



## Public Health Professionals Gateway

# Public Health Law News

January 2024



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

### Registration Open | 2024 Public Health Law Practitioners Convening

The National Association of County and City Health Officials (NACCHO) in concert with CDC will host the 2024 Public Health Law Practitioners Convening **April 30–May 2** in **New Orleans**. The theme is “Empowering Public Health through Law and Policy.” The convening invites policy professionals, students, public health attorneys, and practitioners to share insights and strategies with colleagues in the field. Early-bird registration is open until **February 29**. [Learn more and register](#) [↗](#).


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### Registration Open | 2024 Policy & Issues Forum

The National Association of Community Health Centers is hosting the 2024 Policy and Issues Forum in **Washington, DC, and virtually February 12–15**. This conference welcomes changemakers and thought leaders within the innovative community health center movement to gather momentum and focus on the challenges and opportunities of the healthcare system. [Learn more and register](#) .

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### Registration Open | 2024 Preparedness Summit

The 2024 Preparedness Summit will be held **March 25–28** in **Cleveland, Ohio**. The theme of the summit is “Public Health, Healthcare, and Emergency Management: Aligning to Address Cascading Challenges.” The summit aims to bring together attendees from all areas of practice including emergency management, academia, and government at the federal, state, and local levels. The early-bird rate ends on **January 31**. [Learn more and register](#) .

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### Application Opening Soon | Become a Host Site for the Public Health Associate Program


Join a unique partnership with CDC to develop the nation’s next generation of public health professionals by applying to be a PHAP host site. PHAP will accept host site applications **February 15–29**. Associates increase host site capacity, deliver public health services, and gain hands-on experience. [Learn more and prepare to apply](#).

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## Tribal Announcements


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### Registration Open | 2024 National Tribal Health Conference

The National Indian Health Board National Tribal Health Conference is a week-long event that serves American Indian and Alaska Native tribes in the space of health—behavioral and public health. The conference will be held in **Rapid City, South Dakota, May 19–23** and will showcase the interconnectedness of policy, advocacy, and Indian health best practices. [Learn more and register](#) .

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### Save the Date | 2024 International Indigenous Women’s Health Meeting

The International Indigenous Women’s Health Meeting will be held **March 13–15** in **Albuquerque**. The conference focuses on innovative obstetric and gynecologic clinical care models and community-based public health approaches for Indigenous women and families. During the conference, participants will strengthen their knowledge on health problems facing Indigenous communities, learn promising strategies to improve wellness, and acquire practical skills. [Learn more](#) .

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### Registration Open | CDC/ATSDR Tribal Advisory Committee (TAC) Meeting


The Tribal Advisory Committee (TAC) advises CDC/ATSDR on policy issues and broad strategies that may significantly affect American Indian and Alaska Native communities. The TAC will assist CDC/ATSDR in fulfilling its mission to promote health and quality of life by preventing and controlling disease, injury, and disability through established and ongoing relationships and advice. The next TAC meeting will be a hybrid meeting held **virtually** and in **Atlanta** from **February 21–22**. [Learn more and register](#).

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## Job Announcements

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### Program Analyst, Public Health Law and Policy | NACCHO

NACCHO is hiring a program analyst to primarily support projects focused on public health legal practice at local health departments. This position provides professional support for programmatic and internal activities, including implementing, coordinating, and promoting project activities; identifying and responding to member and team needs; assessing policies and programs; and providing senior level administrative support, as needed. [Learn more and apply](#) .

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### Senior Policy Analyst | Community Catalyst

Community Catalyst is hiring a senior policy analyst to provide leadership, strategic advice, and policy analysis, and to contribute to the creation of policy resources to translate information to health advocates, providers, and policymakers.

The senior policy analyst supports issues related to health equity, with a particular focus on eliminating disparities faced by low-income populations, immigrant populations, and communities of color through power building, advocacy, teaching, and learning. [Learn more and apply](#) .

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### **Program Associate, Center for Community Engagement in Health Innovation | Community Catalyst**

Community Catalyst is hiring a program associate to provide crucial programmatic and administrative support to the Community Benefit and Economic Stability project and the Hospital Equity and Accountability Project—two projects of the Center for Community Engagement in Health Innovation. This position provides opportunities for developing subject matter expertise, participating in informative trainings/meetings, and engaging with community health leaders across the nation. [Learn more and apply](#) .

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### **Evaluation Fellowship | Centers for Disease Control and Prevention**


The CDC Evaluation Fellowship Program aims to expand the capacity of CDC programs to conduct evaluation and increase its usefulness and impact. The fellowship signifies CDC's dual commitment to making program evaluation a standard part of practice and to developing a cadre of professionals with the skills to make that happen. Applications close on **February 20**. [Learn more and apply](#).

