



Public Health Professionals Gateway

Public Health Law News

February 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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Disclaimers

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](#) .

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 advance rate ends on **February 29**. [Learn more and register](#) .

Application Opens Today | Become a Host Site for the Public Health Associate Program (PHAP)

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 from **February 15–29**. Public health associates increase host site capacity, deliver public health services, and gain hands-on experience. [Learn more and apply](#).

Registration Open | Notice of Funding Opportunity Informational Webinar – Strengthening Public Health Systems and Services through National Partnerships to Improve and Protect the Nation’s Health

CDC has released a new Notice of Funding Opportunity (NOFO): Strengthening Public Health Systems and Services through National Partnerships to Improve and Protect the Nation’s Health. Potential applicants may register to attend two upcoming informational webinars to learn key NOFO information and timelines: **March 5** from **10:00 to 11:30 am (EST)** and **March 6** from **4:30 to 6:00 pm (EST)**. The same information will be shared during each webinar. Awardees will be funded to strengthen the nation’s public health infrastructure by delivering capacity-building assistance to components of the public health system. [Learn more and register](#).

Tribal Announcements

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 behavioral and public health. The conference will be held **May 19–23** in **Rapid City, South Dakota** and will showcase the interconnectedness of policy, advocacy, and Indian health best practices. [Learn more and register](#) .

Registration Open | 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 and register](#) .

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 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 hybrid, held **virtually** and in **Atlanta** from **February 21–22**. [Learn more and register](#).

Job Announcements

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](#) .

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](#).

Program Manager | Center for Public Health Law Research at Temple

The Center for Public Health Law Research (CPHLR or Center) housed at Temple University's Beasley School of Law is seeking applications for a Program Manager. CPHLR supports the widespread adoption of scientific tools and methods for mapping and evaluating the impact of law on health by developing and teaching legal epidemiology methods; by researching laws and policies that improve health to support policy development and enactment; and by communicating and disseminating evidence to facilitate innovation. This position will support and manage activities across all Center departments – Law and Research, Communications, Training and Education, Technology Department, and Finance. [Learn more and apply](#) .

Legal Tools & Trainings

Webinar | A Safe Systems Approach: Working Across Disciplines to Improve Safety and Health Equity Outcomes

The American Public Health Association (APHA) is hosting a webinar on **February 22** from **2:00 to 3:30pm (EST)** to explore new research that highlights ways transportation professionals can shift their approach to roadway safety work by incorporating public health principles into transportation planning and engineering. Panelists will discuss how the new research impacts roadway safety work, including the need for cross-disciplinary efforts aligned with transportation decarbonization, equity goals, and more. [Learn more and register](#) .

Resource | Stopping the Vicious Cycle: Equitable Enforcement Strategies to Achieve Safe, Stable, and Accessible Housing for People with Disabilities

This article by ChangeLab Solutions and Brown University School of Public Health examines how people with disabilities experience a cycle of poverty, poor health, and marginalization, partly due to the inequitable implementation and enforcement of laws. Through disability and health justice lenses, the authors propose considerations for policymakers to facilitate equitable enforcement to ensure compliance with the law while considering and minimizing harms to marginalized people. [Learn more and access the resource](#) .

Resource | Oral Health Data and Resources

This resource by Community Catalyst provides information on oral health data and sources that dental advocates often find helpful in describing access to care barriers, oral health problems, and disparities. The data can also be used to support policy solutions that address these issues. [Learn more and access the resource](#) .

Top Story

Utah: Critics say Utah's latest social media bills are unconstitutional

Salt Lake Tribune (02/06/2024) Bryan Schott

Story Highlights:

Utah legislators unveiled two bills, [SB194](#)  and [HB464](#) , that intend to protect children from the negative impacts of social media. These bills would make further changes to the current regulations, which were the first in the nation to restrict social media usage for youth under 18. Opponents say this legal intervention will conflict with federal law and constitutional protections for free speech.

If passed, the new legislation would allow Utah parents to sue social media companies if their child experiences an "adverse mental health outcome" from platform usage. The bills also intend to enact strict regulations on how minors interact with social media, such as limiting the types of accounts minors can interact with, increasing privacy guardrails, and restricting data collection. Like the preexisting regulations, the new legislation would still require an age verification system for all users.

Critics of the 2023 social media restrictions are not satisfied by the updated regulations. Arguments include concerns over the First Amendment, individual privacy, and cybersecurity. A TikTok spokesperson commented that they have already implemented features to protect minor users, such as “an automatic 60-minute time limit for users under 18, restrictions on direct messaging, parental controls for teen accounts, and more, to safely navigate the digital experience.”

Both bills incorporate legislative findings to justify that the state has a compelling interest in protecting the well-being of minors; further expressing that social media significantly contributes to the declining mental health of Utah youth.

