APRIL ARGUMENTS: EMTALA AND HOMELESSNESS

In 2 recent, separate arguments, the Court considered issues of homelessness and federal preemption under EMTALA.

In Grants Pass v. Johnson, the Court examined the permissibility of 8th Amendment cruel and unusual punishment challenges to local anti-camping and anti-homelessness ordinances regulating public property. The Court’s questions focused on (1) whether the ordinances criminalize the mere status of homelessness and (2) whether courts, rather than impacted municipalities, should be deciding these issues.

In Moyle v. United States, the Court considered whether EMTALA, a federal statute requiring stabilization of emergency medical conditions at most hospital emergency rooms, preempts restrictive state abortion laws. Idaho law allows abortion exceptions only to save the life of a pregnant person, and not to prevent health-related complications. At issue was whether Idaho’s law would allow for emergency treatment and the appropriateness of federal enforcement of EMTALA to allow abortions in specific cases irrespective of restrictive state laws.

UPCOMING DECISIONS: SCOTUS 2023-2024 TERM

Before the end of June 2024, SCOTUS is expected to issue a number of decisions with profound public health impacts, including Loper Bright v. Raimondo (Chevron deference); Grants Pass v. Johnson (homelessness criminalization); Moyle v. U.S. (EMTALA preemption of state abortion restrictions); FDA v. Alliance for Hippocratic Medicine (access to medication abortion); Murthy v. Missouri (control of misinformation on social media platforms); U.S. v. Rahimi (federal domestic violence restrictions on gun ownership); Harrington v. Purdue Pharma (bankruptcy agreements affecting tort litigation); and Alexander v. S.C. Conference of NAACP (distinguishing political and racial gerrymandering). These and other cases will be featured in the Center’s forthcoming annual SCOTUS PHLU updates in the Journal of Law, Medicine, and Ethics.