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Editorial Office

Journal of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 1704, Boston, MA 02215 USA
Phone: 617-262-4990; Fax: 617-437-7596
E-mail: thutchinson@aslme.org

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C O N T E N T S

SPECIAL SUPPLEMENT TO VOLUME 47:2 • SUMMER 2019

Symposium Articles

SYMPOSIUM

2018 Public Health Law Conference: Health Justice: Empowering Public Health and Advancing Health Equity

Guest Edited by
Donna E. Levin

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*Letter from
the Editor*

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Introduction

Donna E. Levin

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Legal and Policy Responses to Vaccine-Preventable Disease Outbreaks

Leila Barraza, Dorit Reiss, and Patricia Freeman

Laws and policies are vital tools in preventing outbreaks and limiting the further spread of disease, but they can vary in content and implementation. This manuscript provides insight into challenges in responding to recent vaccine-preventable disease outbreaks by examining legislative changes in California, policy changes on certain university campuses, and the laws implicated in a measles outbreak in Minnesota.

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The Role of Advocacy in Public Health Law

Micah L. Berman, Elizabeth Tobin-Tyler, and Wendy E. Parmet

This article discusses how advocacy can be taught to both law and public health students, as well as the role that public health law faculty can play in advocating for public health. Despite the central role that advocacy plays in translating public health research into law, policy advocacy skills are rarely explicitly taught in either law schools or schools of public health, leaving those engaged in public health practice unclear about whether and how to advocate for effective policies. The article explains how courses in public health law and health justice provide ideal opportunities to teach advocacy skills, and it discusses the work of the George Consortium, which seeks to engage public health law faculty in advocacy efforts.

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Public Health Surveillance: Electronic Reporting as a Point of Reference
Jennifer Black, Rachel Hulkower, Walter Suarez, Shreya Patel, and Brandon Elliott

Federal, state, and local laws shape the use of health information for public health purposes, such as the mandated collection of data through electronic disease reporting systems. Health professionals can leverage these data to better anticipate and plan for the needs of communities, which is seen in the use of electronic case reporting.

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Learning from the Flint Water Crisis: Restoring and Improving Public Health Practice, Accountability, and Trust
Colleen Healy Boufides, Lance Gable, and Peter D. Jacobson

The Flint water crisis demonstrates the importance of adequate legal preparedness in dealing with complicated legal arrangements and multiple statutory responsibilities. It also demonstrates the need for alternative accountability measures when public officials fail to protect the public's health and explores mechanisms for restoring community trust in governmental public health.

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Healthy Spaces: Legal Tools, Innovations, and Partnerships
Rita-Marie A. Brady, Joanna L. Stettner, and Liz York

This article explores innovative legal tools in built environment settings. Using tangible examples, the discussion will leverage the authors' expertise in the law, public health, and architecture to explore strategies in domestic and international settings to explain how healthy spaces make a direct public health impact on people's lives.

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Public Health Law Strategies for Suicide Prevention Using the Socioecological Model

Catherine Cerulli, Amy Winterfeld, Monica Younger, and Jill Krueger

Suicide is a public health problem which will require an integrated cross-sector approach to help reduce prevalence rates. One strategy is to include the legal system in a more integrated way with suicide prevention efforts. Caine (2013) explored a public health approach to suicide prevention, depicting risk factors across the socio-ecological model. The purpose of this paper is to examine laws that impact suicide prevention at the individual, relational, community, and societal levels. These levels are fluid, and some interventions will fall between two, such as a community-level approach to training that enhances provider-patient relationships. At the individual level, we will review laws to improve screening requirements across systems. At the relational level, we note interventions with couples having conflict, such as protection orders and access to attorney consultations, which have been known to be injury prevention mechanisms. At the community level, we discuss legislation that recommends suicide prevention efforts for key individuals working as frontline providers in the medical and educational systems. At the societal level, we explore public awareness campaigns that target stigma reduction for those suffering from mental health burden and enhance linkage to care. The article closes with the discussion that laws are good, but their implementation is essential.

