



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 2026 cases to-date [here](#).**

Preventing and Treating Communicable Disease

Miller v. McDonald

(2nd Cir., June 30, 2026): The U.S. Court of Appeals for the Second Circuit upheld a New York State statute mandating vaccinations for all public, private, and parochial schools with no religious exemption. Amish parents and Amish community schools challenged the removal of the religious exemption arguing that the lack of exemption violates the Free Exercise Clause of the First Amendment and unreasonably interferes with their parental rights based on religion. In 2025, the Second Circuit upheld dismissal of the claims based on a previous [Second Circuit case](#) finding a similar Connecticut law constitutional and because the parental rights claim was not distinct from the Free Exercise claim. The U.S. Supreme Court granted certiorari to hear the case but instead vacated the Second Circuit decision with direction for that court to reconsider in light of [Mahmoud v. Taylor](#) in which the Supreme Court found unconstitutional a school district's refusal to allow parents to opt their children out of LGBTQ+ related aspects of the curriculum. That case found that the school policy likely unconstitutionally burdened the parents' religious exercise, conflating the Free Exercise and parental rights claims. On remand, the Second Circuit sustained its decision upholding the dismissal of the case, concluding that the *Mahmoud* case did not impact the analysis or outcome. [Read the full opinion here](#).

Injury Prevention and Safety

U.S. v. Hemani

(U.S. Supreme Court, June 18, 2026): The United States Supreme Court unanimously struck down a federal law that prohibits people who use controlled substances from possessing firearms. The federal Gun Control Act, 18 U.S.C. §922(g)(3), makes it a felony for “an unlawful user of or addicted to controlled substances” to possess a firearm. Mr. Hemani possessed a gun in his home for self defense and he occasionally used marijuana, a controlled substance under federal law. Solely on that basis, he was charged with violating the Gun Control Act. Challenging the prosecution, Mr. Hemani argued that the relevant portion of the Act violates the Second Amendment because, applying the Supreme Court’s test from *Bruen*, there is no historical tradition of imposing substantial criminal penalties on users of intoxicants like alcohol or marijuana. The Supreme Court agreed and struck down the relevant portion of the statute. [Read the full opinion here.](#)

Wolford v. Lopez

(U.S. Supreme Court, June 25, 2026): The United States Supreme Court (6-3) struck down a Hawaii law prohibiting those licensed to carry a concealed firearm from carrying the firearm on private property that is open to the public without the express permission of the property owner. Private property open to the public includes places like grocery stores, theaters, gyms, and shopping malls; express permission could be by posted signage allowing concealed carry or by oral or written communication. The Court found that the plain language of the statute poses a significant burden on the Second Amendment rights of those licensed to carry a concealed weapon and rejected Hawaii’s argument that its customs and laws demonstrated a historical tradition consistent with the statute. The dissenting Justices disagreed, finding the statute to be an analogue to colonial and founding era laws that prohibited carrying firearms onto private property without the owner’s affirmative consent. [Read the full opinion here.](#)

Housing, Property and Built Environment

National Alliance to End Homelessness v. U.S. Department of Housing and Urban Development

(D. Ct. RI, June 29, 2026): The U.S. District Court for the District of Rhode Island vacated a 2025 Notice of Funding Opportunity (NOFO) published by the U.S. Department of Housing and Urban Development (HUD) that would have substantially altered funding to reduce and mitigate the harms of homelessness. The federal McKinney-Vento Homeless Assistance Act authorizes Congress to appropriate funds to address homelessness, specifically through the Continuum of Care (CoC) program, which focuses on the Housing First mission. The 2025 HUD NOFO deviated significantly from the mission, seeking to fund programs that de-emphasize permanent housing and that set discriminatory criteria for housing beneficiaries. Non-profits and states funded under previous HUD NOFOs challenged the 2025 NOFO as arbitrary and capricious. The Court agreed, finding that HUD failed to consider the harm caused by the funding gaps it created when eliminating the Housing First approach on an emergency basis and offered no rationale for the swift changes. Although the 2025 NOFO was vacated, the Court declined to consider a similar 2026 NOFO, requiring the Plaintiffs to file another action to challenge other NOFOs. [Read the full opinion here.](#)

Access to Reproductive and Maternal Health Care

Whole Woman's Health Alliance, et al. v. U.S. Food and Drug Administration et al.

(D. Ct. W.D. Va, July 23, 2026): The U.S. District Court for the Western District of Virginia found that the FDA acted in an arbitrary and capricious manner when it imposed certain restrictions on the prescribing of Mifepristone, an abortion medication. The Court found that the FDA had approved Mifepristone as safe and effective in 2000 and reaffirmed that through regulatory changes in the 25 years since. Changes made in 2023 required that prescribing pharmacies and prescribers be specially certified and that prescribers and patients sign a form acknowledging the treatment and its risks. Abortion providers in Virginia, Kansas, and Montana challenged the 2023 changes as excessively restrictive and unwarranted, alleging the FDA acted without evidence or justification. The Court agreed, finding that the FDA failed to consider relevant data, analyze restrictions consistent with statutory factors, or provide a reasonable justification for the changes. As a result, those changes are void and unenforceable. [Read the full opinion here.](#)

Mayday Health, et al. v. Rhoden, et al.

