



Public Health Professionals Gateway

Public Health Law News

July 2023




Public Health Law Program

National Center for State, Tribal, Local, and Territorial Public Health Infrastructure and Workforce
Centers for Disease Control and Prevention


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Announcements


Call for Abstracts | APHA 2023

Several APHA sections and caucuses are accepting late breaker abstracts through **July 31**. These sections include the Caucus on Public Health and Faith Community; Chiropractic Health Care; Epidemiology; Injury Control and Emergency Health Services; Integrative, Complementary and Traditional Health Practices; Latino Caucus for Public Health; and Sexual and Reproductive Health. [Learn more and submit an abstract](#) .


Registration Open | National Association of Local Boards of Health

The National Association of Local Boards of Health is hosting its annual conference **July 31–August 2** in **Tacoma, Washington**. The conference will give attendees the opportunity to explore skills for advocacy and leadership roles for public health funding, workforce, and equity. [Learn more and register](#) .


Registration Open | APHA 2023

APHA 2023 will be held **November 12–15** in **Atlanta**, with a digital meeting **November 9–15**. Attendees will learn from leading experts, build leadership skills and knowledge, and connect with peers from around the globe. Advance registration runs from **July 18–September 18**. [Learn more and register](#) .

Registration Open | Open Forum Next Generation (NxGen)


Join the National Network of Public Health Institutes on **September 27–29** in **Indianapolis** for the return of the Open Forum: Next Generation. The forum will focus on new ideas, networking, and conversations relevant to performance management and quality improvement. Early bird registration ends **July 31**. [Learn more and register](#) .

Registration Open | 2023 Public Health Law Conference


The Network for Public Health Law will host the 2023 Public Health Law Conference from **October 24–26** in **Minneapolis**. The conference will bring together public health officials, administrators, and practitioners; lawyers; researchers; leaders of community-based organizations; and others. Sessions will address core issues related to addressing structural inequities to achieve health equity, access to reproductive health care, the use of public health data to improve community health, the role of law in facilitating system change, and other emerging topics. [Learn more and register](#) .

Tribal Announcements

Public Health Analyst | Indian Health Service


The Indian Health Service (IHS) is seeking candidates for a public health analyst role to provide expert knowledge, advice, and guidance to the director, IHS and senior leaders, and IHS Tribal and Urban Indian Health Program CEOs, health administrators, and program managers on performance measurement and budgeting. This position is located within the Office of Public Health Support and will serve as agency expert on program performance and budgeting, program integrity and risk management activities, and the adoption of HHS agency priority goals and agency-specific plans for the National Quality Strategy as legislated by the Affordable Care Act. The job posting closes on **July 21**. [Learn more and apply](#) .

Director, Office of Tribal Affairs and Strategic Alliances | Centers for Disease Control and Prevention

The Centers for Disease Control and Prevention (CDC) is seeking candidates for a director for the Office of Tribal Affairs and Strategic Alliances (OTASA). The director will coordinate CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) programs and policies that benefit or affect American Indian/Alaskan Native (AI/AN) communities; advise the center director on AI/AN public health issues; coordinate the CDC/ATSDR Federal Tribal Advisory Committee; and more. The job posting closes on **July 31**. [Learn more and apply](#) .

Job Announcements

Deputy Director—Policy, Equity, and Community Impact | The Network for Public Health Law

The Network for Public Health Law is seeking candidates for a deputy director of policy, equity, and community impact to build engagement and capacity in law and policy to advance public health. The deputy director will lead strategy development, manage programs, provide technical assistance on specific issues, conduct training, develop tools and education materials, and facilitate opportunities for networking and peer assistance. Candidates must have a JD (MPH a plus) and be in good standing of the Bar of a US jurisdiction, with five to seven years of experience providing legal counsel, legal aid, or legal technical support in public health, health care, social services, or related. [Learn more and apply](#) .

Program Coordinator, National Office | The Network for Public Health Law

The Network is seeking a program coordinator to assist in tracking and reporting on Network services, activities, and products, and in managing the Network's database. They will also work on special projects, including assisting in the planning of Network events and convenings. Candidates should have a bachelor's degree in public health, communications, business, science, or a related field and three years' work experience. [Learn more and apply](#) .

Legal Tools & Trainings

Webinar | Preparing for Water, Sanitation, & Hygiene (WASH)-Related Emergencies Among People Experiencing Homelessness

The National Association of County and City Health Officials is hosting a webinar on **July 20 at 2:00 pm (EDT)** to explore the latest data about the preparedness and response efforts for people experiencing homelessness during water, sanitation, and hygiene-related emergencies. Hear from local jurisdictions that have successfully updated emergency plans to address this population and learn about focus group findings, tools, and resources to support this work. [Register for the webinar](#) .

