

# THE JOURNAL OF LAW, MEDICINE & ETHICS

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## SYMPOSIUM

# 2023 Public Health Law Conference: People. Policy. Progress.

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Symposium Articles

SYMPOSIUM

2023 Public Health Law Conference: People. Policy. Progress.

Guest Edited by Vineeta Gupta

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Letter from the Editor

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INTRODUCTION  
*Vineeta Gupta*

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Reclaiming Public Health Authority: Toward a Legal Framework that Centers the Public's Health, in the Courts and Beyond  
*Sabrina Adler, Wendy E. Parmet, Linda Torody, and Sara Bartel*

This paper summarizes key judiciary shifts limiting governmental public health powers to respond to COVID-19, influencing emergency response more broadly and with increasing implications for the day-to-day practice of protecting and promoting health and safety in our communities. Then, it gives a preview and call for partnership in developing a legal framework for authority that guides public health to better activities, processes, and accountability in service of the public's health.

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The Pregnant Workers Fairness Act Leaves Agricultural Workers Behind  
*Prashasti Bhatnagar*

The new federal Pregnant Workers Fairness Act advances important protections for pregnant workers, but leaves behind agricultural workers, who are overrepresented in hazardous occupational environments. This article highlights the connection between workplace pregnancy discrimination and health inequities. It concludes with a discussion of immigrant-led advocacy efforts to eliminate health inequities and advance health justice.

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Understanding Local Alcohol Control in Wisconsin: Building a Database of Local Municipal Alcohol Policies  
*Felice F. Borisy-Rudin, Robert MacKenzie, Maureen Busalacchi, and Constance Kostelac*

In Wisconsin, many alcohol policies are regulated at the local level. To examine the relationship between local policies, alcohol use and health outcomes, our team developed a database to collect local alcohol policies. Initial results

highlight differences in how policies are defined, enforced, and made available to the public.

22  
Breaking Free From the "War on Drugs": Examples From Three Leader States  
*Corey Davis and Amy Judd Lieberman*

While the federal government continues to pursue a punitive "War on Drugs," some states have adopted evidence-based, human-focused approaches to reducing drug-related harm. This article discusses recent legal changes in three states that can serve as models for others interested in reducing, rather than increasing, individual and community harm.

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Prevalence and Use of Driver Monitoring Systems: A National Survey in the United States  
*Johnathon P. Ehsani, Jeffrey Michael, Michelle Duren, Emmanuel Drabo, and Ahmed Sabit*

The purpose of this study was to measure the prevalence of use of driver monitoring systems among U.S. adults, and factors influencing their adoption. One in five U.S. adults has used driver monitoring, primarily to obtain a discount on insurance. Safety benefits and financial incentives are likely to influence adoption.

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Upholding Tribal Sovereignty in Federal, State, and Local Emergency Vaccine Distribution Plans  
*Heather Erb, Kristin Peterson, Brittany Sunshine, Gregory Sunshine, and the CDC COVID-19 Vaccine Task Force Federal Entities Team*

Cross jurisdictional collaboration efforts and emergency vaccine plans that are consistent with Tribal sovereignty are essential to public health emergency preparedness. The widespread adoption of clearly written federal, state, and local vaccine plans that address fundamental assumptions in vaccine distribution to Tribal nations is imperative for future pandemic response.

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**Opportunities in Public Health**

**Law: Supporting Current and Future Practitioners**

*Alexis Etow and Rebecca Johnson*

Law is a critical determinant of health that public health practitioners encounter in everyday practice. Yet most do not receive any formal public health law training. This article discusses concrete opportunities for strengthening the capacity of current and future practitioners to leverage law to advance health equity priorities.

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**Barriers and Opportunities for Tribal Access to Public Health Data to Advance Health Equity**

*Carrie Field, Sarah Price, and A.C. Locklear*

Public health authorities (PHAs), including Tribal nations, have the right and responsibility to protect and promote the health of their citizens. Although Tribal nations have the same need and legal authority to access public health data as any other PHA, significant legal challenges continue to impede Tribal data access.

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**Recent State Legislative Attempts to Restructure Public Health Authority: The Good, The Bad, and The Way Forward**

*Darlene Huang Briggs, Elizabeth Platt, and Leslie Zellers*

The COVID-19 pandemic spurred legal and policy attacks against foundational public health authorities. Act for Public Health — a partnership of public health law organizations — has tracked legislative activity since January 2021. This article describes that activity, highlighting 2023 bills primarily related to vaccine requirements and policy innovations undertaken in the wake of the pandemic. Finally, we preview a legal framework for more equitable and effective public health authority.

