

JUDICIAL TRENDS IN PUBLIC HEALTH – CASE ABSTRACTS, 2025

The Network for Public Health Law monitors key court cases and relevant judicial trends in public health. The Network's quarterly reporter, ***Judicial Trends in Public Health*** (JTPH), highlights select, recently published cases in public health law and policy from the prior 3 months. Case abstracts are organized within 11 key topics (adapted from JAMES G. HODGE, JR., PUBLIC HEALTH LAW IN A NUTSHELL, 4TH ED. (2021)), including hyperlinks to the full decisions (where available). Contact the [Network](#) for more information, questions, or comments.


JTPH TOPIC DIGEST

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2. **CONSTITUTIONAL RIGHTS & THE PUBLIC'S HEALTH** ([6 Cases](#))
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1. SOURCE AND SCOPE OF PUBLIC HEALTH LEGAL POWERS

FDA v. Wages & White Lion Investments, L.L.C. (U.S. Supreme Court, Apr. 2, 2025): The Supreme Court unanimously upheld the Food & Drug Administration's denial of authorization to market flavored electronic cigarette products, overturning an en banc Fifth Circuit ruling that FDA's actions were arbitrary and capricious. Under the Family Smoking Prevention and Tobacco Control Act, the FDA is required to deny any new tobacco product unless it would be appropriate for the protection of the public health. FDA denied the contested applications on the basis that flavoring drives youth smoking initiation and nicotine addiction and the Court upheld the Agency's power to do so and its substantive decision under administrative law principles. [Read the full opinion here.](#)

T&V Associates, Inc. v. Director of Health and Human Services (Michigan Supreme Court, November 1, 2024): The Michigan Supreme Court held that a challenge to the State's epidemic emergency powers act is moot and vacated the lower court's finding that the act is unconstitutional. A catering service and banquet facility challenged the statute under which the Michigan Director of Health and Human Services issued a COVID-19 emergency order limiting gatherings at food service



establishments. The challenged statute authorizes the Director to issue an emergency order prohibiting gatherings and establishes procedures to follow upon determination “that control of an epidemic is necessary to protect the public health.” The State argued that the case was moot as the challenged order was no longer in effect. The intermediate appellate court rejected the mootness argument and found that the statute was an “essentially unlimited” grant of authority and thus an unconstitutional delegation of legislative authority to the executive branch. The Supreme Court reversed its holding that the case is moot, vacating the lower court’s finding of unconstitutionality, and not addressing the merits of the challenge. As a result, the statute remains in effect. [Read the full opinion here.](#)


2. CONSTITUTIONAL RIGHTS AND THE PUBLIC’S HEALTH

Brown v. Wisconsin Elections Commission (Wisconsin Supreme Court, Feb. 18, 2025): The Wisconsin Supreme Court upheld the city of Racine’s use of a mobile voting truck for in-person absentee voting, reversing the trial court decision on the basis that the plaintiff lacked standing. The trial court previously held that the use of mobile vans as absentee voting sites violates Wisconsin law, but that in-person absentee voting sites do not need to be located as close as practicable to the clerk’s office. The Wisconsin Supreme Court did not evaluate use of mobile voting sites generally, but described the lawful process by which the Racine City Clerk selected approved voting sites where the mobile election unit would operate for a pre-determined time period. This case was filed on behalf of a Wisconsin voter by a conservative group, the Wisconsin Institute for Law & Liberty (WILL). [Read the full opinion here.](#)

Duncan v. Bonta (9th Cir., March 20, 2025): The Ninth Circuit Court of Appeals, in an en banc decision, upheld a California ban on ammunition magazines capable of holding more than ten rounds. Although the Ninth Circuit previously ruled on this case in 2021, the U.S. Supreme Court previously vacated that decision and remanded the case back down to the lower courts to be reconsidered in light of the Court’s *Bruen* decision. The Ninth Circuit concluded that high-capacity magazines are not “arms” within the plain text of the Second Amendment, especially because firearms operate as intended with lower-capacity magazines. The court similarly concluded that the California ban satisfies *Bruen*’s historical analysis requirements due to Founding-era gunpowder storage requirements. [Read the full opinion here.](#)

