



## Table - COVID-19 U.S. Supreme Court Judicial Rulings (last updated November 4, 2022)

### COVID-19 Related Opinions & Orders from the U.S. Supreme Court

The Table below highlights (i) full Opinions and (ii) Orders and Opinions re: Orders issued by the U.S. Supreme Court related to, or connected with, the COVID-19 pandemic, from February 1, 2020 to June 15, 2022.

Cases in the Table are listed chronologically (most recent first) and organized in the following columns:

- I. **Case name** – provides the name of the Court’s case, hyperlink to Opinion or Order, and its date;
- II. **Topic** – provides the primary, public health law-related topic of Opinion or Order;
- III. **Summary** – provides a brief summary of the Opinion or Order.

**I. Case Name****II. Topic****III. Summary****OPINIONS**

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| <a href="#">NFIB v. OSHA</a><br>(1/13/22)  | Vaccine or Test Rule (OSHA)                    | The Court temporarily blocked OSHA's Emergency Temporary Standard (ETS) mandating that employers with at least 100 employees implement mandatory COVID-19 vaccination programs for employees or opt for a weekly testing alternative. The ETS was blocked from going into effect nationwide. The Court held that the ETS was “no ‘everyday exercise of federal power,’” but “instead a significant encroachment into the lives—and health—of a vast number of employees,” and found that the Secretary of Labor is empowered via the OSH Act to regulate occupational and workplace hazards but not public health in general.            |
| <a href="#">Biden v. Missouri</a><br>(1/13/22)                                     | Vaccine Mandate (CMS)                          | The Court allowed a Centers for Medicare and Medicaid Services rule to go into effect which requires facilities that participate in Medicare and Medicaid to ensure that their staff are vaccinated against COVID-19 (subject to medical and religious exemptions). The Court blocked lower court rulings which had prevented enforcement of the mandate, permitting it to go into effect nationwide. The Court held that the mandate fell within the authority of the Secretary of the Department of Health and Human Services to impose conditions on the receipt of federal Medicare and Medicaid funds.                              |
| <a href="#">Alabama Association of Realtors v. HHS</a><br>(8/26/21)                | Eviction Moratorium                            | The Court blocked CDC's federal moratorium on residential, non-commercial evictions, upholding a lower court's judgment. The district court vacated as unlawful CDC's imposition of a nationwide moratorium on evictions of any tenants who live in a county that is experiencing substantial or high levels of COVID-19 transmission and who make certain declarations of financial need [86 Fed. Reg. 43244]. The Court held that the Association of Realtors would likely succeed in the argument that CDC did not have the power to issue the moratorium and that Congress would have to authorize such a power through legislation. |
| <a href="#">Yellen v. Confederated Tribes of Chehalis Reservation</a><br>(6/25/21) | Federal Indian Law                             | The Court held that while Alaska Native Corporations (ANCs) are not federally-recognized tribes in a sovereign political sense, they are “Indian tribes” under plain definition in the Indian Self-Determination and Education Assistance Act (ISDA) and thus eligible to receive monetary relief under Title V of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.   |
| <a href="#">Tandon v. Newsom</a><br>(4/9/21)                                       | First Amendment Religious Free Exercise Rights | California was prohibited from enforcing COVID-19 restrictions on private gatherings as applied to applicants' at-home religious exercise. The state's restrictions on private gatherings contained “myriad exceptions and accommodations” for secular activities comparable to religious activities, triggering strict scrutiny for Free Exercise Clause violations.  |

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| <a href="#">Roman Catholic Diocese of Brooklyn v. Andrew Cuomo</a><br><br>(11/25/20)           | First Amendment Religious Free Exercise Rights | New York was enjoined from enforcing Executive Order 202.68's 10- and 25-person occupancy limits on a church and synagogue. The religious entities were likely to succeed because the restrictions "single[d] out houses of worship for especially harsh treatment" and less restrictive rules "could be adopted to minimize the risk [of COVID-19] to those attending religious services." The Court also concluded that the limits presented irreparable harm to the religious organizations, and that blocking the requirements would not necessarily harm the public.                 |
| <a href="#">Republican National Committee v. Democratic National Committee</a><br><br>(4/6/20) | Election Law                                   | A lower district court erred in allowing the state of Wisconsin to change its election rules, which allowed ballots to be postmarked and mailed after election day due to COVID-19 related poll location safety concerns. The court's order was blocked to the extent it required Wisconsin to count absentee ballots postmarked after the date of the state's election. By prohibiting enforcement of state statutory election requirements, the District Court violated the principle that lower federal courts should ordinarily not alter election rules on "the eve of an election". |
| <b>ORDERS &amp; OPINIONS RELATED TO ORDERS</b>   |  |   |
| <a href="#">Corbett v. Transportation Security Administration</a><br><br>(10/31/22)            | Travel Mask Mandate                            | The Court declined to hear a challenge to the Transportation Security Administration (TSA)'s authority to require mask-wearing on planes, trains, and other transportation.   |
| <a href="#">Dr. A v. Hochul</a><br><br>(6/30/22)   | Vaccine Mandate (New York City)                | The Court again declined to hear a challenge to New York City's COVID-19 vaccine mandate for health care workers.   |
| <a href="#">Dunn v. Austin</a><br><br>(4/18/22)  | Vaccine Mandate (Military)                     | The Court declined to grant an injunction prohibiting the U.S. Air Force from disciplining service members based on their vaccination status, allowing the mandate to continue to be enforced.  |
| <a href="#">Maniscalco v. New York City Department of Education</a><br><br>(4/18/22)           | Vaccine Mandate (New York City)                | The Court again declined to hear a challenge to New York City's COVID-19 vaccine mandate for public school employees.   |

