



Public Health Professionals Gateway

Public Health Law News

January 2020



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


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Announcements

[Application Period for CDC's Public Health Associate Program \(PHAP\) Opens January 22](#)

The application period for recent graduates interested in becoming public health associates is **January 22–28**. PHAP, a workforce development program, provides associates with hands-on experience in the day-to-day operations of public health organizations and is managed by CDC's Center for State, Tribal, Local, and Territorial Support.

[Call for Abstract Reviewers.](#)  The American Public Health Association (APHA) seeks volunteer abstract reviewers for APHA's 2020 Annual Meeting and Expo. **Deadline to volunteer is February 10.** The review period is March 5–31.

[Public Health Improvement Training \(PHIT\) and Call for Abstracts](#)  . The 20th annual PHIT will take place June 2–4 in San Antonio, Texas, and will feature a series of hands-on, skill-building workshops and focused networking around public health performance improvement. Planned and convened by the National Network of Public Health Institutes, CDC's Center for State, Tribal, Local and Territorial Support, and other partners, PHIT brings together more than 300 health department leaders, professionals, and experts from across the nation. **The abstract submission deadline is January 22 at 11:59 pm (PST).**

[CDC's Response to the Opioid Overdose Epidemic.](#) CDC's Opioid Response Coordinating Unit has launched a website with resources and information from across the agency for understanding and addressing the ongoing opioid overdose crisis. The website provides information for patients as well as providers.

The Tribal Legal Preparedness Project. [↗](#) This project was established to assist tribal nations interested in expanding their legal preparedness capacity. Every community faces public health emergencies, so it is critical for all jurisdictions to understand how law can be used to enhance public health preparedness and improve coordination and collaboration across jurisdictions. As sovereign entities, tribal governments have the authority to create their own laws and take steps to prepare for and respond to public health emergencies.

Morbidity and Mortality Weekly Report (MMWR) about driving under the influence of marijuana. This article, *Driving Under the Influence of Marijuana and Illicit Drugs Among Persons Aged ≥ 16 Years—United States, 2018*, discusses the development, evaluation, and further implementation of strategies to prevent alcohol-, drug-, and polysubstance-impaired driving coupled with standardized testing of impaired drivers and drivers involved in fatal crashes, and could assist states and communities with prevention efforts.

Legal Tools

ASTHO's E-cigarettes and Vaping Resources Library. [↗](#) The Association of State and Territorial Health Officials (ASTHO) has launched a searchable e-cigarette and vaping database that includes infographics, toolkits, legislation, litigation, articles, media stories, fact sheets, and more.

Judicial Trends in Public Health. [↗](#) The Network for Public Health Law monitors key court cases and relevant judicial trends in public health. The Network's monthly report, "Judicial Trends in Public Health," highlights published cases about public health law and policy from three months prior. These cases are organized by name, issuing court, and date of issuance, along with a brief synopsis, link to the case abstract, and hyperlink to the full decisions (when publicly available).

Syringe Service Program Laws. [↗](#) In collaboration with Temple University's Center for Public Health Law Research, Trust for America's Health (TFAH) developed a new dataset and interactive map that presents state-level statutes and regulations that impact syringe service programs (SSPs). It is part of TFAH's Promoting Health and Cost Control in States initiative. The map identifies the method of authorization for SSPs, requirements for the establishment of SSPs, the types of services provided directly and by referral, drug paraphernalia possession laws, and whether an SSP is operating in the jurisdiction. All information can be accessed through the interactive map and downloadable raw data in Excel format. Direct links to each state's statutes for each component of the law are included.

Top Stories

Ohio: School bus safety touted in bid to save Ohio's front license plate [↗](#)

The Columbus Dispatch (01/02/2020) Randy Ludlow

Story Highlights

In 2019, Ohio's transportation budget eliminated license plates from the front of automobiles. License plates on the front of vehicles are used to identify drivers when the rear license plate is not visible. This identification is especially important for identifying drivers who pass stopped school buses.

Opponents of the front plate cited increased use of front-bumper sensors in new automobiles and aesthetics as grounds for removal of the front plate, which is scheduled to take effect July 1, 2020.

Others, however, would like to save the front plate. Melody Coniglio, president of the Ohio Association for Pupil Transportation, says loss of the plate would "reduce the chances of identifying dangerous drivers who endanger our school children when they ignore warnings to stop for school buses."

Superintendent of the State Highway Patrol Col. Richard Fambro told legislators that bus drivers, assisted by video cameras, "almost exclusively utilize the front license plate to identify violators" and report violators to police. Such reports lead to more than 600 drivers being charged annually.

