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Public Health Law News

December 2022



Public Health Law Program
Center for State, Tribal, Local, and Territorial Support
Centers for Disease Control and Prevention


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Announcements


Applications Open | CDC Public Health Law Fellowship

Applications are now open for the CDC Public Health Law Fellowship. This paid opportunity will provide fellows with on-the-job training to prepare them for careers in public health law and policy. Applicants should be current graduate or law students or recent graduates with a demonstrated interest in public health law. Applications are due **January 23**. Positions start in January, May/June, or August/September. [Learn more and apply](#)


Save the Date | 2023 Public Health Law Conference

The Network for Public Health Law will hold the 2023 Public Health Law Conference **October 24–26** in **Minneapolis**. This event will bring together public health officials, public health practitioners, attorneys, community organization leaders, and others who share in public health law goals. [Learn more](#) .

Call for Abstracts | 2023 Public Health Law Conference

Abstracts are being accepted through **February 6** for the 2023 Public Health Law Conference. Submissions that address structural inequities in health outcomes, reproductive health equity, public health data use to advance health equity, the role of law in facilitating system change, and emerging issues impacting structural change are highly encouraged, although manuscripts on other topics are also welcome. [Submit an abstract](#) .


Save the Date | NACCHO 360 Conference

The National Association of County and City Health Officials (NACCHO) will hold the next NACCHO 360 Conference in **Denver on July 10–13**. Enhanced virtual participation will also be offered. Early registration is anticipated to be available early January. [Learn more](#) .

Call for Abstracts | NACCHO 360 Conference



NACCHO will accept abstracts from **December 19 to January 17** for the 2023 NACCHO 360 Conference, which will be held **July 10–13**. [Submit an abstract](#) .

Call for Manuscripts | Reimagining Public Health Preparedness with Lessons from COVID-19, John Hopkins Bloomberg School of Public Health


Expanding upon the themes of the 2022 NACCHO Preparedness Summit, the Johns Hopkins Center for Health Security is accepting manuscript submissions through **January 17**. As part of the Reimagining Preparedness supplement, authors are encouraged to address the pandemic's impact on public health preparedness policy and practice. [Learn more](#) .

Tribal Announcements


Call for Artists | Request for Proposals, Michigan Indian Legal Services

Michigan Indian Legal Services (MILS) works to provide legal assistance at no charge to income-eligible, Native American peoples, families, and communities with a focus on protecting cultural practices, ensuring fundamental access to basic needs, and challenging harmful policies. MILS is seeking assistance with updating outreach materials to incorporate the Anishinaabe language and contemporary Native art. This opportunity is available to individuals who are citizens of federally recognized tribes and living within the state of Michigan, or those with a substantial connection with the state of Michigan or the tribes located therein. Applicants should submit a letter of interest, a current resume, and work samples. [Learn more](#)  [PDF – 287 KB] .



Save the Date | National Indian Health Board 2023 National Tribal Public Health Summit

The National Indian Health Board will host the National Tribal Public Health Summit **May 1–5 Anchorage, Alaska**. This annual summit is dedicated to elevating the impact of public health on tribes and has historically attracted more than 700 professionals, leaders, advocates, and researchers. [Learn more](#) .

National Writing Competition | American Indian Law Review


The *American Indian Law Review* is now welcoming papers from students at accredited law schools in the United States and Canada. Papers will be accepted on any legal issue specifically concerning American Indian people or other Indigenous people. **The competition deadline is February 28**. [Learn more](#) .

Job Opening | Health and Welfare Executive Officer, Mohegan Tribal Member Services


The Mohegan Tribe is seeking applications for a health and welfare executive officer that will handle the overall administration and operation of the Tribal Member Services Department. This role will collaborate with the Entities within the Mohegan Reservation to address public health and safety protocols. This position will be in person in **Uncasville, Connecticut**. [Learn more](#)  [PDF – 298 KB] .

Legal Tools

Manuscript | “Foodborne illness outbreaks linked to unpasteurised milk and relationship to changes in state laws—United States, 1998–2018”

Epidemiology & Infection published this manuscript detailing findings that state laws resulting in an increased availability of unpasteurized milk are associated with more outbreaks and outbreak-associated illness. CDC Public Health Law Program staff members were contributors. [Read the manuscript](#) .