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| <a href="#">Austin v. U.S. Navy Seals 1-26</a><br>(3/25/22)                                | Vaccine Mandate (Military)      | The Court granted a partial stay, dissolving a federal judge's order precluding the U.S. Navy from limiting service members' deployment and training based on their COVID-19 vaccination status.  |
| <a href="#">Does 1-3 v. Mills</a><br>(2/22/22)   | Vaccine Mandate (Maine)         | The Court again declined to hear a challenge to Maine's vaccine mandate for health care workers.  |
| <a href="#">Doe v. San Diego School District</a><br>(2/18/22)                              | Vaccine Mandate (San Diego)     | The Court declined to grant an emergency order blocking the San Diego Unified School District from enforcing its COVID-19 vaccination requirement.  |
| <a href="#">Keil v. City of New York</a><br>(2/11/22, 2/16/22, 3/7/22)                     | Vaccine Mandate (New York City) | The Court first denied an emergency request by New York City teachers to consider an appeal blocking the City's vaccine mandate, but after the request was re-submitted several days later, it was referred to the Court. On March 7, the application was denied. |
| <a href="#">NFIB v. OSHA &amp; Ohio v. OSHA</a><br>(12/22/21)                              | Vaccine Mandate (OSHA)          | The Court consolidated two cases addressing OSHA's Emergency Temporary Standard and scheduled oral argument for January 7, 2022.  |
| <a href="#">Biden v. Missouri &amp; Becerra v. Louisiana</a><br>(12/22/21)                 | Vaccine Mandate (CMS)           | The Court consolidated two cases addressing CMS's vaccine mandate and scheduled oral argument for January 7, 2022.  |
| <a href="#">Dr. A v. Hochul</a><br><a href="#">We the Patriots v. Hochul</a><br>(12/13/21) | Vaccine Mandate (New York City) | The Court declined to block New York City's COVID-19 vaccination mandate for health care workers.   |
| <a href="#">Does 1-3 v. Mills</a><br>(10/29/21)  | Vaccine Mandate (Maine)         | The Court declined to block Maine's COVID-19 vaccination mandate for health care workers. The lower court deferred to the State COVID-19 policy, which added it to a list of diseases health care workers were required to be vaccinated against.                 |

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| <a href="#">Maniscalco v. New York City Department of Education</a><br><br>(10/1/21)   | Vaccine Mandate (New York City)                | The Court turned down a request from New York City public school employees to temporarily block the enforcement of the New York City requirement that all public school employees be vaccinated while they litigate their challenge in lower courts.   |
| <a href="#">Chrysfafis v. Marks</a><br><br>(8/12/21)   | Eviction Moratorium                            | The Court granted a request from a group of New York landlords to lift part of the State moratorium on residential evictions put in place at the beginning of the COVID-19 pandemic that allows tenants in New York to avoid eviction by declaring that they have suffered “financial hardship” as a result of the pandemic.   |
| <a href="#">Klaassen v. Trustees of Indiana University</a><br><br>(8/12/21)  | Vaccine Mandate (Indiana University)           | The Court turned down a request from a group of Indiana University students to block the University’s COVID-19 vaccination requirement.  |
| <a href="#">Alabama Association of Realtors v. HHS</a><br><br>(7/29/21)  | Eviction Moratorium                            | The Court allowed a prior version of CDC’s residential eviction moratorium to remain in place for 1 month.   |
| <a href="#">Denver Bible Church v. Polis</a><br><br>(6/1/21)   | First Amendment Religious Free Exercise Rights | The Court rejected a request from 2 Colorado churches seeking to (a) block enforcement of any COVID-19 related restrictions in Colorado’s disaster law that would interfere with the churches’ ability to exercise their religion and (b) overturn <i>Jacobson v. Massachusetts</i> .  |
| <a href="#">South Bay United Pentecostal Church v. Newsom</a><br><br><a href="#">Harvest Rock Church v. Newsom</a><br><br>(2/5/21) | First Amendment Religious Free Exercise Rights | The Court partially granted a request to block California’s COVID-19-related religious assembly limitations. Specifically, California was prohibited from enforcing the prohibition on indoor worship services, but could enforce percentage capacity limitations, including a 25% capacity limitation on indoor worship services. California could also continue to prohibit “singing and chanting” during indoor services. |

