



JULY 18, 2024

July 2024 | The Public Health Law News

WHAT TO KNOW

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.



Announcements

Registration Open | PHI*con

Registration is open for PHI*con, a National Association of County and City Health Officials (NACCHO) conference focusing on public health informatics, surveillance, and IT. The conference will be held **July 22–23** in **Detroit**. This year's theme, "Driving Data Modernization," addresses how to effectively serve communities in today's information-driven world and shows that public health – and its cross-sector partners – must advance and strengthen its capability to transform data into action. [Learn more and register](#)

Registration Open | NACCHO360

Registration is open for NACCHO360, 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**. The conference theme this year is "Heard it Through the Grapevine: Public Health Partnerships, Collaboration, and Innovation." Attendees will engage with federal and state partners, gain insights from public health experts, and learn how to adopt effective practices. [Learn more and register](#)

2023–2024 Legal Epidemiology Learning Cohort

Since 2015, ChangeLab Solutions has partnered with the CDC's Office of Public Health Law Services (OPHLS) to run yearlong learning cohorts in which transdisciplinary teams from health departments and organizations across the country engage in hands-on learning about legal epidemiology. The 2023-2024 cohort consisted of seven communities, who designed and implemented their own legal epidemiology projects. The teams included members from state and local health departments, nonprofit public health organizations, community-based organizations, and academic institutions. Across almost a decade of running these cohorts, ChangeLab Solutions and OPHLS have been able to identify opportunities and challenges, and compile this experience into a resource on lessons learned. [Learn more about the 2023–2024 cohort](#) and [Lessons Learned](#)

Tribal Announcements

Registration Open | 28th Biannual CDC/ATSDR Tribal Advisory Committee Meeting

Registration is open for the 28th Biannual CDC/ATSDR Tribal Advisory Committee (TAC) meeting. The purpose of the Tribal

Advisory Committee (TAC) meeting is to exchange information, provide guidance, and ensure that CDC/ATSDR activities impacting tribes are appropriately addressed. This biannual TAC meeting will take place both in **Canyonville, OR**, and **virtually from 9:00 am to 5:00 pm (PDT) on August 7–8** to create space for members to share information so that tribal concerns are heard. The TAC meeting is open to the public, although public participation is restricted. [Learn more and register](#).

Job Opportunity | Environmental Health Project Associate, National Indian Health Board

The National Indian Health Board (NIHB) seeks an entry-level public health professional to work on environmental health projects. The position is based in **Washington, DC**, and will focus on the National Indian Health Board's Environmental Justice Thriving Communities Technical Assistance Center, which connects Tribal environmental health programs to existing funding opportunities, provides technical assistance to Tribes on federal grant applications, and elevates issues impacting Tribal environmental health. [Learn more and apply](#). [PDF](#) [↗](#).

Job Opportunity | Public Health Policy & Programs Project Coordinator (Climate & Environmental Health), National Indian Health Board

The National Indian Health Board (NIHB) seeks an experienced public health professional to work on current and future public health projects and initiatives. The position is based in **Washington, DC**, and will focus on creating and coordinating projects focused on improving the state of Tribal environmental health and environmental justice and Tribal environmental health systems. The coordinator will work with colleagues in the Public Health Policy & Programs Department and NIHB at large, to coordinate and implement public health events, including the NIHB National Tribal Public Health Summit. [Learn more and apply](#). [PDF](#) [↗](#).

Job Announcements

Extern, Addiction and Public Policy Initiative | Health Policy and the Law, O'Neill Institute for National and Global Health Law, Georgetown University Law Center

The O'Neill Institute for National and Global Health Law at Georgetown University Law Center seeks law students and graduate students to work on research, publications, and projects related to addiction and drug policy. The Addiction and Public Policy Initiative works to advance a public health approach to substance use disorders and the overdose epidemic through legal and policy strategies that promote evidence-based treatment and support recovery. [Learn more and apply](#). [↗](#).