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## Legal Tools & Trainings


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### **Webinar | The State of State-level Public Health Advocacy**

There are many opportunities to strengthen public health advocacy across all environments. The Network for Public Health Law is hosting a webinar on **January 18** from **1:00–2:30 pm (EST)** to discuss the findings of the recently released report, "The State of State-level Public Health Advocacy." This report examines specific markers of advocacy capacity and interviews with advocates in 50 states and the District of Columbia. [Learn more and register](#) .


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### **Webinar | Rural Healthy People 2030: Charting a Course for Rural Health Over the Next Decade**

The University of North Dakota Center for Rural Health is hosting a presentation on the findings from Rural Healthy People 2030 on **January 22** from **2:00–3:00 pm (EST)**. The discussion will include the most important health topics for rural communities over the next decade and how rural health priorities have changed over the three decades of the Rural Healthy People initiative. The presentation will also report on the Rural Healthy People 2030 edited volume and conclude by considering the best course for improving rural health over the next decade. [Learn more and register](#) .

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### **Resource | Youth Advocacy & Power Building: A Toolkit to Building Solutions by Youth, for Youth, and that Inspire Youth**

In partnership with Community Catalyst, the Youth Advisory Board and Youth Policy Consultants created this toolkit to encourage and educate youth and adults alike on how to engage young people in advocacy. Youth power building and organizing are essential components of the health justice movement and enable young people to actively contribute to sustainable change, confront systemic health disparities, and advocate for equitable access to healthcare. [Learn more and access the resource](#) .

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## Top Story

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### **Washington, DC: Half of Black DC residents lack easy access to healthcare, analysis shows**

The Washington Post (01/03/2024) Michael Brice-Saddler, Jenna Portnoy, John D. Harden, Janice Kai Chen

### **Story Highlights**

Federal data shows that nearly half of Black DC residents live in medically underserved areas and experience higher rates of heart disease, hypertension, and other serious chronic conditions than the rest of the capital. These chronic health disparities are most significant within low-income communities located east of the Anacostia River, where health outcomes are worse than for White, Asian, and Latino residents citywide.

COVID-19 exacerbated long-standing health disparities, such that Black residents, who represent half of DC's population, composed more than three-quarters of the city's 2,230 COVID-19 deaths. Although a new hospital is under construction in one of the most economically disadvantaged neighborhoods, District officials believe that targeted interventions are necessary to rebuild trust and meet the needs of the most marginalized residents.

Over the years, government officials have taken a range of actions to address healthcare access, such as expanding healthcare options for uninsured residents, commissioning research studies, and establishing an office of health equity to target endemic conditions experienced by Black residents. Despite these efforts, health disparities widened. Notably, according to 2017 city data, residents in Ward 8—the region with DC’s highest concentration of Black residents—lived 16 fewer years on average than those living in Ward 3, the most affluent ward in the city with the highest concentration of white residents.

Public health officials and advocates say numerous social and economic factors like housing, education, transportation, and income affect the ability to maintain good health and the variation in health outcomes among neighborhoods. A [2018 health equity report](#) from the District found that social determinants drive 80% of the city’s health outcomes. The report further remarks: “Your zip-code may be more important than your genetic code for health.” New public health developments, such as the [Health Equity Fund](#), seek to address social determinants of health to alleviate the health disparities experienced by Black residents.

[Editor’s note: Learn more about [health and healthcare disparities among Black people](#) .]

## Briefly Noted

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**Arkansas:** [Arkansas law requires state to provide mental health resources to first responders](#)

5NEWS (01/02/2024) Rachel Williams

[Editor’s note: Learn more about [mental health challenges among first responders](#).]

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**California:** [California becomes first state to offer health insurance to all eligible undocumented adults](#)

CalMatters (12/28/2023) Kristen Hwang

[Editor’s note: Learn more about [immigrant and refugee health](#).]

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**Idaho:** [Judge preliminarily blocks enforcement of Idaho law banning gender-affirming health care for minors](#)

Boise State public Radio News (12/27/2023) Katie Kloppenburg

[Editor’s note: Learn more about [resilience and transgender youth](#).]

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**Illinois:** [New Illinois law bans indoor vaping in public buildings](#)

13 WREX (12/29/2023) Nathan Langley

[Editor’s note: Learn more about [indoor exposure to electronic cigarettes](#).]