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| <a href="#">FDA v. American College of Obstetricians and Gynecologists</a><br>(1/12/21)    | Abortion  | The Court granted FDA's request to block mail delivery of abortion pills by reinstating a federal requirement that a pill used to induce abortion in the early stages of pregnancy be picked up in person from a health care provider. The federal district court had suspended that requirement in the summer of 2020 because of the COVID-19 pandemic. The Supreme Court directed FDA in October 2020 to return to the lower court to seek narrower relief. |
| <a href="#">Valentine v. Collier</a><br>(11/16/20)   | Eighth Amendment<br>Cruel and Unusual<br>Punishment | The Court declined to reinstate a judge's order requiring a Texas prison to take specific steps to protect against COVID-19 outbreak. Geriatric prison inmates had alleged violations of their Eighth and Fourteenth Amendment rights, as well as violations of the ADA and Rehabilitation Act, in arguing the prison failed to make reasonable accommodations to protect them from infection.  |
| <a href="#">Moore v. Circosta</a><br>(10/28/20)  | Election Law  | The Court declined to block COVID-19 related absentee voting changes in North Carolina.   |
| <a href="#">Democratic National Committee v. Wisconsin State Legislature</a><br>(10/23/20) | Election Law  | The Court declined to lift a court order blocking COVID-19 related absentee voting changes in Wisconsin.  |
| <a href="#">Ross v. National Urban League</a><br>(10/13/20)                                | Census  | The Court temporarily stayed an order by a federal district court in California requiring the 2020 census count to continue through October 31, 2020, in light of the COVID-19 pandemic.  |
| <a href="#">Merrill v. People First of Alabama</a><br>(10/21/20)                           | Election Law  | The Court temporarily stayed a district court's September 30, 2020 order permanently blocking a ban on pandemic-related curbside voting, allowing Alabama counties to restore bans.   |
| <a href="#">FDA v. American College of Obstetricians and Gynecologists</a><br>(10/8/20)    | Abortion  | Following a Maryland federal district court's suspension of an FDA requirement that abortion-inducing pills be picked up in person, FDA asked the Court to block the district court's order. The Court ordered FDA to return to the district court and ask for a narrower order.  |

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| <a href="#">Andino v. Middleton</a><br>(10/5/20)                           | Election Law   | The Court partially stayed a district court order prohibiting enforcement of South Carolina's witness requirement of absentee ballots to the extent the State wanted to retain the requirement during the COVID-19 pandemic.  |
| <a href="#">Barnes v. Ahlman</a><br>(8/5/20)                               | Eighth Amendment                                     | The Court temporarily stayed a district court's order that would require the Orange County (CA) Sheriff's Department to implement COVID-19 related safety measures in county jails.   |
| <a href="#">Little v. Reclaim Idaho</a><br>(7/30/20)                       | Election Law   | The Court declined to block a district court order requiring Idaho either to certify an initiative for inclusion on the ballot without the requisite number of signatures, or allow the initiative sponsor additional time to gather digital signatures through an online process of solicitation and submission never before used by the State. The order required the State to accommodate COVID-19 pandemic-related delays and risks by extending the deadline for accepting ballot-initiative signatures and permitting their digital collection.   |
| <a href="#">Calvary Chapel Dayton Valley v. Sisolak</a><br>(7/24/20)       | First Amendment<br>Religious Free<br>Exercise Rights | The Court declined to block a Nevada Executive Order limiting attendance at religious services to 50 persons, whereas other facilities including casinos could limit occupancy to 50%. A church sought compliance with looser standards set for casinos, and to be allowed to admit 50% of its fire code capacity. The district court denied the church's request, which the Fifth Circuit approved on appeal.  |
| <a href="#">South Bay United Pentecostal Church v. Newsom</a><br>(5/29/20) | First Amendment<br>Religious Free<br>Exercise Rights | The Court declined to block a California executive order placing temporary numerical restrictions on public gatherings, including 25% capacity (up to 100 people) at places of worship.   |
| <a href="#">Valentine v. Collier</a><br>(5/14/20)                          | Eighth Amendment<br>Cruel and Unusual<br>Punishment  | The Court declined to block a lower court order regarding inmates at a geriatric prison facility alleging that the facility failed to protect them from the dangers of COVID-19. The district court held that the facility's "inexplicable failures" amounted to "deliberate indifference for its elderly inmates in violation of the Eighth Amendment," and required the prison to follow an extensive protocol, including cleaning and sanitation efforts. The Fifth Circuit temporarily blocked the lower court's requirements. While disagreeing with the Fifth Circuit's analysis, the Court required reports every 10 days on the status of the inmates, trusting it would help protect their rights. |

This document was developed and updated by **Erica N. White, J.D., Staff Attorney**, and reviewed by **James G. Hodge, Jr., J.D., L.L.M.**, Director, and **Jennifer L. Piatt, J.D., Deputy Director**, with the Network for Public Health Law – Western Region Office, Sandra Day O'Connor College of Law, Arizona State University (ASU). The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.



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