Currently, 31 states require vehicles to display front license plates.

National: Foster care adoptions reach record high [↗](#)

Stateline (01/07/2020) Teresa Wiltz

Story Highlights

Partially because of the opioid crisis, more children in the United States are in foster care than ever before. From 2014 to 2018, adoptions of children from foster care rose nearly a quarter, with more than 63,000 children being adopted in fiscal year (FY) 2018. Over the same period, the percentage of foster children leaving foster care to be adopted increased from 21% in FY2014 to more than 25% in FY2018.

While the increase in adoption reflects state support of adoption, experts say it is also linked to the opioid crisis because many children enter the foster care system due to parental opioid use or opioid-related death.

States with high rates of opioid abuse also have higher rates of children in foster care and adoptions from foster care. In Ohio, one of the states hit hardest by the opioid epidemic, the number of children in foster care increased nearly 32% from FY 2010 to FY 2018. Over the same period, adoptions from foster care increased by 9%.

Judge David Gooding of Florida's 4th Circuit Court oversees child welfare cases and says, "If I could wave a magic wand and get rid of substance abuse, there wouldn't be enough work." He continues, "Parents come in using everything from methadone to heroin to methadone and heroin at the same time, to cocaine and marijuana."

At the same time, as more children are adopted from foster care, fewer children are being reunited with their parents and primary caretakers when they leave foster care. According to the US Adoption and Foster Care Analysis and Reporting System, 52% of children leaving foster care in FY 2011 were reunited with their parents or primary caretakers. In FY 2018, that number had dropped to 49%.

[Editor's note: Learn more about [US Adoption and Foster Care Analysis and Reporting System](#) [↗](#), the source for most of the statistics in this article.]

Briefly Noted

Arkansas: Panel recommends \$8.8M worth of fixes for state's damaged levees [↗](#)

Arkansas Democrat Gazette (01/05/2020) Emily Walkenhorst

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

Illinois: Nearly \$3.2 million in legal weed was sold in Illinois on the first day of sales, marking one of the strongest showings in the history of marijuana legalization [↗](#)

Chicago Tribune (01/02/2020) Ally Marotti

[Editor's note: Read [Illinois' Public Act 101-0027](#) [↗](#), which was signed by Governor Pritzker and became effective on June 25, 2019.]

New Hampshire: New Hampshire drivers can now select 'X' for gender option [↗](#)

The Hill (01/03/2020) Alexandra Kelley

[Editor's note: Read [New Hampshire's House Bill 669-N](#) [↗](#), which took effect January 1, 2020.]

Utah: Prescriptions from Mexico? Utah is paying public employees to make the trip [↗](#)

The Salt Lake Tribune (01/05/2020) Erin Alberty

[Editor's note: Learn more about [Utah's pharmacy tourism program](#) [↗](#).]

Washington: Hundreds of Seattle students without updated vaccinations records may be excluded from school this week [↗](#)

CNN (01/05/2020) Christina Maxouris and Shelby Lin Erdman

[Editor's note: Read [Washington's school vaccine laws](#) and learn more about [state school and childcare vaccination laws](#).]

National: [It looks like health insurance, but it's not. 'Just trust God,' buyers are told.](#)

The New York Times (01/02/2020) Reed Abelson

[Editor's note: Learn more about [minimum essential coverage](#) (MEC) and what kinds of plans qualify as MEC.]

National: [Nonprofits, medical profession tackle human trafficking as a health-care crisis](#)

The Washington Post (01/04/2020) Erin Blakemore

[Editor's note: Read about [human trafficking](#) and [sex trafficking](#).]

National: [Supreme Court won't review decision that protects homeless from tickets](#)

The Washington Post (12/16/2019) Robert Barnes

[Editor's note: Learn more about the case, [City of Boise, Idaho v. Martin](#), for which petition for certiorari was denied on December 16, 2019.]

National: [The FDA has officially raised the age to buy tobacco products to 21](#)

Vox (12/27/2019) Ella Nilsen

[Editor's note: Learn more about the [amendment to the Federal Food, Drug, and Cosmetic Act](#) that raises the minimum age for tobacco product sales from 18 to 21.]

National: [You don't buckle up in the back seat of ride-hailing cars and taxis? That could be a fatal mistake.](#)

Washington Post (01/04/2020) Jenni Bergal

[Editor's note: Learn about the [different seatbelt laws in states and territories](#).]

Global News

Australia: [Dozens of fires still wreaking havoc in Australia; Prime Minister pledges billions to help](#)

The Weather Channel (01/06/2020) Ron Brackett

[Editor's note: Learn more about bushfires and the country's new [National Bushfire Recovery Agency](#).]