Job Opportunity | Senior Attorney, Harm Reduction Legal Project, Network for Public Health Law

The Network for Public Health Law seeks a senior attorney to support the Network's Harm Reduction Legal Project. Under the direction of the Project Director, the senior attorney will provide responsive legal technical assistance including research and assessment of laws and policies, consultation on best practices, and strategic guidance on harm reduction. Guidance will focus on individuals and organizations working to create, expand, and defend syringe access programs, naloxone distribution programs, overdose prevention sites, evidence-based treatment, and related initiatives in furtherance of the creation, continuation, and effective operation of harm reduction programs in the United States. [Learn more and apply](#). [↗](#).

Job Opportunity | Project Manager, Community Catalyst

Community Catalyst seeks a project manager to manage key high-profile projects within the Center for Community Engagement in Health Innovation. Projects will focus on improving the capacity of health systems to address community needs, with a particular focus on Medicare-Medicaid beneficiaries, family caregivers and long-term services and supports. This position is responsible for the day-to-day operations of projects, leading teams to operationalize projects, manage contractors and consultants, build out appropriate technical assistance models, craft and execute project-related sub-granting, and engage in project evaluation. [Learn more and apply](#). [↗](#).

Legal Tools & Trainings

Resource | Updated Training in Public Health Law

Public Health Law: Past & Present, a free online training available through the Public Health Law Academy (PHLA), explores how health departments can advance their work amid an evolving legal landscape, balancing their authority to protect the public's health with the rights of affected individuals. Updated in June 2024, this training and its facilitator

package center health equity with new examples and case studies. Public Health Law: Past & Present is one course in the PHLA training plan, which offers a certificate of completion. The PHLA is a partnership between the Centers for Disease Control (CDC) and ChangeLab Solutions. [Learn more and access the resource](#).

Resource | Laws Integrating the Use of Technology in Driver Education and Training Can Promote Safer Driving

Traffic crashes remain the leading cause of death for teenagers both in the United States and worldwide. As cars have continuously gotten bigger, heavier, and more advanced, states' legal frameworks for training and licensing new drivers have remained largely unchanged since the early 2000s. Integrating technology into the training and licensing process for new drivers is an innovative approach with the potential to greatly improve driver safety. [Learn more and access the resource](#).

Resource | Overview of State and Local Equity Offices: 2024 Edition

Many state and local governments have established offices of equity to prioritize equity in government policies and procedures. This resource from the Network for Public Health Law provides a survey of states, cities and counties across the country that have established such offices and includes information on their structure, activities and authority. [Learn more and access the resource](#).

Resource | Six Policies That Advance Mental Health

The Network for Public Health Law attorneys and staff identified six key policies with the potential to significantly improve mental health outcomes across the United States. This policy brief covers a wide range of areas focused on communities and those who work to support communities. It is designed as a practical resource for public health professionals, leaders, and partners, offering strategies to enhance mental health and well-being while reducing disparities in mental health care. [Learn more and access the resource](#).

Resource | The Compounding Effect of Intersectionality on People who use Drugs

Intersectionality is defined as “the framework for understanding how various aspects of individual identity interact to create unique experiences of privilege or oppression.” People who use drugs are often part of multiple minority groups, compounding the effect of their identities on their experiences and increasing the likelihood that they will experience oppression in established systems. This resource was written by Jessica Irvin, MPH, Public Health Law Fellow at the Network for Public Health Law Harm Reduction Legal Project. [Learn more and access the resource](#).

Top Story

National: [What the Chevron decision means for health policy](#)

Washington Post (07/01/2024) Rachel Roubein

Story Highlights:

The Supreme Court issued a 6-3 opinion that overturned the Chevron doctrine, a four-decades-old legal precedent that directed judges to give deference to an agency's reading of ambiguous law, given the agency's interpretation was reasonable. The decision curbs the power of federal agencies and is anticipated to slow rulemaking. Notably, the ruling could also lead to an increase of lawsuits challenging decisions made by the Food and Drug Administration (FDA) and Centers for Medicare and Medicaid Services (CMS).

