

What you need to know about the Supreme Court challenge to the ACA



Opening Remarks



John Arensmeyer

Found & CEO
Small Business Majority



Introduction



David Chase

VP, Outreach
Small Business Majority



Who are we?



- **Empower America's small businesses** and the self-employed to ensure they are empowered to drive a thriving and inclusive economy—particular focus on businesses in underserved communities
- **Network of more than 70,000 businesses**—eight offices across the country
- **Advocacy**—access to capital, entrepreneurship, healthcare, benefits and taxes—supported by ongoing research
- **Education and resources**—webinars, seminars and social media—in partnership with more than 1,000 business organizations—online resource hub: **Venturize.org**
- **COVID-19 pandemic**—more than 300 events connecting with 70,000 businesses, expanded online resources—constant advocacy on PPP, EIDL and other government stimulus programs

> In this Presentation

What is *California v. Texas*?

How does the ACA impact small business?

Looking ahead

Resources, tools and how to get involved

What is *California v. Texas*?

What is happening in the Supreme Court?

- **How did we get here?**

- In December 2018, a Texas judge presiding over this court case ruled that the ACA is unconstitutional following the repeal of the individual mandate in late 2017's tax bill. After going through the appeals process, the U.S. Supreme Court will begin hearing arguments for this case on November 10.

- **What exactly are the issues in this case?**

- Individual mandate and potential loss of protections for those with preexisting conditions

- **What possible decisions could the Court make?**

- The Court could overturn the ACA either in part or in whole

> In this Presentation

What is *California v. Texas*?

How does the ACA impact small business?

Looking forward

Resources, tools and how to get involved

How does the ACA impact small business?

Small business healthcare pre-ACA

Small businesses struggling with costs

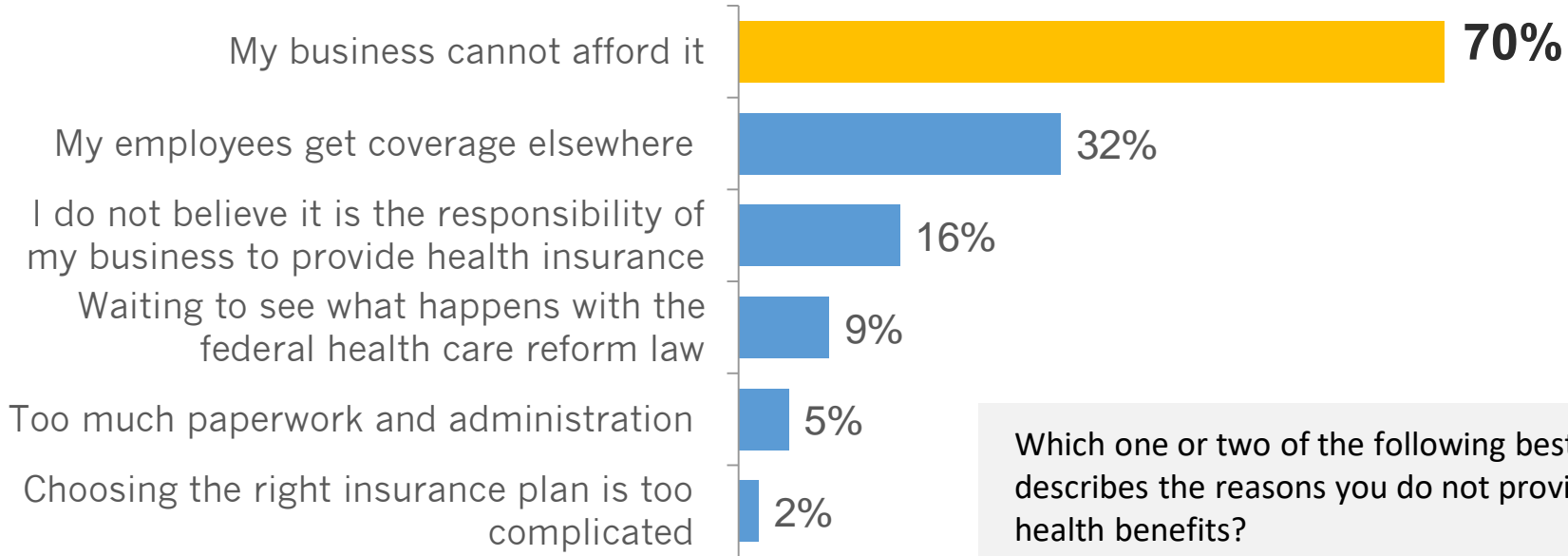
- Soaring **cost** of health insurance – especially for small businesses – 54% of businesses <10 employees don't offer (*Kaiser study*)
- 28% **self-employed**: not covered pre-ACA
- Small firms paid on average **18% more** than large businesses for fewer benefits



How does the ACA impact small business?

