



Public Health Professionals Gateway

Public Health Law News

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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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Editor's Note

Dear Reader,

The Public Health Law Program would like to make you aware of a new four-part documentary series that was made possible by Bloomberg Philanthropies and is available for streaming on PBS.org and the PBS App. This series, [The Invisible Shield](#), includes discussions on many important topics, including public health infrastructure, public health data, health equity, and more.

Please note that we are forwarding this broadcast for informational purposes only and such dissemination should not imply any endorsement by CDC, or the appearance of such, of the creator and distributor, PBS; the series itself; the content contained therein; or the views, products, services, or organizations referenced in the broadcast.

Gavrielle Covault
Editor in Chief

Announcements

Registration Open | ASLME's 47th Annual Health Law Professors Conference

The 47th Annual American Society of Law, Medicine & Ethics (ASLME) Health Law Professors Conference will be held **June 5–7** in **Philadelphia**. This conference welcomes professors of health law, public health law, and bioethics. It is hosted by the Temple University Beasley School of Law Center for Public Health Law Research and ASLME. [Learn more and register](#) .

Registration Open | NACCHO360

NACCHO360 is the largest annual convening of local health department leaders and public health professionals in the United States. This year's convening will be held in **Detroit** and **virtually** from **July 23–26** to explore the conference theme, "Heard it Through the Grapevine: Public Health Partnerships, Collaboration, and Innovation." Attendees will learn how to adopt effective practices, engage with federal and state partners, and gain insights from public health experts. [Learn more and register](#) .

Internship and Externship Opportunity | CDC Office of Public Health Law Services

The Office of Public Health Law Services at the Centers for Disease Control and Prevention announces an Internship and Externship program for Fall 2024. The program is designed for current graduate (e.g., MPH, DrPH, MPA, PhD) or law (JD) students, as well as recent graduates of these programs, interested in careers in public health law or policy. Applications will be open from **April 29–May 13**. [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](#) .

Webinar | Tribal Environmental Health Webinar Series: Air Pollution

The National Indian Health Board and CDC are sponsoring a webinar on **May 8** at **3:00 pm (EDT)** on how air pollution intertwines environmental degradation with cultural and societal impacts in tribal country. The speaker will discuss health impacts on Indigenous communities, sustainable solutions and Indigenous wisdom, and policy frameworks for tribal environmental protection. [Learn more and register](#) .

Resource | A Participatory Trust-Building Model for Conducting Health Equity Research with Rural and Urban Native American, Black, and Latinx Communities

Misinformation, lack of data transparency, and omission of community stories from mainstream media amplified COVID-19 research and vaccine distrust across pandemic-vulnerable populations. Using community-based participatory research principles, WEAVE New Mexico (Wide Engagement for Assessing Vaccine Equity in New Mexico) used long-standing relationships and proven trust-building strategies among four urban and rural Black, Indigenous, and Latinx partnerships to mobilize engagement in vaccine equity research. [Learn more and access the resource](#) .

Job Announcements

Assistant Attorney General, Health and Human Services Section | Oregon Department of Justice

The Oregon Department of Justice is seeking applicants for assistant attorney general positions in the Health and Human Services Section of the General Counsel Division. The Oregon Health Authority (OHA) is one of the largest agencies in Oregon state government, with responsibility for the state's Medicaid program, public health and behavioral health systems, and the State Hospital. OHA's work addresses the state's Fentanyl crises, ensures quality and affordable health care for all Oregonians, works to increase access to substance use disorder treatment and behavioral health services, and protects the public health of Oregonians. Duties will include advising OHA's Medicaid program and related medical assistance programs, its Health Care Market Oversight Program, and OHA's behavioral health programs and other work as assigned by management. Recruitment closes on **April 29** at 11:59 pm (PDT). [Learn more and apply](#) .

Associate Director, Policy | Community Catalyst

Community Catalyst's associate director for policy will oversee the implementation of the policy goals of the organization. The individual in this position will work with colleagues across the organization, identify points of connect between various initiatives, and improve coordination and collaboration within the organization. [Learn more and apply](#) .

Senior State Advocacy Manager | Community Catalyst

Working with state and local partners, Community Catalyst's senior state advocacy managers develop effective state-based advocacy networks and leverage their influence for multi-state and national impact, working intentionally to build community power and advance a broader movement anchored in race equity and health justice. This position will work specifically as a part of the Dental Team at Community Catalyst. [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. [Learn more and apply](#) .

