

A SNAPSHOT OF PUBLIC OPINION ON THE INDIVIDUAL MANDATE

This week, the Supreme Court hears arguments on several challenges to the Patient Protection and Affordable Care Act (ACA), including the provision that requires individuals to purchase health insurance as of 2014, known as the individual mandate. For the two years since the law’s passage, and during the debate leading up to it, this provision has been one of the most controversial aspects of the law. As the lawyers, policymakers, ACA opponents and supporters focus intently on the hearings, this Data Note looks at what the general public thinks of the mandate (hint, they don’t like it unless they hear it won’t affect them), explores the reasons why, and suggests that while opinion on the mandate has been fairly consistent over time, it also remains malleable, and basic factual information and messages can sway Americans’ opinion. The Kaiser Health Tracking Poll has examined these issues over time, asking the public about their views of the law overall and digging deeper into its component parts, and this Data Note draws from several Kaiser surveys to highlight attitudes toward the individual mandate.¹ While the precise share of the public with a favorable or unfavorable view of the individual mandate varies slightly between polls, each survey finds that overall sentiment is about two to one in opposition to the mandate.

INDIVIDUAL MANDATE WIDELY KNOWN, BUT LEAST POPULAR PART

One of the consistent tenets in public opinion on the ACA is this: while the law as a whole has never gained majority support, many of its component parts—from the relatively narrow to the core and comprehensive—have been consistently popular over the past two years, with the glaring exception of the individual mandate. Currently, in March 2012, only one in three feel favorable toward the mandate, compared to majorities of the public who favor the law’s other provisions, such as tax credits to small businesses that offer coverage, as well as the consumer-friendly requirement that plans include easy-to-understand summaries of their benefits and costs. Not even a majority of Democrats, who favor the law overall, have a favorable view of the mandate (45 percent). And, between November 2011 and March 2012, intense opposition to the mandate (the proportion who say they have a “very” unfavorable view of it), increased eleven percentage points from 43 percent to 54 percent.

FAVORABILITY OF SPECIFIC ELEMENTS OF ACA				
Percent who say they feel favorable about each of the following elements of the health reform law:	Total	By Party ID		
		Democrats	Independents	Republicans
Tax credits to small businesses	80%	89%	78%	77%
Require easy-to-understand plan summaries	79	87	75	76
Subsidy assistance to individuals	71	87	70	51
Health plan decision appeals	71	84	73	57
Medicaid expansion	70	88	69	51
Guaranteed issue	69	76	70	62
No cost sharing for preventive services	69	87	66	53
Medical loss ratio	57	73	51	45
Employer mandate/penalty for large employers	54	74	51	31
Increase Medicare payroll tax on upper income	53	74	50	26
Basic benefits package, defined by government	51	80	49	20
Individual mandate/penalty	32	45	32	19

Note: Question wording abbreviated. See survey topline for complete wording.

Source: Kaiser Family Foundation *Health Tracking Poll* (conducted February 29 - March 5, 2012)

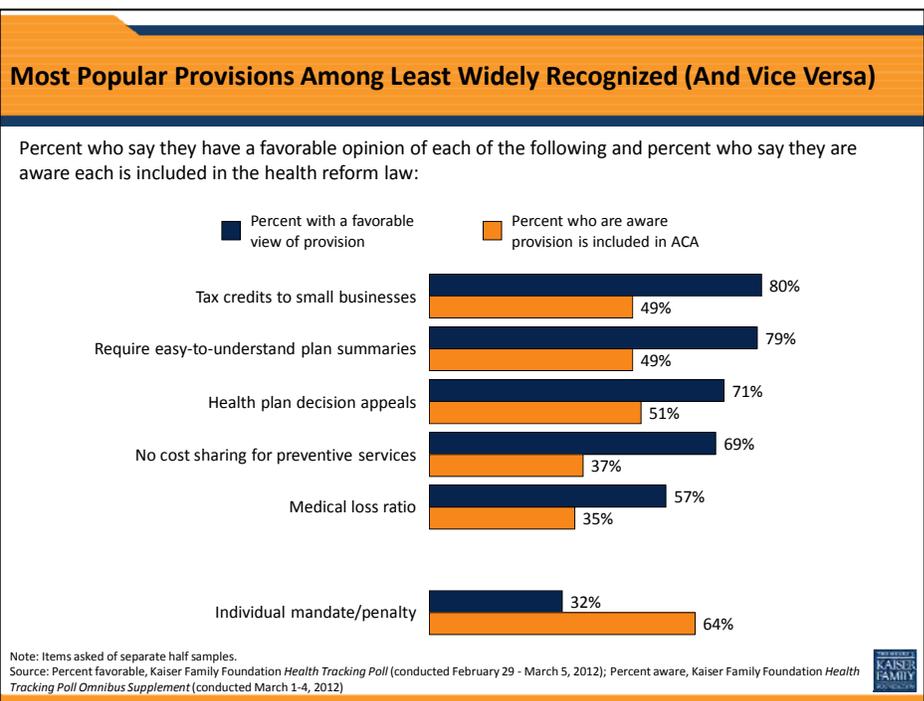
¹ For more information on the Kaiser Health Tracking Poll, see <http://www.kff.org/kaiserpolls/trackingpoll.cfm>.

