

2023 Litigation Tracker - July 2024 update

Bill Number and short title 2023	Sponsor	Short description	Lawsuit filed	Case Number	Current Status of Lawsuit	Current Status of Bill	District Court	Judge	Appealed	Supreme Court action	Basis for Litigation in Introduced Bill or in Amendments	Legal Review Note	LSD Comments
SB 99	John Fuller	Prohibits transgender medical & surgical treatments on minors	May 2023	DV-23-541 (District Court) DA 23-0572 (Supreme Court)	Preliminary injunction granted on 9/27/23	Blocked	Missoula County	Jason Marks	Yes (preliminary injunction appealed on 2/12/24)	Reply brief filed on 05/07/24	Introduced Bill	N	Awaiting MSC ruling (which could be a while given still accepting amicus briefs)
HB 359	Braxton Mitchell	Drag shows in public places	July 2023	No. CV 23-50-BU-BMM (United States District Court for the District of Montana)	Preliminary injunction granted on 10/13/23. Plaintiffs filed for summary judgement on 11/29/23. State has appealed the preliminary injunction, decision on summary judgement or permanent injunction won't be made until after that appeal is decided (update as of 11/30/23)	Blocked	Federal court: District of Montana	Brian Morris	N/A	N/A	Introduced Bill	N	9th Circuit Court of Appeals Oral argument made 6/4/24
HB 562	Sue Vinton	Charter schools	June 2023	DV-25-2023-425-IJ	Temporary injunction issued (says the independent commission structure is likely unconstitutional)	Partially blocked	Lewis and Clark County	Chris Abbott	N/A	N/A	Introduced Bill	Y	Litigation ongoing, order to vacate scheduling order granted
SB 93	Mike Cuffe	Additional requirements for ballot initiatives	May 2023	ADV 2023-388	Partial summary judgement granted, filing fee and AG review portions of the bill struck down	Partly overturned	Lewis and Clark County	Mike Menahan (originally Seeley, State moved to substitute 8/30/23)			Amendments increased filing fee from \$100 to \$3,700	N	Order said fees impair initiative and ref under Art. III, section 4 and 5
HB 721	Matt Regier	Dismemberment Abortion Prohibition Act	May 2023	ADV-2023-231	Temporary injunction issued	Blocked	Lewis and Clark County	Mike Menahan (originally Abbott, then McMahon assumed, then Plaintiff filed motion to substitute, Judge Seeley assumed, then AG moved to substitute Seeley)	Yes, MSC 23-0288		Introduced Bill	Y	Litigation ongoing in District Court (amended scheduling order 6/11/24)
HB 575	Lola Sheldon-Galloway	Prohibits abortion of viable unborn children (~24 weeks), requires ultrasounds to determine viability	May 2023	ADV-2023-231	Temporary injunction issued	Blocked	Lewis and Clark County	Mike Menahan (originally Abbott, then McMahon assumed, then Plaintiff filed motion to substitute, Judge Seeley assumed, then AG moved to substitute Seeley)	Yes, MSC 23-0288	N/A	Introduced Bill	N	post viability Armstrong is previability, Before MSC rulings
HB 544	Jane Gillette	Medicaid funding for abortions only allowed for life of mother, rape/incest pregnancy, or medically necessary	May 2023	ADV-2023-231	Temporary injunction issued	Blocked	Lewis and Clark County	Mike Menahan (originally Abbott, then McMahon assumed, then Plaintiff filed motion to substitute, Judge Seeley assumed, then AG moved to substitute Seeley)	Yes, MSC 23-0288	N/A	Introduced Bill	N	Discovery ongoing in DC

HB 862	Mike Hopkins	Prohibits state money being used for abortion except rape/incest and life of mother	May 2023	ADV-2023-231	Temporary injunction issued	Blocked	Lewis and Clark County	Mike Menahan (originally Abbott, then McMahon assumed, then Plaintiff filed motion to substitute, Judge Seeley assumed, then AG moved to substitute Seeley)	Yes, MSC 23-0288	N/A	Introduced Bil	N	Discovery ongoing in DC
SB 419 lawsuit 1	Shelley Vance	TikTok ban	May 2023		Preliminary injunction issued and appealed	Blocked	Federal court: District of Montana	Donald Molloy	Yes	appealed to 9th circuit 1/3/24	Introduced Bil	N	Stayed pending litigation of federal ban in D.C. Circuit
SB 419 lawsuit 2	Shelley Vance	TikTok ban	May 2023		Lawsuit filed	Blocked	Federal court: District of Montana				Introduced Bil	N	Stayed pending litigation of federal ban in D.C. Circuit
HB 576	Rhonda Knudsen	Loosens regulations on coal mining	June 2023		Permanently blocked	Federal mine regulators rejected the law; unclear how impacts court case but bill appears dead	Federal court: District of Montana	Brian Morris	N/A	N/A		N	Federal Office of Service Mining rejected
SB 392	Steve Fitzpatrick	Revises determination of court costs in coal mining litigation (loser pays)	June 2023		Permanently blocked	Federal mine regulators rejected the law; unclear how impacts court case but bill appears dead	Federal court: District of Montana	Brian Morris	N/A	N/A		N	Federal Office of Service Mining rejected
SB 442 (veto) lawsuit 1 (consolidated w/ #2)	Mike Lang	Greg Gianforte's veto of the bill/legislature override opportunity	June 2023	ADV-2023-411	District court ruled in favor of plaintiffs, said legislature must be given opportunity to override veto (1/16/24)	Vetoed	Lewis and Clark County	Mike Menehan	N/A	N/A	Amendments	N	Veto override unsuccessful
SB 442 (veto) lawsuit 2 (consolidated with #1)	Mike Lang	Greg Gianforte's veto of the bill/legislature override opportunity	June 2023	ADV-2023-411	District court ruled in favor of plaintiffs, said legislature must be given opportunity to override veto (1/16/24)	Vetoed	Lewis and Clark County	Judge Seeley (MACo filed motion to consolidate case in Judge Menahan's court)	N/A	N/A	Amendments	N	Veto override unsuccessful
HB 971	Josh Kassmier	Prohibits evaluation of greenhouse gases in MEPA	May 2023	Held v. Montana DV-2020-307	District court ruled in favor of plaintiffs, appealed to MSC, DA 23-0575 , oral argument on July 10, 2024.	Blocked	Lewis and Clark County	Kathy Seeley	Yes	Denied request for a stay of Seeley's ruling while the appeal proceeds	Introduced Bill	N	check back after oral argument in July, 2024