Writing for the majority, Chief Justice John G. Roberts Jr. argued that the current framework gave agencies the ability to “change course even when Congress has given them no power to do so.” However, supporters argue that Chevron gave agency experts flexibility to provide more specific details to broad statutes and more efficiently evolve to keep up with technological advancements. Furthermore, Justice Elena Kagan asserts in her dissent that regulators are best situated to address highly technical subjects. To emphasize her point, Justice Kagan posed two highly technical healthcare questions, one being: “What qualifies as a protein regulated by the FDA?”

The post-Chevron federal regulatory landscape will depend on future lower-court rulings made in the coming years. Agencies like the FDA and CMS will likely be more cautious, taking more time with their decision-making and diverting more resources to prepare for a predicted increase in lawsuits challenging their decisions. The FDA may shift from setting policy through rulemaking to issuing nonbinding guidance, which could be less subject to judicial review. CMS may be more vulnerable to lawsuits since officials often make novel interpretations of the law to tackle pressing health policy issues.

[Editor's note: Learn more about [federal rulemaking](#).]

Briefly Noted

National: [U.S. Surgeon General Declares Gun Violence a Public Health Crisis](#)

New York Times (06/25/2024) Ellen Barry

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

National: [The Supreme Court says cities can punish people for sleeping in public places](#)

NPR (06/28/2024) Jennifer Ludden

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

Colorado: [New Colorado law will ban sales of dental floss, clothes, & other household products containing toxic "forever chemicals"](#)

CBS Colorado (06/24/2024) Kati Weis

[Editor's note: Learn more about the [health effects of PFAS](#).]

Delaware: [Free lunch, mental health supports, more bills aim at Delaware schools](#)

Delaware News Journal (07/01/2024) Kelly Powers

[Editor's note: Learn more about [school meal programs and their benefits](#).]

Idaho: [Supreme Court allowed emergency abortions in Idaho. Doctors say it's not enough](#)

USAToday (06/28/2024) N'dea Yancey-Bragg

[Editor's note: [Learn more about pregnancy complications](#).]

Florida: [New Florida Laws Take Effect Today: Property Rights, Parental Rights, And Sex Education Changes](#)

Tampa Free Press (07/01/2024) Liz Shultz

[Editor's note: Learn more about [menstrual health and hygiene education](#).]

North Carolina: [NC General Assembly implements mask ban, other controversial laws with veto overrides](#)

The Chronicle (06/28/2024) Zoe Kolenovsky

[Editor's note: Learn more about [masks and respiratory viruses prevention](#).]

Tennessee: ['This could be a pretty big case' | Tennessee AG talks on Supreme Court taking up state's restrictions on gender-affirming care for trans youth](#)

WBIR (07/01/2024)

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

Texas: [Infant Deaths After Texas' 2021 Ban on Abortion in Early Pregnancy](#)

JAMA Pediatrics (06/24/2024) Alison Gemmill, Claire Margerison, Elizabeth Stuart, et al

[Editor's note: [Learn more about infant mortality](#).]

West Virginia: [Campus carry weapons law debuts in West Virginia, joins 11 other states](#)

Washington Post (07/01/2024) John Raby

[Editor's note: Learn more about [fast facts regarding firearm injury and death](#).]

Global Public Health Law News

Global: [World Health Assembly agreement reached on wide-ranging, decisive package of amendments to improve the International Health Regulations](#)

World Health Organization (06/01/2024) WHO Media Team

[Editor's note: Learn more about the [International Health Regulations](#).]

Global: [At World Health Assembly, countries agree on efforts to boost pandemic preparedness](#)

UN News Global Perspective Human Stories (06/02/2024) United Nations

[Editor's note: Learn more about [pandemic preparedness globally](#).]

Nigeria: [STOP CHOLERA: Public Health Advisory](#)

Nigeria Centre for Disease Control and Prevention (06/12/2024)

[Editor's note: Learn more about [cholera outbreak in Nigeria](#).]

