



## Public Health Professionals Gateway

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# Public Health Law News

May 2021



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

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### Editor's Note:

The Public Health Law Program (PHLP) thanks Kassidy Kantoris for her exceptional researching and writing assistance on the January–May editions of the *Public Health Law News*. Ms. Kantoris is a master of economics candidate at Georgia State University.

Additional student contributors to the *News* are:

- Sofia Gracias, a master of public health candidate at Emory University's Rollins School of Public Health
- Gahyun "Naomi" Kim is a juris doctorate candidate at Case Western Reserve University School of Law
- Rachel Shuen is a juris doctorate candidate at the University of Iowa College of Law

PHLP is honored to work with such outstanding students. We hold them in the highest regard and wish them every success in their future endeavors.

Abigail Ferrell, JD, MPA  
Editor in Chief

## Announcements

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### Accepting Submissions: *Journal of Gender, Social Policy & the Law*

American University's *Journal of Gender, Social Policy & the Law* is currently accepting paper submissions for upcoming issues. Examples of topics include disability law, health law, racial justice, gender-based legal issues, and LGBTQIA+ issues. [Access the journal](#) and [email your submission](#).

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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. [Get started](#).

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### Colloquium on Environmental Scholarship

The Environmental Law Center at Vermont Law School is accepting paper abstracts until **May 31** for its Colloquium on Environmental Scholarship to be held in late September. Full paper drafts are requested by **September 7**. [Submit an abstract](#).

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### 44th Annual Health Law Professors Conference

On **June 7** and **June 9–11**, the American Society of Law, Medicine & Ethics will host a virtual Health Law Professors Conference. The sessions will cover an expanse of health law topics that include health equity, financing reform, and privacy. [View the agenda and register](#).

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### Health Law and Policy Program: Summer Speaker Series

American University, Washington College of Law, in partnership with the American Health Law Association and the Food and Drug Law Institute, is hosting a **free virtual summer speaker series** about health law and policy. The series will feature experts discussing the latest legal developments in healthcare fraud and abuse, medical device regulation, and digital health. One CLE credit hour for each event is available in Pennsylvania. Attorneys licensed in Alaska, Connecticut, Colorado, Florida, Maine, Montana, New Jersey, New York, North Dakota, Pennsylvania, and Wisconsin may obtain one CLE credit for each event as approved by Pennsylvania. [Learn more about the series](#).

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### Podcast: Understanding Hate Crime Laws

A recent podcast featuring Dr. Jeannine Bell, a law professor at Indiana University, examined the complexities of defining and charging someone with a hate crime. Speakers also discussed the greater significance of **hate crime legislation** and implications for police departments. [Listen to the episode](#).

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### States Region Office, Ann Arbor, Michigan

The Network for Public Health Law is seeking a **senior attorney**. This position will focus on legal issues regarding the collection, sharing, and protection of data for public health purposes, including addressing determinants of health and promoting racial and health equity. The senior attorney will also: provide legal technical assistance and consulting, conduct training, develop educational materials, and facilitate opportunities for networking and peer assistance on legal issues that affect public health agencies and the broader public health system. Apply by **June 10**. [Learn more about the position](#).

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### The Challenges of Conducting Intrastate Policy Surveillance: A Methods Note on County and City Laws in Indiana

This case study in the *American Journal of Public Health* examines the methodological challenges related to **intrastate policy surveillance research**. The complexities related to data collection are explored through Indiana health-related laws. [Read the study](#).

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## Tribal Announcements


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## CDC/ATSDR Tribal Advisory Committee Nominations

The CDC/ATSDR Tribal Advisory Committee (TAC) is seeking nominations until **June 4** for Alaska, Nashville, Phoenix, and Tucson area delegates. The TAC advises CDC/ATSDR on policy issues and strategies that significantly affect American Indian/Alaska Native communities. [Learn more about the TAC and the nomination process.](#)

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## Funding: Research on Health Disparities of Native American Men and Boys



The Men's Health Network is accepting nominations until **May 28** for the Eric D. Bothwell Award in American Indian and Alaska Native Men's Health. This award was created to foster the field of American Indian and Alaska Native men's health and promote scholarship on health disparities. [Learn more](#) .

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## Legal Tools



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### Law and Policy Pathways to Addressing Rising Youth Suicide Rates

This resource by the Network for Public Health Law examines the law and policy pathways that can be used to **reduce youth suicide rates**. Suggestions related to decision-making processes and resource allocation are provided. [View the resource](#)  [PDF - 2.6 MB] .


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### A Roadmap to Develop Sharing Initiatives in Public Health

This tool was created by the Center for Sharing Public Health Services to help public health departments develop **ways to share resources** with other health departments or organizations. Legal considerations, such as governance and legal sharing agreements, are covered. [See the roadmap](#)  [PDF - 200 KB] .

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### State Drug Pricing Laws: 2017–2021

This **interactive tool** by the National Academy for State Health Policy features state drug pricing legislation from 2017–2021. Users can search by type of legislation and geographical location and view summaries of the laws. [View the tool](#) .

