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BLOG

Notable Decisions of the 2024 U.S. Supreme Court Term Impacting Group Health Plans

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As the Supreme Court's 2024 term comes to a close, we want to highlight several decisions that impact employer-sponsored group health plans. Health plan sponsors will want to monitor the impact of these decisions.

- *Loper Bright Enterprises v. Raimondo* [1]

  The Supreme Court overturned the doctrine of Chevron deference, which requires courts to defer to administrative agencies' interpretation of ambiguous legislation. This decision will have wide-ranging implications—including for health and welfare plans, which are subject to a plethora of federal laws and regulations under the jurisdiction of the U.S. Departments of Labor, Treasury, and Health and Human Services. Agency regulations will now be more susceptible to being challenged in court.

- *Food and Drug Administration v. Alliance for Hippocratic Medicine* [2]

  The Supreme Court preserved access to the abortion drug mifepristone, unanimously ruling that the providers challenging the Food and Drug Administration's (FDA) regulation of the drug lacked standing. The Supreme Court found that the providers failed to demonstrate that the FDA's approved conditions of use, which expanded access to the drug, would cause them to suffer harm. This ruling preserves existing access to mifepristone as set forth in the 2016 and 2021 approvals, including allowing patients to receive the drug by mail and without any in-person dispensation requirement. However, the ruling is also narrow, having been decided on the basis of standing rather than on the merits of the case. Thus, a pathway remains open for future challenges to abortion pill access.

- *Moyle v. United States* [3]

  In a 6–3 opinion, the Supreme Court reinstated the lower court ruling that temporarily allows hospitals in Idaho to perform emergency abortions to protect the life or health of the mother. Idaho's abortion ban currently makes it a felony to provide an emergency abortion even when the health of the mother is at risk. In January, the Supreme Court had blocked the lower court ruling and allowed Idaho to enforce its abortion ban in full. The Supreme Court's decision did not resolve the core issue of whether Idaho's abortion law is preempted by the federal Emergency Medical Treatment and Labor Act (EMTALA), but instead dismissed the

case as improvidently granted and ended the stay on the district court injunction. The case now returns to the Ninth Circuit for review.

CASES TO WATCH IN THE 2025 TERM

- *Stanley v. City of Sanford, Florida*[4]

  The Supreme Court will decide a circuit court split over whether former employees may sue their employers under the Americans with Disabilities Act (ADA) for discrimination in post-employment benefits. The Sixth, Seventh, Nineth, and Eleventh Circuits have held that former employees are not "qualified individuals" under the ADA, while the Second and Third Circuits have held that they can be. In *Stanley v. City of Sanford*, the Supreme Court will hear a challenge to the Eleventh Circuit decision that held that a retired firefighter could not bring an ADA claim against her former employer's retiree health plan rules, which required disabled retirees to pay their own premiums, but subsidized premiums for non-disabled retirees.

- *United States v. Skrmetti*[5]

  The Supreme Court has agreed to hear a challenge to the Sixth Circuit decision upholding Tennessee's ban on gender-affirming care for minors. The Tennessee law was enacted in 2023 and prohibits health care providers from administering puberty blockers or hormone therapy or performing gender-affirming surgical care for the purpose of altering a minor's gender assigned at birth. Health care providers who violate the law can be sued by private right of action and lose their medical license. District Judge Eli Richardson allowed the prohibition on surgical care to take effect last year, but temporarily barred the state from enforcing restrictions on puberty blockers and hormone therapy. The Sixth Circuit reversed. The appellants, joined by the Biden administration, argue that the law violates the 14th Amendment's equal protection clause.

To learn more about how these decisions may impact your company's health and welfare plans, contact your Winston & Strawn relationship attorney or a member of Winston's Employee Benefits and Executive Compensation team.

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[1] *Loper Bright Enters. v. Raimondo*, 603 U.S. ___, No. 22-451 (June 28, 2024). The opinion decided both *Loper Bright*, No. 22-451, and *Relentless, Inc. v. Dep't of Com.*, No. 22-1219.

[2] *Food and Drug Administration v. Alliance for Hippocratic Med.*, 602 U.S. ___, No. 23-235 (June 13, 2024).

[3] *Moyle v. United States*, 603 U.S. ___, No. 23-726 (June 5, 2024).

[4] *Stanley v. City of Sanford, Fla.*, ___ U.S. ___, No. 23-997 (June 24, 2024).

[5] *United States v. Skrmetti*, ___ U.S. ___, No. 23-477 (June 24, 2024).

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