



## Public Health Professionals Gateway

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# Public Health Law News

August 2021



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

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### Announcements

#### Registration Now Open for 2021 Policy Surveillance Institute

The Center for Public Health Law Research will host its most comprehensive policy surveillance training of the year online on **October 4–6**. The Institute will teach each step in the policy surveillance process with virtual training from experts from the Temple University Center for Public Health Law Research using policy surveillance software and through collaborative exercises. Registration is limited and closes **September 17**. [Learn more and register](#) .


#### Policy Surveillance Training Webinar Series

Registration is now open for the introductory and advanced policy surveillance training webinars. The one-hour, free webinars hosted by the Center for Public Health Law Research introduce methods and applications for policy surveillance and scientific legal mapping. [Learn more and register](#) .

#### HIV Criminalization Laws and Ending the US HIV Epidemic


A recent analysis published in The Lancet shows that HIV criminalization laws in the United States present significant challenges to reducing HIV transmission and ending the HIV epidemic. [Read more](#) (subscription required).

### North American Refugee Health Conference Registration Opens

The annual North American Refugee Health Conference, hosted by the University of Toronto, will take place virtually on **September 9–11**. This interdisciplinary event is open to professionals interested in refugee health. [Register for this conference](#) .


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### 2021 Public Health Law Conference Keynote Speaker Announced

The 2021 Public Health Law Conference, hosted by the Network for Public Health Law, will be held in Baltimore on **September 21–23**. The conference will provide an opportunity to learn how the strategic use of legal and policy tools can address fundamental drivers of inequity, promote health and well-being, and save lives. (Current cancellation policy allows for a full refund if pandemic conditions do not improve by fall.) [Learn more and register](#) .


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### APHA 2021 Registration Opens

The American Public Health Association (APHA) will hold its annual meeting and expo on **October 24–27** in Denver and online. The theme of APHA 2021 is *Creating the Healthiest Nation: Strengthening Social Connectedness*. [Learn more and register](#) .

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### Public Health Law Academy Certificate

CDC and ChangeLab Solutions created the Public Health Law Academy to bridge the learning gap between formal public health and legal training and practice. The Academy now offers a certificate track for its free, on-demand trainings. To earn the certificate, you must complete seven trainings in core competencies that all public health practitioners need. The estimated completion time is 7.5 hours. [Get started](#) .



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### Maryland Journal of Health Care Law & Policy Accepting Submissions

The University of Maryland Journal of Health Care Law & Policy is open for submissions for articles to be published in Volume 25 in fall 2021. Manuscripts may be submitted through Scholastica or directly to [JHCLPEXEC@law.umaryland.edu](mailto:JHCLPEXEC@law.umaryland.edu).

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### Job Opportunity: Public Health Legal Fellow

The Network for Public Health Law is hiring a public health legal fellow to work with the Mid-States Region Office at the University of Michigan School of Public Health in Ann Arbor, Michigan. The fellow will focus on legal issues regarding public health authority; social determinants of health; health equity; and collecting, sharing, and protecting data for public health purposes. Submit your application by **August 31** for best consideration. [Learn more](#)  and [apply now](#) .


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### Job Opportunity: Postdoctoral Fellowship in Rehabilitation Policy Research

The University of Washington, in partnership with Columbia University's Health and Aging Policy Fellows Program, has announced a two-year, postdoctoral fellowship for people interested in the intersection of aging, disability, and health policy research. The program is interdisciplinary and invites applicants with a doctoral level degree (including PhD, PsyD, MD, JD, or equivalent) from any discipline with a policy component. Contact [Dr. Ivan Molton](#) or [Dr. Tracy Mroz](#) for more information.


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### Job Opportunity: Research Associate, The Justice Collaboratory, Yale Law School

The Justice Collaboratory at Yale Law School seeks a full-time research associate to start in fall 2021. This position is intended for individuals interested in the intersection of academia and public policy and who are passionate about social justice and committed to impactful research. [Learn more](#) .

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### Call for Applications: Research Fellow for the Project on Psychedelics Law and Regulation


The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School is hiring a full-time postdoctoral fellow to support its newly launched Project on Psychedelics Law and Regulation (POPLAR). This position will likely be a three-year commitment. [Learn more and apply](#) .

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## Tribal Announcements




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## National Indian Health Board (NIHB) 2021 National Tribal Health Conference

The nation's premier American Indian and Alaska Native health conference will take place virtually on **October 4–8**. The National Tribal Health Conference explores health policy and its impact on tribes, advances tribal capacity to expand policy work, and serves as a forum to discuss policy and political work in the arenas of tribal healthcare and public, behavioral, and environmental health. [Learn more and register](#) .