Webinar Recording | Preventive Medicine Grand Rounds—Public Health Law and Legal Epidemiology

The October 2022 Preventive Medicine Grand Rounds featured presentations by CDC Public Health Law Program staff, who provided an overview of public health law and legal epidemiology. [Watch the recording](#) .


Fact Sheet | Emergency Medical Services Home Rule State Law Fact Sheet

The Applied Research and Evaluation Branch in CDC’s Division for Heart Disease and Stroke Prevention has released a new policy resource. The Emergency Medical Services (EMS) Home Rule State Law Fact Sheet discusses the collection of laws related to local government autonomy and local EMS funding mechanisms for five US states: Alabama, California, Georgia, Massachusetts, and Ohio. This fact sheet covers state laws analyzed by public health attorneys between January 2021 and January 2022. [Read the fact sheet](#).


Guide | “Pathways to Yes: A legal framework for achieving data sharing for health, well-being, and equity”

The Network for Public Health Law and Data Across Sectors for Health published this guide designed for entities that want to share data but don’t know how or where to begin the process. The guide can also aid those who have run into data-sharing obstacles. [Use the guide](#) .


Report | Taking Action to Address the Human Health Impacts of Climate Change

This report, published by the Network for Public Health Law, describes the policy and legal strategies discussed at the Climate and Health Equity Summit in October 2022. [Read the report](#) .

Report | Public Health Has a Critical Role in the Development of Data Privacy


The Network for Public Health Law published a report that describes the impact of federal legislation on public health data collection and sharing as we progress toward cross-sector data sharing. [Read the report](#) .

Report | Potential Health Hazard of Drinking Water in Restaurants and Tea Stalls


Researchers from the Islamic University of Technology in Gazipur, Bangladesh, assessed the quality of groundwater and jar water found in roadside restaurants and tea stalls, which is routinely consumed by local people. Authors call for enhanced regulation after finding *E. coli* and total coliform exceeding the threshold standards in 47% and 64% of samples, respectively. [Read the report](#) .

Job Openings

Hospital Policy and Regulatory Analyst, Association of American Medical Colleges

The Association of American Medical Colleges (AAMC) is seeking an individual to prepare summaries, assist in the drafting of comment letters, and present information to constituents. AAMC is a nonprofit dedicated to the betterment of medical education, patient care, research, and community work. This position is exclusively remote within the Washington, DC/Baltimore area. [Learn more and apply](#) .

Community Health Policy Advocate, Blue Cross Blue Shield

Blue Cross Blue Shield Kansas City is seeking applicants with a bachelor’s degree in political science or public policy, health education, nursing, public health, or other relevant academic discipline and at least 5 years of experience in relevant health policy experience at the local, state, or federal level. Those with experience in the private sector may also be considered. Hybrid or remote work may be available. [Learn more and apply](#) .

The Solomon Center for Health Law and Policy at Yale Law School

The Solomon Center is recruiting for multiple one- to two-year fellowships. The Solomon Center focuses on the intersection of law and the governance, practice, and business of healthcare. [Learn more and apply](#).

Public Health Attorney (Northern Region), The Network for Public Health Law

The Network for Public Health Law is seeking an attorney to facilitate training, oversee the production of educational materials, and provide technical assistance, with an emphasis on advancing health equity. This position will work within the organization's Northern Region Office in **Edina, Minnesota**. [Learn more and apply](#).

Program Associate, Network for Public Health Law

The Network for Public Health Law is seeking a program associate to provide project and administrative support at the national office location in **Edina, Minnesota**. This position includes program coordination, support, and evaluation responsibilities. [Learn more and apply here](#).

Senior Attorney, Southern Environmental Law Center

The Southern Environmental Law Center (SELC) is seeking candidates for a staff or senior attorney position who will support their Clean Air Program. This position is based in **Birmingham, Alabama**, but they will consider candidates who can work remotely from any state in the South. This attorney will assist with identification and litigation of enforcement actions under the Clean Air Act across SELC's footprint. Interested applicants should send a resume and statement of interest to Jessica Martinez, Partner with ThinkingAhead Executive Search, at jmartinez@thinkingahead.com. [Learn more about SELC](#).