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Opioid-Related Legislation in Kentucky and West Virginia: Assessing Policy Impact

Julia F. Costich and Dana Quesinberry

Kentucky and West Virginia are among the states most severely affected by opioid poisonings and deaths. The legislatures of both states have enacted a broad range of bills intended to address related issues. We present an overview of legislation enacted in 2017 and 2018, along with an approach to analysis of practitioner response to one type of legislation.

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Broadband Access as a Public Health Issue: The Role of Law in Expanding Broadband Access and Connecting Underserved Communities for Better Health Outcomes

Brittney Crock Bauerly, Russell F. McCord, Rachel Hulkower, and Dawn Pepin

Broadband internet access is a super-determinant of health that plays an important role in healthcare and public health outcomes. Laws and policies shape implementation and use of broadband for healthcare and public health. Connecting broadband and telehealth laws with their health impacts, through legal epidemiological research, enables states to make evidence-based decisions to improve health outcomes for underserved populations.

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State Approaches to Addressing the Overdose Epidemic: Public Health Focus Needed

Corey Davis, Traci Green, Lindsay LaSalle, and Leo Beletsky

States have implemented a variety of legal and policy approaches to address the overdose epidemic. Some approaches, like increasing access to naloxone and connecting overdose survivors with evidence-based treatment, have a strong public health foundation and a compelling evidence base. Others, like increasing reliance on punitive criminal justice approaches, have neither. This article examines law and policy changes that are likely to be effective in reducing overdose-related harm as well as those that are likely to increase it.

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Health Equity, School Discipline Reform, and Restorative Justice

Thalia González, Alexis Etow, and Cesar De La Vega

Every day, students from marginalized communities disproportionately face adversity and trauma. It is well documented that exposure to adverse childhood experiences (ACEs) can impact children's ability to focus, learn, and even regulate their emotions. Many schools, rather than providing multi-tiered systems of support to address the root causes of behavior, place these students at greater risk of experiencing health disparities through the use of exclusionary school discipline (ESD) practices. ESDs not only deny students important educational opportunities, but also can compound existing social, economic, and health inequities. Thus, ESD practices must be understood as more than simply impacting what happens in the classroom. Instead, they should be conceptualized as public health policies with far-reaching impacts on a child's lifelong health and well-being. Even though school discipline has largely been overlooked by the public health community, current reform efforts are one aspect of a holistic health justice framework.

This article seeks to begin to bridge current gaps in the literature and public discourse by identifying key linkages between ESD practices and health. It then presents evidence-based design principles to ensure education policy is aligned with a health justice framework. And finally, it explores a specific school-based intervention, restorative justice.

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Public Health and the Four P's of Marketing: Alcohol as a Fundamental Example

Cassandra Greisen, Elyse R. Grossman, Michael Siegel, and Mellissa Sager

This article examines how public health addresses alcohol use through marketing — place, product, promotion, and price. The article reviews current product trends and how restrictions on certain products designs may reduce youth consumption; how product availability may be restricted through zoning; and the current advertising landscape.

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Collaborating with Sovereign Tribal Nations to Legally Prepare for Public Health Emergencies

Tina Batra Hershey

Public health emergencies, including infectious disease outbreaks and natural disasters, are issues faced by every community. To address these threats, it is critical for all jurisdictions to understand how law can be used to enhance public health preparedness, as well as improve coordination and collaboration across jurisdictions. As sovereign entities, Tribal governments have the authority to create their own laws and take the necessary steps to prepare for, respond to, and recover from disasters and emergencies. Legal preparedness is a key component of public health preparedness. This article first explains legal preparedness and Tribal sovereignty and then describes the relationship between Tribal Nations, the US government, and states. Specific Tribal concerns with respect to emergency preparedness and the importance of coordination and collaboration across jurisdictions for emergency preparedness are discussed. Examples of collaborative efforts between Tribal and other governments to enhance legal preparedness are described.

