



Public Health Professionals Gateway

Public Health Law News

March 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 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. [Learn more and register](#)

Call for Abstracts | APHA Annual Meeting and Expo

The American Public Health Association (APHA) is now accepting abstract submissions for oral and poster presentations for the Annual Meeting and Expo in **Minneapolis** from **October 27-30**. Authors are encouraged to submit abstracts on the meeting theme — Rebuilding Trust in Public Health and Science — and current and emerging public health issues. APHA is accepting abstract applications until **March 29**. [Learn more and apply](#).

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 20-23** in **Rapid City, South Dakota** and will showcase the interconnectedness of policy, advocacy, and Indian health best practices. [Learn more and register](#).

Job Announcements

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](#).

Law Clerk, Harm Reduction Legal Project | Network for Public Health Law

The Network is seeking a law clerk to assist attorneys with providing legal technical assistance and developing tools and educational materials on public health law topics. The Harm Reduction Legal Project (the Project) Law Clerk will focus on work addressing legal and policy barriers that impede the establishment and expansion of evidence-based harm reduction measures such as naloxone distribution, syringe access programs, and access to evidence-based substance use disorder treatment. [Learn more and apply](#).

Senior Staff Attorney, Mid-States (Remote) | Network for Public Health Law

The Network is seeking a public health Senior Attorney to work with its Mid-States Region. This position will assist the Network's Mid-States Region to provide legal technical assistance, conduct training, develop tools and educational materials, and facilitate opportunities for networking and peer assistance on a wide variety of public health law topics. This attorney's position will focus on a variety of legal issues relating broadly to public health, social determinants of health and promoting racial and health equity. [Learn more and apply](#).

Fellowship Opportunity | Restuccia Health Justice Fellowship, Community Catalyst

The Restuccia Health Justice Fellowship at Community Catalyst focuses on supporting the growth and reach of diverse advocacy organizations and their leadership teams situated at the intersection of race equity, health justice, and organizational transformation. Local, state, and national health advocates are invited to apply by **March 25**. [Learn more and apply](#).

Public Health Law Researcher, Legal Epidemiologist | The University of Missouri, Department of Economics

Dr. Michael Pesko's Lab at the University of Missouri, Department of Economics is seeking a public health law researcher skilled in legal epidemiology. The lab's research categorizes health policy changes and estimates the effects of these changes on health-related outcomes using survey and administrative data sources. Key responsibilities of this role include leveraging legal law databases, conducting in-depth research on state and local municipality legislation and policies related to current grants, variable coding & drafting, content expertise, teaching & collaboration, policy lab support, and stakeholder engagement. [Learn more and apply](#).

Legal Tools & Trainings

Resource | Tools for Undoing the Drivers of Health Inequity

ChangeLab Solutions has published a companion guide and updated web tool that build upon frameworks for local, cross-sector policy change. These tools add new approaches for equitable systems change and policymaking, including policy strategies, key resources, and success stories from communities and partnerships. [Learn more and access the resources](#) .

Resource | State Policies to Protect Access to Medical Cannabis Following Adult-Use Legalization

The influx of new customers created by the legalization of adult-use cannabis can place a strain on a state's cannabis supply. This increased demand can present a challenge to the state's medical cannabis system and potentially reduce patient access. This fact sheet from the Network for Public Health Law examines various state policies aimed at protecting patient access to medical cannabis. [Learn more and access the resource](#) .

Top Story

Hawaii: 'Medical colonialism': midwives sue Hawaii over law regulating Native birth workers

The Guardian (02/27/2024) Ava Sasani

Story Highlights:

Six midwives and three patients sued the state of Hawaii after the government prohibited birth workers from providing maternal healthcare without a particular midwifery license. This prohibition included Native Hawaiian medicine experts and established a \$2,000 fine and up to one year in prison if midwives without the license offer care or advice. The Center for Reproductive Rights filed the lawsuit, stating that lawmakers have criminalized Indigenous birthing customs and decreased access to medical care for pregnant people and families across the state.

The lawsuit is a primary legal challenge aimed at safeguarding Native Hawaiian healing practices. The complaint argues that state lawmakers have established unreasonable barriers that will prevent Native Hawaiian midwifery students from obtaining credentials, which minimizes lawmakers' state constitutional duty to "protect all rights customarily and traditionally exercised" by Native Hawaiians.

The initial 2019 law included an exception for birth attendants, which included Native Hawaiian midwives without a license. Although legislation was introduced in January 2023 to allow Native Hawaiian midwives to continue practicing under this exclusion, the proposal died in committee, leaving midwives vulnerable to prosecution since July 2023. One month after this ban on unlicensed midwives, the deadliest fire in United States history destroyed West Maui. In this healthcare crisis, Native Hawaiian midwives without licenses were unable to provide comprehensive care out of fear of prosecution.

