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Next Wave of ACA Litigation

The next big wave of litigation against the Affordable Care Act will be regarding the tax credits for low income individuals. The tax credits are given to certain low income individuals who purchase coverage through an exchange. Language in the statute tends to indicate that only state exchanges are covered by the tax credits, not the federal exchange. It's quite possible that only 10-15 states will create an exchange, leaving residents in the other states to participate in the federal exchange. Thus, for those states that don't have a state exchange are tax credits allowed? Oklahoma filed an earlier suit about this, and just amended the suit yesterday. You can read more about this suit here: Oklahoma link But, even if the suit is successful, it would only invalidate the tax credits in those states that don't have a state exchange, it would not affect other parts of the law, including the employer penalty.