

# The Supreme Court Will Decide the Fate of the ACA

MARCH 2, 2020

As you may recall back in December of last year, we provided you an update on the [current status of the constitutionality of the Affordable Care Act's \(ACA\) individual mandate](#). At that time, we mentioned that the Supreme Court may take the case. The Supreme Court has indeed decided to hear the case.

The issue to be decided is whether the individual health insurance mandate, which the Supreme Court upheld, in *National Federation of Independent Business, et. al vs. Sebelious*, based on [Congress' taxing powers](#) was rendered unconstitutional when the republican-controlled Congress eliminated the tax penalty associated with the failure to maintain individual health insurance coverage.

The Supreme Court's decision could have a meaningful impact on employer provided health coverage. Please contact a member of the Winston & Strawn Employee Benefits and Executive Compensation Group for more information.

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