Canada: [Specialists warn about risks of cannabis edibles](#)

Medical News Today (01/06/2020)

[Editor's note: Learn more about [Canada's cannabis laws](#) and [marijuana edibles](#).]

India: [Mumbai takes its vintage Padmini taxis off the road for good](#)

NPR (01/04/2020) Sushmita Pathak

[Editor's note: Read about [air quality and public health](#).]

Pakistan: ['Scary moms' are part of the citizen war against pollution in Pakistan](#)

NPR (01/06/2020) Daa Hadid and Abdul Sattar

Profile in Public Health Law: Jesse E. Bell, PhD

Title: Claire M. Hubbard Professor of Health and Environment, University of Nebraska Medical Center, College of Public Health

Education: PhD, The University of Oklahoma; BS, Emporia State University

Public Health Law News (PHLN): Please describe your career path.

Bell: My PhD was focused on understanding the impacts of climate change on carbon and water cycles. After finishing my PhD, I was interested in pursuing a position focused on applied research because I wanted to do something that helped society. This led me to working on issues associated with applied climatology at the National Oceanic and Atmospheric Administration's (NOAA's) Cooperative Institute for Climate and Satellites. Because I was interested in expanding my efforts on human health, I developed a joint position between NOAA and CDC. After over five years working at CDC, I was recruited as a faculty member to the University of Nebraska Medical Center to work on issues associated with climate and health. This is how I got to my current position.



PHLN: How did an interest in carbon cycles and water cycles become an interest in natural disasters, weather, and their impact on health?

Bell: After I finished my PhD, I was interested in a career that was focused on doing applied research for the betterment of society. A good deal of my PhD research was focused on extreme weather, hydrology, and climatology, which gave me the knowledge and tools to work at NOAA. After a few years there, I was interested in understanding the connection between climate and human health. I discovered that CDC had a need for someone with my expertise, so I worked with colleagues at CDC to create a position jointly funded by NOAA and CDC to work on projects of interest to both agencies. I split my time and workload between the two agencies. To my knowledge, this was the first position of its kind. My work in this role provided me multiple unique opportunities. For example, I was a lead author on a report titled "The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment" that was released by the White House in 2016. While working in this joint position, I developed a better understanding of the effects weather and climate have on human health. Because climate and weather impact our lives and shape our society, it is important that climate and environmental information are integrated into our planning and decision-making for activities associated with human health.

PHLN: Please describe your day-to-day job.

Bell: In my current role, I serve as the Claire M. Hubbard Professor of Health and Environment in the College of Public Health at the University of Nebraska Medical Center. I am focused on research, outreach, and education. Most of my work deals with issues associated with climate and health. My goal is to integrate climate and environmental data into projects associated with human health to help inform policy decisions. I am also very passionate about educating health practitioners and public health experts about how climate intersects with human health.

PHLN: What are your current priority projects?

Bell: I am working on a number of projects dealing with climate and health. My research group is finishing a project funded by the Society of Actuaries that will help determine the costs of heat waves on hospital admissions. We also have funding from NASA to better predict and monitor dust storms for human health issues. However, a large percentage of my time and effort is focused on understanding how drought in the United States impacts human health. My work on drought and health is funded by NOAA through the National Integrated Drought Information System.

PHLN: Is drought a problem in the US?

Bell: Drought is a constant threat in the United States. It is not uncommon for some part of the US to be in a drought at any given point. Recently, there have been some very significant and impactful droughts in the US. For example, the recent California drought had significant impacts on the state's economy, agriculture, communities, and health. Over the last 40 years, drought has cost the US hundreds of billions of dollars of economic loss. Drought has also shaped our history and society. For example, drought caused the Dust Bowl of the Great Depression in the 1930s. There is also evidence that droughts are increasing in intensity and frequency in parts of the United States. Thus, drought is a threat today and will likely be a greater threat in the future.

PHLN: How is drought a public health threat?

Bell: Because drought is a slow-moving natural disaster, it is sometimes difficult for us to see the potential health impacts until it is too late. Most other natural disasters move in quickly and cause immediate impacts, but drought can stay around for weeks, months, or even years. However, drought is a health threat, because it is a threat multiplier. Drought can intensify heat waves—heat waves likely kill more people in the United States than any other climate- or weather-related disaster. Drought can decrease air quality by causing wildfires and dust storms. Drought can reduce

water availability and water quality. Drought can also cause the spread of infectious diseases, such as West Nile Virus. These are just some of the ways that drought can cause human health threats and more work is needed to understand these relationships.

