

JUDICIAL TRENDS IN PUBLIC HEALTH – MAY 20, 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


1. SOURCE & SCOPE OF PUBLIC HEALTH LEGAL POWERS (1 Case)
2. CONSTITUTIONAL RIGHTS & THE PUBLIC'S HEALTH (2 Cases)
3. PREVENTING & TREATING COMMUNICABLE CONDITIONS (1 Case)
4. SOCIAL DISTANCING MEASURES
5. ADDRESSING CHRONIC CONDITIONS
6. MITIGATING THE INCIDENCE & SEVERITY OF INJURIES & OTHER HARMS (2 Cases)
7. PUBLIC HEALTH INFORMATION MANAGEMENT, PRIVACY & SECURITY
8. REGULATING COMMUNICATIONS
9. MONITORING PROPERTY & THE BUILT ENVIRONMENT (1 Case)
10. PUBLIC HEALTH EMERGENCY: LEGAL PREPAREDNESS & RESPONSE (1 Case)
11. REPRODUCTIVE LIBERTIES & CARE ACCESS (2 Cases)

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.](#)

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.](#)

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.](#)

7. PUBLIC HEALTH INFORMATION MANAGEMENT, PRIVACY & SECURITY

8. REGULATING COMMUNICATIONS

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.](#)

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.](#)

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