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 three months. The court cases are organized into key categories. View previous issues of JTPH and all 2025 cases to-date here.

Preventing and Treating Communicable Disease

Kennedy v. Braidwood
(U.S. Supreme Court, June 27, 2025): In a 6-3 decision, the Supreme Court held that the structure of the U.S. Preventative Services Task Force (USPSTF) is constitutional. This task force is part of the Department of Health and Human Services, and part of its purpose is making recommendations for preventative screening services. The Affordable Care Act requires private health insurers and Medicaid programs to cover a range of preventative screening services with no cost-sharing based on these recommendations. A group of plaintiffs that opposed the inclusion of recommendations like PrEP for the prevention of HIV brought suit, challenging the way that task force members are appointed. The Court found that the method of task force members being appointed by the

Secretary of HHS is constitutional. This case narrowly considered the structure of the task force and leaves some questions about further litigation on the ACA preventative coverage requirements. Read the full opinion here.

Injury Prevention and Safety

State of Washington v. Gator's Custom Guns
(Washington Supreme Court, May 8, 2025): The Washington Supreme Court upheld a ban on the manufacture and sale of large capacity magazines holding more than ten rounds of ammunition. A Washington firearms seller challenged a state law banning the magazines, claiming it infringed on the right to bear arms under both the state constitution and the Second Amendment of the U.S. Constitution. The court found that large capacity magazines are not "arms" because they are an instrument to a weapon, and not designed as weapons themselves. Additionally, the court held that the ability to purchase large capacity magazines is not necessary to the core right of owning a firearm for self-defense purposes and that restricting a magazine to a certain number of rounds leaves the weapon functional for self-defense. Read the full opinion here.

U.S. v. Duarte
(9th Cir., May 9, 2025): The Ninth Circuit held that a federal law prohibiting felons from possessing a firearm is constitutional as applied to a non-violent felon. Following the Supreme Court's decision in *Bruen*, which found that restrictions on gun ownership must have a historical basis, numerous circuits have heard Second Amendment challenges to a federal law prohibiting felons from possessing a firearm. The Fourth, Eighth, Tenth, and Eleventh circuits have upheld this law as constitutional as applied to all felons, while the First, Third, Fifth, Sixth, and Seventh circuits have left open the possibility that the law may not apply to some felons. In the Ninth Circuit, Duarte argued this law is unconstitutional as applied to a nonviolent offender like himself under *Bruen*'s framework. The Ninth Circuit held it was not unconstitutional as applied to all non-violent felons like Duarte, aligning with the Fourth, Eighth, Tenth, and Eleventh circuits. Read the full opinion here.

Access to Reproductive and Maternal Health Care

Medina v. Planned Parenthood South Atlantic

(U.S. Supreme Court, June 26, 2025): In a 6-3 opinion, the Supreme Court held that there is no right to sue for the deprivation of the right to choose a provider under Medicaid's "any qualified provider" provision. This Medicaid provision (§1396a(a)(23)(A)) states that a covered individual can obtain care from any provider "qualified" to perform a service. When Planned Parenthood was removed as

a provider from South Carolina's Medicaid program, patients who preferred obtaining care from Planned Parenthood were unable to continue accessing that care under Medicaid. These patients brought a class action under 42 U.S.C. §1983, which allows civil action for the deprivation of clearly enforceable rights. The Court held that the Medicaid statute does not create an enforceable right to choose a provider, preventing suits based on changes in Medicaid coverage. Medicaid participants in South Carolina, and in other states that exclude Planned Parenthood going forward, may no longer be able to use their Medicaid coverage to obtain preventative services at Planned Parenthood clinics. Read the full opinion here.

Kaul v. Urmanski

(Wisconsin Supreme Court, July 2, 2025): The Wisconsin Supreme Court held that a prior state law purportedly banning abortion care is no longer in effect due to a history of law and regulation meant to replace this area of regulation in Wisconsin. Following the *Dobbs v. Jackson Women's Health Organization* decision overturning *Roe v. Wade*, a question arose whether an 1849 law criminalizing the "intentional destruction of an unborn child" now banned abortion in the state. The Wisconsin attorney general filed suit to seek a declaration that this law did not ban abortion in the state, arguing that it had been effectively repealed since its passage in 1849, and even if it was in effect, it does not apply when someone is consenting to the procedure. The court found that the law was impliedly repealed by subsequent regulation in Wisconsin that thoroughly covers the topic of abortion procedures, and cannot be interpreted to ban abortion in the state. Read the full opinion here.

