



“The most important social debates about public health take place

in legal forums – legislatures, courts, and administrative agencies –  
and in the law’s language of rights, duties, and justice.” (Gostin 23)

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**Course description**

The course is divided into 3 parts. Part I, Theories of Public Health Law will review definitions of public health, ethics, and the law. Part II, Sources of Public Health Law, reviews the law across the three branches of government: legislative (statutes), administrative (regulations), and judicial (cases). Part III, Constitutional Conflicts, will analyze the constitutional limits upon government power when exercising public health powers: these include the right to free expression, association, travel, and economic liberty.

Students are responsible for weekly readings; class attendance and participation; writing a Public Comment on proposed regulations; 1 visit to a community coalition meeting or public hearing, preparing a community coalition analysis project which consists of a paper plus a group class presentation; and two quizzes.

### **Course Learning Objectives**

By the end of this course, students will be able to:

- x Explain how law is an integral part of public health, not a separate field
- x Locate primary law materials (statutes, regulations, cases)
- x Understand the constitutional sources of powers and duties for public health law
- x Identify the constitutional rights that counterbalance specific public health powers (e.g. freedom of speech, of association, etc)
- x Analyze the ways in which community coalitions are involved with implementing public health law

### **Textbooks and Readings**

1. Lawrence Gostin, *Public Health Law: Power, Duty, Restraint*, 2d Edition (\$55) (“Gostin”). Please don’t be daunted by the size of the book; in true lawyerly fashion, about one-third of the pages are footnotes. Available at the bookstore and also free online at the library.
2. Also required is the accompanying “Reader,” entitled *Public Health Law & Ethics: A Reader* (“Reader”). This is available in the bookstore, and also available free online at the library.
3. Materials from the textbook will be supplemented with other readings available through Blackboard, as well as readings provided by our community partners.

## Student evaluation

Student mastery of course material will be determined as follows:

Student Evaluation Criteria	
<b>Activity</b>	<b>% Grade</b>
Class attendance & participation	10
Voting exercise	5
Legal treasure hunt	5
Public Comment on proposed regulations	25
Quiz #1	15
Community coalition project	25
<i>Pre-visit analysis paper (10)</i>	
<i>Post-visit analysis paper (10)</i>	
<i>Presentation (group) (5)</i>	
Quiz #2 (non-cumulative)	15

## Course Policies



## Class Schedule

Date	Topic	Readings/Assignments
<b>PAR I: CSEEL</b>	<b>FINAED</b>	<b>PBIC HEAH LAW</b>
<b>#1</b> W 1/13	Social Justice and the Right to Health	Reader, 39-49, 257-267 In class: Social Justice Vision: MLK Jr Speech
M 1/18	No Class: MLK Day	
<b>#2</b> W 1/20	Civic engagement exercise: Voting	National Conference of State Legislatures, Voter Registration

Gladys Pedraza-Burgos M.S  
*Chief Operations Officer*  
*Ibero-American Action League, Inc.*

<b>#6</b> <b>W3</b>	Current-event Case study: Motorcycle helmet legislation	In Class: <a href="http://video.pbs.org/video/2247868837/">http://video.pbs.org/video/2247868837/</a>
<b>PAR 2: SBES OF PBIC HEAH PER , DW &amp; REFIN</b>		
<b>#7</b> M 2/8	Constitutional Law: Public Health Powers and Duties	Gostin, Chapter 3 Reader, Chapter 3 <a href="#">Catalog of Federal Domestic Assistance (CFDA)</a>
<b>#8</b> W 2/10	Guest speaker: Diane Morse, M.D. Reentry Programs for Women Inmates (mental health) Associate Professor of Psychiatry and Medicine University of Rochester School of Medicine Department of Psychiatry Director, Women's Initiative Supporting Health Center for Community Health	
<b>#9</b> M 2/15	Constitutional Law: Limits on the Exercise of Public Health Powers	Gostin, Chapter 4 Reader, Chapter 4
<b>#10</b> M 2/17	Current-events case study: Abortion regulations; How to read a case	Stuart v. Camnitz, 774 F.3d 238 (4th Cir. 2014) cert. denied sub nom. Walker-McGill v. Stuart, 135 S. Ct. 2838 (2015)
<b>#11</b> M 2/22 <b>#12</b> W 2/24	Administrative Law: Direct Regulation for the Public's health and Safety	Gostin, Chapter 5 Reader, Chapter 5