Law & Policy Analyst, University of Maryland Francis King Carey School of Law

The Center for Health and Homeland Security at the University of Maryland Francis King Carey School of Law is seeking applicants for the full-time, non-tenure track position of law and policy analyst or senior law and policy analyst to support the center's work with government agencies, health departments, and educational institutions on emergency preparedness and public health activities. Positions are to be hybrid within either **Montgomery/Prince George's County** or **Baltimore City**. Applicants with a JD degree can apply [here](#) and those with a masters or other (non-JD) advanced degree can apply [here](#).

Research Assistant, Public Health Law Center

The Public Health Law Center's mission is centered on improving populational health and addressing health inequities through the power of law and policy. They are accepting applications for full- and part-time research assistants who will work alongside staff attorneys and policy analysts to examine current laws and regulations, prepare publications and memos, and respond to requests for legal research on public health law topics. Candidates must be current students in a JD, MPH, or equivalent program. [Learn more and apply](#).

Top Story

California: [Hospitals had to put charity care rules on their websites months ago. Some didn't do it](#)

Los Angeles Times (11/29/2022) Emily Alpert Reyes

Story Highlights

California lawmakers attempted to render aid to uninsured patients and those with particularly high out-of-pocket medical costs through the passage of AB 1020, which went into effect January 2022. AB 1020 expanded on the Hospital Fair Pricing Act of 2006, which stipulated hospitals to establish minimum income and other requirements of eligibility for receiving discounted care. AB 1020 increased the income thresholds for which hospitals are required to offer discount care to make more California residents eligible. It also required that hospitals publish their financial assistance policy on the organization's website. California Attorney General Rob Bonta issued a consumer alert in June, six months after the law took effect, in response to complaints that hospitals were not following charity care policies. According to research done by Los Angeles Times staff, nine months after AB 1020 went into effect, many hospitals had yet to update their websites. When contacted by news staff, many hospitals responded that they were in the process of doing so or that they subsequently intended to.

Bernadette Manigault, senior attorney at the Neighborhood Legal Services of Los Angeles County, highlighted the need for patients to have this information readily available. Per the law, the California Department of Health Care Access and Information is set to assess hospital compliance by January 2023. Manigault emphasized that the law will not come into full strength until January 2024, when hospitals may be penalized for noncompliance.

[Editor's note: Read [AB 1020](#) and about the [Hospital Fair Pricing Act](#) [PDF – 94 KB] and health disparities

Briefly Noted

California: [More people will be eligible for health insurance through Covered California](#)

KPBS (11/25/2022) Elizabeth Aguilera

[Editor's note: Read the details of the [Affordability of Employer Coverage for Family Members of Employees](#) [PDF – 422 KB] and health insurance coverage.]

California: [Big tobacco appeals to Supreme Court to stop California flavored tobacco ban](#)

Visalia Times Delta (11/29/2022) Julie Watson

[Editor's note: Read more about [electronic cigarettes](#) and the risks to children, teens, and young adults.]

Connecticut: [Yale University sued over student mental health policies](#)

The Associated Press (11/30/2022) Susan Haigh

[Editor's note: Read about [mental health](#) and [college student mental health](#) .]

Mississippi: [DOJ reaches agreement, files new complaint against Jackson, Mississippi, over water crisis](#)

ABC News (11/29/2022) Teddy Grant and Luke Barr

[Editor's note: Read about [the Bipartisan Infrastructure Law](#) , [public water systems](#), and [safe drinking water](#) .]

Nebraska: [Bird flu prompts slaughter of 1.8M chickens in Nebraska](#)

AP News (11/27/2022) Josh Funk

[Editor's note: Read the [press release](#) [PDF – 315 KB] . Learn more about [avian influenza](#) and [avian influenza in birds](#) .]

Oregon: [Oregon governor issues order to help hospitals address rising pediatric cases of RSV](#)

OPB (11/14/2022) Alex Hasenstab

[Editor's note: Read more about [Respiratory Syncytial Virus Infection \(RSV\)](#) .]

