

# **Public Health Law 101**

CLHO Mentorship Program

12-14

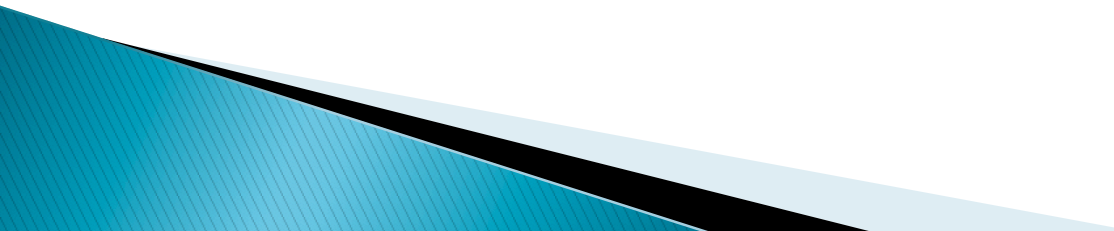
# Historical Perspective

- ▶ While the modern health officer must be an educator and a statesman, rather than merely a police officer, many of the duties are still necessarily concerned with law enforcement... Health Officers must be familiar not only with the extent of their powers and duties, but also with the limitations imposed upon them by law.

James A. Tobey, 1947



# Objectives

- ▶ Understand key definitions and concepts framing the relation between Oregon Law and public health practice.
  - ▶ Describe sources of law necessary for public health practice.
  - ▶ Recognize the constitutional balance between the rights of individuals and the needs of the community with respect to public health.
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# 10 Great Public Health achievements U.S. 1900-1999

- ▶ **Do you know how law contributed to these achievements?**
  - Vaccination
  - Motor-Vehicle Safety
  - Safer Workplaces
  - Control of Infectious Disease
  - Decline in deaths from coronary heart disease and stroke
  - Safer and healthier food
  - Healthier mothers and babies
  - Family Planning
  - Fluoridation of drinking water
  - Recognition of tobacco use as a health hazard

# Impact of Specific Laws on public health problems

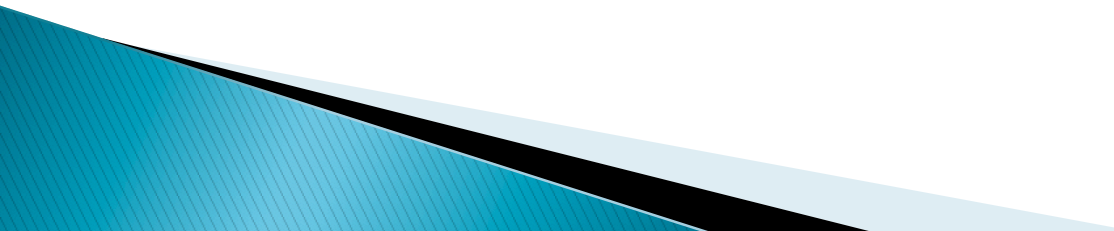
Law	Public Health Issue	How Law Works
School entry vaccination laws	Herd immunity or individual immunity	Requires parental behavior
Smoking bans or restrictions	Exposure to environmental tobacco smoke	Requires behavioral change to alter environment
Child safety seat use laws	Unintentional injuries of children	Requires direct behavior change

# Definitions: Public Health

- ▶ Public Health: “Fulfilling society’s interest in assuring conditions in which people can be healthy.”

# Key Concept

## Federalism in the U.S. constitutional System

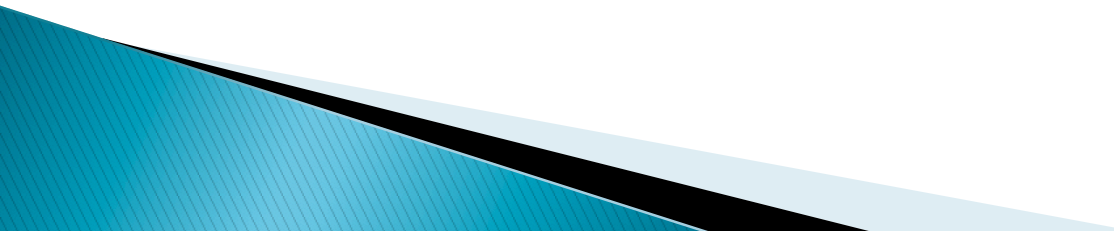
- ▶ Defined: “Relationship and distribution of power between the individual states and national government.”
  - ▶ Impact under U.S. Constitution: Each of 50 states possesses substantial independent legal authority, but also is subject to federal government’s legal authorities which overlap those of states.
  - ▶ Concept shapes system in which laws apply to public health practice.
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# Key Concept: Police Powers

