



Herbert H. Slatery III
Attorney General & Reporter

FOR IMMEDIATE RELEASE
December 20, 2019
#19-51

CONTACT: Samantha Fisher
615.741.5860
samantha.fisher@ag.tn.gov

**ACA MANDATE DECLARED UNCONSTITUTIONAL; DISTRICT COURT TO
DETERMINE IF ANY PORTIONS OF THE LAW CAN REMAIN**

Nashville – The United States Fifth Circuit Court of Appeals declared the Affordable Care Act’s (ACA) individual mandate unconstitutional. Whether any part of the ACA can remain considering the mandate’s unconstitutionality is now up to the district court.

“This has always been a question of legality, not health care policy,” said Tennessee Attorney General Herbert H. Slatery III. “The Fifth Circuit’s opinion has provided the answer for which Tennessee, among other states, joined this lawsuit. The individual mandate is unlawful.”

When the U.S. Supreme Court upheld the ACA in 2012, most of the justices agreed the law’s individual mandate was constitutional only because its accompanying tax penalty could justify forcing individuals to purchase health insurance under Congress’ taxing power. Devoid of that penalty, the ACA’s intrusive individual mandate cannot be preserved as a tax, rendering it entirely unlawful.

###