PHLN: How are you working to better understand drought and its impact on health?

Bell: We are addressing this issue in two different ways. First off, my research group is leading multiple research studies to identify the health impacts from drought events. One of our projects is looking at changes in mortality rates during drought events. The other way that we are addressing this issue is by hosting a series of national and regional meetings that bring together experts on drought and health to discuss their work, identify knowledge gaps, and determine opportunities for better engagement.

PHLN: What do law and policy have to do with drought and public health?

Bell (with help from [Rachel Lookadoo](#), Director of Legal and Public Health Preparedness, University of Nebraska Medical Center): Law and policy are deeply interwoven into issues of drought and public health. From local regulations restricting water use in a drought to larger scale interstate agreements regarding water supply, policy informs and dictates many of the solutions and approaches used to address drought. As these drought impacts increase and worsen, more innovative and effective legal and policy solutions need to be developed. For example, policymakers need to consider using public health emergency declarations for drought. In past years, major floods have been declared public health emergencies, but we have yet to see such a designation for extreme drought in the United States. This type of declaration would make clear the connection between drought and human health, and would allow communities affected by extreme drought to access the benefits of a public health emergency declaration.

We've made an active effort to include the legal and policy perspective in our work on drought and health. At our National Drought and Public Health Summit, we were fortunate to have a representative from the National Resources Defense Council (NRDC), who spoke on the legal advocacy work that NRDC does in relation to drought. Additionally, at our Midwest Regional Drought and Human Health Workshop, two attorneys from the Network for Public Health Law provided an excellent overview of the myriad of laws and regulations that can affect drought and water quality. They also participated in a facilitated discussion to determine possible next steps in addressing drought and health. We plan to engage the legal community at future regional workshops as well.

PHLN: Will you please describe the National Drought and Public Health Summit and the Drought and Human Health Workshop?

Bell: On June 17–19, 2019, the National Integrated Drought Information System and the University of Nebraska Medical Center convened a National Drought and Public Health Summit in Atlanta, Georgia. The summit brought together local, state, federal, tribal, nonprofit, and academic participants for a discussion around the linkages between droughts and human health. The goal was to discuss ways to properly prepare our public health agencies and organizations for the health hazards associated with drought, which, in turn, can reduce negative outcomes and save lives.

As a result of the summit, we are hosting a series of regional workshops that will bring together regional and local experts to discuss the role of drought on human health. The workshops are designed to inform, build communities of practice, and identify needs to address the health outcomes associated with drought.

PHLN: Who should attend these workshops and what are you hoping to learn from them?

Bell: The National Drought and Public Health Summit was more focused on public health, but the regional workshops are much broader. Our hope with the regional workshops is to attract anyone working in emergency management, public health, healthcare, or any field that is related to human health. We also want to help build a bridge between the drought community and the health community, so we are obviously interested in experts that are working on drought to attend. Our goal is to have the regional meetings be as diverse as possible. At the first regional workshop, we had experts from federal, state, and local governments, tribal representation, academia, nonprofits, policy, and the list goes on. Our hope is to inform the participants on the linkages between drought and health, learn from the attendees, and give everyone a platform on which to interact and speak.

PHLN: How can people learn more about the Drought and Human Health workshops, or about the effects of drought on health in general?

Bell: The best way to learn about drought's impacts on human health is to attend the regional workshop. Please reach out to me if you are interested in participating. If you can't attend the workshop, then read about the relationships between drought and health in a report titled "[The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment](#) ." If you are interested in integrating drought into your ongoing public health activities, I would recommend reading these two CDC guidance documents: 1) [Preparing for the Health Effects of Drought: A Resource Guide for Public Health Professionals](#) [PDF-33MB] and 2) [When Every Drop Counts: Protecting Public Health During Drought Conditions](#) .

PHLN: Have you read any good books lately?

Bell: Because of my new position, I haven't had many opportunities to read for pleasure. However, I did recently read "Cattle Kingdom: A Hidden History of the Cowboy West" by Christopher Knowlton. I thought it was a fascinating book that does a great job describing the rise and fall of the open-range cattle era in the western United States.

PHLN: Do you have any hobbies?

Bell: I really enjoy hiking and traveling. I recently hiked in the redwood forests in northern California and traveled around northern Europe.

PHLN: Is there anything else you would like to add?

Bell: Thank you so much for this opportunity! I really appreciate it. If anyone has any specific questions about drought and health or is interested in attending the regional workshops, please don't hesitate to reach out.

