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Hawaii Attorney General Joins Coalition of 20 States and the District of Columbia Defending the ACA in U.S. Supreme Court

HONOLULU – Hawaii Attorney General Clare E. Connors, today joined a coalition led by California Attorney General Becerra, in filing a [brief](#) in the U.S. Supreme Court to defend the Affordable Care Act (ACA) against efforts by the Trump Administration and the state of Texas to repeal the entire ACA, putting the healthcare of tens of millions of Americans at risk. The Court agreed to review a recent Fifth Circuit decision that held the ACA’s individual mandate unconstitutional and called into question whether the remaining provisions of the law could still stand—jeopardizing Medicaid expansion, critical public health programs to help fight COVID-19, and subsidies that help working families access care, among countless other programs. Critically, this decision threatens healthcare coverage protections for 133 million Americans with pre-existing conditions and would allow health insurance companies to deny individuals care or charge more based on their health status.

“Neither the individual mandate nor the ACA as a whole is unconstitutional,” said Attorney General Connors. “In fact, the ACA is more important now, as the current global health care crisis highlights the need for a functioning system that provides healthcare access to our community.”

The lawsuit, originally filed by a Texas-led coalition, and later supported by the Trump Administration, argued that Congress rendered the ACA’s individual mandate unconstitutional when it reduced the penalty for forgoing coverage 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](#). While the Fifth Circuit held that the individual mandate is unconstitutional, it sidestepped the further question as to the validity of the ACA’s remaining provisions. Attorney General Connors joined California’s coalition in petitioning the Supreme Court for review in order to protect Americans’ healthcare and resolve the uncertainty created by the Fifth Circuit decision.

In today's filing, the coalition makes clear that patients, doctors, hospitals, employers, workers, states, pharmaceutical companies and more will be negatively impacted if the ACA should fall. The brief 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.

In defending the ACA, Attorney General Connors joined 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, Washington, and the District of Columbia, as well as the Governor of Kentucky.

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