The plaintiffs argue that the right to reproductive autonomy includes the ability to determine one's own birth experience, including where, how, and with whom to give birth. Furthermore, suppressing the hands-on wisdom and training provided by cultural medicine experts echoes back to the century-long history of Native Hawaiian cultural suppression. Without a change to the law, Native Hawaiian midwives are concerned that this could lead to a loss of their people's knowledge of sacred birthing conditions.

[Editor's note: Learn more about [Indigenous birth as ceremony and a Human Right](#) .

Briefly Noted

Arkansas: Arkansas legislators reconsider law protecting crypto-mining citing environmental and health concerns

THV11 (03/04/2024) Sarah Horbacewicz

[Editor's note: Learn more about the [environmental health impacts of cryptocurrency mining](#) .

California: San Diego City Attorney wants to update law to protect patients accessing reproductive health care from harassment [↗](#)

CBS8 (02/28/2024) Kelly Hessedal

[Editor's note: Learn more about [laws protecting patients and health care providers](#) [↗](#) .]

Florida: Florida refuses to bar unvaccinated students from school suffering a measles outbreak [↗](#)

Associated Press (02/23/2024) Terry Spencer

[Editor's note: Learn more about [measles cases and outbreaks](#).]

Kansas: Kansas legislators renew COVID-inspired efforts to rewrite public health laws [↗](#)

Topeka Capital-Journal (02/28/2024) Jason Alatidd

[Editor's note: Learn more about [emergency preparedness law](#).]

Michigan: Health, clean energy and environmental advocates oppose ballot initiative eliminating siting law [↗](#)

Michigan Advance (02/26/2024) Kyle Davidson

[Editor's note: Learn more about the [health and safety benefits of clean energy](#) [↗](#) .]

Mississippi: Lawmakers advance bills to restrict jailing people awaiting mental health treatment [↗](#)

Mississippi Today (03/05/2024) Isabelle Taft

[Editor's note: Learn more about [mental health treatment while incarcerated](#) [↗](#) .]

Nebraska: Nebraska Supreme Court hears arguments on abortion, trans care law [↗](#)

WOWT (03/05/2024) Kevin Westhues and Gina Dvorak

[Editor's note: Learn more about [state laws and policies on youth access to gender-affirming care](#) [↗](#) .]

New Mexico: Gov. signs four bills aimed at reducing gun violence [↗](#)

Albuquerque Journal (03/04/2024) Alaina Mencinger

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

Texas: 'Parents' right to choose' | Katy ISD votes against allowing chaplains to counsel students [↗](#)

KNOU (02/27/2024) Chloe Alexander, Stephanie Whitfield, Jaime E. Galvan

[Editor's note: Learn more about [promoting mental health and well-being in schools](#)  [PDF – 3 MB].]

Washington: 9th Circuit says tribal court has jurisdiction over COVID suit [↗](#)

Business Insurance (02/29/2024) Shane Dilworth

[Editor's note: Learn more about [tribal emergency preparedness law](#).]

Global Public Health Law News

Global: Member States consider proposed amendments to the International Health Regulations with discussions on equity to continue [↗](#)

World Health Organization (02/19/2024) WHO Media Team

[Editor's note: Learn more about [discussions on proposed amendments to the International Health Regulations, 2005](#) [↗](#) .]

South-East Asia: Enhance field epidemiology workforce in South-East Asia Region: WHO [↗](#)

World Health Organization (02/23/2024) Public Information and Advocacy Unit

[Editor's note: Learn more about [how to enhance the field epidemiology workforce in South-East Asia](#) [↗](#) .]

Sierra Leone: Sierra Leone Government Launches Rehabilitation Centre For Victims of Drug Abuse

Sierraloaded (02/26/2024) Mohamed Aruna

[Editor's note: Learn more about [the rehabilitation centre for victims of drug abuse in Sierra Leone](#) .]

South Africa: Ramaphosa says he will sign the National Health Insurance bill into law

africanews (02/16/2024) Rédaction Africanews with agencies

[Editor's note: Learn more about [South Africa's National Health Insurance bill](#) .]

Global: International Pathogen Surveillance Network launches catalytic grant fund for pathogen genomics

World Health Organization (02/23/2024) WHO Media Team

[Editor's note: Learn more about [the catalytic grant fund for pathogen genomics](#) .]

Court Filings & Opinions

California:

The Court of Appeal of California affirmed the Superior Court's judgment of dismissal on grounds of claim preclusion relating to alleged contract and negligence causes of action based on the disqualification of Keith Bracewell's ("Plaintiff") food stores from a federal program providing supplemental food for women and children.

