



JUDICIAL TRENDS IN PUBLIC HEALTH

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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](#).**

Scope of Public Health Authority

United States v. California

(9th Cir., April 22, 2026): The U.S. Court of Appeals for the Ninth Circuit struck down a California requirement that federal agents must identify themselves. The challenged California law, passed in response to immigration enforcement activity, requires non-uniformed officers to “visibly display identification” while performing official duties. The court held that the requirement impermissibly regulates the federal government in violation of the Supremacy Clause, which prevents states from directly regulating the federal government. California asked the court to consider the public safety concerns associated with unidentified officers and how mistaken identity creates a risk of harm to the public. However, the court declined to consider public safety claims and relied on the federal constitutional claim in making its decision. [Read the full opinion here](#).

Preventing and Treating Communicable Disease

American Academy of Pediatrics v. Kennedy

(D. Mass., March 16, 2026): The U.S. District Court for the District of Massachusetts barred the CDC

from enforcing its January 2026 changes to the childhood immunization schedule, stayed the appointments of 13 new members of the Advisory Committee on Immunization Practices (ACIP), and invalidated all prior votes the 13 members took. The court ruled that the CDC's January 2026 changes to the childhood immunization schedule likely violated statutory requirements. Congress requires that the CDC at least consider ACIP recommendations before adopting a new immunization schedule. Neither the Secretary of HHS nor the CDC can unilaterally change the schedule. Even though they were acting on the President's orders, the CDC's actions were unreasonable and without sufficient explanation/justification. Additionally, the court ruled that the reconstitution of ACIP likely violated statutory and regulatory requirements. While agencies generally have much discretion in assembling advisory committees, Congress does impose some minimum requirements. Advisory committee members must have relevant qualifications and experience, including expertise in vaccines and immunizations. The court found that there is little evidence Secretary Kennedy considered any of these requirements. The appointment process took at most a couple of months, instead of the usual two years and over half the new members lack expertise in vaccines and immunizations. [Read the full opinion here.](#)

Perry v. Marteney, et al.

(4th Cir., April 8, 2026): The U.S. Court of Appeals for the Fourth Circuit reversed an order that required a West Virginia county to allow exemptions to the mandatory childhood vaccine requirement. A West Virginia student who was enrolled in virtual school claimed that they were entitled to a religious exemption from the vaccine requirement. The lower court decision found that West Virginia's requirement for school children to obtain chickenpox, measles, and other infectious disease vaccines was a violation of religious freedom. The Fourth Circuit rejected this reasoning, stating that vaccination generally promotes health and is separate from religious belief. Under a rational review standard of the First Amendment, the court determined that mandatory vaccination fulfills West Virginia's legitimate interest in stopping the spread of infectious disease, regardless of whether students are attending school virtually or in person. [Read the full opinion here.](#)

Injury Prevention and Safety

Defense Distributed v. New Jersey Attorney General

(3rd Cir., February 12, 2026): The U.S. Court of Appeals for the Third Circuit dismissed a claim that computer code used to 3D print guns is protected by the First Amendment. Defense Distributed develops and publishes code that can be used in a 3D printer to produce an untraceable plastic pistol known as a "ghost gun". In 2018, New Jersey passed legislation making it a crime to distribute this kind of code to New Jersey residents. The developer sued, claiming in part that the distribution of code is speech protected by the First Amendment. The Third Circuit reasoned that while code can be speech in some circumstances, it must be an expression or communication of ideas to fall under the First Amendment. Because the developer failed to present information that this code is expressive, the court was unable to perform a context-specific analysis and dismissed the case. [Read the full opinion here.](#)

Access to Reproductive and Maternal Health Care

First Choice Women's Resource Centers, Inc. v. Davenport

(U.S. Supreme Court, April 29, 2026): The U.S. Supreme Court allowed a group of anti-abortion pregnancy centers to move forward with their federal claim that a subpoena seeking donor information violated their First Amendment rights. The Court held that the centers did not have to wait for the subpoena to be enforced in a state court before filing suit in federal court. The New Jersey subpoena sought to collect donor identities and internal documents while investigating whether the centers misled donors by obscuring their anti-abortion mission. While the decision is primarily procedural, there are broad implications for the balance of state and federal power in these types of investigations. At the same time, the decision protects the First Amendment rights of nonprofit organizations. [Read the full opinion here.](#)

Environment and Climate Health

Mayor & City Council of Baltimore v. B.P. P.L.C., et al.; Anne Arundel County, Maryland v. B.P. P.L.C., et al; City of Annapolis v. B.P. P.L.C., et al.