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**Indiana:** [Local health departments receive \\$75 million in first round of public health funding](#)

IPB News (01/04/2024) Abigail Ruhman

[Editor’s note: Learn more about the [essential public health services](#).]

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**Maine:** [New law prohibits some insurers from charging deductibles, other costs for abortion services](#)

NEWS CENTER (01/03/2024)

[Editor’s note: Learn more about [insurance coverage for abortion services](#) .]

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**Massachusetts:** [A new Boston law protects trees on public land but not private](#)

WBUR (12/21/2023) Martha Bebinger

[Editor’s note: Learn more about using [trees to combat urban heat](#) .]

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**Minnesota:** [Minnesota’s new “red flag” law goes into effect](#)

WCCO News (01/01/2024) David Schuman

[Editor’s note: Learn more about [red flag laws](#) .]

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**Minnesota:** [Most workers will get paid sick time under new Minnesota law](#) 

WCCO News (01/01/2024) Caroline Cummings

[Editor's note: Learn more about [paid leave in the United States](#) .]

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**Nevada:** [Lawsuit takes aim at Nevada's public option health insurance program](#) 

Las Vegas Sun (01/03/2024) Casey Harrison

[Editor's note: Learn more about [public option health insurance](#) .]

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**New Jersey:** [Gov. Phil Murphy signs law to create new grief curriculum in NJ schools](#) 

NorthJersey.com (01/05/2024) Katie Sobko

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

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**New York:** [Hochul proposes law to stop hospitals like Upstate from suing poor patients over unpaid bills](#) 

syracuse.com (01/02/2024) Rick Moriarty

[Editor's note: Learn more about the [financial burden of medical care](#).]

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**North Carolina:** [New NC law requires health inspections at bars serving food](#) 

Queen City News (01/02/2024) Kaci Jones

[Editor's note: Learn more about [outbreak rates and restaurant inspection practices](#).]

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## Global Public Health Law News


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**Brazil:** [Lula enacts so-called "poison law" in Brazil](#) 

MercoPress (12/29/2023)

[Editor's note: Learn more about [how pesticide exposure affects health](#) .]

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**Hong Kong:** [Hong Kong public health challenges in 2023: from the lifting of COVID measures to the rise of suicides among students](#) 

South China Morning Post (01/01/2024) Sammy Heung

[Editor's note: Learn more about the [COVID-19 response in Hong Kong](#) .]

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**Lesotho:** [Going the distance—How Lesotho is supporting migrant workers living with HIV](#) 

All Africa (01/02/2024) Elizabeth Glaser

[Editor's note: Learn more about [advanced HIV disease \(AHD\)](#) .]

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## Court Filings & Opinions

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### Federal:

The United States Court of Appeals for the Tenth Circuit reversed the decision of the district court, holding that the district court erred in concluding that High Mountain Mining Company ("Defendant") violated the Clean Water Act ("CWA") by polluting settling ponds, which amounted to a point source under the CWA, and constituted an unpermitted discharge of pollution into navigable waters.

This action was brought by Plaintiffs under the citizen suit provision of the CWA. Plaintiffs alleged that Defendant discharged wastewater from its gold mining operation into unlined settling ponds, allowing it to seep into the groundwater and migrate to the South Platte River. The CWA requires that polluters obtain a permit for any direct discharge from a point source into navigable waters. Plaintiff argued that because Defendant did not have permit for the discharge of wastewater into the settling ponds, which eventually ended up in the South Platte River, Defendant violated the CWA. The district court agreed with Plaintiff after applying *County of Maui v. Hawaii*, which provides a list of seven non-exhaustive factors to consider when determining whether a discharge to groundwater is the functional equivalent of a direct discharge: i) transit time; ii) distance traveled; iii) the nature of the material through which the pollutant travels; iv) the extent to which the pollutant is diluted or chemically changed as it travels; (v) the amount of pollutant entering the

navigable waters relative to the amount of the pollutant that leaves the point source; (vi) the manner by or area in which the pollutant enters the navigable waters; and (vii) the degree to which the pollution (at that point) has maintained its specific identity.

On appeal, the 10<sup>th</sup> Circuit reversed after finding that the district court failed to adequately consider all of the relevant *Maui* factors when determining whether the connection between the settling ponds and the South Platte River was the functional equivalent of a direct discharge. The court explained that, while the district court adequately analyzed some of the important factors (transit time and distance travelled from the point source to the navigable water and the nature of the material passed from point source to navigable water), the failure to analyze the remaining four factors resulted in an incomplete assessment. The 10<sup>th</sup> Circuit remanded the case back to the district court for further proceedings where the district court is to consider the remaining *Maui* factors.