Although a causal link has yet to be established between social media and youth mental health, a [2023 advisory from the Surgeon General and Centers for Disease Control and Prevention](#)  [PDF – 1.05 MB]  concluded that social media may be harmful for some teens. Given the importance of youth mental health, lawmakers feel obligated to react based on the available public health data to safeguard children’s well-being.

[Editor’s note: Learn more about [social media and youth mental health](#)  [PDF – 1.05 MB] .]

Briefly Noted

National: [‘It’s a public health issue’: inside the fight to change Native American mascots](#) 

The Guardian (02/06/2024) Adrian Horton

[Editor’s note: Learn more about the [health impacts of Native American mascots](#) .]

Alaska: [Alaska Family Paid Leave Plan Advances from House Labor & Commerce Committee](#) 

Alaska Native News (02/06/2024) Jennie Armstrong

[Editor’s note: Learn more about how [paid family leave ensures health equity for all](#)  [PDF – 917 KB] .]

Connecticut: [CT children’s committee to look at mental health, summer camps](#) 

CT Mirror (02/06/2024) Ginny Monk

[Editor’s note: Learn more about [children’s mental health](#).]

Florida: [Gov. DeSantis backs bill that bans sleeping in public](#) 

Orlando Weekly (02/06/2024) Jim Turner

[Editor’s note: Learn more about [homelessness as a public health law issue](#).]

Maine: [Somerset County partnership between sheriff’s office, public health agency latest effort to tackle opioid epidemic](#) 

Portland Press Herald (01/28/2024) Jake Freudberg

[Editor’s note: Learn more about the [treatment of substance use disorders](#).]

Minnesota: [‘Money well spent’ on Minnesota law enforcement officer mental health](#) 

MinnPost (01/29/2024) Andy Steiner

[Editor’s note: Learn more about [stress and health in law enforcement](#).]

Mississippi: [New legislative leadership: Nothing off table in tackling Mississippi health issues](#) 

Mississippi Today (01/26/2024) Sophia Paffenroth

[Editor’s note: Learn more about [health care access and insurance coverage](#).]

Texas: [What UT lost with SB 17: American-Statesman’s guide to changes due to Texas’ anti-DEI law](#) 

Austin American-Statesman (01/29/2024) Lily Kepner

[Editor’s note: Learn more about [diversity and inclusion in higher education](#)  [PDF – 1.14 MB] .]

Global: [Human Trafficking Prevention Needs a Public Health Approach](#) 

Forbes (01/11/2024) Lipi Roy

[Editor's note: Learn more about [addressing human trafficking through health systems](#) .]

Bangladesh: [Dhaka's hazardous air quality: Official indifference aggravating public health crisis](#) 

South Asia Monitor (02/03/2024) Farabi Bin Zahir

[Editor's note: Learn more about [outdoor air quality](#).]

Nigeria: [Police report: Minister accuses hospitals of flouting Nigerian law on gunshot victims](#) 

Daily Post Nigeria (02/06/2024) John Owen Nwachukwu

[Editor's note: Learn more about [firearm violence and injury prevention](#).]

Philippines: [PH vape law adopts global tobacco control treaty – group](#) 

The Manila Times (01/30/2024) Claire Bernadette

[Editor's note: Learn more about [e-cigarettes having the potential to benefit adults who smoke](#).]

Court Filings & Opinions

Maryland:

The Appellate Court of Maryland affirmed the Circuit Courts' findings for Baltimore County and Baltimore City, holding that the Maryland Department of the Environment ("Department") properly issued stormwater permits to the city and county of Baltimore.

Plaintiffs in these consolidated cases are environmental advocates that challenged the issuance of stormwater permits from the Department to the city and county of Baltimore. Plaintiffs argued that "(1) the municipal separate storm sewer system ("MS4") permits fail to meet water quality standards of receiving waters, (2) the permits violate the anti-backsliding provision of the Clean Water Act, and (3) the Department otherwise failed to 'consider the totality of information available, resulting in disproportionate impacts.'" The court held that the permits were valid because the Department has discretion to implement water quality effluent limitations and broad discretion in how it achieves compliance with the Clean Water Act's requirements. Further, the court reasoned that the Department's issuance of the stormwater permits was rational and the Department's failure to consider the "totality of information available" as alleged by the Plaintiffs was not arbitrary or capricious. Therefore, the court affirmed the Circuit Courts in upholding the permits as valid.

[In the Matter of Petition of Blue Water Baltimore, Inc., et al.](#) 

Appellate Court of Maryland

Consolidated Case Nos. 1426, 1803

Decided January 31, 2024

Opinion by Judge Douglas R. M. Nazarian

Federal:

The United States Court of Appeals for the Second Circuit affirmed the district court's dismissal of Plaintiffs' New York Public Health Law and New York General Business Law claims.

