

Troutman Pepper State Attorneys General Monitor — June 13, 2024

WRITTEN BY

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State attorneys general increasingly impact businesses in all industries. Our nationally recognized state AG team has been trusted by clients for [20 years](#) to navigate their most complicated state AG investigations and enforcement actions.

State Attorneys General Monitor analyzes regulatory actions by state AGs and other state administrative agencies throughout the nation. Contributors to this newsletter and related [blog](#) include attorneys experienced in regulatory enforcement, litigation, and compliance.

Contact our State AG Team at StateAG@troutman.com.

Troutman Pepper Spotlight

Agustin Rodriguez, a partner in Troutman Pepper's Regulatory Investigation, Strategy + Enforcement practice, will be attending the Sixth Next Generation Nicotine Delivery USA conference in Miami, FL, on June 19-20. This conference connects business leaders from the FDA, ENDS, and tobacco industry to offer discussions and insights into the regulatory challenges facing the sector, legal compliance, and opportunities in the industry.

Multistate AG Updates

TREASURY DEPARTMENT PUSHES BACK AGAINST STATE EFFORTS TO DISSOLVE CTA

By [Troutman Pepper State Attorneys General Team](#)

On June 3, the U.S. Treasury Department filed a [reply](#) in its 11th Circuit litigation[1] against the National Small Business Association regarding the constitutionality of the Corporate Transparency Act (CTA). Of late, the Treasury Department has faced additional pressure and scrutiny, with 22 states filing a joint [amicus brief](#) last month, asserting that the CTA displaces state authority and would economically harm residents.

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TENNESSEE AND MISSISSIPPI AGS SUE THE HHS OVER NEW ANTIDISCRIMINATION RULE

By [Troutman Pepper State Attorneys General Team](#) and Paulette Hall*

Tennessee and Mississippi attorney generals (AG), joined by 13 other states, filed a multistate lawsuit in the

Southern District of Mississippi. The lawsuit challenges the U.S. Department of Health and Human Services' (HHS) attempt to expand the breadth of the Affordable Care Act's (ACA) antidiscrimination provision, known as Section 1557. This section prohibits discrimination on the basis of sex. HHS' new rule, which is scheduled to take effect on July 5, extends the definition of sex to encompass gender identity. The AGs argue that HHS' expansion of the ACA provision will have undesirable effects on the medical industry. They claim that the promulgation of this new rule is also unconstitutional and interferes with states' reserved powers.

**Paulette is a 2024 summer associate with Troutman Pepper and not licensed to practice law in any jurisdiction.*

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CALIFORNIA SPEARHEADS MULTISTATE EFFORT TO DEFEND EPA'S STRINGENT EMISSIONS STANDARDS FOR HEAVY-DUTY VEHICLES

By [Troutman Pepper State Attorneys General Team](#)

California Attorney General (AG) Rob Bonta is leading a coalition of 22 Democratic states and the District of Columbia to defend the Environmental Protection Agency's (EPA) rule that sets stringent greenhouse gas emissions standards for heavy-duty vehicles. The coalition filed a motion to intervene in the U.S. Court of Appeals for the D.C. Circuit, where the EPA's rule is facing a legal challenge from Republican AGs.

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State AG Updates

CALIFORNIA AG ENFORCES SUBPOENA; PLASTIC LOBBYING GROUPS RESPOND WITH LAWSUIT

By [Troutman Pepper State Attorneys General Team](#)

California Attorney General (AG) Rob Bonta has issued two petitions to enforce an investigative subpoena against the Plastics Industry Association (PLASTICS) and the American Chemistry Council (ACC). PLASTICS lobbies on behalf of entities involved in the plastics supply chain. ACC is a trade association that represents chemical companies who create plastic products. The AG's petition accuses PLASTICS and ACC of failing to comply with the AG's prior subpoenas by providing insufficient responses and failing to provide requested documents. In response, PLASTICS and ACC filed lawsuits against the AG in Washington, D.C.

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TEXAS AG LAUNCHES DATA PRIVACY TEAM

By [Stephen Piepgrass](#), [Sadia Mirza](#), and [Gene Fishel](#)

On Tuesday, Texas Attorney General (AG) Ken Paxton announced the creation of a team dedicated solely to the prosecution and enforcement of Texas' privacy laws. The team will focus on handling cases under at least seven different laws, including the state's relatively new comprehensive consumer privacy law, and will be part of the office's Consumer Protection Division. In his announcement, the AG touts the team as the largest such unit in the

U.S., and one that will aggressively enforce the state's privacy laws.

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NEW JERSEY AND CALIFORNIA AGS ADD TO THEIR ANTITRUST RANKS

By [Ashley L. Taylor, Jr.](#), Drew Mann, and [Tim Bado](#)

Continued focus on antitrust enforcement has led the New Jersey and California attorneys general (AG) offices to go on a hiring spree. New Jersey AG Matthew Platkin recently announced the establishment of a permanent, stand-alone Antitrust Litigation and Competition Enforcement Section to enforce the New Jersey Antitrust Act. Meanwhile, the California AG's office intends to hire eight new antitrust attorneys in June 2024, with more expected throughout the year. The announcement out of the California AG's office aligns with the state's aggressive antitrust enforcement practices, and comes just two months after the California Department of Justice [announced](#) its plan to invigorate criminal antitrust prosecutions.

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AG of the Week

RAÚL TORREZ, NEW MEXICO

Raúl Torrez was sworn in as the 32nd Attorney General for the State of New Mexico on January 1st, 2023. Born and raised in Albuquerque, Torrez served as a federal prosecutor and senior advisor in President Obama's Department of Justice. With nearly a decade of experience as an assistant U.S. attorney, assistant attorney general, and assistant district attorney, Torrez has experience on all levels of the criminal justice system. He served as the Bernalillo County district attorney from 2017 to 2022 before being elected attorney general.

Torrez is focused on fighting crime, protecting consumers, defending constitutional rights, and advocating for children.

New Mexico AG in the News

- In a recent news conference, New Mexico AG Raul Torrez [expressed his concern](#) about restricting access to reproductive health care and reinforced his commitment by submitting a petition to the New Mexico Supreme Court about codifying abortion rights and nullifying bans.
- On May 16, AG Torrez [outlined his priorities](#) for the special session beginning in July: rapid DNA analysis tool for law enforcement, access to records of pretrial release violations, and protecting crime victims through the establishment of the Office of the Crime Victim Advocate.
- AG Torrez is [suing the Second Judicial District Court](#) for refusing to release public records when requested by several journalists, claiming this violates New Mexico state law.

Upcoming AG Events

- June: AGA | 2024 Annual Meeting | CO
- June: AGA | ORC Working Group | CO
- June: RAGA | Summer National Meeting | WV
- June: DAGA | Presidential Retreat | CA

For more on upcoming AG Events, [click here](#).

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