful repeal attempts since it was passed in 2010.
- In *National Federation of Independent Businesses v. Sebelius*, the Supreme Court ruled that the individual mandate is constitutional. No significant alteration of the law has occurred since.

Striking down the ACA would cause **immediate and irreparable harm** to the state of California and its residents.

- Health insurance reforms under the ACA have had **success in improving coverage**.
  - Over 11.8 million low-income individuals receive coverage through Medicaid in the 32 states plus the District of Columbia that have expanded access. This number includes 3.7 million individuals in California.
  - 10.3 million people obtain health insurance through ACA marketplaces such as Covered California, and 84 percent receive federal tax credits to help them afford coverage.
- The ACA's health care improvements have **benefited millions of people**.
  - Exclusions for individuals with pre-existing conditions and annual and lifetime coverage limits have been barred.
  - The ACA eliminated co-pays for critical preventive services.
  - Benefits for mental health and substance use disorders have been strengthened.
- The intervening states have received over **half a trillion dollars in federal funding** to provide health care for their residents, including \$160.2 billion for California alone.
  - California's funding has included \$318 million for preventive services, including immunizations and tobacco cessation.
  - In the period 2019-2028, California would lose \$61.1 billion in funding for the Covered California marketplace and \$99.1 billion in Medicaid spending.