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

The Network for Public Health Law is seeking a public health senior attorney to work with its Mid-States Region. This position will 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 remote attorney's position will focus on a variety of legal issues relating broadly to public health, social determinants of health, and racial and health equity. [Learn more and apply](#) .

Legal Tools & Trainings

Webinar | Local Action, Life-Saving Impact: Utilizing Opioid Settlement Funds for Overdose Prevention Public Health Campaigns and Promotions

Join NACCHO on **May 1** at **2:00 pm (EDT)** for a virtual webinar to explore community-centered strategies for addressing the opioid crisis. This session delves into the critical role of naloxone, a lifesaving antidote for opioid overdoses, and discusses innovative ways to educate at-risk communities about naloxone and overdose prevention. Experts in public health marketing and community education will share insights and recent successes in overdose prevention campaigns. [Learn more and register](#) .

Resource | Health Agencies Can Support Communities Suffering Mass Firearm Violence

ASTHO's Catalyst Center for Firearm Injury Prevention compiled resources for health agencies as communities process tragedies caused by firearm violence. In the aftermath of such violence, ASTHO recommends applying a trauma-responsive lens to support staff and communities and is available to directly assist health officials in considering and applying best practices for crisis communications. [Learn more and access the resource](#) .

Resource | HEvOD: A database of hurricane evacuation orders in the United States

To assess and improve the effectiveness of evacuation orders, researchers at the University of Virginia developed the Hurricane Evacuation Order Database (HEvOD)—a comprehensive database of details about hurricane evacuation orders issued in the United States between 2014 and 2022. The database allows researchers to systematically investigate the impact of evacuation orders as a vital public policy instrument, and serves as an important resource to identify gaps in current policies, leading to more effective policy design in response to hurricanes. [Learn more and access the resource](#) .

Resource | Changing Outdated HIV Criminalization Laws

Black and brown communities, especially Black and trans women, are disproportionately targeted by HIV criminalization laws. As part of the movement to end the HIV epidemic and associated criminalization and stigma, ChangeLab Solutions has created tools and resources and facilitate state-level training programs to help states reform outdated criminalization laws and policies. [Learn more and access the resource](#) .

Resource | Examining the Use of Braided Funding for Substance Use Disorder Services

This report by the Substance Abuse and Mental Health Services Administration looks at state and federal laws and policies that encourage braided funding to provide substance use disorder services, best practices for braiding funds, and pathways to sustainability for substance use disorder programs. [Learn more and access the resource](#) .

Resource | A Snapshot of Four 2023 Supreme Court Cases and their Impacts on Racial Health Equity

While legislative actions and trends matter, it is also important to understand the role of the courts in altering legal landscapes in ways that can positively or negatively impact racial health disparities. Created by the Network, this fact sheet highlights four 2023 US Supreme Court cases with examples of how each potentially impacts racial health equity. It also provides a further examination of two of the four cases, which can be viewed as wins for racial health equity. [Learn more and access the resource](#) .

Resource | Common Themes and Creative Solutions to Protect Privacy of Reproductive Health Data

The Network has identified at least 11 states and the District of Columbia (DC) that have now passed laws that seek to keep abortion-related health data out of the hands of those that would seek to use them against patients and their providers for seeking, receiving, or providing reproductive health care. This factsheet explores common themes and creative solutions in laws aimed at protecting the privacy of reproductive health records. [Learn more and access the resource](#) .

Resource | Trends in Legal Challenges to Anti-Transgender Youth Sports Bans

Since 2020, states across the country have introduced and passed bills that prohibit or significantly limit participation by students who are transgender. Curtailing participation in school sports restricts access not only to healthful activities, but also to the physical, psychological, and academic benefits associated with them. At least eight bills have been challenged in state or federal courts on constitutional grounds. This fact sheet by the Network for Public Health Law provides an overview of key trends in legal challenges to states' restriction of transgender students' participation in sports. [Learn more and access the resource](#) .

Top Story

National: What's at stake in the Supreme Court mifepristone case

NPR (03/25/2024) Selena Simmons-Duffin

Story Highlights:

A recently formed group known as the Alliance for Hippocratic Medicine has sued the Food and Drug Administration (FDA) to challenge the FDA's approval of mifepristone, a medication used in nearly two-thirds of all US abortions. Heard by the Supreme Court on March 26, this case has implications not just for reproductive health care, but also for the drug industry and authority of federal agencies.