Asia: ['Declare Health Emergency' To End Hepatitis In Asia](#)

Eurasia Review (07/01/2024) Joel Adriano

[Editor's note: Learn more about [hepatitis in Asia](#).]

United Kingdom: [Diabetes Costs UK £14 Billion Annually, Highlights Need for Continued Investment in Prevention and Care](#)

EuropaWire (06/19/2024) EuropaWire PR Editor

[Editor's note: Learn more about the [state of diabetes in the United Kingdom](#).]

Court Filings & Opinions

Federal:

The United States Supreme Court overruled Chevron, holding that courts may not defer to an agency's interpretation of the law when a statute is ambiguous.

The case concerns a request for overruling or clarifying Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc., 467 U. S. 837. The Chevron doctrine requires courts to defer to an agency's interpretations of ambiguous provisions of statutes administered by them, including those governing public health cases and controversies. In reviewing the action of an agency under the doctrine, the courts previously applied a two-step approach. The first step involved assessing whether the language of the statute was silent or ambiguous in addressing the existing controversy. If in the affirmative, "even when a reviewing court read the statute differently," the second step directed the reviewing court to defer to an agency's interpretation.

In overruling the Chevron doctrine, the courts held that it infringed on Article III of the Constitution, which assigns the Federal Judiciary the responsibility and power to undertake final constructions of statutory provisions. "The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; Chevron is overruled."

[Loper Bright Enterprises v. Raimondo, Secretary of Commerce](#) PDF

Supreme Court of The United States

Case No. 22-451

Decided June 28, 2024

Opinion by Chief Justice John Roberts

Federal:

The United States Supreme Court held that the "cruel and unusual punishment" prohibited by the Eighth Amendment does not include generally applicable laws regulating camping on public property.

Grants Pass restricted encampments on public property through the Grants Pass Municipal Code. The plaintiffs/respondents in this case "filed a putative class action on behalf of homeless people living in Grants Pass, claiming that the city's ordinances against public camping violated the Eighth Amendment." Some public health practitioners suggest that homelessness may be the "defining public health and safety crisis in the western United States" today. "By one estimate, perhaps 78 percent of the unsheltered suffer from mental-health issues, while 75 percent struggle with substance abuse."

In its judgment, the court opined that the Cruel and Unusual Punishments Clause in the Eighth Amendment is directed at the method or kind of punishment governments may impose when criminal statutes are violated. The punishments Grants Pass imposed in this case did not qualify, because the city only imposed "limited fines for first-time offenders, an order temporarily barring an individual from camping in a public park for repeat offenders, and a maximum sentence of 30 days in jail for those who later violate an order." The court held that "the enforcement of generally applicable laws regulating

camping on public property does not constitute ‘cruel and unusual punishment’ prohibited by the Eighth Amendment.” Thus, there is no applicable Eighth Amendment protection.

[City of Grants Pass, Oregon v. Johnson](#) [PDF](#) [↗](#)

Supreme Court of The United States

Case No. 23–175.

Decided June 28, 2024

Opinion by Justice Neil Gorsuch

New Jersey:

The Appellate Division of the Superior Court of New Jersey affirmed the trial court’s order that the statutes and regulations in New Jersey that require hospitals to use medicine, equipment, and services to provide patient care regardless of a patient’s ability to pay is not an unconstitutional taking.

Under the New Jersey Health Care Cost Reduction Act, hospitals must provide care to uninsured individuals meeting certain income and asset eligibility requirements regardless of their ability to pay (known as “charity care”). Hospitals, in return, receive a subsidy meant to provide its “proportionate share” based on the amount of charity care provided.