It's worth noting that while the mandate is the least popular provision of the law, it is also the most widely recognized. Two-thirds of Americans recognize that the individual mandate is part of the law, compared to roughly half who recognize that the law includes more popular provisions like the small business tax credits or easy-to-understand health plan summaries.

WHY IS THE INDIVIDUAL MANDATE UNPOPULAR?

In January 2012, among the two-thirds of Americans with an unfavorable view of the individual mandate, the most common reasons offered in their own words include that the government shouldn't be able to force people to do something they don't want to do (30 percent), that health insurance is too expensive (25 percent), and complaints about the fine for non-compliance (22 percent). Among the 30

percent who view the mandate favorably, the most common reasons include that everyone needs access to health care and/or insurance (32 percent), that the mandate will mean that everyone will have coverage (17 percent), that people should be responsible for their own insurance and pay their fair share (16 percent), and a belief that the mandate will control costs (15 percent).



REASONS FOR FAVORABLE OR UNFAVORABLE VIEWS OF THE MANDATE			
Among the 30% who have a favorable opinion of the individual mandate: What is the main reason you have a FAVORABLE opinion of the individual mandate?*		Among the 67% who have an unfavorable opinion of the individual mandate: What is the main reason you have an UNFAVORABLE opinion of the individual mandate?*	
Everyone needs health care/insurance	32%	Government overreach	30%
Expands coverage	17	Insurance is too expensive	25
People should pay fair share	16	Complaints about fine	22
Controls costs	15	Unconstitutional	5
IN THEIR OWN WORDS... (selected quotes from open-ended responses)			
"I believe that health care is a right and people should take some responsibility for their health care"		"It is unconstitutional and the government is sticking its nose where it does not belong"	
"Because it will get more people to be more responsible; it should be just like auto insurance"		"Paying a fine is unfair. People who can't afford insurance can't afford the fine"	
"I work[ed] in health insurance for a while and I know people need health insurance. If they don't have health insurance and go to the doctor the tax payers have to pay for the bill"		"The government shouldn't tell you what to do. It's getting like old Russia. They should not be able to fine you for something you can't afford to buy in the first place"	
"Because it will help people who don't have insurance. It will stop the insurance company from dropping insurance because we have a preexisting condition"		"Because it's going to cost jobs and employers can't afford it"	
"Because it moves us closer to universal health care"		"Because it's going to raise the price of everything"	
"Because if that part is removed, the plan won't work so well"		"They will not be able to enforce it"	
"It increases the pool of people of buying health insurance which would hopefully reduce the cost"		"I'm poor and I cannot afford to buy health insurance"	
"Because it would be fair if everyone pay[s] for their insurance based on their own income"		"Expanding health care can bring down the quality of the health care service"	

* Only the top 4 responses for each opinion listed.

Source: Kaiser Family Foundation Health Tracking Poll (conducted January 12-17, 2012)

OPINION ON MANDATE IS MALLEABLE

Even while the public's general opinion on the mandate has stayed fairly consistent over time, people's views are malleable in the face of basic information from an opposing viewpoint. The December 2011 tracking poll found support for the mandate varied from 17 percent to 61 percent, depending on which messages or information opponents or supporters of the mandate hear on the issue.

Perhaps surprisingly, the most effective information in terms of changing people's minds is the basic reminder that, "under the reform law, most Americans would still get coverage through their employers and so would automatically satisfy the requirement without having to buy any new insurance." After hearing that message, favorable views of the mandate went up 28 percentage points to 61 percent. Messages about overturning the guaranteed issue provision of the law, the possibility of risk selection driving up costs, and the escape hatch for people whose insurance costs prove prohibitive also sway some members of the public, though not as many.

On the flip side, messages against the mandate also move some Americans previously in favor of the provision to *oppose* it. Overall favorability goes down 16 percentage points when those who initially favor the mandate are told that "requiring all Americans to have health insurance could mean that some people would be required to buy health insurance that they find too expensive or did not want." It goes down 10 points when supporters are told that "a case has been brought before the Supreme Court arguing that this requirement to have health insurance is unconstitutional."