(D. Ct. SD, July 17, 2026): The U.S. District Court for the District of South Dakota issued a preliminary injunction prohibiting South Dakota from enforcing an abortion advertising ban against a non-profit health education organization and a lawyer who wears a shirt promoting the organization. South Dakota bans abortion except to save the life of the pregnant person. In March 2026, the state passed a law making it a felony to "dispense, distribute, sell or advertise" anything that could facilitate an unlawful abortion. Mayday Health does not provide abortion care or distribute abortion medication, but the organization publishes information about abortion care, connects people with providers, and sells merchandise promoting the organization. Mayday challenged the statute, alleging the content-based ban violates the organization's free speech rights under the First Amendment, and asked the Court to stop enforcement of the ban pending trial. The Court agreed, finding that the statute likely violates the First Amendment. This is a preliminary decision that will remain in place until a final decision and any appeal. [Read the full opinion here.](#)

Alcohol, Tobacco, and Substance Use

People v. Hess

(Michigan Supreme Court, July 6, 2026): The Michigan Supreme Court unanimously held that a criminal defendant's parole may not be conditioned on abstinence from cannabis use solely on the basis that cannabis use is unlawful under federal law. The Michigan Regulation and Taxation of Marihuana Act (MRTMA) permits adults to purchase, possess, and use cannabis through the State's regulated system. The State's probation law prohibits probationers from violating federal law generally, with no reference to cannabis use. The Court found that federal law prohibiting cannabis use does not preempt the MRTMA and that if there is a conflict between the MRTMA and the State's probation law, the MRTMA prevails. Therefore, a trial court may not prohibit cannabis use consistent with the MRTMA solely on the basis that cannabis use is unlawful under federal law. [Read the full opinion here.](#)

VDX Distro Inc., et al. v. U.S. Food and Drug Administration

(5th Cir., June 24, 2026): The U.S. Court of Appeals for the Fifth Circuit upheld the FDA's decision denying vape manufacturer VDX Distro authorization to sell menthol flavored vape products. The FDA considered VDX Distro's application for authorization to sell menthol-flavored vapes under the Tobacco Control Act, which limits authorization of new tobacco products to those that are "appropriate for the protection of public health," the APPH standard. The FDA found that the risk of enticing youth to initiate vaping due to the flavor and marketing of the vape product outweighed the benefit to adult smokers who may switch to vaping. The Court upheld the FDA's decision, rejecting the manufacturer's claims that the agency exceeded its authority and acted in an arbitrary and capricious manner, and that the APPH standard is unconstitutionally vague.

[Read the full opinion here.](#)

Environmental and Climate Health

Monsanto v. Durnell

(U.S. Supreme Court, June 25, 2026): The U.S. Supreme Court (7-2) found that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) preempts state law failure-to-warn claims related to regulated chemicals, in this case, glyphosate found in Roundup weedkiller manufactured by Monsanto. Thousands of plaintiffs joined a class action against Monsanto alleging that the glyphosate in Roundup caused their cancers; one legal theory in the case is that Monsanto failed to warn plaintiffs of the cancer risk in violation of Missouri tort law. Monsanto argued that FIFRA expressly prohibits states from imposing labeling or packaging requirements on regulated products different from those required in FIFRA and that the Environmental Protection Agency not only does not require a cancer warning for glyphosate, the agency has repeatedly rejected requests to impose such a warning. Because a failure-to-warn claim is functionally a labelling requirement, those claims are preempted by FIFRA. The Court agreed, eliminating the possibility of state failure-to-warn claims nationally. Other aspects of the class action case and large multidistrict litigation are not eliminated.

[Read the full opinion here.](#)

Health Equity

West Virginia v. B.P.J. and Little, Gov'r of Idaho v. Hecox

(U.S. Supreme Court, June 30, 2026): The United States Supreme Court (6-3) upheld statutes in West Virginia and Idaho that prohibit transgender females from participating in girls' and women's sports from middle school to college. The statutes were challenged as violating Title IX, a federal law prohibiting discrimination on the basis of sex in any school that receives federal funds, and the Equal Protection Clause of the Fourteenth Amendment. In dismissing the Title IX challenge, the Court found that the discrimination prohibited in the statute applies only to biological sexes, finding no room for claims based on gender. The Court further explained that the Equal Protection Clause permits a sex-based classification that is substantially related to an important government objective and found that the states' interests in safety and competitive fairness are important and that the sex-based classification was substantially related to those interests. While the opinion upheld laws that prohibit transgender females from participating in sports designated for girls of women, it has no impact on state laws that permit such participation. [Read the full opinion here.](#)

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