Webinar | Trends in Vaccination Law and Judicial Challenges

The Network for Public Health Law is hosting a webinar that will explore recent legislative and judicial trends related to vaccine law and policy, including the expansion of non-medical exemptions and shifts in the authority to impose vaccination requirements, especially for school attendance. The webinar will also provide a glimpse inside the legislative experience of public health advocates in one state given the changed vaccination policy landscape. The webinar will be held on **July 26 at 1:00 pm (EDT)**. [Learn more and register for the webinar](#) .

Resource | Strategies for Equitable Policymaking: Law & Policy Frameworks to Improve Health

ChangeLab Solutions launched a companion resource for their guide "A Blueprint for Changemakers." This new resource, "Strategies for Equitable Policymaking," expands on the equitable policymaking frameworks and concepts presented in the "Blueprint"—the drivers of health inequity, community engagement, equitable enforcement, preemption, and more—and grounds those concepts in real-world examples. [Learn more and access the resource](#) .

Web Tool | Undoing the Drivers of Health Inequity

To complement "Strategies for Equitable Policymaking," ChangeLab Solutions created a web tool to provide legal and policy strategies to change inequitable distribution of resources and power. The web tool connects each of the five fundamental drivers of health inequity to practical policy strategies, key resources, and real-world examples of how communities across the country have used equitable policymaking to confront the drivers of health inequity and create systems change. [Learn more and access the web tool](#) .

Webinar | Addressing Humans in Crisis with Location-Based Solutions

The American Public Health Association and Esri will host a webinar on **August 22 at 2:00 pm (EDT)** focused on how to use geographic information system, or GIS, technology to respond to public health issues such as homelessness, the opioid epidemic, racial inequities, and food insecurity. In this webinar, Esri subject matter experts will explain how to immediately assist your communities with the most need. [Learn more and register for the webinar](#) .

Top Story

National: [How healthcare may be affected by the high court's affirmative action ruling](#) .

KFF Health News (07/06/2023) Michelle Andrews

Story Highlights

The Supreme Court recently issued a ruling on race-conscious admissions in medical schools in the United States. The ruling addresses a case involving Harvard University's affirmative action policies, stating that while race can be a consideration in admissions, it should be used in a narrowly tailored manner to achieve diversity. This decision has sparked discussions and raised questions about how medical schools will interpret and apply race-conscious admissions moving forward.

Medical schools in the United States have long recognized the importance of diversity in their student bodies to address healthcare disparities and provide culturally competent care. Affirmative action has been a tool used to achieve this diversity by considering race as one of many factors in the admissions process. However, critics argue that such policies can lead to reverse discrimination and undermine merit-based admissions.

The Supreme Court ruling has not provided clear guidance on how medical schools should proceed with race-conscious admissions. This has created uncertainty and may lead to changes in policies and practices among medical schools. Some schools may choose to maintain their current practices, while others may revise their admissions criteria to ensure compliance with the Court's decision.

Moreover, the ruling does not address other factors contributing to diversity, such as socioeconomic status or educational background. Medical schools may need to explore alternative approaches to achieve a diverse student body, such as implementing pipeline programs to attract students from underrepresented communities or focusing on holistic assessments that consider a range of individual attributes.

An ongoing debate remains surrounding affirmative action in medical school admissions and the need to balance diversity with fairness and meritocracy. It emphasizes the potential consequences of the Supreme Court ruling and the importance of continued efforts to address healthcare disparities through comprehensive and equitable admissions practices in medical schools.

[Editor's note: Learn more about [supporting a diverse workforce](#).]

Briefly Noted

Arizona: [Arizona governor's executive actions ban conversion therapy, allow trans health care](#) 

NBC News (06/28/2023) Associated Press

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

Arkansas: [Trans youth win in court, federal judge strikes down Arkansas ban on gender-affirming medical care](#) 

Arkansas Times (06/20/2023) Austin Bailey

[Editor's note: Learn more about [LGBTQ+ Youth Resources](#).]

California: [Bill banning harmful chemicals in food advances in California Senate](#) 

Food Safety News (06/30/2023) Dan Flynn

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

Florida: [New Florida telehealth laws will alter medical care](#) 

Miami Today News (07/03/2023) Monica Correa

[Editor's note: Learn more about [telehealth interventions to improve chronic disease](#).]

Georgia: [Georgia work requirement health insurance set to launch this week](#) 

WABE (06/26/2023) Jess Mador

[Editor's note: Learn more about the [Georgia Pathways to Coverage program](#) .]

