



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](#).**

Injury Prevention and Safety

U.S. v Morgan

(10th Cir., September 9, 2025): The Tenth Circuit ruled that a handgun used with a device capable of allowing the gun to fire automatically is not a type of firearm covered by the Second Amendment. The defendant Morgan was arrested and indicted with two counts of possessing a machine gun under 18 U.S.C. § 922(o). Morgan argued that § 922(o), as applied to him, was a violation of the Second Amendment. The lower court agreed, relying on *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, a 2022 Supreme Court case that established regulation of arms bearable in self-defense must be consistent with historical firearm regulation. On review, the Tenth Circuit reversed, finding that the handgun with automatic firing component was not an arm commonly bearable in self-defense under the first part of the framework established in *Bruen* and thus not protected by the Second Amendment. [Read the full opinion here.](#)

Information Systems, Data Sharing, and Privacy

Pharmaceutical Research and Manufacturers of America v. Stolfi

(9th Cir., August 26, 2025): The Ninth Circuit upheld a drug price transparency statute in Oregon that requires pharmaceutical manufacturers to report to a state entity certain price increases and new products exceeding certain price thresholds. The state entity, with some exceptions, will publish the information on its website. Manufacturers claimed that the statute violated the First Amendment by requiring them to justify price increases in a manner that suggests manufacturers are solely responsible for drug prices. They also claimed that prices are a trade secret and that disclosing prices under the law's public interest exception amounts to an impermissible taking under the Fifth Amendment. On appeal, the Ninth Circuit reversed a lower court decision in favor of the manufacturers, finding that the law directly advances Oregon's interest in transparency and that the required disclosures were not a taking. [Read the full opinion here.](#)

Frasco v. Flo Health, Inc.

(Northern District of California, August 4, 2025): A California jury found that Meta violated the California Invasion of Privacy Act (CIPA) by collecting sensitive health information without users' understanding in the Flo fertility tracking app. The app tracks and predicts user menstruation cycles, and users are asked to input information on their sexual health and gynecological health when setting up the app. The Flo Health app was built using software development kits (SDKs) from Google and Meta, which typically contain a standard set of code for developing an app. Plaintiffs alleged that these kits also contained code intended to transmit users' sensitive health information to the third-party developers without user consent. This class action lawsuit was initially filed against Flo Health, Google, Meta, and Flurry. All parties except for Meta settled before the end of the trial where a jury found that through the SDK provided to Flo Health, Meta had transmitted sensitive information in violation of CIPA. CIPA is a 1967 criminal statute that prevents eavesdropping on phone calls and is increasingly applied in modern internet privacy cases by applying the prohibition on recording without user consent to the transmission of user information on websites that "record" how users interact with a website. After the jury verdict against Meta, the Northern District of California ruled on a set post-trial motions filed by Meta and declined to overturn the jury verdict. [Read the full opinion and a summary of the trial and jury verdict here.](#)

Access to Reproductive and Maternal Health Care

Purcell v. Kennedy

(District of Hawaii, October 30, 2025): The U.S. District Court for the District of Hawaii held that certain limitations set by the Food and Drug Administration (FDA) related to the distribution of the abortion medication mifepristone were overly restrictive and that the FDA's imposition of the limitations violated the federal Administrative Procedure Act. This case was filed in 2017 and challenged the Risk Evaluation and Mitigation Strategies (REMS) imposed on mifepristone by the FDA in 2016. Although the FDA changed the REMS in 2023, notably eliminating the in-person distribution requirement and increasing the gestational age at which the medication is permitted, the case remained active based on other REMS requirements. Specifically, the ACLU and abortion providers challenged special certification for any provider who prescribes mifepristone and mandatory patient review of a counseling form. The court found that the FDA failed to justify its restrictions on access to mifepristone and improperly limited the scope of evidence it considered. While the REMS remain in place, the FDA has been ordered to reconsider them with full review of the extensive peer-reviewed evidence proving mifepristone's safety. [Read the full opinion here.](#)

Pennsylvania v. Trump

(Eastern District of Pennsylvania, August 13, 2025): The U.S. District Court for the Eastern District of Pennsylvania vacated 2018 regulations that exempted entities from the contraceptive mandate in the

Affordable Care Act (ACA). The ACA requires insurers to cover contraceptives as part of their preventative health services. Two rules from the first Trump administration expanded on exemptions to this requirement for employers who had a religious or moral objection to providing this coverage. The court found that these rules had violated the Administrative Procedure Act by failing to provide a rational explanation for some of the exemptions. For example, the court found no rational connection between religious freedom and an exemption for publicly traded corporations that were unlikely to hold a unified religious belief. The court also found that while expanding religious exemptions in the ACA was meant to prevent violations of the Religious Freedom Restoration Act, the rule adding moral exemptions did not have an equivalent justification. [Read the full opinion here.](#)

