

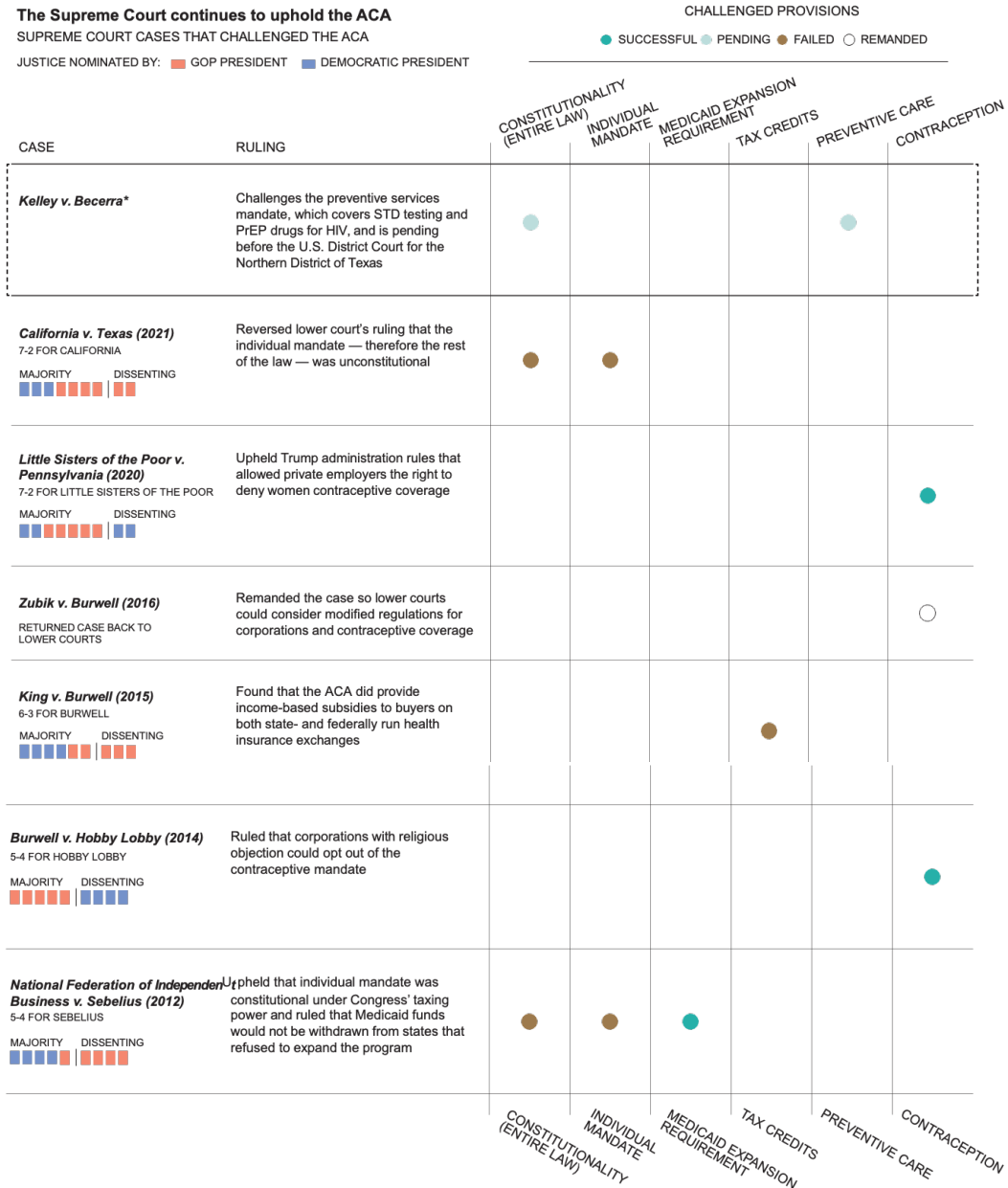


March 3, 2022

New challenge to the ACA threatens preventive care

A Texas lawsuit challenging the Affordable Care Act and its preventive care mandates — which cover services such as STD testing and contraception — is awaiting a ruling by U.S. District Judge Reed O'Connor. O'Connor, who was appointed by President George W. Bush in 2007, ruled that the ACA should be repealed in its entirety in the landmark *California v. Texas* case that made its way to the Supreme Court last year and was ultimately overturned. In the coming months, he will take on the latest challenge to the ACA: *Kelley v. Becerra*.

The plaintiffs in *Kelley* rely on two main arguments. First, they claim that the advisers who determine what services the ACA covers are not “officers of the United States.” Because they are not appointed by the president and confirmed by the Senate, the challengers say the officials lack the authority to make decisions. Second, the plaintiffs argue that certain services covered in the preventive care mandate, such as HIV prevention medication PrEP, violate the Religious Freedom Restoration Act.



Sources: National Conference of State Legislatures, Cornell Law School, Britannica, Ballotpedia