Quiz Question: January 2020

The first reader to correctly answer the quiz question will be featured in a mini public health law profile in the next edition of the *News*. Email your entry to PHLawProgram@cdc.gov with "PHL Quiz" as the subject heading (entries without the heading will not be considered). Good luck!

Quiz Question January 2020

What is the minimum age for purchasing tobacco products, including cigarettes, cigars, and e-cigarettes, in the United States?

December 2019 Quiz Winner

Monique Mouton

December Question:

Which international agency launched the RESPECT program to spread awareness and to prevent violence against women and girls?

Winning Answer: The World Health Organization

Organization and job title: Carle Place Union Free School District: Registered Professional Nurse (School)

A brief explanation of your job:

I am a public school nurse. I provide professional nursing services for students in grades 7-12, as well as all employees in the building. I promote health and safety, maintain health standards, and school records and am constantly seeking practical evidence/data for the well-being and protection of our school community.

Education:

MBA, RN; BS Nursing; BS Business Public Management; AS Surgical Technology

Favorite section of the *Public Health Law News*:

Announcements, Legal Tools, and Top Stories are my favorites to go to first, and it has so many articles on public health concerns and systems. I use them for current information about school health, emergency preparedness, and illnesses.



The *News* has great information about what is happening in other states that I can use to promote awareness of health and safety here in school.

Why are you interested in public health law?

To continually protect our community, uphold school health regulations, and promote current trends in healthcare. Health is an essential part of education. Healthy students have a greater opportunity to learn and grow and become viable, contributing community members. Many diseases and illnesses can be prevented through increased awareness and regulation. We serve the public, we are the public.

What is your favorite hobby?

I enjoy playing golf (any time the weather permits), fishing (especially off Jones Beach), and playing Mahjong.

Court Filings and Opinions

Illinois: North Boone EMS and North Boone Fire Protection District No. 3 both provide EMS ambulance services in the same area of Boone County, Illinois. Fire Protection District No. 3's board of trustees adopted an ordinance for a new tax to be levied for the purpose of providing additional ambulance services. This new ordinance was added to a ballot for the voters to vote on in an upcoming consolidated election. North Boone EMS sued, asserting in part that the Fire Protection Act requires a finding that adequate ambulance services do not currently exist before proposing a new tax for ambulance services. The Appellate Court upheld the trial court's holding that the Fire Protection Act "authorizes fire protection districts to place questions on election ballots, does not condition the authority with limiting language such as 'after a finding pursuant to (a)(3)' or 'after a finding of no adequate services under (a)(3).'"

[The Capron Rescue Squad District v. North Boone Fire Protection District No. 3](#)

Appellate Court of Illinois, Second District

Case No. 2-19-0355

Filed December 27, 2019

Opinion by Justice Kathryn Zenoff

Oklahoma: Interstate commerce is regulated by the Congress pursuant to Article I, Section 8 of the US Constitution. Oklahoma state law requires "[r]etail Spirits License shall only be issued to a sole proprietor who has been a resident of this state for at least five (5) years immediately preceding the date of application for such license" and "Wine and Spirits Wholesaler's License shall only be issued to a sole proprietor who has been a resident of this state for at least five (5) years immediately preceding the date of application for such license[.]" In 2019, the US Supreme Court found that a similar law in Tennessee, which required applicants for liquor store licenses be Tennessee residents for two years prior to applying for the license, violated the interstate commerce clause. The Supreme Court's decision hinged on the fact that requiring state residency provided an advantage to state residents and essentially had a chilling effect on commerce from other states, thus interfering with interstate commerce. The Oklahoma Attorney General was asked if, based on the 2019 decision, the Oklahoma statute was also likely unconstitutional. The Oklahoma Attorney General determined that the law was likely unconstitutional because it had more strenuous requirements than the Tennessee law and was also, like the Tennessee law, discriminatory against nonresident economic actors.

[In Re Burt; Question Submitted by: A. Keith Burt, Director and Secretary to Alcoholic Beverage Law Enforcement \(ABLE\) Commission.](#)

Oklahoma Attorney General's Opinions

Opinion No. 2019 OK AG 13

Decided December 31, 2019

Opinion by Attorney General of Oklahoma, Mike Hunter, and Oklahoma Assistant Solicitor General Zach West

Quote of the Month

"By removing one plate, you remove 50 percent of law enforcement's ability to apprehend criminals."—Mike Weinman, Fraternal Order of Police of Ohio.

[Editor's note: This quote is from the article "[School bus safety touted in bid to save Ohio's front license plate](#)," The Columbus Dispatch, 02/02/2020.]

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