The Alliance for Hippocratic Medicine initially argued that the FDA should not have approved the drug in 2000, but now contends that the FDA should not have facilitated easier access to mifepristone in 2016 and 2021. The FDA and drugmaker maintain that the challengers do not have standing to bring the case since they are not harmed by the prescribing rules. Furthermore, they argue that the FDA followed correct procedure and backed its decisions with scientific evidence.

In terms of reproductive care, *FDA v. Alliance for Hippocratic Medicine* could make medication abortion more challenging to receive, in addition to hampering miscarriage care. In 2023, at least 63% of abortions occurred via the combination of mifepristone and misoprostol. Dozens of studies have found the combination of mifepristone, which blocks progesterone, and misoprostol, which causes cramping and empties the uterus, safe and effective for abortion. Doctors also often prescribe this regimen when a person experiences a miscarriage to potentially avert weeks of worrying, waiting, and bleeding.

The drug industry also has stake in this case. Many drug company executives signed a letter and submitted an [amicus brief](#) [PDF – 312 KB] in support of the FDA's authority to regulate medications. The amicus brief surmises that if the challenge stands, the decision would upend the FDA's approval process for any pharmaceutical products, impeding drug development and preventing post-approval improvements. Former FDA commissioners argue in [another amicus brief](#) [PDF – 469 KB] that drug companies could use this case as future precedent to challenge a competitor's FDA approval.

[Editor's note: Learn more [at](#) about [mifepristone's use for medical termination of pregnancy through ten weeks gest](#) [on](#).]

Briefly Noted

National: [Biden-Harris Administration finalizes ban on ongoing uses of asbestos to protect people from cancer](#) [EPA](#) (03/18/2024) EPA Press Office
[Editor's note: Learn more about the [health impacts of asbestos](#).]

Alaska: [Alaska House votes to broaden membership of injury, death review panels](#) [Alaska Beacon](#) (03/27/2024) James Brooks
[Editor's note: Learn more about [maternal mortality review committees](#).]

California: [After Newsom veto, California lawmakers try again to ban tampons with 'forever chemicals'](#) [LA Times](#) (03/12/2024) Mackenzie Mays
[Editor's note: Learn more about [how PFAS affect health](#).]

Colorado: [Douglas County extends public health order on immigrants, communicable disease](#) [Denver Gazette](#) (03/18/2024) Kyla Pearce
[Editor's note: Learn more about [strategies to promote and improve the health of immigrants, refugees, and migrants](#).]

Connecticut: [Legislation aims to address shortage of mental health professionals in schools](#) [NBC Connecticut](#) (03/29/2024) Briceyda Landaverde
[Editor's note: Learn more about [adolescent mental health and well-being](#).]

Idaho: [Idaho governor signs child health watchdog law, calls for broader government oversight role](#) [Idaho Capital Sun](#) (03/26/2024) Kyle Pfannesnstiel
[Editor's note: Learn more about [child abuse and neglect prevention](#).]

Maine: [Maine lawmakers to consider late 'red flag' proposal after state's deadliest shooting](#) [Associated Press](#) (03/28/2024) David Sharp and Patrick Whittle
[Editor's note: Learn more about [firearm violence prevention](#).]

Maryland: [Maryland environmental bill draws concern from burdened communities it aims to protect](#) ↗

Baltimore Sun (03/26/2024) Christine Condon

[Editor's note: Learn more about [environmental justice and public health](#) ↗.]

Oklahoma: [Help In Crisis: Domestic violence reaches public health emergency](#) ↗

Tahlequah Daily Press (03/25/2024)

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

Puerto Rico: [Immediate preventive action urged against dengue, now a public health emergency](#) ↗

The San Juan Daily Star (03/27/2024)

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

Texas: [Tainted water flowed to these Texans' homes for three years. No one told them](#) ↗.

The Texas Tribune (04/01/2024) Carlos Nogueras Ramos

[Editor's note: Learn more about [drinking water contamination and diseases](#).]

Virginia: [Virginia universities implement hazing prevention initiatives, laws](#) ↗

The Commonwealth Times (03/21/2024) Elena Gutowski

[Editor's note: Learn more about [hazing prevention resources](#) ↗.]

Washington: [New laws aim to prevent youth opioid overdoses](#) ↗

AXIOS (03/21/2024) Christine Clarridge and Melissa Santos

[Editor's note: Learn more about [drug overdose deaths among persons aged 10–19 years](#).]

Wisconsin: [Gov. Evers signs bill legalizing xylazine testing strips into law](#) ↗

WXOW (03/30/2024) Crystal Flintrop

[Editor's note: Learn more about [xylazine and its link to overdose deaths](#).]