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### Job Opportunity: Policy Analyst at the NIHB Policy Center

NIHB is seeking to hire a policy analyst to help with activities to support tracking and responding to federal health policies and regulations as they affect Indian Country. [Learn more](#)  and [apply](#)  [PDF – 170 KB] .

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### Job Opportunity: Policy Research Analyst at the NIHB Policy Center



NIHB seeks an experienced policy research analyst. This position requires a combination of education, experience, skills, and cultural competency that would adequately prepare one for a critical role at a national, tribal, nonprofit organization. [Learn more](#)  and [apply](#)  [PDF – 182 KB] .

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## Legal Tools


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### Legality of Dispensing Naloxone to Minors in Colorado

Naloxone, the overdose reversal medication, is critical to ongoing efforts to reduce the harm caused by opioids, including overdose deaths. Like many states, Colorado law permits distribution of naloxone to those who could help those at risk of overdosing. Use this resource developed by the Network for Public Health Law to learn about the legality of dispensing the medication to those under age 18 in Colorado. [Access this tool](#)  [PDF – 785 KB] .


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### Ethics and Empathy in Using Imputation to Disaggregate Data for Racial Equity: Recommendations and Standards Guide

In many important policy questions, data disaggregated by race and ethnicity are unavailable, and efforts to collect new, self-reported data to fill these gaps is costly, time-consuming, or impermissible. Imputation and other methods for appending or integrating different data sources are critical tools for filling these gaps. An Urban Institute report explains what imputation is, why it is an important and needed tool for disaggregated data and race-conscious policy-making, and how to approach it with ethics and empathy. [Learn more](#) .

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### Legal Services Corporation Eviction Laws Database

The Center for Public Health Law Research partnered with the Legal Services Corporation and developed the Evictions Laws Database, a comprehensive online tool that allows users to explore the entire legal process of eviction, from profiling to post-judgment, in communities across the country. The purpose is to understand the significant variation in eviction laws and procedures across the United States and the impact on eviction outcomes. [Access this tool](#) .

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## Top Story

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### National: [State attorneys general reach a \\$26 billion national opioid settlement](#)

NPR (07/21/2021) Brian Mann

#### Story Highlights

Drug manufacturer Johnson & Johnson and three drug distributors—AmerisourceBergen, Cardinal Health, and McKesson—reached a \$26 billion settlement with a bipartisan coalition of state attorneys general in the face of state and local government lawsuits claiming that the drug distributors played a role in fueling the opioid epidemic. The distributors said that the settlement will deliver “meaningful relief to communities across the United States,” while Johnson & Johnson said the settlement “will directly support state and local efforts to make meaningful progress in addressing the opioid crisis.” The three drug distributors continue to dispute the allegations against them, and their statements stop short of admitting any wrongdoing in the opioid epidemic, which killed a record 93,000 Americans in 2020.

While many state and local governments have expressed their support of the settlement, at least one state attorney general, Patrick Morrissey of West Virginia, indicated that he will not embrace the deal. Morrissey stated, “West Virginia is a resounding no,” as he believes that settlement amounts should be allocated based on the severity of the opioid

epidemic, rather than population size. States and local governments have 30 and 150 days, respectively, to sign on to the deal. If most states do sign on, the drug distributors will disperse \$21 billion over the course of 18 years, while Johnson & Johnson will disperse \$5 billion over a nine-year period.

[Editor's note: Read CDC's information about [opioids](#) and the [opioid epidemic](#).]

## Briefly Noted

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**Arkansas:** [A federal judge blocks Arkansas ban on trans youth treatments](#) 

NPR (07/21/2021) The Associated Press

[Editor's note: Read [Arkansas HB 1570](#)  and read the Supplemental Judicial Order in [Brandt et al. vs. Rutledge et al](#) .]

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**California:** [California's 'historic' broadband bill passes key Senate committee](#) 

NBC News (07/17/2021) Cyrus Farivar

[Editor's note: Read [California AB/SB 156](#) .]

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**Missouri:** [MO Supreme Court upholds voter-approved Medicaid expansion](#) 

Kansas City Star (07/22/2021) Jeanne Kuang

[Editor's note: Read the Missouri Supreme Court [ruling](#) .]

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**New York:** [New York public health law prompts changes at summer camps](#) 

WSKG (07/21/2021) Noelle E. C. Evans

[Editor's note: Read [Senate Bill S 4345A](#)  and [Children's Mental Health](#).]

