Public Health Law
LAW 5397-25939
Syllabus

University of Houston Law Center
Fall 2015
Monday and Wednesday 2:30p-4:00p
BLB-213

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Monday, Tuesday or Wednesday

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I. Course Description

This three-credit course is designed for LL.M. and upper level J.D. students who are interested in public health law. This course provides an in-depth examination of public health law principles and challenges. Students will explore constitutional issues related to public health and develop and understanding of the state’s public health powers and duties as they are balanced against an individual’s legally protected rights. The course will explore a range of public health law issues including infectious disease control measures, immunization law and policy, emergency preparedness and bioterrorism, government regulation of unhealthy products, the state’s role in promoting healthy behaviors, and public health surveillance and privacy issues.

II. Course Material

Required reading materials:

1. Provided readings for each class will consist of supplemental text, statutory and regulatory provisions, journal articles, court opinions and media reports describing the impact of public health laws and regulations.
2. Unless otherwise noted, readings will be available on our LexisNexis Web Course “Public Health Law.”

Recommended textbooks:

Online course materials:

Updated course materials and announcements will be posted on our LexisNexis Web Course “Public Health Law.” You should already have access to the online course. You will receive important course announcements at the email address associated with your Lexis ID. Be sure to check your email daily.

Steps to access online course materials:
2. Click “My Web Courses” on the left menu bar.
3. The course “Public Health Law” should be listed under “My Courses.”
4. If you have any problems, please contact Bill Saqr at billy.saqr@lexisnexis.com.

III. Course Requirements and Grading

Classes cannot be successful without student preparation and participation. Therefore, attendance is required for all classes except in extraordinary circumstances which must be promptly reported. Attendance will be kept.

Grading will be based on a take home final exam, a weekly written comment, in-class case study exercises and class participation.

Students are required to submit a brief comment reflecting their insights about the readings or a question raised by the readings by noon on the day of the class. Questions should be sent to anwinnik@central.uh.edu with “[class date] class comment” in the subject line.

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
<th>Final Grade Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly Written Comment</td>
<td>weekly</td>
<td>10%</td>
</tr>
<tr>
<td>In-Class Case Study Exercises</td>
<td>weekly</td>
<td>25%</td>
</tr>
<tr>
<td>Class Participation</td>
<td>weekly</td>
<td>5%</td>
</tr>
<tr>
<td>Mock Hearing Testimony</td>
<td>Nov. 16-18</td>
<td>10%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>take home</td>
<td>50%</td>
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</tbody>
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Class cancellation and make-up days:

In the event class must be cancelled due to school closure (e.g., weather), a make-up day will be held as scheduled by the Law Center. The University has designated Monday, December and Tuesday, December 8 as make-up days in the event of unplanned school closure. In the event class must be cancelled due to faculty necessity, the Law Center has assigned the following three Fridays as possible make-up days for this course: September 4, September 18, October 2, October 16, October 30, and November 13.
Guest lecturers:

Guest lecturers will present at certain classes. Please give our guests the courtesy of your preparation and participation. We are fortunate to have them offer their insight and knowledge.

Students needing special accommodations:

If you need special accommodation, please let either professor know so that we can make arrangements with the appropriate support services within the university.

IV. Course Outline

Readings, assignment due dates, guest speakers, and other activities may be modified.

Week 1, Class 1 (August 24)
Introduction to the field of Public Health Law, course requirements and assignments.
Readings: (48 pages)

Week 1, Class 2 (August 26)
Continued discussion on the field of Public Health Law.
Readings: (12 pages)
Due:
1. Weekly written comment emailed by 10:00 a.m., August 26.

Week 2, Class 3 (August 31)
Discussion on scope and scope of public health powers.
Readings: (25 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., August 31.

**Week 2, Class 4 (September 2)**

Continued discussion on public health powers and duties.

**Readings:** (27 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 2.

**Week 3, Class 5 (September 7)**

Discussion on the constitutional limits on the exercise of public health powers.

**Readings:** (64 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 7.

**Week 3, Class 6 (September 9)**

Case study on *Jacobson v. Massachusetts*.

**Week 4, Class 7 (September 14)**

Discussion on public health agencies, administrative law and local government law.

**Readings:** (26 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 14.
Week 4, Class 8 (September 16)
Case study on Typhoid Mary.

Week 5, Class 9 (September 21)
Discussion on direct regulation for the public’s health and safety.

Readings: (21 pages)

Due:
1. Weekly written comment emailed by 10:00 a.m., September 21.

Week 5, Class 10 (September 23)
Case study on food safety.

Week 6, Class 11 (September 28)
Discussion on indirect regulation on torts.

Readings: (28 pages)

Due:
1. Weekly written comment emailed by 10:00 a.m., September 28.

Week 6, Class 12 (September 30)
Case study on public health nuisance.

Week 7, Class 13 (October 5)
Discussion on infectious disease prevention and control.

Readings: (58 pages)

Due:
1. Weekly written comment emailed by 10:00 a.m., October 5.

Week 7, Class 14 (October 7)
Case study on immunizations.
**Week 8, Class 15** (October 12)
Discussion on injury prevention.

**Readings:** (53 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., October 12.

**Week 8, Class 16** (October 14)
Case study on firearms.

**Week 9, Class 17** (October 19)
Discussion on public health surveillance and privacy.

**Readings:** (55 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., October 19.

**Week 9, Class 18** (October 21)
Case study on surveillance and privacy.

**Week 10, Class 19** (October 26)
Discussion on public health emergency legal preparedness and response.

**Readings:** (21 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., October 26.

Week 10, Class 20 (October 28)
Case study on public health emergency legal preparedness and response.

Week 11, Class 21 (November 2)
Discussion on non-communicable and chronic conditions; health disparities and social determinants of health.

**Guest Speaker:** Daphne R. Robinson, J.D., Research Professor at University of Houston Law Center Health Law & Policy Institute.

**Readings:** (46 pages)

**Due:**
1. Weekly written comment emailed by 10:00 a.m., November 2.

Week 11, Class 22 (November 4)
Case study on non-communicable and chronic conditions; health disparities and social determinants of health.

**Guest Speaker:** Daphne R. Robinson, J.D., Research Professor at University of Houston Law Center Health Law & Policy Institute.

Week 12, Class 23 (November 16)
Mock hearing on firearm laws and regulations.

**Due:**
1. Firearm Group only: Presentation of 3-minute oral testimony.
2. Firearm Group only: Written testimony (400 words) emailed by 10:00 a.m., November 16.

Week 12, Class 24 (November 18)
Mock hearing on immunization laws and regulations.

**Due:**
1. Immunization Group only: Presentation of 3-minute oral testimony.
2. Immunization Group only: Written testimony (400 words) emailed by 10:00 a.m., November 18.

**Week 13, Class 25 (November 23)**

Exam Review