

2020 First Extraordinary Session

HOUSE RESOLUTION NO. 43

BY REPRESENTATIVE LANDRY

ATTORNEY GENERAL: Requests the attorney general to withdraw the state of Louisiana from the lawsuit challenging the Patient Protection and Affordable Care Act

1 A RESOLUTION

2 To urge and request the attorney general to withdraw the state of Louisiana from the lawsuit
3 challenging the Patient Protection and Affordable Care Act.

4 WHEREAS, on March 23, 2010, President Barack Obama signed H.R. 3590, the
5 Patient Protection and Affordable Care Act of 2010, into law; and

6 WHEREAS, the Patient Protection and Affordable Care Act is landmark legislation
7 which provides greater access to health insurance and reshaped the way people may access
8 health care treatment; and

9 WHEREAS, Louisiana began to implement certain provisions from the Act in 2013,
10 such as providing access to insurance for Louisianans with pre-existing conditions and
11 extending coverage for young adults; and

12 WHEREAS, open enrollment in the health insurance marketplace began October 1,
13 2013, in Louisiana; and

14 WHEREAS, the establishment of the health insurance marketplace, tax credits, and
15 subsidies for low- and moderate-income Louisianans to afford insurance were implemented
16 in 2014; and

17 WHEREAS, between 2013 and 2016, the numbers of uninsured individuals in
18 Louisiana declined by over thirty percent, and that such decline is a direct result of the
19 implementation of certain provisions of the Patient Protection and Affordable Care Act; and

20 WHEREAS, on July 1, 2016, Louisiana Governor John Bel Edwards issued
21 Executive Order No. JBE 16-01 ordering the expansion of Medicaid in the state of

1 Louisiana, extending coverage to adults earning up to one hundred thirty-eight percent of the
2 federal poverty level; and

3 WHEREAS, approximately five hundred thousand low income Louisianans receive
4 health insurance coverage through the state's expansion of Medicaid, resulting in historically
5 low uninsured rates in our state; and

6 WHEREAS, in February 2018, eighteen attorneys general and two governors filed
7 suit in federal district court to challenge the constitutionality of the Patient Protection and
8 Affordable Care Act's individual mandate and to seek a ruling on the constitutionality of the
9 Act; and

10 WHEREAS, in September 2018, the attorney general of Louisiana joined Louisiana
11 in the suit entitled *Texas v. Azar*, 945 F.3d 355 (5th Cir. 2019); and

12 WHEREAS, in December 2019, the Fifth Circuit Court of Appeals remanded *Texas*
13 *v. Azar* back to the lower district court; and

14 WHEREAS, on March 2, 2020, the United States Supreme Court granted a writ of
15 certiorari to hear arguments in *Texas v. Azar*; and

16 WHEREAS, on May 24, 2019, Governor John Bel Edwards created the Protecting
17 Louisiana Task Force through Executive Order No. JBE 19-4; and

18 WHEREAS, the purpose of the Protecting Louisiana Task Force was to study the
19 impacts of the loss of health coverage and health protections that will occur if *Texas v. Azar*
20 results in an invalidation of the Patient Protection and Affordable Care Act; and

21 WHEREAS, the task force reported that Louisiana will suffer a loss of revenue from
22 the federal government in excess of three billion dollars if the Patient Protection and
23 Affordable Care Act is invalidated; and

24 WHEREAS, the task force warned that the state of Louisiana will need to allocate
25 five hundred thirty-six million additional dollars to replace the loss of federal subsidies that
26 currently fund health care for people with pre-existing health conditions, because these funds
27 will cease to exist if the Patient Protection and Affordable Care Act is invalidated; and

28 WHEREAS, uninsured persons are more likely to be burdened with medical debt and
29 unable to afford the cost of health care; and

1 WHEREAS, as a result, many forego preventative care as well as treatment even
2 after experiencing the debilitating manifestations associated with chronic illness and disease;
3 and

4 WHEREAS, Louisiana's joinder to *Texas v. Azar* is not in the best interest of the state
5 of Louisiana and, in particular, the health and welfare of its residents; and

6 WHEREAS, the invalidation of the Patient Protection and Affordable Care Act
7 would be detrimental to those same citizens.

8 THEREFORE, BE IT RESOLVED that the House of Representatives of the
9 Legislature of Louisiana does hereby urge and request the attorney general of Louisiana to
10 withdraw from the suit challenging the Patient Protection and Affordable Care Act.

11 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
12 attorney general of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 43 Original

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Landry

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