

The Burger Court Opinion Writing Database

Hillsborough County v. Automated Medical Laboratories, Inc.

471 U.S. 707 (1985)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

May 28, 1985

Re: No. 83-1925 - Hillsborough County, Fla. v.
Automated Medical Lab.

Dear Thurgood:

I join.

Regards,



Justice Marshall

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 22, 1985

No. 83-1925

Hillsborough County, Florida,
et al. v. Automated Medical
Laboratories, Inc.

Dear Thurgood,
I agree.

Sincerely,

Bill

Justice Marshall

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 22, 1985

83-1925 - Hillsborough County, FL v.
Automated Medical Laboratories, Inc.

Dear Thurgood,

Please join me.

Sincerely,



Justice Marshall

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To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

Circulated: MAY 21 1985

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1925

**HILLSBOROUGH COUNTY, FLORIDA, ET AL.,
APPELLANTS v. AUTOMATED MEDICAL
LABORATORIES, INC.**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

[May —, 1985]

JUSTICE MARSHALL delivered the opinion of the Court.

The question presented is whether the federal regulations governing the collection of blood plasma from paid donors pre-empt certain local ordinances.

I

Appellee Automated Medical Laboratories, Inc., is a Florida corporation that operates, through subsidiaries, eight blood plasma centers in the United States. One of the centers, Tampa Plasma Corporation (TPC), is located in Hillsborough County, Florida. Appellee's plasma centers collect blood plasma from donors by employing a procedure called plasmapheresis. Under this procedure, whole blood removed from the donor is separated into plasma and other components, and "at least the red blood cells are returned to the donor," 21 CFR § 606.3(e). Appellee sells the plasma to pharmaceutical manufacturers.

Vendors of blood products, such as TPC, are subject to federal supervision. Under section 351(a) of the Public Health Service Act, 42 U. S. C. § 262(a), such vendors must be licensed by the Secretary of Health and Human Services (HHS). Licenses are issued only on a showing that the vendor's establishment and blood products meet certain safety, purity, and potency standards established by the Secretary.

STYLISTIC CHANGES THROUGHOUT

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Marshall

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1925

**HILLSBOROUGH COUNTY, FLORIDA, ET AL.,
APPELLANTS v. AUTOMATED MEDICAL
LABORATORIES, INC.**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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Vendors of blood products, such as TPC, are subject to federal supervision. Under §351(a) of the Public Health Service Act, 58 Stat. 702, as amended, 42 U. S. C. §262(a), such vendors must be licensed by the Secretary of Health and Human Services (HHS). Licenses are issued only on a showing that the vendor's establishment and blood products meet certain safety, purity, and potency standards estab-

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 28, 1985

Re: No. 83-1925, Hillsborough County, Florida
v. Automated Medical Lab.

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 22, 1985

83-1925 Hillsborough County v. Automated Medical

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

lfp/ss

cc: The Conference

84 MAY 25 1985

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 22, 1985

Re: No. 83-1925 Hillsborough County v. Automated Medical Lab

Dear Thurgood,

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 22, 1985

Re: 83-1925 - Hillsborough County, Florida
v. Automated Medical Laboratories

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 21, 1985

No. 83-1925 Hillsborough County, Florida v.
Automated Medical Laboratories

Dear Thurgood,

Please join me.

Sincerely,

Justice Marshall

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