SB 557	Mark Noland	Puts additional requirements on litigants suing under MEPA and prohibits of greenhouse gases	May 2023	Held v. Montana	District court ruled in favor of plaintiffs, appealed to MSC, DA 23-0575 , oral argument on July 10, 2024.	Blocked	Lewis and Clark County	Kathy Seeley	Yes	Denied request for a stay of Seeley's ruling while the appeal proceeds	Introduced Bill	N	check back after oral argument in July, 2024
HB 937	Lola Sheldon-Galloway	Creates licensure of abortion clinics	September 2023	DV-23-592, All Families Healthcare et al v. Charlie Brererton et al	Temporary restraining order issued (largely because DPHHS had not enacted or even proposed any rules to implement the bill)	Blocked	Lewis and Clark County	Christopher Abbott	N/A	N/A	?	N	Last filing in District Court was 10/25/23, nothing with MSC
HB 892 lawsuit 1	Lyn Hellegaard	Clarifies prohibition on double voting	October 2023	CV 23-70-H-BMM-KLD	Lawsuit filed (state response to request for preliminary injunction filed 12/1/23)	Preliminary Injunction granted April 2024 as to amends to 13-35-210(5) (aka Deregistration requirement)	District of Montana (federal court)	Brian Morris	N/A	N/A	Introduced Bill	N	preliminary injunction appealed to 9th Circuit
HB 892 lawsuit 2	Lyn Hellegaard		November 2023	Gallatin County, DV 2023-1073	Lawsuit filed	In effect	Gallatin County, DV 2023-1073	Peter Ohman	N/A	N/A	Introduced Bill	N	case proceeding (discovery) but knows about federal district court injunction order
SB 458 (note: there is a separate lawsuit challenging Gianforte & DPHHS withholding public documents related to implementing this bill. That case is not part of this tracker)	Carl Glimm	Defines "sex" in law	October 2023	Edwards v. MT	Lawsuit filed (state response to request for preliminary injunction filed 12/1/23)	In effect	Missoula County	Leslie Halligan	N/A	N/A	Introduced Bill	N	
SB 458 (note: there is a separate lawsuit challenging Gianforte & DPHHS withholding public documents related to implementing this bill. That case is not part of this tracker)	Carl Glimm	Defines "sex" in law	December 2023	ADV 2023-1245	Summary judgment granted 7/1/24	In effect	Missoula County	Shane Vannatta	N/A	N/A	Introduced Bill	N	Oral argument held and Judge granted summary judgment based on inadequacy of title

SB 109	Keith Regier	Redistrict the PSC districts	October 2023	ADV-2023-702	Preliminary injunction denied 2/29/24	In effect	Lewis and Clark County	Christopher Abbott	N/A	N/A	Amendments in Senate Energy and Telecommunications offered by Sen. Regier	N	ongoing discovery
HB 903	Mike Hopkins	Revises marijuana laws	August 2023	DV-2023-570	Consent judgement entered into on 1/5/24	Cumulative dispensary fees permanently enjoined	Lewis and Clark County	Mike Menahan	Unlikely	N/A	Amendments	N	resolved
SB 202	Greg Hertz	Food freedom	December 2023	Lewis and Clark Co. DV 2023-766	Lawsuit filed	In effect, motion to dismiss case denied 1/24	Lewis and Clark County	Christopher Abbott	N/A	N/A	Possibly amendments which included farmer's market	N	Early days of lawsuit
SBs 382, 323, 245, 528	Forrest Mandeville, Jeremy Trebas, Daniel Zolnikov, Greg Hertz	Pro-housing zoning reform bills	December 2023	Gallatin CO., DV-23-1248 and MSC DA 24-0039	Preliminary injunction issued on SBs 323 and 528	SBs 323 and 528 blocked, others have later effective dates	Gallatin County	Michael Salvagni	Yes (preliminary injunction)	Yes, currently accepting amicus briefs, stay on proceedings in DC	Introduced Bil	N	Awaiting MSC ruling (which could be a while given still accepting amicus briefs) Legislator amicus brief filed June 24, 2024
HB 393	Sue Vinton	Education savings accounts for special needs students	January 2024	Lewis and Clark Co. DV 2024-44	Lawsuit filed	In effect, preliminary injunction requested in April 2024	Lewis and Clark County	Mike Menahan (originally Judge McMahon, motion for substitution filed by Plaintiff)	N/A	N/A	Introduced Bil	Y	Hearing on PI on June 27, 2024
Zoey Zephyr v. Matt Regier		TRO requested		Lewis and Clark Co. ADV 2023-300		N/A	Lewis and Clark County	Assigned to Judge McMahon, Ps filed a motion to sub and Judge Seeley assumed jurisdiction, Ds filed a motion to sub and Menahan assumed jurisdiction					TRO denied and D's motion to dismiss granted Nov. 22, 2023.