



JUDICIAL TRENDS IN PUBLIC HEALTH

February 15, 2024

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 JTPH editor, [Kathleen Hoke, J.D.](#) for more information, or if you have questions or comments.

Red River Valley Sugarbeet Growers Association v. Regan (U.S. Court of Appeals for the 8th Circuit, November 2, 2023) The Eight Circuit Court of Appeals found that the Environmental Protection Agency (EPA) exceeded its authority, acting arbitrarily and capriciously in completely eliminating the use of chlorpyrifos on food crops. [Read the summary.](#)

Free Oregon, Inc. v. Oregon Health Authority (Oregon Court of Appeals, December 13, 2023) The Oregon Court of Appeals upheld the Oregon Health Authority's since-repealed rules requiring that health care facility and public school staff be vaccinated against COVID-19. [Read the summary.](#)

Poe v. Labrador (U.S. District Court for Idaho, December 26, 2023) The U.S. District Court for Idaho issued a preliminary injunction prohibiting enforcement of an Idaho law that prohibits health care professionals from providing certain medical treatment to children with gender dysphoria while allowing the same treatment for children with other medical conditions. [Read the summary.](#)

Antonyuk, et al. v. Chiumento, et al. (U.S. Court of Appeals for the 2nd Circuit, December 8, 2023) The Second Circuit Court of Appeals is allowing many provisions in New York's Concealed Carry Improvement Act (CCIA) to remain in effect and paused others while the lower court hears a full challenge to the law. [Read the summary.](#)

Stand up Montana v. Missoula County Public Schools (Supreme Court of Montana, December

12, 2023) The Supreme Court of Montana upheld the Missoula Public School's COVID-19 mask mandate over challenges raised by parents that the mandate violated the parents' state constitutional right to make medical decisions for their children and violated the students' state constitutional rights of privacy and individual dignity. [Read the summary.](#)

M.N., et al. v. MultiCare Health System (Supreme Court of Washington, January 18, 2024) The Supreme Court of Washington overturned a trial court decision to dismiss claims brought by patients who may have been exposed to Hepatitis C at the defendant's hospital. [Read the summary.](#)

Maryland Shall Issue, et al. v. Anne Arundel County, Maryland (U.S. Court of Appeals for the 4th Circuit, January 23, 2024) The Fourth Circuit Court of Appeals upheld a local ordinance passed in Anne Arundel County, Maryland, that requires firearm sellers to make visibly available in their shops and distribute to all customers who purchase a firearm or ammunition a County-provided pamphlet related to gun safety and suicide prevention. [Read the summary.](#)

National Association of Wheat Growers, et al. v. Bonta (U.S. Court of Appeals for the 9th Circuit, November 7, 2023) The Ninth Circuit Court of Appeals struck down a California law requiring a warning label on products containing glyphosate as a violation of companies' First Amendment rights. Glyphosate is commonly used in pesticides and has been found to be "probably carcinogenic" in humans by the International Agency for Research on Cancer. [Read the summary](#)

Held, et al. v. Montana (Supreme Court of Montana, January 16, 2024) The Supreme Court of Montana upheld a trial court decision denying the State's request to stay the trial court's decision that found unconstitutional the Montana Environmental Policy Act. Youth advocating for the environment challenged the Act because it prohibits Montana from considering the climate impacts of energy projects. [Read the summary.](#)

Gonzalez v. Inslee, Governor of State of Washington (Supreme Court of Washington, September 28, 2023) The Supreme Court of Washington upheld Governor Jay Inslee's COVID-era ban on evictions in a case landlords brought challenging the Governor's action as outside the scope of his emergency powers as set forth in the Washington Constitution and Code. [Read the summary.](#)

Ohio, et al. v. Becerra (U.S. Court of Appeals for the 6th Circuit, November 30, 2023) The Sixth Circuit Court of Appeals struck down aspects of the Biden Administration's regulations related to Title X funding for family planning clinics. [Read the summary.](#)

TOPICS: These and other cases are organized on the Network website under the topics below. Select a topic to view all cases under that topic.

1. [Source and Scope of Public Health Legal Powers](#)
 2. [Constitutional Rights and the Public's Health](#)
 3. [Preventing and Treating Communicable Conditions](#)
 4. [Social Distancing Measures](#)
 5. [Addressing Chronic Conditions](#)
 6. [Mitigating the Incidence and Severity of Injuries and Other Harms](#)
 7. [Public Health Information Management, Privacy and Security](#)
 8. [Regulating Communications](#)
 9. [Monitoring Property and the Built Environment](#)
 10. [Public Health Emergency: Legal Preparedness and Response](#)
 11. [Reproductive Liberties and Care Access](#)
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