INFORMATION AND MESSAGES MOVE VIEWS ON INDIVIDUAL MANDATE			
	Favorable	Unfavorable	Percentage point change in favorability
Public opinion on individual mandate	33%	65%	-
POSITIVE ARGUMENTS			
<i>What if you heard that...</i>			
...under the reform law, most Americans would still get coverage through their employers and so would automatically satisfy the requirement without having to buy any new insurance	61%	34%	+28
...without such a requirement, insurance companies would still be allowed to deny coverage to people who are sick	49	44	+16
...people would not be held to this requirement if the cost of new coverage would consume too large a share of their income	49	45	+16
...without such a requirement, people may wait until they are seriously ill to buy health insurance, which will drive up health insurance costs for everyone	47	45	+14
NEGATIVE ARGUMENTS			
<i>What if you heard that...</i>			
...a case has been brought before the Supreme Court arguing that this requirement to have health insurance is unconstitutional	23%	74%	-10
...requiring all Americans to have health insurance could mean that some people would be required to buy health insurance that they find too expensive or did not want	17	80	-16

Source: Kaiser Family Foundation *Health Tracking Poll* (conducted December 8-13, 2011)

WHAT DOES THE PUBLIC WANT/EXPECT THE SUPREME COURT TO DO ABOUT THE MANDATE?

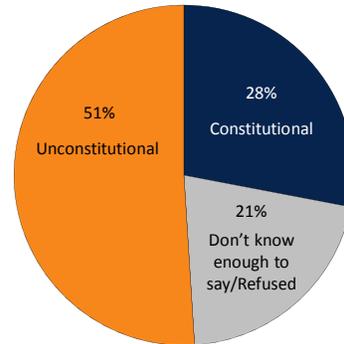
In line with their views on the mandate overall, in March 2012, about half the public (51 percent) thinks the Supreme Court should rule that the mandate is unconstitutional, while just under three in ten (28 percent) think it should be ruled constitutional, and another one in five don't know enough to say. Similarly, about half *expect* the Court to strike down the mandate as unconstitutional (53 percent) while a third expects them to find it constitutional (33 percent).

Opinions on what the Supreme Court should do about the individual mandate mirror the public's views on the law overall. The large majority (83 percent) of those with an unfavorable view of the law believe the Court should find the mandate unconstitutional, while those who view the law favorably are twice as likely to say the Court should rule the mandate constitutional (50 percent) as opposed to unconstitutional (26 percent). Echoing the intensity gap that Kaiser polls have consistently found on feelings about the law in general, twice as many say they will be angry if the court upholds the mandate (25 percent) than will be angry if the court strikes it down (12 percent).

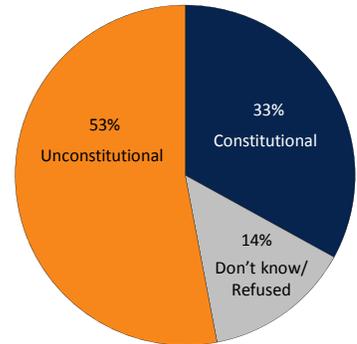
Still, most do not see the Court's ruling on the mandate as the final word on the ACA. Six in ten (62 percent) expect that if the Court strikes down the mandate, some parts of the law will continue to be implemented, while half as many (28 percent) think this will effectively mean the end of the entire law. Going forward, it will also be important to assess whether Americans perceive that they will be directly affected by the mandate or not given that experts suggest that the vast majority of Americans will already satisfy the individual requirement when it takes effect in 2014.²

More Than Half Expect Court To Find Mandate Unconstitutional

In your own opinion, do you think the Supreme Court should rule that it is constitutional or unconstitutional for the federal government to require all Americans to have health insurance, or do you not know enough to say?



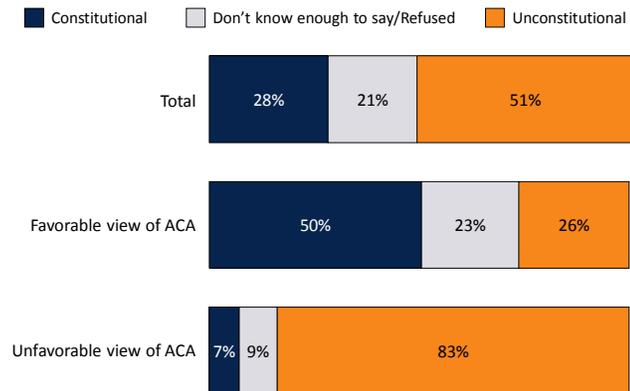
Do you expect the Supreme Court to rule that the requirement that all Americans have health insurance is constitutional or unconstitutional?



Source: Kaiser Family Foundation Health Tracking Poll (conducted February 29 - March 5, 2012)

Opinions On Constitutionality Of Mandate Largely In Line With Views Of ACA

In your own opinion, do you think the Supreme Court should rule that it is constitutional or unconstitutional for the federal government to require all Americans to have health insurance, or do you not know enough to say?



Source: Kaiser Family Foundation Health Tracking Poll (conducted February 29 - March 5, 2012)

² Kaiser Family Foundation, "The Individual Mandate: How Sweeping?" March, 2012. <http://healthreform.kff.org/notes-on-health-insurance-and-reform/2012/march/the-individual-mandate-how-sweeping.aspx>

This publication (#8296) is available on the Kaiser Family Foundation's website at www.kff.org.