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Public Health Law and Policy Implications: Justice Kavanaugh

James G. Hodge, Jr., Wendy E. Parmet, Georges Benjamin, Sarah Somers, and Chelsea Gulinson

Following the confirmation of U.S. Supreme Court Justice Brett Kavanaugh in one of the most sensational jurisprudence events of the modern era, we examine potential repercussions across multiple themes in public health, law, and policy stemming from his ideology and the confirmation process.

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Healthy People: The Role of Law and Policy in the Nation's Public Health Agenda

Angela K. McGowan, Katheryne (K.T.)

Kramer, and Joel B. Teitelbaum

Each decade since 1979, the Healthy People initiative establishes the national prevention agenda and provides the foundation for disease prevention and health promotion policies and programs. Law and policy have been included in Healthy People objectives from the start, but not integrated into the overall initiative as well as possible to potentially leverage change to meet Healthy People targets and goals. This article provides background on the Healthy People initiative and its use among various stakeholder groups, describes the work of a project aiming to better integrate law and policy into this initiative, and discusses the development of Healthy People 2030 — the next iteration of health goals for the nation. Lessons from the preliminary stages of developing Healthy People by the HHS Secretary's Advisory Committee (Committee) on National Health Promotion and Disease Prevention Objectives for 2030 and a Federal Interagency Workgroup will be included. Efforts by the Committee focused on the

role of law and policy as determinants of health and valuable resources around health equity are also shared. Finally, the article discusses ways that law and policy can potentially be tools to help meet Healthy People targets and to attain national health goals.

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Becoming a Hybrid Entity: A Policy Option for Public Health

Sallie Milam and Melissa Moorehead

When Congress passed HIPAA, it did not intend to constrain public health's data sharing in the same way as clinical or payers. In fact, HIPAA recognizes data sharing with public health as a matter of national priority and shields this function from its reach. However, a health department may offer services that bring it within HIPAA's purview, such as running a Children's Health Insurance Program or a laboratory that bills electronically. When this is the case, HIPAA requires all information and departments be subject to HIPAA unless the public health authority chooses to hybridize. Health departments might re-assess their coverage and elect to become a hybrid entity, thereby restricting HIPAA to only where required and removing barriers to information sharing with communities.

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Responding to Public Health Emergencies at the Local Level: Administrative Preparedness Challenges, Strategies, and Resources

Geoffrey Seta Mwaungulu, Jr. and Katherine Schemm Dwyer

This manuscript summarizes the most common barriers to effective administrative preparedness and how to surmount them through the use of promising practices, strategies, and NACCHO developed resources focused on addressing unique jurisdictional requirements and needs.

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Civil Rights Law and the Determinants of Health: How Some States Have Utilized Civil Rights Laws to Increase Protections Against Discrimination

Dawn Pepin and Samantha Bent Weber

One fundamental barrier to eliminating health disparities, particularly with regard to the determinants of health, is the persistence of discrimination. Civil rights law is the primary legal mechanism used to address discrimination. Federal civil rights laws have been the subject of wider analyses as a determinant of health as well as a tool to address health disparities. The research on state civil rights laws, while more limited, is growing. This article will highlight a few examples of how some states are using civil rights laws to combat discrimination, particularly in more expansive ways and in the interest of new populations, presenting tools that can target determinants and address the goal of reducing health disparities.

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Building the Legal Capacity of the Public Health Workforce: Introducing the Public Health Law Academy

Montrece McNeill Ransom, Rebecca Johnson, Marice Ashe, Matthew Penn, F. Abigail Ferrell, and Kelsey Baffour

Knowledge of the law and its impact on health outcomes is increasingly important in public health practice. The CDC's Public Health Law Academy helps satisfy this need by providing online trainings, facilitator toolkits, and legal epidemiology tools to aid practitioners in learning about the law's role in promoting public health.

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Cross Sector Data Sharing: Necessity, Challenge, and Hope

Cason Schmit, Kathleen Kelly, and Jennifer Bernstein

Existing data sources have tremendous potential to inform public health activities. However, a patchwork of data protection laws impede data sharing efforts. Nevertheless, a data-sharing initiative in Peoria, IL was able to overcome challenges to set up a cross-sectoral data system to coordinate mental health, law enforcement, and healthcare services.

