



## Health Is on the Ballot in the Presidential Election

Lawrence O. Gostin, JD; Sarah Wetter, JD, MPH

The 2024 presidential election will have major implications for health policy,<sup>1</sup> with the 2 major party candidates having markedly different records and divergent campaign messages.<sup>2</sup> We examine the health policy choices at the heart of the 2024 election.

Author affiliations and article information are listed at the end of this article.

### Health Care Access

Eighty percent of voters identify health care affordability as “very important.” And a recent KFF report notes that health care debt affects nearly half of adults; three-fourths report being “somewhat” or “very worried” about surprise medical bills, half report difficulties affording health care costs, and a quarter report forgoing or delaying care.

In 2023, the national uninsured rate dropped to a historic low of 7.7%.<sup>3</sup> The American Rescue Plan and the Inflation Reduction Act extended [Affordable Care Act \(ACA\) subsidies](#) through 2025 (saving 13 million individuals an [average of \\$800/year](#)). The COVID-19 pandemic policies also helped lower the rate of uninsured individuals. The Families First Coronavirus Response Act required Medicaid programs to keep people [continuously enrolled](#) through the end of the COVID-19 public health emergency. However, more than [20 million people lost coverage](#) (about a quarter of them were children) since this policy lapsed in March 2023. The Biden administration has [committed](#) to strengthening the ACA, preventing surprise medical bills and junk insurance, expanding access to mental health services, and protecting Medicare coverage.

Donald Trump has promised to [“improve” the ACA](#), though without providing specific policies on how. A [budget proposal released by the Republican Study Committee](#) in the US House of Representatives would cut \$4.5 trillion from the ACA, Medicaid, and the Children’s Health Insurance Program and eliminate certain protections for consumers, older adults (aged  $\geq 65$  years), and people with disabilities.

### Prescription Drug Prices

Both presidential candidates favor lowering prescription drug costs, yet the approaches they would use could be very different. [More than 20% of adults](#) have forgone filling prescriptions, and 10% have cut pills in half or skipped doses to save costs.

The Biden administration [touts](#) its record of lowering drug costs. The Inflation Reduction Act reduced prescription drug costs, particularly for Medicare recipients, by capping monthly insulin costs at \$35, penalizing drug companies for increasing prices faster than the inflation rate, and providing free vaccines. Beginning in 2025, out-of-pocket costs will be capped at \$2000 for Medicare recipients. The Inflation Reduction Act also empowered Medicare to [negotiate lower drug prices](#) for designated prescription drugs, with a goal of saving Medicare \$100 billion over 10 years.

Although Trump has not announced a position on drug price negotiations, [several Republican officials have criticized the program](#) as harmful to pharmaceutical innovation. The negotiations have triggered widespread [litigation](#). In 2020, the Trump administration [modified a rule](#) to authorize value-based purchasing to encourage drug prices that better reflect the value to patients. Trump [approved a plan](#) to import certain prescription drugs from Canada.

**Open Access.** This is an open access article distributed under the terms of the CC-BY License.

## Reproductive Rights

When the US Supreme Court overturned the national right to previability abortion in *Dobbs v Jackson Women's Health Organization* in 2022, 21 states banned or severely restricted abortion. One in 8 voters cite abortion as their most important issue.

The candidates' positions on abortion differ starkly. President Biden supports federal legislation to establish a national right to abortion, effectively codifying *Roe v Wade*. Biden has expanded access to abortion medication and emergency abortion care. Yet, the US Supreme Court will soon rule on both policies. In *Idaho v United States*, the Supreme Court will determine whether the Emergency Medical Treatment and Labor Act, which requires hospitals to provide stabilizing care during a medical emergency, includes abortion care. In *FDA v Alliance for Hippocratic Medicine*, the Supreme Court will determine whether the US Food and Drug Administration's (FDA's) decision to expand access to mifepristone was lawful. The Biden administration also issued an executive order expanding access to contraception and a final rule to protect reproductive health privacy. The US attorney general issued guidance that women must remain free to travel out of state for abortion care.