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**Challenging Pennsylvania's Firearm Preemption Law as a Public Health Danger: The Case of Philadelphia**

*Sami Jarrah, Benjamin Geffen, Giselle Babiarz, Benjamin Hartung, Amy Cook, and Megan Todd*

Firearm violence has soared in American cities, but most states statutorily preempt municipal firearm regulation. This article describes a unique collaboration in Philadelphia among elected officials, public health researchers, and attorneys that has led to litigation based on original quantitative analyses and grounded in innovative constitutional theories and statutory interpretation.

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**Climate Change and Health: Public Health and Legal Strategies to Reduce Reliance on Fossil Fuels, Increase Air Quality, and Improve Human Health**

*Jill Krueger, Jamie Long, and Jean C. Bikomeye*

Reliance upon fossil fuels and limited greenspace contribute to poor indoor and outdoor air quality and adverse health outcomes, particularly in communities of color. This article describes justice-informed public health and legal interventions to increase access to greenspace and accelerate the transitions to renewable energy and away from gas appliances.

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**Local Public Health Departments at the Intersection of Climate Change, Health Equity, and Public Health Laws and Policies**

*Massoud Agahi, Erika Bartlett, Betsy Lawton, Jennie McAdams, Rachel Roy, and Cameron Salehi*

Public health laws and policies are uniquely able to mitigate the adverse and inequitable health impacts of climate change. This article summarizes some key considerations in developing such laws and policies and a variety of approaches local public health departments are using to increase climate resilience and health equity.

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**Scalable, Coordinated Strategies Leveraging Community Health Workers in Addressing the Adverse and Inequitable Health Effects of Climate Change**

*Massoud Agahi, Erika Bartlett, Betsy Lawton, and Cameron Salehi*

Effective climate change resilience in local communities must center each community's unique challenges and essential role in developing climate resilience strategies. This article will discuss recent developments by the federal government that align with a community-centered approach, and how Community Health Workers can influence the outcomes.

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**Building Successful Partnerships  
Between State Health Departments  
and Attorney General Offices: The  
Minnesota Example**

*Dana Farley, Carman Leone, and  
Caroline Palmer*

In recent years, the Minnesota Attorney General's Office and the Minnesota Department of Health have cultivated a productive partnership to strengthen the state's multidisciplinary response to overlapping health equity and social justice issues. This article describes shared efforts in three areas: post-conviction justice, drug overdose, and human trafficking/exploitation.

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**Unlocking Public Health Data:  
Navigating New Legal Guardrails and  
Emerging AI Challenges**

*Fallon J. Cochlin, Charles D. Curran,  
and Cason D. Schmit*

Here, we analyze the public health implications of recent legal developments — including privacy legislation, inter-governmental data exchange, and artificial intelligence governance — with a view toward the future of public health informatics and the potential of diverse data to inform public health actions and drive population health outcomes.

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**The Association Between State-Level  
Prenatal Substance Use Policies and  
Rates of Maternal Mortality in the  
United States: A Legal Epidemiology  
Study**

*Kathryn A. Thomas, Cara A. Struble,  
Madeline R. Stenersen, and Kelly Moore*

Little research has explored relationships between prenatal substance use policies and rates of maternal mortality across all 50 states, despite evidence that prenatal substance use elevates risk of maternal death. This study, utilizing publicly available data, revealed that state-level mandated testing laws predicted maternal mortality after controlling for population characteristics.

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**The Phenomenon of Teen Delay in  
Driving Licensure: Considerations at  
the Intersection of Mobility and Social  
Welfare for Emerging Adults**

*Federico E. Vaca, Emmanuel Fulgence  
Drabo, and Kaigang Li*

In 2021, there were 11.7 million licensed young drivers in the U.S. This is 1.5 million fewer young drivers compared to 2007. The phenomenon of delay in driving licensure among teens has notable implications for opportunities positioning them for life success when transitioning into emerging adulthood and in later life.

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**State Driving Under the Influence of  
Drugs Laws**

*Alexandra N. Origenes, Sarah A. White,  
Emma E. McGinty, and Jon S. Vernick*

Drug-impaired driving is a growing problem in the U.S. States regulate drug-impaired driving in different ways. Some do not name specific drugs or amounts. Others do identify specific drugs and may regulate cannabis separately. We provide up-to-date information about these state laws.

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