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*Expressions Hair Design v. Schneiderman*, No. 15-1391

When merchants accept payments by credit card, they incur processing fees that they would not incur in a cash transaction. As a result, some merchants opt to charge different prices for customers paying cash and for those paying with credit cards. In ten states, including New York, such merchants are permitted to discriminate by method of payment only if they characterize the disparity as a discount for cash purchasers, rather than as a surcharge for credit card users. The lower courts have divided as to whether such restrictions impermissibly restrict speech conveying price information. The Court will review the constitutionality of New York's law.