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**Texas:** [San Antonio built a pipeline to rural Central Texas to increase its water supply. Now local landowners say their wells are running dry.](#) 

The Texas Tribune (08/02/2021) Erin Douglas

[Editor's note: Learn more about [water sources and public health](#).]

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**Tribal:** [When wells run dry](#) 

Indian Country Today (08/02/2021) Associated Press

[Editor's note: Read about the [health implications of drought](#).]

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**Tribal:** [Choctaw Nation, concerned about Oklahoma's anti-tribe efforts, asks White House for help](#) 

Tribal Business News (07/26/2021) Rob Capriccioso

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**Tribal:** [Montana water court decides tribal water rights in first-of-its-kind decision](#) 

Native News Online (07/28/2021) Amanda Eggert, Montana Free Press

[Editor's note: Read the [Final Decree by the Montana Water Court](#)  [PDF - 3.4 MB] .]

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**Tribal:** [Nonprofit helps Native tribes utilize their natural resources](#) 

Tao News (07/26/2021) Michael Tashji

[Editor's note: Read the SAMHSA resource [Suicide clusters within AI/AN communities](#)  [PDF - 778 KB] .]

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**Tribal:** [Oregon expands dental therapy statewide](#) 

Indian Country Today (07/21/2021) National Indian Health Board

[Editor's note: Read the newly signed [HB 2528](#) .]

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**National:** [‘The real damage’: Why FEMA is denying disaster aid to Black families that have lived for generations in the Deep South](#) 

The Washington Post (07/11/2021) Hannah Dreier and Andrew Ba Tran

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**National:** [How to make the child tax credit more accessible](#) 

Vox (07/29/2021) Gabby Birenbaum

[Editor’s note: Learn more about [child poverty](#)  [PDF – 492 KB] .]

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**National:** [The time tax](#) 

The Atlantic (07/27/2021) Annie Lowrey

[Editor’s note: Learn more about [child poverty](#)  [PDF – 492 KB] .]

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**National:** [Medical debt was cut nearly in half in states that expanded Medicaid](#) 

Vox (07/29/2021) Dylan Scott

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**National:** [The darker side of tree-planting pledges](#) 

Bloomberg City Lab (07/20/2021) Feargus O’Sullivan and Linda Poon

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**National:** [The federal government is making HIV prevention treatment free—but there’s a catch](#) 

NPR (07/29/2021) Scott Saloway and Ryan Benk

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## Global Public Health Law News

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**Hungary:** [Health care workers protest for higher wages](#) 

Associated Press (07/31/2021) Justin Spike

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**Greece:** [Greece wildfires rip through towns as residents watch in horror](#) 

NBC News (08/08/2021) Molly Hunter, Tony Hemmings, and Rhea Mogul

[Editor’s note: Learn about [wildfire preparedness](#).]



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## Court Filings and Opinions

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### Wisconsin

The Supreme Court of Wisconsin held that the Wisconsin Department of Natural Resources (DNR) has the authority to impose restrictions on permits issued to large livestock farms to protect the state’s water supply.

After DNR reissued a wastewater permit to Kinnard Farms, Inc., which is a large, concentrated animal feeding operation, local citizens and Clean Wisconsin, Inc., petitioned DNR to review its decision. The petitioners argued that the reissued permit was inadequate because it did not 1) limit the maximum number of animals or 2) require monitoring to evaluate groundwater pollution. An administrative law judge heard the matter and found that petitioners demonstrated a “groundwater contamination crisis.” Based on that finding, the administrative law judge concluded that DNR had regulatory authority to impose the two at-issue conditions upon Kinnard’s permit. The case then moved to state court, where a judge [agreed](#)  that the permit [conditions were justified and within DNR’s authority](#). 

The Supreme Court affirmed the decision. The court explained that Wisconsin law gives DNR a duty to ensure that permittees, such as Kinnard, comply with groundwater protection standards and that the law explicitly contemplates the use of animal unit maximum and off-site groundwater monitoring conditions to do so.

[Clean Wisconsin, Inc. v. Wisconsin Dept. of Natural Resources](#) 

Supreme Court of Wisconsin

No. 2016AP1688

Decided July 8, 2021

Majority Opinion by Karofsky, Justice

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### Federal

In ongoing litigation, cigar and pipe tobacco industry groups brought a claim against the Food and Drug Administration (FDA) challenging deeming and user fee rules. The US Court of Appeals upheld the district court's decision that FDA's classification of a pipe as a "part" and its imposition of fees upon certain tobacco products were not arbitrary and capricious, affirming the grant of summary judgment to FDA.

