

THOMAS, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 01–344

TOMMY G. THOMPSON, SECRETARY OF HEALTH
AND HUMAN SERVICES, ET AL., PETITIONERS *v.*
WESTERN STATES MEDICAL CENTER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[April 29, 2002]

JUSTICE THOMAS, concurring.

I concur because I agree with the Court’s application of the test set forth in *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm’n. of N. Y.*, 447 U. S. 557 (1980). I continue, however, to adhere to my view that cases such as this should not be analyzed under the *Central Hudson* test. “I do not believe that such a test should be applied to a restriction of ‘commercial’ speech, at least when, as here, the asserted interest is one that is to be achieved through keeping would-be recipients of the speech in the dark.” 44 *Liquormart, Inc. v. Rhode Island*, 517 U. S. 484, 523 (1996) (opinion concurring in part and concurring in judgment).