(Supreme Court of Maryland, March 24, 2026): The Supreme Court of Maryland dismissed three climate change cases filed by local governments against fossil fuel companies, including BP and Chevron. The City of Baltimore, the City of Annapolis, and Anne Arundel County made claims that these companies engaged in deceptive marketing by concealing known dangers of fossil fuels despite knowing the direct, negative impact their products have on climate change. The claims describe local impacts such as sea level rise and destruction of property. The court rejected these state claims, reasoning that the local governments are instead attempting to regulate interstate emissions in state court, and their claims are preempted by federal environmental laws. The court also found that the damages sought implicated global conduct, rather than conduct occurring within Maryland. The majority opinion labels the cases as "creative pleading," though the dissent reasons that there are claims that could be considered under state law despite the global implications of climate change. [Read the full opinion here.](#)

Health Equity

Gather Church v. Lewis County

(W. D. Wa., December 31, 2025): The U.S. District Court for the Western District of Washington held that an ordinance restricting the operation of a mobile syringe service program likely violated the Americans with Disabilities Act, the Washington Law Against Discrimination, and state law permitting the distribution of public health supplies such as syringe and drug testing equipment. Plaintiff Gather Church operates a mobile syringe service program, a harm reduction service to assist people with substance use disorder by providing new syringes and drug testing kits. The ordinance issued by Lewis County, Washington acknowledged the benefit of syringe service programs as a means to reduce the transmission of disease, reduce the public health risk of improperly disposed needles, and provide a point of contact for drug treatment. However, the ordinance also restricted key aspects of Gather Church's service by restricting who could work there, the quantity of needles exchanged, and the location. By constraining the service to a single location, the ordinance prevented services from reaching disabled community members who relied on the program traveling to their location. The

court found this was likely discriminatory and also found that the ordinance was likely preempted by state law permitting syringe service programs. Accordingly, the court granted a preliminary injunction and on February 10, 2026 Lewis County repealed the ordinance. [Read the full opinion here.](#)

Wilkins v. Hegseth

(4th Cir., February 18, 2026): The U.S. Court of Appeals for the Fourth Circuit held that a military policy prohibiting HIV positive individuals from enlisting did not violate the Fifth Amendment or the Administrative Procedure Act. This decision overturns a district court ruling that the ban on HIV positive individuals was unconstitutional and incongruent with modern medical practices. Individuals with undetectable viral loads of HIV do not transmit HIV and can successfully manage their condition. Despite that medical reality, the court deferred to the military's reasoning and concluded that the policy had a rational basis for categorically excluding people living with HIV, even those who can show no risk of transmission. [Read the full opinion here.](#)

Mirabelli v. Bonta

(U.S. Supreme Court, March 2, 2026): The U.S. Supreme Court barred the enforcement of California policies preventing schools from outing transgender students to their parents, when those parents seek religious exemptions due to their religious beliefs about sex and gender. This injunction will remain in effect while the case challenging the policies proceeds through trial and appellate courts. The Court ruled that the policies likely infringed on parents' religious rights. Parents have the right to participate in their children's upbringing and education, including participating in decisions regarding their children's mental health and religious development. Even though there is a compelling state interest in student safety and privacy, the court reasoned that schools can ensure student safety by establishing a policy that prohibits disclosure to parents who would engage in abuse. Accordingly, schools may not mislead parents about their children's gender presentation at school, and schools must follow parents' directions regarding their children's names and pronouns. The case giving rise to this interim decision could ultimately be presented to the Court for a permanent decision. [Read the full opinion here.](#)

Chiles v. Salazar

(U.S. Supreme Court, March 31, 2026): The U.S. Supreme Court held that a Colorado law banning conversion therapy for talk therapists violates the First Amendment. In 2022, licensed therapist Kaley Chiles brought a pre-enforcement action against Colorado's ban on conversion therapy. In an 8–1 decision in favor of Chiles, Justice Gorsuch determined that the Colorado law qualified as a "content-based" restriction which is considered presumptively unconstitutional. Justice Gorsuch further explained that a ban on conversion therapy for talk therapists is viewpoint discrimination. The Court rejected Colorado's argument that talk therapy is "conduct" and not "speech" in the context of therapeutic treatment. The Court remanded the issue to the 10th Circuit to evaluate the law under strict scrutiny analysis. [Read the full opinion here.](#)

Louisiana v. Callais

(U.S. Supreme Court, April 29, 2026): The U.S. Supreme Court determined that Louisiana's 2024 congressional map, which created two majority-Black voting districts, is illegal racial gerrymandering. These districts were created after a federal court found that Louisiana's congressional districts that yielded no majority-Black districts impermissibly diluted Black voters' impact in violation of Section 2 of the Voting Rights Act. A successful Section 2 claim allows for creating majority-minority voting districts as a remedy to counteract racial vote dilution. In a modified approach to Section 2, the Court held that a plaintiff must show discriminatory redistricting was specifically based on race and not on

political party. Because the original redistricting in Louisiana could be explained as political gerrymandering that just happened to result in the dilution of Black voters, their Section 2 claim was not a sufficient reason to create new majority-Black districts. Because of the correlation between political party and race, this approach to Section 2 significantly narrows the remedy in this portion of the Voting Rights Act. [Read the full opinion here.](#)

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