

15-1391 EXPRESSIONS HAIR DESIGN V. SCHNEIDERMAN, ATTORNEY GENERAL OF NY

DECISION BELOW: 808 F.3d 118

LOWER COURT CASE NUMBER: 13-4533, 13-4537

QUESTION PRESENTED:

Ten states have enacted laws that allow merchants to charge higher prices to consumers who pay with a credit card instead of cash, but require the merchant to communicate that price difference as a cash "discount" and not as a credit-card "surcharge."

The question presented is:

Do these state no-surcharge laws unconstitutionally restrict speech conveying price information (as the Eleventh Circuit has held), or do they regulate economic conduct (as the Second and Fifth Circuits have held)?

CERT. GRANTED 9/29/2016