



JUDICIAL TRENDS IN PUBLIC HEALTH

November 18, 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).

[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. Maryland Carey Law student Christopher Daffin, class of 2024, contributed to this edition.

A.M.C. v Smith (U.S. District Court for the Middle District of Tennessee, August 26, 2024): In a class action case brought on behalf of thousands of plaintiffs, the U.S. District Court for the Middle District of Tennessee found that TennCare, Tennessee's Medicaid program, violated federal statutes and the Constitution in terminating or wrongly denying coverage to Medicaid beneficiaries and applicants. [Read the summary.](#)

The Catholic Benefits Association, et al. v. Equal Employment Opportunities Commission (District Court for the District of North Dakota, September 23, 2024): The U.S. District Court for the District of North Dakota issued a preliminary injunction prohibiting the Equal Employment Opportunity Commission (EEOC) from enforcing certain provisions of the federal Pregnant Workers Fairness Act (PWFA) against certain Catholic employers across the country. [Read the summary.](#)

U.S. v. Connelly (U.S. Court of Appeals for the 5th Circuit, August 28, 2024): The U.S. Court of Appeals for the Fifth Circuit found unconstitutional a federal law that prohibits an unlawful user of controlled substances from possessing a firearm. [Read the summary.](#)

Food and Water Watch, et al. v. U.S. Environmental Protection Agency (U.S. District Court for

the Northern District of California, September 24, 2024): The U.S. District Court for the Northern District of California found that the current “optimal” level of fluoride in drinking water set by the Environmental Protection Agency (EPA) presents an unreasonable risk of lowering children’s IQ. [Read the summary.](#)

In re Fosamax (alendronate sodium) Products Liability Litigation (U.S. Court of Appeals for the 3rd Circuit, September 20, 2024): The U.S. Court of Appeals for the Third Circuit found that the federal Food, Drug, and Cosmetic Act (FDCA) that gives the Food and Drug Administration (FDA) power to regulate the labeling of drugs does not preempt failure-to-warn claims made under state law. [Read the summary.](#)

Does v. Broadbent, et al (Supreme Court of Utah, August 8, 2024): The Supreme Court of Utah held that the state’s Health Care Malpractice Act did not apply to plaintiffs’ claims of sexual battery, sexual assault, and intentional infliction of emotional distress against their former health care provider, obstetrician-gynecologist Dr. Broadbent. [Read the summary.](#)

Vita v. New England Baptist Hospital (Supreme Judicial Court of Massachusetts, October 24, 2024): The Supreme Judicial Court of Massachusetts held that two hospitals did not violate Massachusetts’ wiretap law when they captured Vita’s personal information as she browsed the hospitals’ websites searching for health care providers to treat certain medical conditions. [Read the summary.](#)

Bates v. Oregon Health Authority (Court of Appeals of Oregon, October 16, 2024): The Court of Appeals of Oregon found that a state law prohibiting packaging of tobacco and cannabis vape products that is attractive to minors violates vape manufacturers’ free speech rights under the Oregon Constitution. [Read the summary.](#)

King County v. Friends of Sammamish Valley (Supreme Court of Washington, September 19, 2024): The Supreme Court of Washington found that King County failed to properly consider the environmental impacts of changes made to zoning laws designed to support certain types of businesses—wineries, breweries, and distilleries in rural areas. [Read the summary.](#)

Oklahoma v. Department of Health and Human Services (U.S. Supreme Court, September 3, 2024): The Supreme Court of the United States refused to consider a case in which the U.S. Circuit Court of Appeals for the 10th Circuit allowed the U.S. Department of Health and Human Services to withhold approximately \$4 million in Title X funding from the state of Oklahoma. [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](#)

[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.

Legal information or guidance provided in this transmission or website does not constitute legal advice or representation. For legal advice, please consult specific legal counsel in your state.



Our Contact Information

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

You are receiving this email because you signed up to receive Network communications, or you attended a Network event or webinar. If you no longer wish to receive this email you can manage your preferences below.