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## Top Stories

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### National: 'We're done dying': How Black women lawmakers are advocating for pregnancy-related health

The 19th (4/15/2021) Alexa Mikhail and Barbara Rodriguez

#### Story Highlights

[CDC data](#) show that compared to non-Hispanic White women, Black women are three times more likely to die from pregnancy-related causes because of racial and ethnic disparities. According to South Carolina state representative Wendy Brawley, Black mothers are faced with the biases of medical professionals, with doctors being “dismissive of Black women and women of color” and “simply not believing when Black women say that they are in distress.”

Across the United States, Black women legislators are addressing this issue by proposing legislation aimed at improving pregnancy-related health outcomes for Black people. Erika Geiss, a Michigan state senator, says, “We’re done being victimized and traumatized by a system that was built to do everything except have us as Black women, as Black mothers, thrive.”

Legislation at the state level, such as bills in [North Carolina](#) , [South Carolina](#) , and [Nevada](#) , involves issues including doula services, the study of pregnancy-related health outcomes, and data collection concerning racial disparities in pregnancy-related and infant deaths. At the federal level, a package of 12 bills known as the [Black Maternal Health Momnibus Act of 2021](#)  has been introduced, and the Biden administration has released a [proclamation](#)  recognizing Black Maternal Health Week. According to North Carolina state senator Natalie Murdock, “The beauty of filing this type of legislation is you draw attention to issues that folks weren’t aware of.”

[Editor's note: Read [CDC's information about Black maternal mortality.](#)]

## Briefly Noted

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**National:** [Air pollution from farms leads to 17,900 U.S. deaths per year, study finds](#) 

The Washington Post (5/10/2021) Sarah Kaplan

[Editor's note: Learn more about [state odor-related laws regarding concentrated animal feeding operations](#) 


[PDF – 583 KB].]

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**National:** [States push to extend postpartum Medicaid benefits to save lives](#) 

Stateline (5/5/2021) Michael Ollove

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**Tribal:** [As Deb Haaland creates unit to investigate missing and murdered Native Americans, a look at why it's necessary](#) 

ABC News (4/4/2021) Kiara Alfonseca

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**Arizona:** [Arizona governor vetoes strict sex education legislation](#) 

Associated Press (4/21/2021) Bob Christie

[Editor's note: Read [the bill](#) .]

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**California:** [All homeless people on Los Angeles' Skid Row must be offered housing by the fall, judge orders](#) 

CNN (4/21/2021) Madeline Holcombe and Alexandra Meeks

[Editor's note: Read [the brief](#)  [PDF – 1.1 MB] .]

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**Colorado:** [Gov. Jared Polis signs law to import prescription drugs from Canada & international markets](#) 

CBS Denver (4/27/2021) Jeff Todd

[Editor's note: Read [the bill](#) . Learn more about [federal regulation of human drug imports](#) .]

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**Delaware:** [Mountaire to pay \\$205M in water contamination settlement](#) 


Delaware Public Media (4/12/2021) Nick Ciolino

[Editor's note: Read [the settlement](#)  [PDF – 6.8 MB] .]

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**Florida:** [Gov. DeSantis signs bill raising Florida's smoking, vaping age to 21](#) 

Tampa Bay Times (5/8/2021) Natalie Weber

[Editor's note: Read [the bill](#)  and learn more about [tobacco 21 laws and policies](#).]

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**Iowa:** [ACLU of Iowa renews effort to overturn law restricting public funds for trans Iowans' transition-related care](#) 

Des Moines Register (4/22/2021) Shelby Fleig

[Editor's note: Read [the complaint](#)  [PDF – 289 KB] .]

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**New Mexico:** [New Mexico tribes sue US over federal clean water rule](#) 

Associated Press (4/1/2021) Susan Montoya Bryan

[Editor's note: Read [the complaint](#)  [PDF – 2.2 MB] .]

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**Ohio:** [Ohio to allow transgender people to change gender markers on their birth certificates](#) 


Jackie Borchardt (4/26/2021) Cincinnati Enquirer

[Editor's note: Read [the opinion](#)  [PDF – 1.2 MB] .]

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**Oklahoma:** [Gov. Kevin Stitt signs Ida's Law to address missing, murdered Indigenous Oklahomans](#) 

The Oklahoman (4/21/2021) Carmen Forman

[Editor's note: Read [the bill](#) .]

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**Virginia:** [Virginia governor signs bill legalizing marijuana possession starting July 1](#) 

Axios (4/22/2021)

[Editor's note: Read [the bill](#)  [\[PDF - 2 MB\]](#)  and learn about [marijuana and public health.](#)]

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**West Virginia:** [Plan calls for WV to receive 1% of settlement reached with OxyContin maker](#) 

Charleston Gazette-Mail (4/28/2021) Courtney Hessler

[Editor's note: Read [the settlement](#)  [\[PDF - 850 KB\]](#) .]


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## Global Public Health Law News

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**EU:** [EU reaches deal on Climate Law, making Green Deal goals legal obligations](#) 


The Brussels Times (4/21/2021) Lauren Walker

[Editor's note: Read [the proposal](#) .]