Trump appointed 3 Supreme Court justices who voted to overturn *Roe v Wade*, an outcome for which he takes credit. Even though Trump previously supported national legislation to ban abortion at 15 weeks of pregnancy, he recently asserted that abortion policy should remain with the states. The conservative think tank, The Heritage Foundation, has proposed using the Comstock Act to limit or ban the interstate mailing of mifepristone. This 1873 antvice law banned the mailing of materials used to produce abortion, which Biden's Justice Department interpreted as only applying to illegal uses of abortion medication.

The Trump administration reimplemented the "global gag rule," which bans US funding to foreign organizations for abortion-related activities, and also expanded it to cover subgrantees of US aid. As a result, an estimated 8 million lost access to reproductive health services, 6 million had unintended pregnancies, and 1.8 million underwent unsafe abortions. Biden rescinded the rule, but a future Trump administration would likely reinstate it.

---

## Migrant Health

In 2023, an unprecedented 2.5 million migrants arrived at the US-Mexico border. Mass migrations have major adverse effects on public health, including from harsh journeys (eg, injuries, illness, and sexual violence), crowded and unhygienic detention facilities, and limited access to health services. Historic numbers of migrants are also placed in shelters across the US, which compounds homelessness. And even though migration is often linked to the opioid epidemic, 90% of illicit fentanyl is seized during legal entries at border crossings and not from unlawful entrance.

In 2021, the Biden administration reversed Trump administration restrictions on immigration, thus significantly increasing border crossings. Biden has sought to protect the Deferred Action for Childhood Arrivals (DACA) program and block the "public charge" rule that would allow denials of green cards (a permanent resident card) to migrants who use public benefits such as Medicaid. Most notably, he championed bipartisan immigration reform, but it failed to pass the Senate.

Trump has promised stricter border enforcement by reinstating and expanding his former administration's policies, including expanding detention systems, bolstering the US Border Patrol, deploying military units, deputizing local law enforcement, and allowing mass deportations. Although the Supreme Court permitted Biden to repeal the Trump-era "remain in Mexico" policy that forced asylum seekers to wait in Mexico as their cases were adjudicated, Trump could reinstate it.

## Gun Violence

Gun violence has already taken [more than 6000 lives and caused more than 12 000 injuries](#) this year alone. In 2022, Biden signed the [Bipartisan Safer Communities Act](#) (S 2938) that expanded background checks for firearm sales, and his administration has issued [rules](#) and [executive orders](#) to implement the law. In 2023, the Biden administration created the first-ever [White House Office of Gun Violence Prevention](#) to support evidence-backed firearm safety measures. The US Department of Justice is also supporting state legislation on the safe storage of guns and the reporting of stolen firearms.

At a [National Rifle Association rally in May](#), Trump promised to roll back Biden-era gun control policies. During his presidency, he appointed 3 Supreme Court judges that were [instrumental](#) in considerably expanding gun ownership protections under the Second Amendment. During the COVID-19 pandemic, the Trump administration allowed gun shops to [stay open](#) by designating them as “essential,” fulfilling the wishes of the gun lobby.

---

## Health and Safety Agency Powers

The 2024 presidential election will have enormous effects on federal health and safety agency powers.<sup>4</sup> Two pending Supreme Court cases ([Relentless Inc v Department of Commerce](#) and [Loper Bright Enterprises v Raimondo](#)) could overturn a [40-year-old precedent](#) affording judicial deference to agency officials. The president holds wide authority over federal agencies and the federal workforce. When Biden took office in 2021, he reversed a [Trump administration order](#) that redesignated 20 000 civil servants as “schedule F” employees, which had allowed them to be fired at will. In his 2024 campaign, [Trump has promised](#) to reinstate and expand the order to strip 50 000 civil servants of career protections and to dismantle the “deep state.” The Heritage Foundation has unveiled a detailed plan for a future Trump administration to [undergird presidential control](#) over scientific agencies.

