



Women and Obamacare

What's at Stake for Women if the Supreme Court Strikes Down the Affordable Care Act?

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Introduction and summary

The Affordable Care Act, the Obama administration's signature piece of legislation that reforms our nation's costly and unfair health insurance market, is the greatest legislative advancement for women's health in a generation. "Obamacare," as the new law is more commonly known, holds the promise of ensuring coverage of preventive and essential services for women, eliminating gender discrimination by health insurance companies, and making health insurance more available and affordable for women and their families.

Yet all the recent talk about the constitutionality of the new law, culminating in oral arguments before the U.S. Supreme Court in March, makes it easy to forget the many lives at stake if the Affordable Care Act gets struck down—especially women's lives.

What would it mean for millions of women and their families if the Supreme Court struck down Obamacare? It would mean losing health insurance coverage guarantees that have already been put into place. And it would mean causing women to miss out on the protections that are slated to be implemented in less than two years. This would translate into poorer health for tens of millions of women, alongside more costly care for them and their families, affecting the lives of untold Americans.

Thanks to Obamacare, more than 45 million women have already taken advantage of recommended preventive services, including mammograms, pap smears, prenatal care, well-baby care, and well-child care with no cost sharing such as co-pays and deductibles. Starting this August, millions more will be able to obtain contraception, annual well-woman care (a visit with a gynecologist), screening for gestational diabetes, breastfeeding counseling and supplies, and screening for sexually transmitted infections, including HIV and the Human papillomavirus—again at no extra cost.

In addition, women will no longer encounter discrimination in the health insurance market in the form of lost maternity coverage, higher premiums due to their gender, and denials of coverage for gender-related pre-existing conditions. Indeed, close to 9 million women will gain coverage for maternity care in the individual market

starting in 2014. And provisions in the new health law that protect everyone will especially benefit women, who utilize the health care system the most.

In short, Obamacare will increase health insurance coverage for women, lower their health care costs, and end the worst insurance industry abuses against them.

Despite the clear benefits for women, opponents of health reform have taken their cause to the U.S. Supreme Court, which heard oral arguments debating the constitutionality of the law in March. The nine Supreme Court justices will rule on the matter in June. Although the case should be open and shut (see box on page 4), the result is unfortunately far from guaranteed.

Opponents of Obamacare also threaten to repeal the law if they can gain full control of Congress and the White House in the upcoming election in November. But for the time being, all eyes are on an extremely divided and increasingly conservative Supreme Court, which sadly has in recent years demonstrated little regard for precedent.¹

For women and their families, the Affordable Care Act is not a theoretical concept—it is a lifeline. Attacks on Obamacare are attacks on women's health and well-being. If the Supreme Court decides to strike down any or all of this law, then it is women who will suffer the most. Women cannot afford to lose this high-stakes lawsuit because they cannot afford to lose the benefits of this landmark health reform law. This paper demonstrates just how important Obamacare is for women in our nation today and into the future. (see box)

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Why health reform is of critical importance to women

- Women are more frequent users of health care services than men.
- Women are more likely to make health care decisions for their families.
- Women are more likely to use prescription medication.
- Women suffer from chronic illnesses more often than men.
- Women are more likely than men to experience certain mental health problems such as anxiety and depression.
- Women are more likely to have dependent coverage, which makes them more vulnerable to losing coverage if they get a divorce or their spouse loses a job.
- Women are more likely to face discrimination in the individual health insurance market.
- Women tend to have higher out-of-pocket medical expenses than men.
- Women are less able to afford the care they need and more likely to experience medical bankruptcy because women on average are paid less than men but have higher medical expenses.

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