[Cigar Association of America v. United States Food and Drug Administration](#) 

United States Court of Appeals for the District of Columbia Circuit No. 20-5266

Decided: July 20, 2021

Opinion by Rogers, Circuit Judge

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### Federal

The US District Court for the District of Massachusetts held that state-law claims against a drug manufacturer for failure to issue an adequate warning label are preempted by federal law. The decision concludes multi-district litigation against GlaxoSmithKline (GSK) alleging that Zofran, its anti-nausea medication, failed to warn of the risk of birth defects from taking the drug during pregnancy.

The court explained that, where a warning is required under state law, failure-to-warn claims brought pursuant to that law are preempted when there is "clear evidence" that the FDA would not have approved the warning. The record showed that GSK filed a post-litigation citizen's petition, placing plaintiffs' research about Zofran and birth defects squarely before FDA. However, FDA declined to require any label change after its review of the materials. Based on this evidence, the court held that the plaintiffs' state-law product liability claims were preempted by federal law.

[In re: Zofran \(Ondansetron\) Products Liability Litigation](#)  [PDF – 552 KB] 

United States District Court, District of Massachusetts

No. 1:15-md-2657-FDS

Decided June 1, 2021

Opinion by Saylor, Chief Judge

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### Federal

A US district court did not find that an ordinance preventing distribution of potentially hazardous food without a permit violated the First and Fourteenth Amendments, as the ordinance's purpose was to promote public health and safety, not to interfere with religious practices.

A federal magistrate judge granted summary judgment to the City of St. Louis, finding that a municipal ordinance prohibiting public food distribution without a permit did not violate the plaintiffs' First Amendment rights.

The plaintiffs, two men who identify as Christian, brought an action against the city after they received citations for distributing bologna sandwiches to people experiencing homelessness without a temporary food permit. The citations were issued pursuant to a municipal ordinance that forbade members of the public from distributing potentially hazardous foods without a city-issued permit. Under the ordinance, sandwiches containing meat were deemed "potentially hazardous." The plaintiffs argued that the ordinance violated their First Amendment rights because sharing food was both a "religious obligation" and "expressive conduct."

The court disagreed. First, the court held that the ordinance did not violate the Free Exercise clause because it was facially neutral and rationally related to the city's interest in providing safe food to members of its population. Applying intermediate scrutiny, the court also ruled that, while food distribution may be considered expressive conduct, preventing foodborne illness was an important and substantial government interest.

[Redlich v. City of St. Louis](#) 

United States District Court for the Eastern District of Missouri

Case No. 4:19-CV-00019-NAB

Decision Date: July 22, 2021

Opinion by Baker, Magistrate Judge

## Federal

The US District Court for the District of Idaho declined to enjoin the Environmental Protection Agency (EPA) from investigating potential violations of the Clean Water Act (CWA), holding that an uncompleted Freedom of Information Act (FOIA) request did not provide a legal barrier to EPA's performance of its statutory duty to protect the nation's natural resources and public health under the CWA. The court explained that the two statutes—CWA and FOIA— were unrelated, and all factors weighed heavily in favor of allowing EPA to pursue its investigation.

[Ace Black Ranches, LLC v. US Environmental Protection Agency](#) 

United States District Court for the District of Idaho

Case No. 1:21-cv-214-BLW

Decision Date: July 23, 2021

Opinion by Winmill, District Judge

## Quiz Question: August 2021

**Question:** According to the Department of Agriculture, what is the leading cause of Black involuntary land loss?


## Last Month's Quiz Answer

**Question:** Which city has recently launched a plan to increase the number of trees within its neighborhoods?

**Answer:** Cleveland, OH

## Quote of the Month

"Our state's children have been through so much this year because of COVID-19, and it is especially important that they have access to mental health care," said New York State Sen. Samra Brouk, chair of the State Senate's Mental Health Committee and sponsor of a new law that makes it easier for summer camps to hire mental health therapists, social workers, and other specialized healthcare providers.

[Editor's note: The quote is from the above article [New York public health law prompts changes at summer camps](#) , WSKG, by Noelle E. C. Evans (07/21/2021).]

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CDC's Public Health Law Program (PHLP) works to improve the health of the public by performing research, creating tools, and providing training to help practitioners understand and make law and policy decisions. Every month, PHLP publishes the *Public Health Law News* with announcements, legal tools, court opinions, job openings & more.

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