Small businesses struggled with costs pre-ACA

Our scientific opinion polling: Small employers who don't offer coverage say **lack of affordability** is the biggest reason:

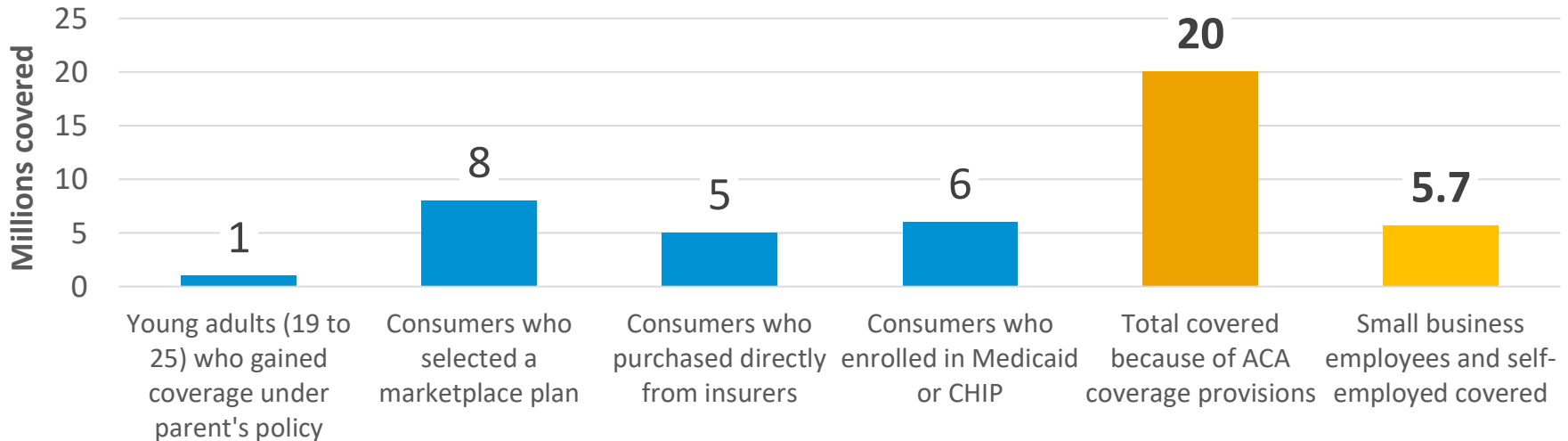


Which one or two of the following best describes the reasons you do not provide health benefits?

How does the ACA impact small business?

How the ACA has impacted small business

Over the past several years, the ACA has provided healthcare to more than **20 million individuals** who otherwise couldn't access coverage, including 5.7 million small business employees and self-employed.



How does the ACA impact small business?

How the ACA has impacted small business

- More than half of all ACA marketplace enrollees are small business owners, self-employed entrepreneurs or small business employees
- Treasury report found small businesses and self-employed entrepreneurs were nearly **three times more likely** to purchase marketplace coverage than other workers.

More than half of ACA marketplace enrollees work for or own a small business.

52%



Small business owners and self-employed ■
Other enrollment ■

> In this Presentation

What is *California v. Texas*?

How does the ACA impact small business?

Looking forward

Resources, tools and how to get involved

Looking Forward

What decisions could SCOTUS make?



- Rule that the individual mandate is unconstitutional and therefore and entire law is invalidated
- Rule that the mandate is unconstitutional but that the rest of law is constitutional
- Rule that the individual mandate is constitutional



Looking Forward

How might states and Congress respond to the ACA being struck down?

- State legislatures could step up to fill in the gaps if the law is repealed, but states won't have enough money to do it all, especially now in light of COVID-19.
- A new Congress could pass a new healthcare reform law to take the place of the ACA.

Looking Forward

What do we do about healthcare in the meantime?

- Healthcare.gov and state-run health insurance marketplaces are continuing with normal operations.
 - Open enrollment is now live (November 1 to December 15) for 2021 coverage through the federal marketplace.
 - Some states are offering longer open enrollment periods.
- Possible COVID-19 relief packages from Congress
 - We are still pushing Congress to pass a renewed stimulus package that would bolster small business owners.

> In this Presentation

What is *California v. Texas*?

How does the ACA impact small business?

Looking forward

Resources, tools and how to get involved

Resources, tools and how to get involved

Venturize



Visit our resource hub to find info on state and local emergency relief funds:
www.venturize.org

Venturize.org is a free online resource hub for small business owners like you who need help accessing tools and resources to grow their businesses. Venturize offers unbiased information about small business loans, retirement and healthcare.



Resources, tools and how to get involved

Other help for your business



- We partner with a wealth of local nonprofit business assistance organizations who can help with other business issues during this time. Visit the Venturize homepage and select your state to find providers near you, including the entire network of Small Business Development Centers.
- Our partner Pacific Community Ventures is offering free remote business assistance on any topic: www.businessadvising.org
- Community Reinvestment Fund, a national CDFI, offers connect2capital.com, another CDFI matching tool.

Resources, tools and how to get involved

Become a small business spokesperson

- We're dedicated to ensuring that lawmakers and the media hear from real small business owners about how they're being impacted by COVID-19.
- **Join our sign on campaign and call on Congress to bail out Main Street:** go.smallbusinessmajority.org/covid-19-call-on-congress
- Share your story about how COVID-19 has impacted your business by filling out our online form: go.smallbusinessmajority.org/tell-us-your-story



Resources, tools and how to get involved

Contact your member of Congress



Contact Your Representative:

<https://www.house.gov/representatives/find-your-representative>

Contact Your Senator:

https://www.senate.gov/general/contact_information/senators_cfm.cfm



Stay in touch



Online Community Forum

community.smallbusinessmajority.org

Join our Mailing List

<http://go.smallbusinessmajority.org/l/229072/2017-05-24/ftp2>

Small Business Majority

www.smallbusinessmajority.org

Venturize Access to Capital Resource Portal

www.venturize.org/access-capital

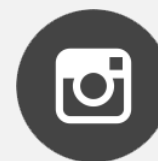
Connect with us!



Small Business Majority



@SmlBizMajority



smlbizmajority