Alcohol, Tobacco, and Substance Use

Wulferic, LLC v. U.S. Food and Drug Administration

(Northern District of Texas, August 1, 2025): The U.S. District Court for the Northern District of Texas held that the application of a penalty provision for tobacco products in the Food, Drug, and Cosmetic Act was unconstitutional. This provision authorizes the FDA to impose civil monetary penalties for certain violations. In this case, the FDA sought to penalize the company Vapor Lab for the sale of e-cigarette products that did not have pre-market authorization. The FDA was in the process of imposing this penalty through an administrative law proceeding when Vapor Lab claimed it was entitled to a jury trial, relying on a recent Supreme Court case that found the SEC could not levy a civil penalty through an administrative law proceeding because it violated the right to a jury trial in the Seventh Amendment (*SEC v. Jarkesy*). The district court found that the Seventh Amendment did apply to Vapor Lab and that the tobacco products civil monetary penalty is the type of penalty that can only be imposed with a jury trial because it is focused on imposing a penalty rather than a form of restitution. This decision only applies to the specific tobacco penalty, but the reasoning used in this case could apply across many areas of FDA enforcement authority. [Read the full opinion here.](#)

Environmental and Climate Health

IGas Holdings, Inc. v. Environmental Protection Agency

(D.C. Cir., August 1, 2025): The U.S. Court of Appeals for D.C. upheld a rule meant to curtail hydrofluorocarbon emissions (HFCs) that contribute to climate change. The rule was finalized during the Biden administration as a cap-and-trade program to implement the American Innovation and Manufacturing Act, which calls for an 85% reduction of HFCs by 2036. Pursuant to this goal, in 2023 the EPA set annual allocations for HFC producers for 2024-2028. Producers contended that these allocations delegated power to the agency in an impermissible manner. The court determined that the delegation of power to the EPA was appropriate because Congress intended for the EPA to allocate allowances and the law limited the agency's discretion. [Read the full opinion here.](#)

Health Equity

State of Tennessee v. Kennedy

(Southern District of Mississippi, October 22, 2025): The U.S. District Court for the Southern District of Mississippi vacated an HHS rule that interpreted the Title IX prohibition on sex discrimination to include discrimination on the basis of gender identity for the purposes of Section 1577 of the Affordable Care Act. The rule was issued in 2024 under the Biden administration and was designed

to extend anti-discrimination protections to gay, lesbian, and transgender patients in federal healthcare programs. A coalition of 15 states led by Tennessee Attorney General Jonathan Skrmetti challenged the rule, claiming HHS exceeded its statutory authority. The district court agreed, finding that at the time of passing Title IX Congress was concerned with discrimination towards female students and did not “contemplate gender identity, transgender status, or ‘gender-affirming care’.” Judge Louis Guiroloa Jr. vacated the rule universally and entered summary judgement for the 15 state plaintiffs. [Read the full opinion here.](#)

Clark v. Valletta

(2nd Cir., October 6, 2025): In a 2-1 opinion the U.S. Court of Appeals for the Second Circuit found that a transgender inmate was not entitled to gender affirming care in a Connecticut prison. Veronica-May Clark sued her assigned care team, alleging she was receiving deliberately inadequate medical care in violation of the Eighth Amendment. The care team named in Clark’s suit fall under qualified immunity, which protects government officials from lawsuits unless a clear statutory or constitutional right is infringed. On appeal, the Second Circuit found that the defendants are entitled to qualified immunity because they acted reasonably by providing hormone therapy and antidepressants. The opinion notes that the First, Fifth, and Tenth circuits have also found that the Eighth Amendment does not entitle inmates to gender affirming care. [Read the full opinion here.](#)

Lange v. Houston County, Georgia

(11th Cir., September 9, 2025): The U.S. Court of Appeals for the Eleventh Circuit ruled that a government insurance plan that excluded gender affirming care is not prohibited discrimination on the basis of sex under Title VII of the Civil Rights Act. Plaintiff Anna Lange is a sheriff’s deputy in Georgia who was denied pre-authorization coverage for gender affirming surgery. Lange challenged an exclusion in the county’s plan that prevented coverage for gender affirming hormones and procedures. Following the Supreme Court ruling on gender affirming care in *Skrmetti*, the circuit’s latest decision held that the plan’s exclusion was not discriminatory under Title VII. The court applied the reasoning from the *Skrmetti* decision to Lange’s arguments, finding that limiting access to gender affirming care is not discrimination on the basis of sex because no person, regardless of identity, has access to that care. [Read the full opinion here.](#)

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