Fourteen hospitals (“Plaintiffs”) filed suit against state entities arguing that the charity care rules violate both the New Jersey Constitution and the Fifth and Fourteenth Amendments of the United States Constitution. Specifically, Plaintiffs allege that the charity care requirements and limited reimbursement result in a taking under those documents. The trial court granted the defendant’s motion for summary judgment on some taking claims and dismissed the remainder of Plaintiffs’ claims on ripeness grounds for failure to exhaust administrative remedies. On review, the Appellate Court concluded that the operation of charity care does not lead to a taking because its requirements do not unreasonably impair the value of the hospital and there is no evidence of physical appropriation of the hospital’s property. The Appellate Court affirmed the order granting the motion for summary judgment against all Plaintiffs.

[Englewood Hospital & Medical Center v. The State of New Jersey](#) [↗](#)

Superior Court of New Jersey, Appellate Division

Docket No. A-2767-21

Decided June 27, 2024

Opinion by Judge Morris G. Smith

Wisconsin:

The Supreme Court of Wisconsin reversed the Court of Appeals’ decision, holding that the Village of Egg Harbor (the “Village”) could condemn Sojenhomer LLC’s property to build a sidewalk and improve public safety.

Sojenhomer owned property along a busy, dangerous intersection. In an effort to improve pedestrian and motorist safety, the Village condemned .009 acres of Sojenhomer’s property in order to lay a sidewalk. Sojenhomer brought suit, contending that the condemnation was barred by a Wisconsin statute that restricted the ability of the Village to acquire property to establish a “pedestrian way.” Sojenhomer argued that sidewalks are pedestrian ways and therefore the Village could not condemn its property to construct a sidewalk.

The trial court concluded that “no sidewalks are pedestrian ways and no pedestrian ways are sidewalks,” because sidewalks are considered part of the roadway and pedestrian ways and sidewalks are referred to separately in the statutory scheme. The Court of Appeals reversed the trial court, holding that sidewalks fall within the general definition that a pedestrian way is “a walk designated for the use of pedestrian travel.” On review, the Supreme Court reasoned that statutes “must be interpreted in their entirety, and in context.” Using this framing, the Court found that the definition of pedestrian way excludes sidewalks because: 1) the terms are used in different ways, signifying that they have distinct meanings; 2) a definition for pedestrian way was included in the statutory code after a definition of sidewalk already existed; and 3) the legislature acted with specificity in naming exclusions for condemnation such as bicycle way, bicycle lane, recreational trail, and pedestrian way, and if the legislature wanted to include sidewalks as an exclusion then it could have. Therefore, the Supreme Court reversed the Court of Appeals and held that the Village was not prohibited from condemning Sojenhomer’s property to build a sidewalk.

[Sojenhomer LLC v. Village of Egg Harbor](#) [↗](#)

Supreme Court of Wisconsin

COVID-19 Court Filings & Opinions

District of Columbia

In this appeal, we are asked to explain what qualifies an incarcerated person as "acute[ly] vulnerab[le]" to severe medical complications or death from COVID-19 under the District of Columbia's compassionate release statute. See D.C. Code § 24-403.04(a)(3)(B)(iii). Following our 2021 remand order[1] in this matter and an evidentiary hearing, the trial court denied appellant Barry Stringer's[2] motion for compassionate release. On appeal, Mr. Stringer argues that the trial court erred in concluding that his "diabetes, obesity, high blood pressure, and high cholesterol" do not establish his "acute vulnerability to severe medical complications or death as a result of COVID-19." For the reasons set forth below, we deny Mr. Stringer's request and affirm the trial court's decision.

[Stringer v. United States](#)



District of Columbia Court of Appeals

Case No. 22-CO-0445

Decided June 27, 2024

Opinion by Associate Judge John P. Howard III

Quote of the month

"[Loper Bright Enterprises v. Raimondo, Secretary of Commerce](#)   probably will be one of the most momentous decisions — at least in the regulatory space — of our lifetime."

[Editor's note: This quote is by James Huang, a partner at law firm Hogan Lovells within their health-care practice, from the above article, [What the Chevron decision means for health policy](#), Rachel Roubein, Washington Post (07/01/2024).]

About Public Health Law News

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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