

News

Amin Discusses Legislative and Judicial Shifts Since Dobbs with Law360

ATTORNEYS & PROFESSIONALS

Kathryn Bjornstad Amin

kamin@groom.com

202-861-2604

PUBLISHED

06/26/2023

SOURCE

Law360

SERVICES

Employers & Sponsors

Health & Welfare Programs

Groom principal and leader of the firm's health practice, [Katie Bjornstad Amin](#) was featured in *Law360*'s article "3 Questions Linger for Benefits Attys 1 Year After Dobbs," where she evaluated changes in health litigation since the U.S. Supreme Court's 2022 decision to uphold *Dobbs v Jackson Women's Health*, effectively overturning the landmark opinion in *Roe v Wade*. The decision prompted national action, including a January decision by the Food and Drug Administration ("FDA") to remove the requirement that mifepristone be dispensed in person by a certified provider.

Amin, according to *Law360*, said that "a year out from Dobbs, she's watched a shift in focus by some state legislatures from abortion restrictions to bans on gender-affirming care, raising new ERISA preemption questions."

"We didn't see any of that language in the abortion context," Amin said. "If they're just saying you can't take a tax deduction...does ERISA preempt that?"

Law360 continued, noting that according to Amin, the FDA's "January change prompted some employers to start 'thinking of adding it to their pharmacy benefit,'" and "that employers wanted to gauge whether the change would bring additional legal risk."

Referring to an appeal in the Fifth Circuit Court, Amin said, "That's kind of now on hold because of the court case."

To read the article, [click here](#).