Illinois: [Despite horror stories and deaths, will Illinois keep expensive prison healthcare company?](#) 

WBEZ Chicago (07/06/2023) Shannon Heffernan

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

Kansas: [Congress made SNAP work rules stricter. Food advocates worry about following Kansas' lead](#) 

St. Louis Public Radio (07/05/2023) Eva Tesfaye

[Editor's note: Learn more about [food system resources](#).]

Montana: [Montana adds protections for kids in private residential treatment programs](#) 

KFF Health News (07/06/2023) Cameron Evans

[Editor's note: Learn more about [mental health among adolescents](#)  [PDF – 742 KB].]

North Carolina: [NC governor vetoes trio of LGBTQ restrictions in ongoing fight with GOP supermajority](#) 

NBC News (07/05/2023) Associated Press

[Editor's note: Learn more about [gender-affirming care](#)  [PDF – 340 KB] .]

Texas: [As Texas swelters, local rules requiring water breaks for construction workers will soon be nullified](#) 

The Texas Tribune (06/16/2023) Francisco Uranga and Erin Douglas

[Editor's note: Learn more about [heat stress and heat-related illness](#).]

Global Public Health Law News


Ireland: [Ireland's cancer warnings on beer and wine spark worldwide industry alarm](#) 

Irish Examiner (06/19/2023) Peter O'Dwyer

[Editor's note: Learn more about [alcohol and cancer](#).]

Japan: [Public opposition grows over My Number and health insurance merger](#) 

The Japan Times (05/28/2023) Yukana Inoue

[Editor's note: Learn more about [My Number Card](#) .]

Uganda: [Uganda's anti-gay law sparks global concerns over health access](#) 

All Africa (06/06/2023) Dann Okoth

[Editor's note: Learn more about [eliminating HIV as a global public health threat](#).]

Court Filings & Opinions

Federal:

The Seventh Circuit Court of Appeals reversed the district court's decision and remanded the case, finding that appellee Edward Orton Jr. Ceramic Foundation ("Orton") owed a duty to appellant ("Johnson") for the asbestos exposure from a product used by Orton.

In his profession as a ceramics artist and teacher, Bruce Johnson used pyrometric cones manufactured by Orton from 1971 to 1984. The cones arrived packed in vermiculite, some of which contained less than 1% by weight of asbestos. In 2017, Johnson was diagnosed with mesothelioma and died from the disease in 2020. Asbestos exposure is almost always the cause of mesothelioma. On behalf of her late husband, Ms. Johnson brought suit for negligence, wrongful death, and survival damages. In district court, Orton moved for summary judgement, arguing that Johnson was unable to prove that "exposure to asbestos through vermiculite packaging was a substantial factor in causing [Mr. Johnson's] disease." The court granted the motion, finding that Johnson failed to raise any question to support that Orton owed a duty.

On appeal, the court examined whether a duty to Mr. Johnson existed, looking at a number of factors. The court first considered whether the required relationship existed for Orton to owe a duty to Johnson, and whether Orton knew or should have known about the asbestos contamination in the vermiculite. The court found both questions in favor of Johnson, holding that as the manufacturer, Orton owed a duty of care to both known and unknown persons, and had a duty to warn "where [a] product possesses dangerous propensities." For the question of knowledge, the court held that Orton should have known about the asbestos contamination, holding the manufacturer to the "present state of human knowledge," which included the knowledge to ensure that transport packaging was safe.

[Deborah Johnson, Individually as the Representative of Bruce Johnson v. Edward Orton, Jr. Ceramic Foundation](#) 

United States Court of Appeals, Seventh Circuit

No. 22-1822

Decided June 20, 2023

Opinion by Circuit Judge Ripple

California:

The Court of Appeals affirmed the superior court's judgment in favor of the City of Pomona ("Pomona"), disagreeing with Appellant Gregory Lucas's ("Lucas") petition to overturn the city's area designations for commercial cannabis.

In 2016, California passed the Control, Regulate, and Tax Adult Use of Marijuana Act, which included regulation of sale and use of cannabis and related products for adults 21 and older. In 2018, Pomona approved a commercial cannabis tax for the city, and in 2019, established an application process for licensing to operate cannabis businesses. Part of the determination for locations where cannabis businesses could be licensed included considerations for air pollution and quality management. Lucas first brought his concerns about location exclusions within the licensing process to a Pomona public hearing, and then subsequently filed a petition for writ of mandate challenging the city's project and arguing it should be vacated and voided.