A group of patients ("Plaintiffs") whose counsel requested copies of their medical records from hospitals where they received treatment brought this class action suit against the hospitals and the third-party vendors that provide record production services for the hospitals ("Defendants"). Plaintiffs alleged that Defendants charged excessive prices for patient access to medical records in violation of New York Public Health Law ("PHL") § 18(2)(e) and New York General Business Law ("GBL") § 349. PHL § 18(2)(e), which require that health care providers cannot charge a price per page that exceeds the lower of the actual cost of record production or 75 cents. Plaintiffs allege that Defendants charged 75 cents per page for production of their medical records despite the actual cost of production being less than that amount. Although PHL § 18(2)(e) does not have a private right of action, Plaintiffs argue that Defendants' failure to adhere to PHL § 18(2)(e) is a part of an illegal scheme where vendors used the excess profits to offer free or discounted pages to hospitals and that this scheme additionally unjustly enriches Defendants and violates GBL § 349 which prohibits deceptive

business practices in the state. The district court granted Defendants' motion for judgment on the pleadings as to all of Plaintiffs' claims, holding that the GBL § 349 and unjust enrichment claims depend on a violation of PHL § 18(2)(e), which does not have a private right of action.

The court affirmed the district court, holding that Plaintiffs were "repackaging" their PHL § 18(2)(e) claims as GBL § 349 and unjust enrichment claims and that finding for Plaintiffs would circumvent precedent established by the New York Court of Appeals. The court concluded that Plaintiffs failed to state a claim because they did not establish any wrongdoing outside of the requirements of PHL § 18(2)(e).

[McCracken et. al. v. Verisma Systems, Inc.](#) 

United States Court of Appeals, Second Circuit

Case No. 22-2928; No. 22-2036

Decided January 29, 2024

Opinion by Judge William J. Nardini

COVID-19 Court Filings & Opinions

New York:

In an action, inter alia, to recover damages for medical malpractice and wrongful death, the defendants appeal from an order of the Supreme Court, Queens County (Kevin J. Kerrigan, J.), dated August 30, 2021. The order, insofar as appealed from, denied that branch of the defendants' motion which was pursuant to CPLR 3211(a)(7) to dismiss the complaint.

ORDERED that the order is reversed insofar as appealed from, on the law, with costs, and that branch of the defendants' motion which was pursuant to CPLR 3211(a)(7) to dismiss the complaint is granted.

The decedent died on April 9, 2020, from COVID-19. The plaintiff, individually and as the proposed administrator of the decedent's estate, commenced this action against the defendants, the healthcare facilities that treated the decedent before his death, asserting causes of action to recover damages for medical malpractice and wrongful death, among other things. The defendants moved, inter alia, pursuant to CPLR 3211(a)(7) to dismiss the complaint, asserting immunity under the Emergency or Disaster Treatment Protection Act (hereinafter the EDTPA) (Public Health Law former art 30-D, §§ 3080-3082, repealed by L 2021, ch 96, § 1), which, as relevant here, immunized healthcare facilities from civil liability for certain acts or omissions in the treatment of patients for COVID-19 during the period of the COVID-19 emergency declaration (see *id.*; *Mera v New York City Health & Hosps. Corp.*, 220 AD3d 668; *Ruth v Elderwood at Amherst*, 209 AD3d 1281, 1282-1283). The Supreme Court, among other things, denied that branch of the motion, and the defendants appeal.

[Martinez v. NYC Health and Hospitals Corp.](#) 

Supreme Court of the State of New York Appellate Division

Case No. 2021-07240

Decided January 17, 2024

Opinion by Justice Janice A. Taylor

Washington:

After multiple warnings, the Washington State Liquor and Cannabis Board (LCB) issued an administrative violation notice (AVN) to Headworks Hand Crafted Ales Inc. dba Headworks Brewing due to its failure to comply with the pandemic-related mask mandate issued by the state Department of Health in 2020. Headworks seeks judicial review of the final order that affirmed the violation and argues that the LCB did not have statutory authority to issue the AVN, and, alternatively, the LCB's action violated constitutional due process. Because the LCB has statutory authority to issue the AVN under Title 66 RCW and the failure to comply with the statewide mask mandate posed a "threat to public safety" under WAC 314-11-015(3)(c), we affirm the final order.

[Headworks Hand Crafted Ales, Inc. v. Washington State Liquor and Cannabis Board](#) 

Court of Appeals of the State of Washington

Case No. 84927-1-I

Decided January 2, 2024

Opinion by Acting Chief Judge Cecily C. Hazelrigg

Quote of the Month

“Social media companies know the harm they are inflicting on our youth’s mental health – and we’re not going to look away. Utah will continue to lead out on protecting youth and providing parents with tools and resources. This is an unprecedented issue we’re dealing with, and it requires novel legislation.” – Sen. Mike McKell, R-Spanish Fork

[Editor’s note: This quote is from the above article, [Critics say Utah’s latest social media bills are unconstitutional](#) , Bryan Schott, Salt Lake Tribune (02/06/2024).]

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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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