Global Public Health Law News

Global: [Millions at risk from cholera due to lack of clean water, soap, and toilets, and shortage of cholera vaccine](#) ↗

World Health Organization (03/20/2024) WHO Media Team

[Editor's note: Learn more about [cholera prevention and control](#) ↗.]

Africa: [Africa CDC Kick-off the implementation of a continental Mental Health Leadership Workforce Programme](#) ↗

Africa Centres for Disease Control and Prevention (03/15/2024) Africa CDC

[Editor's note: Learn more about [Africa CDC](#) ↗.]

Sierra Leone: [Row in Sierra Leone Parliament over Kush](#) ↗

Politico SL (03/13/2024) Nasratu Kargbo

[Editor's note: Learn more about [conversations on the use of Kush in Sierra Leone](#) ↗.]

Europe: [The untold story: new report reveals 7000 additional TB deaths during COVID-19 pandemic](#) ↗

World Health Organization Europe (03/21/2024) WHO Regional Office for Europe

[Editor's note: Learn more about [tuberculosis prevention globally](#) ↗.]

Americas: [18 priority areas identified in inaugural Caribbean climate change and health research agenda](#) ↗

Pan American Health Organization (03/19/2024) PAHO

[Editor's note: Learn more about [the first comprehensive research agenda for climate change and health in the Caribbean](#) ↗ [PDF – 6.0 MB] ↗.]

Court Filings & Opinions

North Carolina

The Supreme Court of North Carolina affirmed the lower court's grant of summary judgment against Halikierra ("Plaintiff"), holding that Plaintiff was not improperly placed on prepayment review for Medicaid programs in the state.

Plaintiff is a home personal care service provider to Medicaid beneficiaries in North Carolina. After receiving overbilling complaints relating to Plaintiff's services, the North Carolina Department of Health and Human Services ("DHHS") put Plaintiff on prepayment review, and ultimately suspended Plaintiff from participating in the North Carolina Medicaid program. Plaintiff filed suit against DHHS, claiming that the decision of DHHS to put Plaintiff on prepayment review violated its substantive due process and equal protection rights under the North Carolina Constitution. The trial court granted summary judgment to DHHS on all claims.

Plaintiff argued on appeal that the decision to place Plaintiff on prepayment review was arbitrary and capricious because DHHS had no established policy or procedure for doing so. When analyzing the argument on appeal, the Court reasoned that rational-basis review is appropriate for Plaintiff's substantive due process claim because no fundamental right was implicated in this case. The court subsequently found that DHHS's acts were rationally related to the legitimate government interest of combatting Medicaid fraud. Similar treatment given to Plaintiff's equal protection claim after noting Plaintiff did not allege they were treated differently in such a way to trigger strict scrutiny review. The Court therefore applied rational basis review and again found in favor of DHHS, upholding the trial court's grant of summary judgment.

[Halikierra Community Services LLC v. North Carolina Department of Health and Human Services](#) 

Supreme Court of North Carolina

Case No. 59A23

Decided March 22, 2024

Opinion by Justice Allison Riggs

Washington

The Washington Court of Appeals, 1st Division, reversed the Washington Pollution Control Hearings Board, holding that the 2020 Industrial Stormwater General Permit ("2020 permit") applied to entire facilities.

The Washington Department of Ecology ("Ecology") implemented the federal Clean Water Act of 1977 and the state of Washington's Water Pollution Control Act. In this capacity, Ecology issues permits under the National Pollutant Discharge Elimination System ("NPDES"), as well as the state discharge permit program. At the heart of this case is Ecology's issuance of a 2020 permit under NPDES and the state permit system. The 2020 permit required, consistent with previous permits, that transportation facilities with vehicle maintenance shops, equipment cleaning operations, or airport deicing operations have to obtain coverage under the permit, and that the permit requirements apply to the entire facility, rather than limited portions. The 2020 permit was challenged by multiple industry appellants. In its review of the case, the Pollution Control Hearings Board ("the Board") granted summary judgment in favor of the appellants on the issue of whether discharge limits applied to the entire facility, concluding that the 2020 permit applied only to limited portions of covered facilities, not to the entire facility. Puget Soundkeeper Alliance appealed the Board's determination.

On appeal, the Court of Appeals held that the Board's interpretation of the 2020 permit was erroneous because the Board "ignored the expansive 'any facility' language in the second category, and then read the 'only those portions' language into the definition's clause, even though those words do not exist anywhere in the 2020 permit." The court subsequently held that the plain meaning of the permit applies to an entire facility. The Board's ruling was therefore reversed and remanded for arguments on the merits on the case.