#### [Stone v. High Mountain Mining Company](#)

United States Court of Appeals, 10<sup>th</sup> Circuit

Case No. 22-1340

Decided January 3, 2024

Opinion by Circuit Judge Timothy M. Tymkovich

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#### **Washington:**

The Supreme Court of Washington held that the statute of repose that bars medical malpractice claims after eight years, even if the patient is unable to determine the cause of their injury within that time frame, violates the privileges and immunities clause of the state constitution.

Bette Bennett (“Plaintiff”) brought this medical malpractice action in the United States District Court for the Western District of Washington after she was diagnosed with a traumatic brain injury allegedly caused by The United States’ (“Defendant”) medical malpractice. Defendant moved to dismiss Plaintiff’s claim as time barred by the Washington statute of repose, which requires that medical malpractice claims be brought within eight years, even if a plaintiff is unaware of their injury. The federal district court subsequently certified two questions to the Supreme Court of Washington, asking whether the statute of repose violates: (1) the privileges and immunities clause of article I, section 12 of the Washington Constitution or (2) the right to access the courts pursuant to article I, section 10 of the Washington Constitution.

The Supreme Court of Washington ruled that the statute of repose does violate the protections of the Washington Constitution’s article I, section 12 privileges and immunities clause. The Court first found that the statute of repose implicates a “privilege” or “immunity” for the purposes of article I, section 12 because it implicates the fundamental right to pursue a common law cause of action. The Court then determined that the statute of repose did not serve the legislature’s stated goals: i) to tend to lower medical malpractice insurance costs; ii) to provide protection from stale or untrustworthy claims; and iii) to balance the interests of injured plaintiffs and the healthcare industry. Therefore, the Court determined that the statute of repose violated the protections of article I, section 12’s privileges and immunities clause as a matter of independent state law.

#### [Bennett v. United States](#)

Washington Supreme Court

Case No. 101300-1

Decided December 7, 2023

Opinion by Justice Mary I. Yu

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## COVID-19 Court Filings & Opinions

#### **Montana:**

Stand Up Montana (Stand Up) and parents of multiple school children attending public schools in Missoula County (Parents) appeal the Order entered by the Fourth Judicial District Court granting summary judgment in favor of school districts in Missoula County (School Districts), and finding the mask mandates implemented by the School Districts did not violate Appellants’ substantive due process rights.

We restate the issues on appeal as follows:

1. Did the District Court properly grant summary judgment in favor of the School Districts on Stand Up's Substantive Due Process Claim?
2. Did the District Court properly grant the School Districts' motion in limine to exclude proffered testimony from Appellants' hybrid witnesses?

We affirm.

[Stand Up Montana v. Missoula County Public Schools](#) 

Supreme Court of Montana

Case No. DA 23-0046

Decided December 12, 2023

Opinion by Justice Ingrid Gustafson

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### Oregon:

This is a rule challenge under ORS 183.400. Petitioners seek judicial review of former OAR 333-019-1010 (Jan 31, 2022) and former OAR 333-019-1030 (Jan 28, 2022), rules adopted by the Oregon Health Authority (OHA) that imposed COVID-19 vaccination requirements on providers and staff in healthcare settings, and on teachers and staff in school settings, respectively. The rules have since been repealed. Petitioners argue that OHA exceeded its statutory authority by adopting those rules and, furthermore, that the rules are preempted by federal law, violate the principle of separation of powers, violate due process requirements, and violate the Contract Clause of the Oregon Constitution. OHA responds that the repeal of the rules renders this proceeding moot and that all of petitioners' challenges fail. For the reasons that follow, we conclude that (1) OHA has not demonstrated that this proceeding is moot; and (2) petitioners' arguments do not present grounds for invalidating the rules. Accordingly, we hold the rules valid.

[Free Oregon, Inc. v. Oregon Health Authority](#) 

Oregon Court of Appeals

Case No. A176977


Decided December 13, 2023

Opinion by Chief Judge Erin C. Lagesen

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### Quote of the Month

"Before the pandemic changed everything, [Ayanna Bennett, director of the DC Health Department] said, health outcomes and life expectancy for Black residents were beginning to improve thanks to Medicaid expansion and a concerted focus on equity. "We took four steps forward," Bennett said. "And now we've taken two, three, five, six steps back depending on the community you're talking about, but to me that means we can move forward."

[Editor's note: This quote is from the above article, [Half of Black DC residents lack easy access to healthcare, analysis shows](#) , Michael Brice-Saddler, Jenna Portnoy, John D. Harden, and Janice Kai Chen, The Washington Post (01/03/2024).]

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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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