---

## Pandemic Preparedness

Trump's presidency had a mixed record in its COVID-19 pandemic response. He advocated unscientific treatment methods, including [using bleach or disinfectants](#) and using [ivermectin](#) against the advice from the FDA. He also announced the US withdrawal from the World Health Organization, which President Biden promptly [revoked in 2021](#).<sup>5</sup> Yet, Trump's commitment to pharmaceutical innovation was instrumental in reducing COVID-19 deaths. [Operation Warp Speed](#) allocated [\\$18 billion](#) to accelerate the development of highly effective COVID-19 vaccines that the FDA authorized within 1 year.

The candidates have taken markedly different approaches to foreign assistance for global health. Trump's [budget request for fiscal year \(FY\) 2018](#) called for reducing such spending by nearly a quarter (from \$8.5 billion for FY 2017 to \$6.5 billion for FY 2018). In comparison, Biden's FY 2025 [budget request for global health](#) totals \$9.8 billion. US foreign assistance supports HIV/AIDS, tuberculosis, malaria, nutrition, maternal and child health, family planning, and neglected tropical diseases. Investing in the world's health systems supports diplomacy, international stability, and [global health security](#). The Biden administration is actively negotiating a [WHO Pandemic Agreement](#),<sup>6</sup> but Trump would most likely reject such an international health treaty.

The 2024 US presidential election will have a vast effect on the health and lives of US residents as well as on many people abroad. The 2 major candidates hold markedly different views and agendas across health policy issues—reflecting the deep political polarization that characterizes the US today. This November, health surely will be on the ballot.

#### ARTICLE INFORMATION

**Published:** May 30, 2024. doi:[10.1001/jamahealthforum.2024.2052](https://doi.org/10.1001/jamahealthforum.2024.2052)

**Open Access:** This is an open access article distributed under the terms of the [CC-BY License](https://creativecommons.org/licenses/by/4.0/). © 2024 Gostin LO et al. *JAMA Health Forum*.

**Corresponding Author:** Lawrence O. Gostin, JD, Georgetown University Law Center, 600 New Jersey Ave NW, Washington, DC 20001 ([gostin@georgetown.edu](mailto:gostin@georgetown.edu)).

**Author Affiliations:** O'Neill Institute for National and Global Health Law, Georgetown University, Washington, DC.

**Conflict of Interest Disclosures:** None reported.

#### REFERENCES

1. Gostin LO, Wetter S. Public health in the crosshairs of culture wars. *JAMA Health Forum*. 2024;5(2):e240465. doi:[10.1001/jamahealthforum.2024.0465](https://doi.org/10.1001/jamahealthforum.2024.0465)
2. Parekh A. Four defining health issues of the 2024 presidential election. *JAMA*. 2024;331(7):561-562. doi:[10.1001/jama.2024.0114](https://doi.org/10.1001/jama.2024.0114)
3. Office of the Assistant Secretary for Planning and Evaluation, US Department of Health and Human Services. National uninsured rate reaches an all-time low in early 2023 after the close of the ACA open enrollment period. Published August 3, 2023. Accessed May 2, 2024. <https://aspe.hhs.gov/sites/default/files/documents/e06a66dfc6f62afc8bb809038dfaeb4/Uninsured-Record-Low-Q12023.pdf>
4. Sharfstein JM, Gostin LO. The public good on the docket—the Supreme Court’s evolving approach to public health. *N Engl J Med*. 2024;390(18):1637-1639. doi:[10.1056/NEJMp2403682](https://doi.org/10.1056/NEJMp2403682)
5. Gostin LO, Koh HH, Williams M, et al. US withdrawal from WHO is unlawful and threatens global and US health and security. *Lancet*. 2020;396(10247):293-295. doi:[10.1016/S0140-6736\(20\)31527-0](https://doi.org/10.1016/S0140-6736(20)31527-0)
6. Gostin LO, Halabi SF, Klock KA. An international agreement on pandemic prevention and preparedness. *JAMA*. 2021;326(13):1257-1258. doi:[10.1001/jama.2021.16104](https://doi.org/10.1001/jama.2021.16104)