

# The Supreme Court Case That Could Change Health Care Coverage for Millions of Americans

## *Kennedy v. Braidwood* could reduce access to preventative care.

Preventative health care such as cancer screenings, contraception, and HIV prevention medication is beneficial, effective, and broadly supported. The Affordable Care Act (ACA) requires insurers to cover the full cost of specific preventative services. Due to this requirement many more people have been able to access essential preventative care, leading to better health outcomes. But a case being argued in the Supreme Court threatens free, preventative care for people with private insurance.

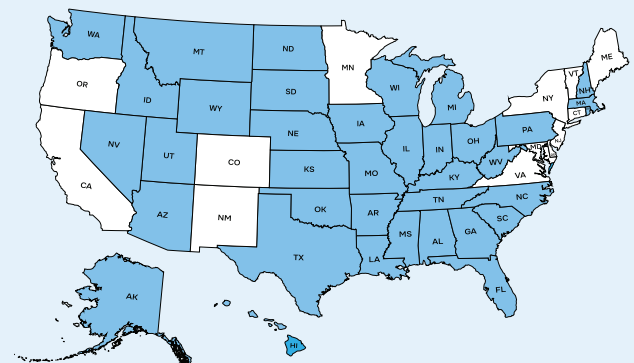
### What is *Kennedy v. Braidwood* (formerly *Braidwood v. Becerra*)?

In their lawsuit, the Christian business owners of Braidwood Management in Texas, and others, argued that they should not have to provide health insurance that fully covers preventative care because that requirement was unconstitutional.

The lawsuit also singled out HIV prevention medication, PrEP. The plaintiffs argued they should not have to cover PrEP because of their religious beliefs, due to a law called the Religious Freedom Restoration Act (RFRA). They also said they believe access to PrEP encourages “gay sex,” intravenous drug use, and sex outside of marriage.

After a series of rulings by lower courts, the Supreme Court will hear arguments about the case on April 21, 2025. The Supreme Court will decide the last unresolved question in the case: is the way the federal government selects which preventative services require coverage constitutional? Their decision, expected in June 2025, will impact the health and well-being of Americans nationwide.

**14 states should not be affected** by *Kennedy v. Braidwood* because they already require private insurers to cover the full cost of the preventative services at issue: California, Colorado, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New Mexico, New York, Oregon, Vermont, Virginia, Washington, D.C.<sup>1</sup> Other states are considering similar protections.



□ NOT AFFECTED    ■ AFFECTED

<sup>1</sup> Commonwealth Fund, 2022, <https://www.commonwealthfund.org/blog/2022/aca-preventive-services-benefit-jeopardy-what-can-states-do>

<sup>2</sup> Commonwealth Fund, 2019, <https://doi.org/10.26099/d8hs-cm53>

<sup>3</sup> Commonwealth Fund, 2020, <https://doi.org/10.26099/kx4k-y932>

<sup>4</sup> PrEP4All Collaborations, 2018,

<https://prep4all.org/wp-content/uploads/2020/04/A-National-Action-Plan-for-Universal-Access-to-HIV-Pre-Exposure-Prophylaxis-PrEP.pdf>.

<sup>5</sup> Health Affairs, 2023, <https://pubmed.ncbi.nlm.nih.gov/38190604/>

## What the Supreme Court could do.

A Supreme Court decision could end the federal requirement that private insurance companies cover the full cost of most currently covered preventative care. If that happened, it is likely that many insurance companies would stop covering some or all of the preventative care affected by the case.

A decision would not impact coverage for people with public insurance such as Medicaid and Medicare. People with private insurance in the 14 states that require insurers to fully cover preventative care should also not be affected.

The decision by the Supreme Court could also be used to further undermine the federal government's ability to make and enforce non-discrimination rules that protect LGBTQ+ people and many others.

## Preventative health care saves lives.

Preventative health care saves lives, improves our health and quality of life, and saves money. The requirement under the ACA for preventative care to be covered is one of the most popular features of the ACA.

When insurers fully cover preventative care, more people can afford the health care they need. Studies show that more access to preventative care has significant positive effects, such as a 2% annual decrease in the mortality rate for breast cancer.<sup>2</sup> Because Black and Latine communities report the greatest cost barriers to accessing health care, free preventative care also reduces racial disparities in access and health outcomes.<sup>3</sup>

PrEP is 99% effective at preventing new HIV diagnoses. Several studies from Kaiser and Johns Hopkins have shown that insurance coverage and low copayments are critical to make sure people consistently access PrEP.<sup>4</sup> Increases in cost sharing are likely to drive many people to stop using PrEP, which would increase HIV diagnoses.<sup>5</sup> Due to long-standing inequalities in health care, Black and Latine people, who already face barriers in accessing PrEP, would be disproportionately affected if the cost of PrEP increased.

## We can protect health care access.

There are many ways to protect access to preventative health care. More states can pass legislation or rules that require coverage of preventative health care. In some states insurance commissioners may be able to do this administratively. Organizations representing affected communities, including the American Heart Association, American Cancer Society, LGBTQ+ organizations, HIV advocacy groups, and others, can join together to advocate for the maintenance of coverage by insurance companies.

Sharing accurate and clear information about *Braidwood* and its possible ramifications is essential. Uncertainty and fear may cause people to avoid seeking health care, even without any legal or policy changes. Right now, preventative care such as PrEP is still required to be available without cost sharing. No matter the circumstances, raising awareness about the many benefits of preventative health care helps affected communities.

Last updated on March 31, 2025.

**More information about how to responsibly talk about HIV is available in the [HIV Media Guidance from Equality Federation](#).**