

Case Summary: *Chiles v. Salazar*, No. 24–539 (U.S. Mar. 31, 2026)

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Kaley Chiles, a licensed counselor in Colorado who employs talk therapy with her clients, filed suit in federal court against Colo. Rev. Stat. §12–245–224(1)(t)(V) (2025), a law “prohibiting licensed counselors from engaging in ‘conversion therapy’ with minors.”¹ The State argued that the law was established in response to “a growing mental health crisis among Colorado teenagers and mounting evidence that conversion therapy is associated with increased depression, anxiety, suicidal thoughts, and suicide attempts.”² Chiles argued that this law violated her First Amendment right to “speak freely with her clients in ways she believes might help them meet ‘their own goals.’”³ Kaley established that she does not go into her sessions with any preformed objectives or to try to persuade her clients in any way; instead, she only tries to help her clients “address their stated goals” on matters of sexuality and gender.⁴

The District Court and the U.S. Court of Appeals for the Tenth Circuit

¹ *Chiles v. Salazar*, No. 24–539, slip op. at 2 (U.S. Mar. 31, 2026).

² *Id.*

³ *Id.* at 4.

⁴ *Id.* at 2 (“On matters of sexuality and gender, Ms. Chiles’s clients, including minors, come to her with different goals in mind . . . Ms. Chiles does not try to persuade her clients to ‘change their attractions, behavior, or identity,’ but aims instead to help them address their stated goals.”).

concluded that the law applies to “professional conduct and that it regulates speech only incidentally,” which triggers only rational basis review, in which the state must prove the law is rationally related to a legitimate governmental interest.⁵ The lower courts held that Chiles was not entitled to the relief that she was seeking. Chiles then appealed to the U.S. Supreme Court.

Justice Gorsuch delivered the Court’s majority opinion, holding that the lower courts erred in applying rational basis review to the law and should have instead applied strict scrutiny since the law regulated speech based on its subject matter and constituted viewpoint discrimination.⁶ According to the Court, these content-based restrictions triggered strict scrutiny, which requires the government to prove the law is narrowly tailored to serve compelling state interests.⁷ The Court pointed to several cases as precedent for this holding, including *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) and *Cohen v. California*, 403 U.S. 15 (1971). Justice Gorsuch wrote for the majority, saying that this law clearly struck at free speech since talk therapists like Chiles, who only speak with their clients and “[do] not prescribe medication, use medical devices, or employ any physical methods,” were impacted by the regulation.⁸ The majority also rejected the State’s argument that Chiles’ speech became conduct simply because it was described as a “treatment” or a “therapeutic modality,” with Justice Gorsuch writing that “the

⁵ *Id.* at 6.

⁶ *Id.* at 8.

⁷ *Id.* at 8 (“As a general rule, such ‘content-based’ restrictions trigger ‘strict scrutiny,’ a demanding standard that requires the government to prove its restriction on speech is ‘narrowly tailored to serve compelling state interests.’”).

⁸ *Id.* at 11.

First Amendment is no word game.”⁹

Justice Kagan wrote a concurring opinion, which Justice Sotomayor joined, making note that the case would have been much closer if it was “a content-based but viewpoint-neutral law.”¹⁰ On the other hand, Justice Jackson, the lone dissenter on the Court, pointed to *Lambert v. Yellowley*, 272 U.S. 581 (1926) as precedent that “there is no right to practice medicine which is not subordinate to the police power of the States.”¹¹ Justice Jackson asserted that the majority did not take the healthcare context into consideration and wrote that these First Amendment principles hold less weight “when the speakers are medical professionals and their treatment-related speech is being restricted incidentally to the State’s regulation of the provision of medical care.”¹² Justice Jackson claimed that “the Court could be ushering in an era of unprofessional and unsafe medical care administered by effectively unsupervised healthcare providers.”¹³ She also analogized the law by writing that “no one would bat an eye if a State required its doctors to discourage, but not encourage, smoking tobacco.”¹⁴

This case is incredibly important in how it might impact healthcare regulations and licensing in the future. This ruling could also have further implications on contentious healthcare issues like abortion, especially considering

⁹ *Id.* at 12.

¹⁰ *Id.* at 1 (Kagan, J., concurring) (“I write only to note that if Colorado had instead enacted a content-based but viewpoint-neutral law, it would raise a different and more difficult question.”).

¹¹ *Id.* at 1 (Jackson, J., dissenting) (citing *Lambert v. Yellowley*, 272 U.S. 581, 596 (1926)).

¹² *Id.* at 2 (Jackson, J., dissenting).

¹³ *Id.* at 33 (Jackson, J., dissenting).

¹⁴ *Id.* at 21 (Jackson, J., dissenting)

its broad framing of First Amendment protections for professional speech.