



News Release

Office of the Attorney General

FOR IMMEDIATE RELEASE

February 26, 2018

#18-06

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Attorney General Asks the Affordable Care Act Be Held Unconstitutional

Attorney General Herbert H. Slatery III has joined a coalition of 20 States asking a federal district court in Texas to hold the Affordable Care (ACA) unconstitutional and to enjoin the entire law.

“The lawsuit filed today explains that in 2012 in *NFIB v. Sebelius* the U.S. Supreme Court narrowly upheld the core provision of the ACA—the individual mandate—because the Court viewed ACA’s penalty for not complying with the individual mandate as a ‘tax.’ But now, with the recent passage of its tax reform package—the Tax Cuts and Jobs Act of 2017—Congress has repealed this tax, while leaving the mandate in place. Since the Supreme Court has already held that Congress has no authority to impose the individual mandate on Americans without invoking its taxing authority, the repeal of the tax renders the individual mandate unconstitutional. And, since the ACA is dependent on the individual mandate, the ACA itself is now unconstitutional,” said Attorney General Slatery.

The coalition’s complaint was filed in federal district court in Texas. In addition to Tennessee, other states participating are Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Texas, Utah, West Virginia and Wisconsin.

Complaint: <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2018/pr18-06-complaint.pdf>