The trial court denied Lucas's petition, finding that he did not have a "public interest" in Pomona's environmental analysis and subsequent decision. On appeal, Pomona argued that there was no "automatic right to establish a cannabis-related business" and that the city's project provided an opportunity to apply for a permit, given environmental zoning considerations. The court agreed, affirming the lower court's holding.

[Gregory Lucas v. City of Pomona](#) 

Court of Appeals of California, Second District, Division Eight

No. B310777

Decided June 13, 2023

Opinion by Judge James C. Chalfant

Ohio:

The Court of Appeals of Ohio affirmed the Environmental Review Appeals Commission of Ohio's ("ERAC") dismissal of the appeal challenging the grant of permit to Airstream Compression ("Airstream").

The permit was granted to Airstream by Laurie Stevenson, Director of the Ohio Environmental Protection Agency ("OEPA"), allowing Airstream to emit air pollutants at its "natural gas booster station." The OEPA is in charge of regulating contaminant emission rates and other air conditions in Ohio. In 2021, the OEPA granted a permit to Airstream to allow installation and operation of two natural gas air compressors. A local community organization, Concerned Residents of Salem Township (CRST), along with 40 other local community members, appealed the permit grant, arguing that the grant was "arbitrary, capricious, and otherwise inconsistent with law."

CRST and the community members argued that the emission limits of the permit did not consider the current saturation of air pollution from nearby compressor station, and that allowing the permit to stand would "endanger the health, safety, and welfare of the public or cause unreasonable injury or damage to property." Airstream argued that appellants failed to state a claim for relief and filed a motion to dismiss. On appeal, the court found that Airstream's motion to dismiss should be upheld, stating that appellants failed to sufficiently meet pleading requirements.

[Concerned Residents of Salem Township v. Laurie Stevenson](#) 

Court of Appeals of Ohio, Tenth District, Franklin County

No. 2023-Ohio-2135

Decided June 27, 2023

Opinion by Judge Carly Edelstein

COVID-19 Court Filings & Opinions

New York:

Order and judgment (one paper), Supreme Court, New York County (Nancy M. Bannon, J.), entered January 9, 2023, which denied the petition to annul respondents' June 30, 2022, determination, denying petitioner's request for a religious exemption from the COVID-19 vaccination requirement for New York City employees, and dismissed the proceeding brought pursuant to CPLR article 78, unanimously affirmed, without costs.

Petitioner has failed to demonstrate that respondents' determination was arbitrary and capricious or made in violation of lawful procedure (CPLR 7803[3]). The determination by the City of New York Reasonable Accommodation Appeals Panel (Citywide Panel) was based on the reasoning set forth in the denial letter from respondent New York City Police Department (NYPD), which concluded that petitioner's application contained a "generic statement that does not support [his] request" and that he failed to explain how his religious tenets conflict with the vaccine requirement.

[In the Matter of Patrick Marsteller v. City of New York, Et Al.](#) 

Appellate Division of the Supreme Court of New York, First Department

No. 2023-00271

Decided June 20, 2023

Before: Webber, J.P., Oing, Gesmer, González, Pitt-Burke, JJ.

Illinois:

The circuit court's order dismissing plaintiffs' complaint for declaratory judgment is affirmed where the circuit court lacked subject matter jurisdiction.

Plaintiffs, consisting of 45 individuals employed by the Illinois Department of Corrections, appeal the trial court's dismissal of their complaint for declaratory judgment based on the court's lack of subject matter jurisdiction. For the following reasons, we affirm.

On April 14, 2022, plaintiffs filed their amended verified complaint requesting a declaratory judgment based on section 2 of the Department of Public Health Act (20 ILCS 2305/2 (West 2020)), against defendants, the Illinois Department of Corrections (IDOC) and the Illinois Department of Central Management Services (CMS). The complaint alleged that CMS managed the employment relationship with state employees on behalf of IDOC and Governor Pritzker demanded state employees be vaccinated or tested to limit the spread of COVID, "subject to bargaining."

[Robert Thornton Et Al. v. The Department of Corrections and The Department of Central Management Services](#) 

[PDF – 60 KB] 

Appellate Court of Illinois


No. 5-22-0300

Decided June 8, 2023

Opinion by Justice Vaughan

Quote of the Month

The "decision demonstrates a lack of understanding of the critical benefits of racial and ethnic diversity in educational settings and a failure to recognize the urgent need to address health inequities," from a statement by David Skorton, president and CEO of the Association of American Medical Colleges, and Frank Trinity, its chief legal officer.

[Editor's note: This quote is from the above article, [How healthcare may be affected by the high court's affirmative action ruling](#) , Michelle Andrews, KFF Health News (07/06/2023).]

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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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