Plaintiff initially brought an action contesting California's Department of Public Health's ("Defendant") decision to disqualify their stores from participating in the department's Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Plaintiff's stores were disqualified because "each store had been reimbursed in excess of eligible costs by more than 20 percent of the total food voucher dollars redeemed." Plaintiff made arguments that the court said that should have been made in the previous trial. "The doctrine applies if the second suit involves the same primary right between the same parties that was adjudicated to a final judgment on the merits in the first suit...Claim preclusion may potentially not apply if the prior judgment was obtained by extrinsic fraud..."

Plaintiff asserted that claim preclusion did not apply, alleging fraudulent concealment of a document by Defendant during the initial trial, which they believed could have aided their case by providing further details on the regulation that they were held liable of breaching. However, Plaintiff could not assert that the department was under any legal duty to disclose the document in question to them since the document was already publicly available. Under Gov. Code, § 11346.2, subd. (b), a state government agency is obliged to make a statement of reasons publicly available for a proposed regulatory action. Therefore, the Court of Appeals dismissed the appeal, as Plaintiff could not prove that claim preclusion did not apply due to fraud, as the document they had alleged was initially concealed could have been accessed by them in the first action and associated issues could have been raised in the prior action.

[Keith Bracewell V. State Department of Public Health et al.](#)

Court of Appeals of California, Third District, Sacramento

Case No. C097453

Filed February 6, 2024.

Opinion by Justice Harry E. Hull Jr.

Federal:

The United States District Court for the District of Vermont remanded this case to state court after ExxonMobil and co-defendant oil companies ("Defendants") removed the case that was originally filed in state court to the District Court, holding that no federal claim was asserted in the complaint and no diversity of citizenship existed between the parties.

The state of Vermont ("Plaintiff") brought suit alleging the Defendants violated the Vermont Consumer Protection Act ("VCPA") by misleading and failing to inform consumers of the climate changing impacts of fossil fuel products. The Defendants removed the case to the District Court, arguing that federal common law should govern disputes concerning transboundary fossil fuel pollution, and that the complaint raises other federal questions or implicates other federal statutes that also concern fossil fuels. The Defendants also contended that the parties are diverse, and that removal is proper due to diversity of citizenship.

Granting the Plaintiff's motion for remand to state court, the District Court found that no federal questions were included in the Plaintiff's complaint and there was no diversity of citizenship. The District Court reasoned that the Plaintiff's claims presented as wholly state law causes of action under the VCPA and no federal questions were otherwise necessarily implicated by the complaint. Further, the District Court found no diversity of citizenship because Plaintiff was not a real party in interest and the fact that no defendant was a citizen of Vermont was undisputed. The District Court therefore remanded the case to Vermont state court for further proceedings.

[State of Vermont v. ExxonMobil Corporation, et al.](#)

United States District Court for the District of Vermont

Case No. 2:21-cv-260

Decided February 6, 2024

Opinion by Judge William K. Sessions III

COVID-19 Court Filings & Opinions

Washington: Covid 19

"Does the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) require 30 days' notice for any eviction from dwellings covered by the Act? With all due respect to our colleagues at Division II, we conclude that the answer is no. The CARES Act requires such notice only for evictions stemming from a tenant's nonpayment of rent."

[The Housing Authority of the County of King v. Angela Knight](#)

Court of Appeals of Washington, Division One

Case No. 85031-8-I

Decided February 26, 2024

Opinion by Judge Mark J. Hillman

New York: Covid-19

"Order, Supreme Court, Bronx County (Joseph E. Capella, J.), entered May 30, 2023, which granted defendant's motion to dismiss the complaint, unanimously affirmed, without costs.

Plaintiff's decedent was a resident of defendant's nursing home facility from around June 1, 2019, to April 13, 2020, when he was hospitalized and diagnosed with COVID-19 and was again a resident of the facility from April 21, 2020, until his death on May 6, 2020. Plaintiff asserts causes of action for negligence, gross negligence, wrongful death, and violation of the decedent's rights under the Public Health Law."

[Johnie Hasan Etc., v. Terrace Acquisitions II, LLC, Doing Business as Fordham Nursing and Rehabilitation Center, also Known as Kings Terrace Nursing Home](#)

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

Case No. 2023-02779

Decided February 13, 2024

Opinion by Justice Webber, J.P., Singh, Kennedy, Scarpulla, Rosado, JJ.

Quote of the Month

"I am known to my community as a resource, a person who can help our moms," [Ki'i Kaho'ohanohano] said. "Why can't I use the knowledge I have to help my own, my *ohana*?" she said, using a Hawaiian word for family.

[Editor's note: This quote is from the above article, ['Medical colonialism': midwives sue Hawaii over law regulating Native birth workers](#), Ava Sasani, Guardian (02/27/2024).]



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