Northland Family Planning Center v. Nessel

(Michigan Court of Claims, May 13, 2025): The Michigan Court of Claims held that three remaining restrictions on obtaining an abortion in Michigan are a violation of the state constitution. Abortion providers and abortion rights advocates brought this case seeking a declaration that remaining abortion restrictions are unconstitutional following the Reproductive Freedom for All Act (RFFA), a constitutional amendment passed in 2022. The RFFA states there is a fundamental right to reproductive freedom in Michigan, including the right to abortion care. Following the passage of the RFFA, the state legislature repealed some of the state's abortion restrictions, but three remained: a 24-hour waiting period, required counseling before and after the 24-hour waiting period, including images of fetuses, and a prohibition on qualified advanced practice clinicians (APCs) providing abortion care. The court found that these restrictions all infringe on decision-making when accessing abortion care and are not consistent with acceptable standards of care, making them unconstitutional under the new amendment. Read the full opinion here.

Planned Parenthood of Montana v. State

(Montana Supreme Court, June 9, 2025): The Montana Supreme Court affirmed a lower court decision declaring three abortion restrictions unconstitutional. The three laws passed in 2021 included a 20-week abortion ban, restrictions on medication abortions, requirements for providers to give information to abortion care patients, and a mandate that providers offer patients the opportunity to view an ultrasound and listen to a fetal heartbeat. Planned Parenthood of Montana

challenged these restrictions as violations of the state constitution, which provides for autonomy in medical decision-making. The court based its decision on the state's constitutional right to abortion, first recognized in Montana in 1999. Read the full opinion here.

Environmental and Climate Health

Seven County Infrastructure Coalition et al. v. Eagle County, Colorado, et al.

(U.S. Supreme Court, May 29, 2025): The Supreme Court held that environmental impact statements required for federal agency action do not need to consider ancillary impacts of a project. This case involves the U. S. Surface Transportation Board review of a railroad line project proposed to transport crude oil to refineries. As part of its review, the Board prepared an environmental impact statement (EIS) as required under the National Environmental Policy Act (NEPA). NEPA requires that federal agencies engaging in infrastructure projects must go through an environmental review process involving an environmental assessment (EA), and if the EA determines that environmental impact will be significant, an EIS is required. The D.C. Circuit determined that the project's EIS was insufficient because it did not consider the upstream and downstream impacts of the crude oil that the railroad will transport. In a unanimous decision, the Supreme Court reversed the D.C. Circuit decision, ruling that the EIS did not need to consider upstream and downstream impacts and only needed to consider the direct impacts of the analyzed project. Read the full opinion here.

Health Equity

United States v. Skrmetti

(U.S. Supreme Court, June 18, 2025): In a 6-3 decision, the Supreme Court ruled that prohibiting gender-affirming treatments for transgender youth is not a violation of the Equal Protection Clause or the Fourteenth Amendment. In 2023, a Tennessee law was passed that prohibits prescribing and distributing puberty blockers or hormones to minors for the purpose of enabling "identity inconsistent with the minor's biological sex" or treating "discordance between the minor's biological sex and asserted identity". Transgender minors and advocates brought suit, claiming the law creates impermissible sex-based classifications. The court determined that the law did not classify patients based on sex, only age and medical procedure. Finding that the Tennessee law had reasonable grounds for its restrictions, the Court held the law was constitutional. Read the full opinion here.

Black Voters Matter v. Byrd

(Florida Supreme Court, July 17, 2025): The Florida Supreme Court rejected an argument that a voting district was impermissibly gerrymandered to break up a Black voting district. Black voters in Florida argued that a state redistricting map diminished the power of Black Voters in a manner that violates the Fair District Amendments. Florida's Fair District Amendments prohibit drawing districts that favor or disfavor a certain political party or diminish the equal opportunity of minority voters. The district in question was Florida's Fifth District, a district including Jacksonville and the largest Black population in the state. The redistricting broke this district into four parts, which voters argue unconstitutionally diminishes Black votes. Voters challenging this new map also proposed a remedial district plan that redraws the district to maintain its majority Black voters. The Florida Supreme Court rejected the remedial district plan, finding that a map restoring power to Black voters in North Florida is impermissible racial gerrymandering under federal equal protection laws. Read the full opinion here.

Kathleen Hoke, J.D., Director, Network for Public Health Law Eastern Region and Professor and Director, Legal Resource Center for Public Health Policy at the University of Maryland Carey School of Law, is JTPH Editor-in-Chief.

Our Contact Information
Network for Public Health Law
7101 York Avenue South
Suite 270
Edina, MN 55435
952-452-9706