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**Latin America:** [Earth Day marks entry into force of Escazú Agreement, a new environmental law treaty for Latin America and the Caribbean](#) 

The World Bank (4/22/2021)

[Editor's note: Learn more [here](#) .]

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**Canada:** [‘An indescribable moment’: Indigenous nation in US has right to lands in Canada, court rules](#) 

The Guardian (4/25/2021) Leyland Cecco

[Editor's note: Read [the decision](#) .]

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**Iraq:** [New Iraqi law ‘major step’ in assisting ISIL’s \[the Islamic State of Iraq and the Levant’s\] female victims but more must be done](#) 

UN News (4/21/2021)

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## Court Filings and Opinions

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**California:** A California appellate court decided in favor of the plaintiff, Loomis, because the defendant, Amazon, had sufficient control of the distribution chain that it is a part of the distribution chain at issue. This appeal resulted from a sale of a hoverboard on Amazon’s website. After ordering the hoverboard, the plaintiff contacted Amazon to inquire about the delivery date. By the date of the inquiry, Amazon had already recalled all third-party hoverboards due to fire concerns, but Amazon failed to notify the plaintiff of the recall during the contact, leaving the plaintiff uninformed of the potential risk associated with the hoverboard. The plaintiff later received the hoverboard from a distributor. Soon, the hoverboard caught on fire, which caused property damage and physical injury to the plaintiff.

The appellate court reversed the lower court decision based on a precedent that recognized Amazon’s position in the distribution chain. Through its business practices, Amazon retains significant control over third-party sellers and acts as a gatekeeper between suppliers and consumers. Due to the amount of control Amazon has in maintaining the integrity of the products it promotes, the court found that Amazon can be liable for a third-party’s defective products. The case will proceed to trial.

[Loomis v. Amazon.com LLC](#) 

Court of Appeals of California, Second District, Division Eight

No. B297995

Decided April 26, 2021

Opinion by Ohta, J.

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**Federal:** A federal district court denied the defendants’ request to dismiss the lawsuit, holding that qualified immunity does not apply to intentional wrongful actions by a government entity. The plaintiff stated gross negligence claims that, without immunity, are sufficient to proceed to trial.

To manage a wildfire in California, the plaintiff, a firefighter, responded to California's call for help in the crisis. When large airtankers dropped fire retardant on top of firefighters, the force from the retardant caused trees to collapse and caused severe injuries to the firefighters in the area. The California Fire Department claimed the defense of government immunity applies. The court, however, rejected the defense, concluding that: immunity applies only when the government does not intend to cause harm; both the operator of airtankers and the fire department knew that the firefighters were near the area and that the retardant operation involved well-known risks of harm to people in the area; and the defendants did not take reasonable safety measures to protect the firefighters who died or incurred injuries from dumping the retardant. The court found that the defendants' actions were intentional and taken with knowledge of future harm. Therefore, the court denied the request to dismiss the case but instead approved the case to proceed to trial.

[Burchett v. Global Supertanker Services, LLC](#) 

United States District Court, E.D. California

No. 2:19-CV-01812-MCE-JDP.

Decided April 23, 2021

Opinion by Morrison C. England, Jr., Senior District Judge

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**Federal:** A federal district court decided in favor of the plaintiff, Cyprus, for contribution because the defendant is a former owner and operator of a zinc smelting facility whose operation caused soil contamination.

The Environmental Protection Agency (EPA) issued a decision, requiring the cleanup of the old contaminated zinc smelting sites in Oklahoma. The state agreed with the plaintiff for the quick removal of any hazardous waste from the site, which has been turned into high-access areas, like parks and schools. But during the cleanup, the plaintiff began to suspect that some hazardous materials from adjacent areas might have seeped into the site of cleanup, leading to additional cost. The plaintiff then attempted to engage the defendant in the cleanup effort and to share the cost, but the defendant refused based on the lack of evidence that dispersing hazardous materials through air violates the federal statute. The court largely agreed with the plaintiff and concluded that the defendant is partially responsible for the cleanup effort. But the court found it unlikely that contaminants traveled into the plaintiff's site solely by air. It found the defendant liable based on the defendant's well-known practice of placing smelter waste into land and the defendant was ordered to repay the plaintiff for a partial cost of the cleanup.

[Cyprus Amax Minerals Company v. TCI Pacific Communications, LLC](#) 

United States District Court, N.D. Oklahoma

Case No. 11-CV-0252-CVE-CDL

Decided March 31, 2021

Opinion by Claire V. Eagan, District Judge

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## Quiz Question: May 2021

**Question:** What is the name of the first regional environmental agreement in Latin America and the Caribbean?

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## Last Month's Quiz Answer


**Question:** Which state was the first state to pass a CROWN Act?

**Answer:** California

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## Quote of the Month

"We're done dying. We're done burying children." — Erika Geiss, Michigan state senator

[Editor's note: This quote is from the above article ['We're done dying': How Black women lawmakers are advocating for pregnancy-related health](#)  The 19<sup>th</sup> (4/15/2021).]



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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