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For Immediate Release
January 3, 2019

News Release 2020-01

Hawaii Attorney General Joins Coalition Seeking Supreme Court Review of ACA Repeal Case

HONOLULU – Hawaii Attorney General Clare E. Connors today, joined a California-led coalition of 20 states and D.C., in filing a petition to the U.S. Supreme Court seeking review of the Fifth Circuit’s recent decision in *Texas v. U.S.* The decision held the individual mandate of the Affordable Care Act (ACA) unconstitutional and called into question whether the remaining provisions of the ACA could still stand, including those that protect and provide coverage to Americans with pre-existing conditions. Because this decision causes uncertainty that may harm the health of millions of Americans, as well as doctors, clinics, patients, and the healthcare market, Attorney General Connors and the coalition are petitioning the Supreme Court to take up the case and resolve it before the end of the Court’s current term in June.

“The Affordable Care Act is a vitally important program safeguarding the health of millions of Americans,” said Attorney General Connors. “Given the uncertainty created by lower court decisions, Supreme Court review is necessary to provide clarity about the law’s constitutionality.”

The lawsuit was originally filed by a Texas-led coalition, and supported by the Trump Administration, which argued that Congress rendered the ACA’s individual mandate unconstitutional when it reduced the penalty to \$0. They further argued that the rest of the ACA should be held invalid as a result of that change. California’s coalition defended the ACA in its entirety, supported by a bipartisan group of amici including scholars, economists, public health experts, hospital and provider associations, patient groups, counties, cities, and more. The Fifth 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.

Today’s filing by the coalition states makes clear that patients, doctors, hospitals, employers, states, pharmaceutical companies and more will be impacted by the looming

uncertainty of the Fifth Circuit's decision. It asks the Supreme Court to review the case this term. It also highlights important advancements in healthcare access made under the ACA, including:

- More than 12 million Americans receiving coverage through Medicaid expansion;
- Nearly 9 million individuals nationwide receiving tax credits to help afford health insurance coverage through individual marketplaces;
- Millions of working families relying on high-quality employer-sponsored insurance plans;
- Important protections prohibiting insurers from denying health insurance to the 133 million Americans with pre-existing conditions (like diabetes, cancer, or pregnancy) or from charging individuals higher premiums because of their health status; and
- Nearly \$1.3 trillion in federal funding being dedicated to keeping Americans healthy and covered, including Medicaid expansion and public health dollars.

Joining Attorney General Connors in today's filing are the Attorneys General of California, Colorado, Connecticut, Delaware, Illinois, 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, and the District of Columbia, as well as the Governor of Kentucky.

A copy of the petition can be found [here](#).

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