[Puget Soundkeeper Alliance v. State of Washington Pollution Control Hearings Board, et al](#) .

Washington Court of Appeals, 1st Division

Case No. 85665-1-I

Decided March 18, 2024

Opinion by Judge David S. Mann

Colorado

The Colorado Court of Appeals affirmed the district court, holding that the Colorado Noise Abatement Act ("the Act") allows cities to issue amplified noise permits that exceed the general limits specified within the Act to for-profit businesses on land not used or owned by a city or other political subdivision of the state.

The Act generally limits residential neighborhood sound levels to 50 db(A) in the hours between 7:00 pm and 7:00 am; however, cities may issue a limited number of amplified sound permits in excess of the general limitation. The city of Salida ("Salida") issued amplified noise permits to businesses in the city that allow noise levels in excess of the limits specified in the Act. Matthew Hobbs ("Plaintiff") brought suit against Salida and a bar and restaurant in the city ("High Side"), claiming that the Act's general noise limits preempt the amplified sound permits issued by Salida to High Side because the exemptions mentioned in the Act can only be issued for events taking place on property used by Salida, and not on the private property of a for-profit business. The district court dismissed Plaintiff's claims as a matter of law.

Plaintiff appealed the district court's ruling, arguing that the district court incorrectly interpreted the Act and the Act's exemptions. The Court of Appeals rejected Plaintiff's argument, holding that the Act does not contain any express or implied limitation of the use of issued permits to an issuing political subdivision's property. Further, the court held that the Act does not restrict permits from being issued to for-profit entities, as evidenced by the language that allows special permits to the state, its political subdivisions, nonprofit entities and "any of their lessees, licensees, or permittees," which would include High Side.

[Hobbs v. City of Salida](#)

Colorado Court of Appeals

Case No. 2024COA25

Decided March 7, 2024

Opinion by Magistrate Dayna Vise

COVID-19 Court Filings & Opinions

New York:

Plaintiff Jeff Goolsby ("plaintiff") commenced this action against Defendant City of New York ("defendant") alleging that defendant and the New York City Department of Buildings ("DOB") discriminated against plaintiff in violation of the New York City Human Rights Law ("NYCHRL") by denying plaintiff's requests for a reasonable accommodation from New York City's vaccine mandate under the NYCHRL (see New York City Administrative Code §8-107). Specifically, plaintiff alleges that defendant denied his reasonable accommodation requests without reason and without considering any documentation that plaintiff submitted, and that defendant failed to engage in any collaborated dialogue. In this motion sequence (001), defendant moves for dismissal pursuant to CPLR §§3211(a)(1), (a)(5) and (a)(7). Plaintiff opposes the motion, and cross-moves, pursuant to CPLR §3025(b), for leave to amend plaintiff's complaint. For the following reasons, defendant's motion is granted, and plaintiff's cross-motion is denied.

[Goolsby v. City of New York](#)

Supreme Court, New York County

Case No. 154823/2023

Decided March 6, 2024

Opinion by Acting Justice Hasa A. Kingo

Ohio:

Clinton No. 1, Inc., ("Clinton") filed a motion to dismiss the wrongful death action Donna Yarnell filed against it. According to Clinton, Yarnell's claims were barred by the Public Readiness and Emergency Preparedness ("PREP") Act, 42 U.S.C. §§ 247d-6d and 247d-6e (2018), and two Missouri acts. The circuit court overruled the motion. Clinton sought writ relief to direct the circuit court to enter an order sustaining Clinton's motion to dismiss. This Court issued a preliminary writ of mandamus. Because Clinton's proposed theories of immunity are not implicated by Yarnell's petition, the preliminary writ of mandamus is quashed.

[State Ex Rel. Clinton No. 1, Inc. V. The Honorable Brandon Baker](#)

Supreme Court of Missouri, En Banc.

Case No. SC100099

Quote of the Month

"We use this medication in lots of different ways and for lots of different care," including for miscarriage and pregnancy loss, says Dr. Jamila Perritt, an OB-GYN in Washington, DC, who's the President of Physicians for Reproductive Health. "If this medication is restricted or banned completely, no one will be able to get access to it with any ease."

[Editor's note: This quote is from the above article, [What's at stake in the Supreme Court mifepristone case](#), Selena Simmons-Duffin, NPR (03/25/2024).]

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