CompassCare v. Hochul (2nd Cir., January 2, 2025): The Second Circuit Court of Appeals revived one claim made by religious employers and related crisis pregnancy centers who challenged a New York law that prohibits employment discrimination or retaliation based on employees’ reproductive health decision-making. The employers alleged the statute violates various First Amendment rights, including free speech, free exercise, religious autonomy, and expressive association; the district court dismissed all claims. On appeal, the Second Circuit revived only the expressive association claim, finding that the statute could violate an employer’s expressive association rights if it requires the employer to hire or retain individuals who act or have acted against the employer’s core mission. This decision remands the case to the lower court to determine whether any of the plaintiff-employers can prove that being required to hire or retain individuals who engage in specific reproductive health care threatens the employer’s core mission. [Read the full opinion here.](#)

Reese v. Bureau of Alcohol, Tobacco, Firearms, and Explosives (5th Cir., January 30, 2025): The Fifth Circuit Court of Appeals held that federal laws prohibiting the sale of handguns by federally



licensed sellers to individuals under 21 are unconstitutional and reversed the lower court's holding that such challenged laws are consistent with the nation's historical tradition of firearm regulation. Pro-gun rights organizations and two Louisiana residents aged 18–20 challenged the federal laws under the Second Amendment, which protects the right of the people to keep and bear arms. The lower court held in favor of the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) concluding the laws satisfied the *Bruen* test requiring historic precedent, citing 19th century laws restricting firearm sales to minors and pre-*Bruen* Fifth Circuit analysis in *NRA v. ATF*. The appellate court reversed this decision, rejecting the comparison to 19th century firearm laws because *Bruen* seeks to reflect the intentions of the Founders. As a result, the federal prohibition was found unconstitutional. [Read the full opinion here.](#)

Johnson v. Sanders (10th Cir., November 5, 2024): The Tenth Circuit Court of Appeals held against an incarcerated transgender woman whose hormone replacement therapy (HRT) was discontinued by staff upon her transfer to a new carceral facility in Oklahoma. The inmate was originally diagnosed with gender dysphoria and prescribed HRT while detained at the county jail and she continued this treatment when she initially transferred facilities. After subsequent transfers, however, the inmate had her diagnosis reversed by a prison psychologist and had her HRT treatment discontinued against her wishes. She brought a deliberate indifference claim under the Eighth Amendment's prohibition on cruel and unusual punishment against staff for discontinuing her HRT treatment. The district court held that prison staff did not act with deliberate indifference to the inmate's serious medical needs and the appellate court affirmed. Transgender women's access to medical care and safe facilities faces heightened uncertainty as a recent Executive Order by President Trump directs federal prisons to house transgender women in men's prisons and ceases funding for any gender-affirming medical care for federal inmates. This Executive Order has been temporarily blocked after transgender inmates brought suit, but the case remains to be heard in federal court. [Read the full 10th Circuit opinion in *Johnson* here.](#) [Read the District Court ruling on the Executive Order here.](#)

Held v. Montana (Montana Supreme Court, December 18, 2024): The Montana Supreme Court upheld the right to a clean and healthful environment under the Montana Constitution, affirming the trial court's decision and rejecting the State's contentions that the framers did not intend to encompass environmental degradation resulting from climate change. A group of youths challenged a provision of the Montana Environmental Policy Act (MEPA) which restricts the consideration of greenhouse gas emissions in environmental reviews. The court cited precedent describing the constitutional right as "forward-looking and preventative" from the 1972 Montana Constitutional Convention and exercised strict scrutiny over the MEPA prohibition. Upholding the constitutional right resulted in striking down the statute. [Read the full Opinion here.](#)

3. PREVENTING AND TREATING COMMUNICABLE CONDITIONS

Miller v. McDonald (2d Cir., March 3, 2025): The Second Circuit Court of Appeals upheld New York's repeal of its religious belief exemption for school immunizations, holding the State did not violate 1st Amendment rights of Amish parents or schools. The court applied rational basis review after concluding the law is neutral on its face. The State repealed its religious belief exemption in 2019 following a severe measles outbreak where most cases occurred in communities that contained schools with insufficient immunization rates. The court rejected comparisons to the 1972 Supreme Court case, *Yoder*, which held that the right to free exercise of religion outweighed the state's interest in compulsory education for children. [Read the full opinion here.](#)