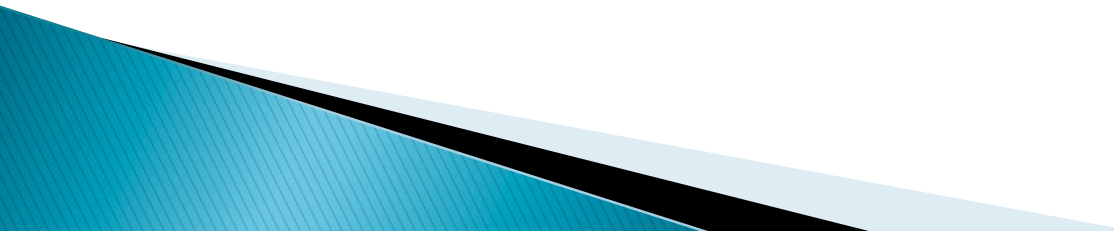
- ▶ Defined: Powers exercised by the states to enact legislation and promulgate regulations to protect the public health, welfare, and morals, and to promote the common good.
- ▶ Examples
  - Investigations of infectious disease outbreaks
  - Childhood vaccinations as condition for school entry
  - Ban on distribution of free cigarette samples in areas around schools
  - Involuntary detention of persons with certain communicable diseases.



# U.S. Constitution Design: Implications for Public Health

- ▶ Most public health activities carried out by state and local governments
  - ▶ Federal government functions in public health carried out through regulatory (FDA) and non-regulatory agencies (CDC)
  - ▶ Federal government shapes state/local public health through funding and defunding
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# Oregon Public Health Laws affecting your work

- ▶ ORS431: State and Local Administration and Enforcement of Health Laws
  - ▶ ORS432: Vital Statistics
  - ▶ ORS433: Disease and Condition Control: Mass Gatherings; Indoor Air
  - ▶ ORS435: Birth Control; Termination of Pregnancy
  - ▶ ORS436: Sterilization
  - ▶ ORS437: Tuberculosis
  - ▶ ORS448: Pool Facilities
  - ▶ ORS450: Sanitary Districts and Authorities; Water Authorities
  - ▶ ORS452: Vector Control
  - ▶ ORS468b: Water Quality
  - ▶ ORS624: Food Service Facilities
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# Constitution Balance:

## 21<sup>st</sup> Century Concept of Quarantine

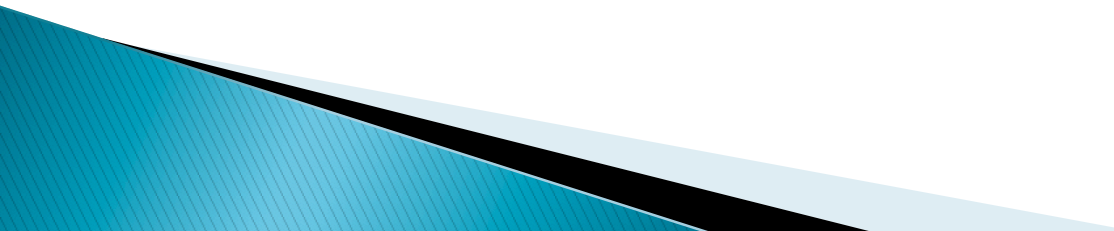
- ▶ A collective action for the common good predicated on aiding individuals infected or exposed to infectious agents while protecting others from the dangers of inadvertent exposure

Public Good

Individual Liberties



# Public Health Law in Practice

- ▶ Immunization Coordinator – Explanation of Immunization Law
  - ▶ Communicable Disease Coordinator - Communicable Disease Law
  - ▶ Tobacco Coordinator – Tobacco Law
  - ▶ Environmental Health Specialist – Environment Health Laws
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# Historical Perspective

Everyone condemns unnecessary legislation and equally abhors ill considered and badly framed laws, but the relations of human beings are becoming more complex every day... There is no doubt, too, that those who “on general principles” condemn “meddling legislation,” when it comes to specific problems affecting themselves, are in favor of rat proofing plague infected cities, of stamping out virulent smallpox by drastic measures, of compelling one city to cease discharging its sewage into its neighbor’s drinking water and of dealing summarily with him who peddles tuberculosis with his milk.

Charles V. Chaplin, 1925

