

Supreme Court Challenge to the Affordable Care Act Slated for October

By Grace Tepley J.D. Candidate 2022 | March 5, 2020

Earlier this week the Supreme Court granted certiorari to hear the latest case aimed at thwarting the Affordable Care Act (ACA). The case, *California v. Texas*, challenges the constitutionality of the entire ACA based on the viability of the individual insurance mandate, [a central part of the act](#). The foundation for the individual mandate, which functions as a tax on those who do not purchase health insurance, is rooted in Congress' taxation power. However, in 2017, [Congress passed legislation](#) that reduced the individual mandate to zero dollars, seemingly disabling its function as a tax. Without this taxation authority, Texas now argues that the ACA is unconstitutional as a whole.

The 5th Circuit majority affirmed the federal district court ruling that the individual mandate is unconstitutional, but failed to specify if other key provisions would be dismantled by this decision (notably the popular [protections for those with preexisting conditions](#)). Meanwhile, the dissenting judges expressed their view that the ACA did not require the individual mandate to survive this challenge.

Upon review, the Supreme Court will likely address the issue of severability - whether the individual mandate can be excised from the ACA, leaving the remaining provisions intact, or if the individual mandate is so integral to the act that the rest of it must fail if the individual mandate does. Thus, the Court could rule one of three ways after [hearing this case in October](#): it could invalidate the entire ACA as unconstitutional, invalidate only the individual mandate while upholding the remainder of the act, or it could overrule the 5th Circuit's decision and declare the individual mandate constitutional, preserving the entire act.

The implications of this decision will have a sweeping effect on the landscape of the American healthcare system. While the total elimination of the ACA may be welcomed by the current administration, the act is [at its all-time highest rating](#), with 55% of the public supporting the law. Given the uncertainty this lawsuit presents about the future of the healthcare system, it is likely to stoke political discourse as the nation prepares to vote in the upcoming presidential election.