Texas: [TCEQ fines Dell City \\$11K for failing to monitor drinking water; city says water is safe](#)

El Paso Matters (11/10/2022) Danielle Prokop

[Editor's note: Read details about the [Clean Water Act](#) , and learn more about [lead in drinking water](#) , [health effects of lead exposure](#), and [water contamination and diseases](#) .]

National: [Thousands of veterans deluge VA with claims for toxic exposure benefits, health care](#)

Source NM (11/28/2022) Jennifer Shutt

[Editor's note: Read [H.R.3967—Honoring our PACT Act of 2022](#) and [exposure to hazardous chemicals and materials](#) .]



National: [Senate unanimously passes bill to include Native Hawaiian sexual violence survivors in funding](#)

NBC News (11/18/2022) Kimmy Yam

[Editor's note: Read details of the [Violence Against Women Act Reauthorization Act of 2021](#) and the [press release](#) .]

Tribal: [A new crisis line for Native people in Washington state](#) 

KUOW (11/28/2022) Ashley Hiruko

[Editor's note: Read the [press release](#)  and more about the [Native and Strong Lifeline](#) ]

Global Public Health Law News

Canada: [Quebec reverses policy and makes flu vaccine free for all residents](#) 

Toronto Star (11/25/2022) Canadian Press

[Editor's note: Learn more about [flu vaccines](#).]

India: [India's maternal mortality ratio dips to 97 in 2018–20 from 130 in 2014–16](#) 

Outlook (11/30/2022) PTI

[Editor's note: Learn more about [maternal and infant health](#).]

Nigeria: [Ongoing health reforms will improve sector—Osinbajo](#) 

Daily Times of Nigeria (11/29/2022) Ukpono Ukpong

[Editor's note: Read details about the [National Health Insurance Authority Act 2022](#) .]

Spain: [Thousands protest in support of public health care in Madrid](#) 

ABC News (11/13/2022) AP

United Kingdom: [Former vaccines chief sounds warning about UK pandemic readiness](#) 

The Guardian (11/30/2022) Nicola Davis

[Editor's note: Read about [UK pandemic preparedness](#)  and [global health strategy](#).]

Court Filings & Opinions

Colorado

The Court of Appeals of Colorado ruled that the state's Air Quality Control Commission (the Commission) did not violate its statutory duty to propose rules toward meeting the state's greenhouse gas (GHG) emission goals in a cost-effective manner.

Environmental advocacy organizations filed lawsuits against the Commission and other state officials and entities alleging that the Commission failed to meet its statutory deadline for greenhouse gas reductions. The statute establishing the deadline was part of a larger statutory framework enacted with two complementary bills. The statutory framework imposed rule-making obligations on the Commission and provided for robust data collection intended to inform those rules. The particular statute at issue required the Commission to "publish a notice of proposed rule-making that proposes rules to implement measures that would cost-effectively allow the state to meet its [GHG] emission reduction goals" by July 1, 2020, 13 months after the bills' enactment.

The plaintiffs argued that the court should interpret this statute to require the Commission—by the deadline—to publish notice of a rule-making that was "sufficient" to meet the state's GHG emission reduction goals. The court rejected this argument and found the statute's language ambiguous because the phrases "allow the state to meet" and "implement measures" could reasonably be interpreted in different ways to change the scope of the Commission's duty under the statute. The court concluded that, under the plaintiffs' interpretation, the Commission would be required to publish the rule-making notice before it was able to collect and establish the robust data inventory intended to inform those rules. Because the Commission had promulgated rules related to the bills' data collection provisions in the short period of 13 months since the statute's enactment, the court held that the Commission had not violated its statutory duties.

[Env't Def. Fund v. Colo. Dep't of Pub. Health](#)  [PDF – 159 KB] 

Court of Appeals of Colorado, Division III

No. 21CA2032

Decided November 3, 2022

Opinion by Judge Terry Fox

Federal

The United States District Court for the Eastern District of New York held that a patient waived his psychotherapist-patient privilege when he produced mental health records without asserting the privilege.