4. SOCIAL DISTANCING MEASURES

5. ADDRESSING CHRONIC CONDITIONS

6. MITIGATING THE INCIDENCE AND SEVERITY OF INJURIES AND OTHER HARMS

Bondi v. VanDerStok (U.S. Supreme Court, March 26, 2025): The Supreme Court confirmed that weapon parts kits and ghost guns are subject to regulation under the Gun Control Act (GCA) by the Bureau of Alcohol, Tobacco, and Firearms (ATF). A 2022 ATF regulation requires that sellers of weapon parts kits that may readily be converted into a working gun must comply with GCA requirements, including that sellers must secure federal licenses, conduct background checks, record sales, and ensure the guns contain serial numbers. The Court upheld ATF's rule on the basis that it was not facially inconsistent with the GCA. Weapon parts kits that require additional expertise or special tools to assemble into a firearm may fall outside ATF's jurisdiction under this holding. The Court did not address Second Amendment issues in this case. [Read the full opinion here.](#)


Amdor v. Grisham (Supreme Court of New Mexico, March 6, 2025): The Supreme Court of New Mexico upheld the governor's executive orders declaring public health emergencies in response to gun violence and drug abuse. These executive orders restrict firearm possession in certain cities and counties and impose regulatory duties on certain state agencies. In addition to broad firearm restrictions, these emergency measures require the State to develop wastewater testing for illicit substances like fentanyl at all public schools and required Managed Care Organizations to ensure speedy treatment placement for those who need drug or alcohol treatment. Although this ruling affirmed the governor's emergency powers and authority to issue these emergency orders, the court did not yet consider the constitutionality of the orders under the federal or state constitutions. [Read the full opinion here.](#)

In re National Prescription Opiate Litigation (Ohio Supreme Court, December 10, 2024): The Ohio Supreme Court ruled in favor of Walgreens, CVS, and Walmart on a certified question before the Sixth Circuit, clarifying that the litigation before the circuit court concerns state product liability laws rather than common law principles. The court held that the Ohio Product Liability Act (OPLA) repealed common law for product liability when enacted, invalidating common-law public-nuisance claims brought by two northeast Ohio counties against pharmacies for their roles in perpetuating the opioid epidemic by filling prescriptions without proper controls in place. The district court previously ruled against the pharmacies that sought dismissal, and now the case may continue at the appellate level. If the Sixth Circuit subsequently concludes the counties cannot make a claim within the confines of OPLA, massive opioid judgments could be in jeopardy. [Read the full opinion here.](#)

7. PUBLIC HEALTH INFORMATION MANAGEMENT, PRIVACY & SECURITY

8. REGULATING COMMUNICATIONS

Cocroft v. Graham (5th Cir., November 22, 2024): The Fifth Circuit Court of Appeals held that marijuana dispensaries seeking to advertise lack protections under the First Amendment because federal law prohibits marijuana dispensing. Dispensaries in the State challenged the Mississippi law prohibiting advertisement in media and in public spaces that was enacted when the State legalized medical marijuana in 2022. The court cited the U.S. Supreme Court's *Central Hudson* test, which provides that commercial speech must be for lawful activity to be protected under the First



Amendment. Although Mississippi law permits the sale of medical marijuana, the fact that federal law prohibits marijuana sales renders the dispensing of marijuana in Mississippi unlawful activity for First Amendment purposes. Because the First Amendment was not applicable, the advertising restrictions were upheld. [Read the full opinion here.](#)

9. MONITORING PROPERTY AND THE BUILT ENVIRONMENT

City & County of San Francisco v. EPA (U.S. Supreme Court, March 4, 2025): The Supreme Court struck down the federal Environmental Protection Agency's authority to impose "end-result" requirements in National Pollutant Discharge Elimination System permits under the Clean Water Act. Instead, the Court held the EPA may determine appropriate action to protect water quality but cannot hold permittees responsible based entirely on the quality of the water into which the permittee discharges pollutants. The Ninth Circuit Court of Appeals previously upheld EPA's authority to impose any necessary limitation to ensure water quality standards are satisfied. [Read the full opinion here.](#)


