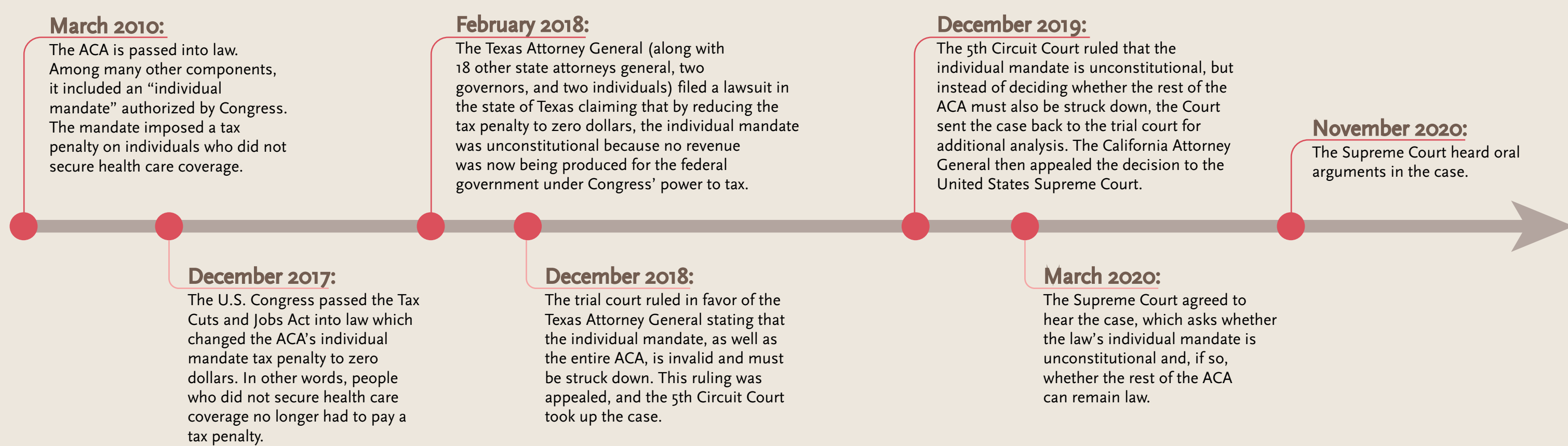


The Affordable Care Act and the Supreme Court



In 2010, the Patient Protection and Affordable Care Act (ACA), also referred to as ObamaCare, was passed into law. Although we have seen multiple attempts to repeal the law, the ACA has remained in place for nearly ten years and 20 million people have gained insurance as a result. Yet, on November 10, 2020, the United States Supreme Court heard arguments in *California v. Texas*, a legal challenge that seeks to strike down the ACA.