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Increasing Price and Reducing Access to Tobacco in New York City

Kevin R.J. Schroth

This paper describes novel tobacco control laws passed in New York City in 2017. These laws are designed to improve the city's strategy of using price to decrease tobacco consumption, and over time, change the city's landscape by making tobacco less accessible.

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The Ethical and Public Health Implications of Family Separation

Mia Stange and Brett Stark

When immigrant children are separated from their parents, inexorable medical and legal harms result. Family separation violates a fundamental right of parents to participate in medical decisions involving their children. This paper reviews and contributes to evolving analyses of the public health, legal, and ethical consequences of immigration policy.

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Emergency Declarations for Public Health Issues: Expanding Our Definition of Emergency

Gregory Sunshine, Nancy Barrera, Aubrey Joy Corcoran, and Matthew Penn

Emergency declarations are a vital legal authority that can activate funds, personnel, and material and change the legal landscape to aid in the response to a public health threat. Traditionally, declarations have been used against immediate and unforeseen threats such as hurricanes, tornadoes, wildfires, and pandemic influenza. Recently, however, states have used emergency declarations to address public health issues that have existed in communities for months and years and have risk factors such as poverty and substance misuse. Leaders in these states have chosen to use emergency powers that are normally reserved for sudden catastrophes to address these enduring public health issues. This article will explore emergency declarations as a legal mechanism for response; describe recent declarations to address hepatitis A and the opioid overdose epidemic; and seek to answer the question of whether it is appropriate to use emergency powers to address public health issues that are not traditionally the basis for an emergency declaration.

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Food Waste: Addressing our 160 Billion Pound Public Health Challenge with Policy and Business Interventions

Mathew Swinburne and Katie Sandson

The United States wastes approximately 40% of its food supply. This article will examine the implications of this waste for food insecurity and climate change. It will also explore how the law and social entrepreneurship can be used to confront this public health challenge.

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Striving for Health Equity through Medical, Public Health, and Legal Collaboration

Joel B. Teitelbaum, Joanna Theiss, and Colleen Healy Boufides

This article discusses (1) the ways in which law functions as a determinant of health, (2) historical collaborations between the health and legal professions, (3) the benefits of creating medical-public health-legal collaborations, and (4) how viewing law through a collaborative, population health lens can lead to health equity.

Symposium articles are solicited by the guest editor for the purposes of creating a comprehensive and definitive collection of articles on a topic relevant to the study of law, medicine and ethics. Each article is peer reviewed.

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Columns are written or edited by leaders in their fields and appear in each issue of *JLME*.

Next Issue:

Innovative Approaches to Clinical Biomarker Validation

A Symposium
Guest Edited
by Spencer
Phillips Hey

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Emerging Public Health Law and Policy Issues Concerning State Medical Cannabis Programs

William C. Tilburg, James G. Hodge, Jr., and Camille Gourdet

Thirty-four states, the District of Columbia, and Puerto Rico have legalized medical cannabis. While no two state medical cannabis programs are alike, public health concerns related to advertising, packaging and labeling, pesticide use, scientific research, and the role of medical cannabis in the opioid crisis are emerging across the country. This article examines these issues, the policy approaches states are adopting to protect patients and the public, and an assessment of the underlying federal legal landscape.

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A Public Health Approach to Gun Violence, Legally Speaking

Michael R. Ulrich

The call for a public health approach to gun violence has largely ignored what role the nascent Second Amendment jurisprudence will play in hindering change. Given the state interest for infringing on Second Amendment rights is nearly always public safety, public health law doctrine provides an apt framework for analysis.

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Equity in Action: Operationalizing Processes in State Governance

Susan Weisman, Karen Ben-Moshe, Vayong Moua, and Sarah Hernandez

This article takes a birds-eye view of equity in action, showcasing efforts to embed an equity lens in legislated and non-legislated policies and practices in three states. Authors from California, Colorado, and Minnesota provide state-specific examples of how equity has been advanced and operationalized in state-level governance. The article describes progress and lessons learned and offers guidance to others.