Singer v. City of Orange City (Iowa Supreme Court, December 20, 2024): The Iowa Supreme Court upheld a city ordinance authorizing the city inspector to seek legal remedies if refused entry to a rental property during the course of inspection, to include obtaining an administrative search warrant. A group of owners and renters of rental units challenged the ordinance on grounds that the law violates the state constitution because the City could seek warrants without needing to show probable cause. The court rejected this challenge as facial because the ordinance could operate without violating the state constitution, at least in some circumstances. [Read the full opinion here.](#)

Attorney General v. Milton (Supreme Judicial Court for Suffolk County, January 8, 2025): The Supreme Judicial Court for Suffolk County upheld the statewide Massachusetts Bay Transportation Authority (MBTA) Communities Act, which requires municipalities with MBTA public transit services to adopt zoning laws that provide for at least one district of multifamily housing near MBTA facilities. The town of Milton ultimately voted against a local proposed zoning law that would have brought the town into compliance. Milton sought to be considered in interim compliance, but the State began enforcement proceedings and brought this case. Although the court found the Act constitutional, enforcement against Milton was reversed because the administrative agency that set guidelines for compliance with the Act failed to follow proper procedures in doing so. [Read the full opinion here.](#)

10. PUBLIC HEALTH EMERGENCY: LEGAL PREPAREDNESS AND RESPONSE

Hogan v. Lincoln Medical Partners (Supreme Judicial Court of Maine, March 4, 2025): The Supreme Court of Maine upheld immunity for medical providers against tort allegations when they administered a COVID-19 vaccine to a child at a school clinic without parental consent. Under the Public Readiness and Emergency Preparedness (PREP) Act, entities involved in the use of countermeasures against public health emergencies are shielded from liability under federal and state law. Because the PREP Act preempts any conflicting state law and the COVID-19 vaccine was administered as part of public health emergency measures, here, the parents may not bring action against the medical providers. [Read the full opinion here.](#)

11. REPRODUCTIVE LIBERTIES AND CARE ACCESS



Akers v. State of Maryland (Supreme Court of Maryland, Feb. 19, 2025): The Supreme Court of Maryland ruled in favor of a woman convicted of murder following a stillbirth, concluding her internet searches about abortion and lack of prenatal care should not have been admitted as evidence because her abortion research and lack of prenatal care did not show intent to commit a crime. The court ordered a new trial without the presentation of inadmissible evidence. This ruling impliedly rejects the concept of “fetal personhood” by concluding the consideration of abortion and lack of prenatal care bear no logical connection to whether someone intends to cause harm to a person. [Read the full opinion here.](#)

Tennessee v. Becerra (6th Cir. Court of Appeals, March 10, 2025): The Sixth Circuit Court of Appeals ruled in favor of the federal government against Tennessee in its Title X grant funding challenge. A federal Department of Health & Human Services rule requires Title X grant recipients to provide neutral, nondirective counseling and referrals for abortions to patients who request it, but Tennessee limited counseling after outlawing most abortions in the state. Tennessee subsequently lost its Title X grant funding. The court affirmed the district court’s ruling against Tennessee on the basis that Tennessee could not force funding without meeting the conditional obligations. The Sixth Circuit ruled similarly against Ohio in a Title X funding dispute in 2023. Despite the win, the Trump Administration on April 30, 2025, [announced](#) that it would revive all Title X funding to Tennessee. [Read the full opinion here.](#)

State ex rel. Torrez v. Board of County Commissioners for Lea County (New Mexico Supreme Court, January 9, 2025): The New Mexico Supreme Court struck down local ordinances across several counties and cities in the State that would have banned abortions in violation of the state constitution. The New Mexico Constitution includes an Equal Rights Amendment, guarantees of liberty and due process including privacy and bodily autonomy, and protections of inherent rights. The New Mexico Supreme Court had previously blocked the ordinances pending a decision on the merits. In addition to finding the ordinances unconstitutional, the court held that the ordinances violated state laws governing the practice and licensure of medicine, malpractice, healthcare codes, and the right to reproductive and gender-affirming care. [Read the full opinion here.](#)

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