SCOTUS impacts in public health law and policy are diverse and extensive. In each edition of SCOTUS PHLU (pronounced “flu”), the Center selects specific highlights or developments surrounding the Court’s influence in the field, which it annually assesses in the Journal of Law, Medicine & Ethics.

PETITION DENIED

METROPOLITAN SCHOOL DIST. OF MARTINSVILLE V. A. C.

On January 16, SCOTUS denied an Indiana school district’s petition to consider whether the Equal Protection Clause or Title IX, which prohibits sex discrimination in education, prevents school districts from maintaining separate bathrooms based on biological sex. The Seventh Circuit held that the school district’s policies violated Equal Protection and Title IX.

PETITION DENIED

STUDENTS FOR FAIR ADMISSIONS V. WEST POINT

On February 2, the Court denied a student group’s emergency application to prevent West Point Academy from using race-based admissions procedures. The group was behind SFAA v. Harvard which ended affirmative action programs at most universities (except military academies) in 2023. Justices clarified the order does not represent their views on the case merits.

CHEVRON ON TRIAL

On January 17, SCOTUS heard oral arguments in 2 consolidated cases, Loper Bright Enterprises v. Raimondo and Relentless v. Department of Commerce. The Court is considering whether to overrule or clarify Chevron v. Natural Resources Defense Council (1984), which holds that judges should “defer” to administrative agencies’ “reasonable” interpretations of ambiguous statutes. Under Chevron, federal courts defer to agency expertise when implementing complex statutes on public health, food safety, climate change, and other topics. During oral arguments, several Justices appeared open to replacing Chevron with Skidmore deference, which would allow judges wider discretion when reviewing statutes. They considered whether overruling Chevron would invite a flood of litigation concerning virtually all federal laws, but also queried whether doing so would diminish requests for “shadow docket” decisions or resolving “major questions.”

"Is a new product designed to promote healthy levels a dietary supplement or a drug? .... I would rather have people at [an agency like] HHS telling me whether this new product was a dietary supplement or a drug."

Justice Elena Kagan, Relentless Oral Argument

RECENT AND UPCOMING ORAL ARGUMENTS

PREVIEW: MOODY V. NETCHOICE, NETCHOICE V. PAXTON

On February 26, SCOTUS will hear arguments in 2 cases involving Texas and Florida laws prohibiting content censorship on large social media platforms. Affected companies asked the Court last year to consider whether the laws violate their 1st Amendment rights to control speech on their platforms. This case could inhibit restrictions on the spread of online misinformation which has grown increasingly prevalent during and after the COVID-19 pandemic.