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Attorney General Brown Joins Coalition Calling on Supreme Court of the United States to Protect Access to Preventive Health Services

BALTIMORE, MD (February 25, 2025) – Attorney General Anthony G. Brown today joined a coalition of 23 attorneys general in filing an [amicus brief](#) asking the U.S. Supreme Court to act to protect a key provision of the Affordable Care Act (ACA) that guarantees access to critical preventive care for millions of Americans. Attorney General Brown and the coalition urge the U.S. Supreme Court to reverse a lower court’s decision stating that the structure of the U.S. Preventive Services Task Force is unconstitutional – a decision that will impair access to lifesaving medical care.

Before the ACA’s enactment, many Americans struggled to afford preventive services, such as cancer screenings, which can be lifesaving but were often not covered by insurance. Congress enacted the ACA’s preventive services provision to eliminate this financial barrier by requiring most private insurance plans to cover preventive services recommended by the task force without charging out-of-pocket costs, including copayments or deductibles for most plans.

“Preventive care gives Marylanders the chance to live long, healthy lives,” **said Attorney General Brown**. “No one should be denied lifesaving protection against serious and deadly diseases just because they can’t afford to pay for it.”

Attorney General Brown and the attorneys general have asked the Supreme Court to reverse the U.S. Court of Appeals for the Fifth Circuit’s decision in *Kennedy v. Braidwood Management Inc.* According to the coalition’s brief, the Fifth Circuit’s decision that the task force exercises unconstitutional authority over insurance plans is incorrect because the task force’s members are constitutionally appointed and supervised by the secretary for the Department of Health and Human Services. The coalition further explains that prohibiting enforcement of the preventive services provision could cause a significant gap in health coverage that states will not be able to fill because federal law prevents them from regulating certain insurance plans.

Attorney General Brown and the coalition’s brief explains that since the ACA became law in 2010, the preventive service provision has significantly improved public health outcomes by expanding access to preventive services. For example, the brief notes that many Americans have come to rely on the no-cost health care access provided by the provision for most plans. Within four years of the ACA’s passage, approximately 76 million Americans gained expanded

coverage to one or more preventive services. As of 2020, an estimated 151.6 million people were enrolled in private insurance plans that cover preventive services at no cost to patients.

In addition to saving lives, the provision has also reduced socioeconomic, racial, and ethnic disparities in health care by expanding access to a variety of preventive services.

Joining Attorney General Brown in filing the brief are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.

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