



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. Contact [Kathleen Hoke](#), J.D. for more information, questions, or comments.

Allstates Refractory Contractors v. Su (U.S. District Court for the Eastern District of Va., October 30, 2023) In *Allstates Refractory Contractors v. Su*, the Sixth Circuit Court of Appeals held that Congress effectively and properly delegated regulatory power over workplace safety to the Occupational Safety and Health Administration (OSHA). [Read the abstract.](#)

Northern Virginia Hemp and Agriculture LLC v. Virginia (Mich. Ct. App., June 23, 2023) In *Northern Virginia Hemp and Agriculture LLC v. Virginia*, a federal district court in Virginia refused to issue a pre-trial injunction preventing enforcement of the Commonwealth's law regulating hemp products that contain Delta-8 THC or other hemp-derived intoxicating variants. [Read the abstract.](#)

United States v. Daniels (U.S. Court of Appeals for the 5th Circuit, August 9, 2023) In *United States v. Daniels*, the Fifth Circuit Court of Appeals applied the U.S. Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen* (2022) and struck down a federal law that prohibits unlawful users of controlled substances from possessing firearms. [Read the abstract.](#)

We the Patriots USA v. Connecticut Office of Early Childhood Development (U.S. Court of Appeals for the 2nd Circuit, August 4, 2023) In *We the Patriots USA v. Connecticut Office of Early Childhood Development*, the Second Circuit Court of Appeals found that amendments to Connecticut's vaccination law removing the religious exemption were constitutional, but remanded the case to consider whether the amendments violate the Individuals with Disabilities in Education Act (IDEA). [Read the abstract.](#)

Logic Technology Development v. FDA (U.S. Court of Appeals for the 3rd Circuit, October 19,

2023) In *Logic Technology Development v. FDA*, the Third Circuit Court of Appeals found that the Food and Drug Administration (FDA) did not violate the Administrative Procedures Act (APA) and did not act arbitrarily or capriciously in rejecting a vape manufacturer's Pre-Market Tobacco Product Application for a menthol-flavored vape product. [Read the abstract.](#)

Torres, et al. v. JAI Dining Services (Supreme Court of Arizona, October 16, 2023) In *Torres, et al. v. JAI Dining Services*, the Supreme Court of Arizona found that the state constitution did not prohibit the Arizona State Legislature from passing a law imposing a higher burden of proof for dram shop liability than had been established in Arizona common law. [Read the abstract.](#)

Gonzalez v. Inslee, Governor of State of Washington (Supreme Court of Washington, September 28, 2023) In *Gonzalez v. Inslee, Governor of State of Washington*, 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 abstract.](#)

Planned Parenthood South Atlantic v. South Carolina (Supreme Court of South Carolina, August 23, 2023) In *Planned Parenthood South Atlantic v. South Carolina*, the Supreme Court of South Carolina upheld the 2023 version of a fetal heartbeat abortion ban, finding the ban does not violate the South Carolina Constitution. [Read the abstract.](#)

Alliance for Hippocratic Medicine v. FDA (U.S. Court of Appeals for the 5th Circuit, August 16, 2023) In *Alliance for Hippocratic Medicine v. FDA*, the Fifth Circuit Court of Appeals found that it was too late for the plaintiffs to challenge the Food and Drug Administration's (FDA) approval of the abortion drug Mifepristone in 2000 but found that the plaintiffs presented sufficient evidence that FDA's 2016 changes to the protocol for use of Mifepristone violated the Administrative Procedures Act. [Read the abstract.](#)

GenBioPro v. Sorsaia (U.S. District Court for the Southern District of W.V., August 24, 2023) In *GenBioPro v. Sorsaia*, a federal district court in West Virginia found that federal law approving the abortion drug Mifepristone for use in pregnant people up to 10 weeks gestation did not preempt the State's law that prohibits most abortion but that for abortions permitted under the State's law, federal law does preempt the requirement that Mifepristone only be provided at an in-person visit. [Read the abstract.](#)

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.

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