Building up to the Supreme Court Case



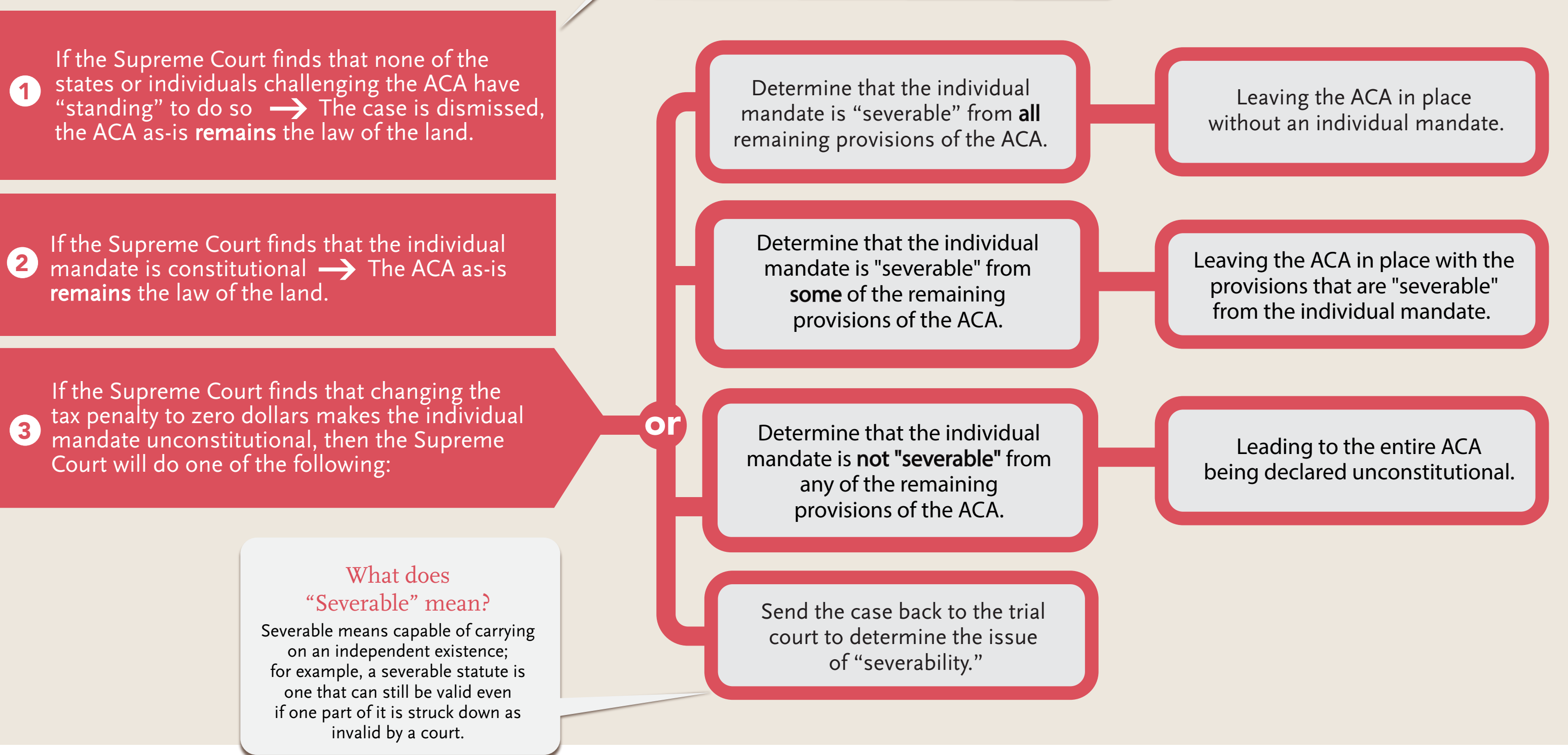
The Supreme Court is Considering 3 Major Questions

- 1** Do the states (and two individuals) challenging the ACA have "standing" to bring the case? In other words, have they been negatively affected by the law, which is a requirement to bring an action in court? "Standing" ensures that federal courts are deciding actual cases or controversies as required by the U.S. Constitution.
- 2** Is the individual mandate in the ACA unconstitutional now that the tax penalty has been set to zero dollars in the 2017 Tax Cuts and Jobs Act?
- 3** If the individual mandate is ruled unconstitutional: Is the entire ACA unconstitutional? **or** Is the individual mandate able to be "severed" (separated) from other parts of the ACA so that some or all of the law can remain in place without it? In other words, is the individual mandate essential to make other parts of the ACA valid?

Possible Outcomes

There are several potential outcomes of the case, each with their own implications.

What is "Standing?"
Standing is a requirement that the plaintiffs have been injured or been threatened with injury by government action complained of, and focuses on the question of whether the litigant is the proper party to fight the lawsuit, not whether the issue itself is justiciable.



Timeline for the Supreme Court's Decision

The Supreme Court's decision will likely be announced to the public sometime between **March and June 2021**.

If the Court decides that none of the parties challenging the ACA have "standing" to do so, a decision could be announced much sooner.

What Comes Next

While the ACA remains the law of the land for now, it is important for all people, including cancer patients, survivors, and their loved ones, to understand the potential implications and what this case could mean for them. If the Supreme Court finds that the entire ACA is unconstitutional, it could have serious implications for access to care, removing many essential patient protections that cancer patients and survivors depend on.

Congress also has the ability to pass legislation that could change the course of the lawsuit against the ACA, effectively ending the case.

For up-to-date information on the future of the ACA and other policy issues that may impact cancer patients, sign up for our grassroots network.

www.cancersupportcommunity.org/become-advocate