Employee plaintiffs, Michael Belvin and Michael Mayers, brought discrimination cases against their former employer, Electchester Management, LLC (Electchester), based on several federal and New York statutes. Among the plaintiffs' claims was that Electchester's alleged discrimination caused them emotional distress. The plaintiffs sought to exclude from evidence a report by the defendant's expert psychological witness, Dr. Mark Siegert, essentially on grounds that it was not relevant. The plaintiffs argued Mayers's mental health was not at issue unless they offered their own expert witness to prove their emotional distress claim, which they did not plan to do. The court reasoned that the plaintiffs' relevancy argument was really a misapplication of the psychotherapist-patient privilege, which the court found Mayers had waived because he produced his mental health records to Dr. Siegert, agreed to an evaluation with Dr. Siegert, and provided deposition testimony regarding his mental health history, all without asserting the psychotherapist-patient privilege.

[Belvin v. Electchester Mgmt., LLC](#)  [PDF – 628 KB] 

United States District Court, Eastern District of New York

No. 17-CV-6303

Decided October 18, 2022

Opinion by Judge Nicholas G. Garaufis

COVID-19 Court Filings & Opinions

California

A century ago, during a smallpox epidemic, the California Supreme Court held that the Legislature may require school children to be vaccinated against that disease. (*Abeel v. Clark* (1890) 84 Cal. 226, 230.) Since then, the Legislature has required students to be vaccinated for 10 diseases—but COVID-19 is not yet among them. The issue here is whether a school district may require students to be vaccinated for COVID-19 as a condition for both (1) attending in-person class, and (2) participating in extracurricular activities. The superior court determined there was a “statewide standard for school vaccination,” leaving “no room for each of the over 1,000 individual school districts to impose a patchwork of additional vaccine mandates.” On independent review, we reach the same conclusion and affirm the judgment.

[Let Them Choose v. San Diego Unified Sch. Dist.](#) [PDF – 216 KB] 

California Court of Appeal, Fourth Appellate District, Division One

No. D079906

Decided November 22, 2022

Opinion by Justice William Dato

Federal

Workers at Amazon's JFK8 fulfillment center and members of their households (together, “Plaintiffs”) challenge workplace COVID-19 policies, practices, and procedures at JFK8. Their suit against Amazon.com, Inc., and Amazon.com Services LLC (together, “Amazon”) in the United States District Court for the Eastern District of New York (Brian M. Cogan, *Judge*) asserts causes of action under New York law for public nuisance, breach of the duty to protect the health and safety of employees under New York Labor Law (“NYLL”) § 200, violation of NYLL § 191 for failure to pay, on time and in full, COVID-19 sick leave under New York's COVID-19 sick leave law, and injunctive relief against future violations of NYLL § 191. Amazon moved to dismiss Plaintiffs' amended complaint. In a memorandum decision and order filed on November 2, 2020, the district court granted Amazon's motion. On November 3, 2020, the district court entered judgment dismissing Plaintiffs' amended complaint.

...

Accordingly, we AFFIRM the district court's dismissal of Plaintiffs' public nuisance claim and NYLL § 191 claims for damages and injunctive relief; and we VACATE the district court's dismissal of Plaintiffs' NYLL § 200 claim seeking a declaratory judgment and injunctive relief and REMAND to the district court for further proceedings on this claim.

Palmer v. Amazon, Inc.  

United States Court of Appeals for the Second Circuit

No. 20-3989-cv

Decided October 18, 2022

Opinion by Judge William J. Nardini

Quote of the Month

“Native Hawaiians are also not always recognized as an Indigenous people in our country—all those [barriers] are a challenge and play out in these statistics,” Shawn Kana‘iaupuni, president of Partners in Development, said. “The important thing is to allow our community to find ways to identify the issues that are problematic and be able to mobilize so that we can bring positive solutions to our people. We know how to do it. We just need more resources.”

[Editor’s note: This quote is from the above article [Senate passes bill to include Native Hawaiian sexual violence survivors in funding](#) , ABC News, (11/18/2022) Kimmy Yam]

About *Public Health Law News*

The *Public Health Law News* is published the third Thursday of each month except holidays, plus special issues when warranted. It is distributed only in electronic form and is free of charge.

The *News* is published by the Public Health Law Program in the Center for State, Tribal, Local, and Territorial Support.

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Last Reviewed: December 15, 2022