Public Health Law
LAW 5397-25923
Syllabus

University of Houston Law Center
Fall 2017
Monday and Wednesday 4:00p-5:30p
Room: TBD

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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 an 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:

Readings for each class may consist of materials from the Gostin & Wiley textbook PUBLIC HEALTH LAW: POWER, DUTY, RESTRAINT, supplemental texts, statutory and regulatory provisions, journal articles, court opinions, and media reports describing the impact of public health laws and regulations. Unless otherwise noted, additional readings may be accessed online though our LexisNexis Web Course “Public Health Law (Fall 2017)” or through the library. Most reading assignments are found in the following sources:


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 (Fall 2017)” 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. The Law Center has a minimum 80% attendance policy for students. Any student who misses 5 class meetings will be reported to the Associate Dean, may be dropped automatically from the class, or receive a failing grade.

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

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
<th>Final Grade Percentage</th>
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</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>
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<tr>
<td>Class Participation</td>
<td>weekly</td>
<td>5%</td>
</tr>
<tr>
<td>Mock Hearing Testimony</td>
<td>November 13-15</td>
<td>10%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>take home due December 11</td>
<td>50%</td>
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Students are required to submit a brief comment reflecting their insights about the readings or a question raised by the readings by 10 a.m. on the day of the class. Questions should be sent to anwinnik@central.uh.edu with “[class date] class comment” in the subject line.
The final exam will consist of a public health law problem which the student will address in essay form using less than 2,500 words. The final exam is open book; students may use any course materials and notes, but may not conduct additional outside research during the exam. Collaboration is strictly prohibited and will result in disciplinary action. Students have up to 48 hours to complete the exam. The 48-hour period begins when the student checks their exam from the UH Law Library circulation desk. Exams will be available to check out from the UH Law Library circulation desk beginning Friday, December 1 (the first day of the exam period). All exams must be returned to the UH Law Library circulation desk by Monday, December 11 at 9:00 p.m., even if the student checked out the exam less than 48 hours from this deadline.

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 Tuesday, December 5 as a make-up day 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 six Fridays as possible make-up days for this course: September 1, September 15, September 29, October 13, October 27, and November 10.

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 your 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 21)

Introduction to the field of public health law, course requirements and assignments.

Readings:

Week 1, Class 2 (August 23)

Continued discussion on the field of public health law, ethics, and risk regulation.

Readings:

Due:
1. Weekly written comment emailed by 10:00 a.m., August 23.

Week 2, Class 3 (August 28)
Discussion on public health powers and duties.

Readings:

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

Week 2, Class 4 (August 30)
Continued discussion on public health powers and duties.

Readings:

Due:
1. Weekly written comment emailed by 10:00 a.m., August 30.

Week 3, Class 5 (September 6)
Discussion on the constitutional limits on the exercise of public health powers.

Readings:

Due:
1. Weekly written comment emailed by 10:00 a.m., September 6.

Week 4, Class 6 (September 11)
Discussion on public health agencies, administrative law and local government law. Case study on Jacobson v. Massachusetts.

Readings:

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 11.

**Week 4, Class 7 (September 13)**
Continued discussion on public health agencies, administrative law and local government law.
Case study on Typhoid Mary.

**Week 5, Class 8 (September 18)**
Discussion on direct regulation for the public’s health and safety.

**Readings:**

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 18.

**Week 5, Class 9 (September 20)**
Case study on food safety.

**Week 6, Class 10 (September 25)**
Discussion on indirect regulation and torts.

**Readings:**

**Due:**
1. Weekly written comment emailed by 10:00 a.m., September 25.

**Week 6, Class 11 (September 27)**
Case study on public health nuisance.
Readings:


**Week 7, Class 12 (October 2)**

Discussion on infectious disease prevention and control.

Readings:


Due:

1. Weekly written comment emailed by 10:00 a.m., October 4.

**Week 7, Class 13 (October 4)**

Continued discussion on infectious disease prevention and control. Case study on immunizations.

**Week 8, Class 14 (October 9)**

Discussion on injury prevention.

Readings:


Due:

1. Weekly written comment emailed by 10:00 a.m., October 9.

**Week 8, Class 15 (October 11)**
Case study on firearms.

**Readings:**


**Week 9, Class 16 (October 16)**

Discussion on public health surveillance and privacy. Discussion on testimony assignment.

**Readings:**


**Due:**

1. Weekly written comment emailed by 10:00 a.m., October 16.

**Week 9, Class 17 (October 18)**

Case study on surveillance and privacy.

**Week 10, Class 18 (October 23)**

Discussion on public health emergency legal preparedness and response.

**Readings:**


**Due:**

1. Weekly written comment emailed by 10:00 a.m., October 18.

**Week 10, Class 19 (October 25)**

Case study on public health emergency legal preparedness and response.

**Readings:**

**Due:**
1. Weekly written comment emailed by 10:00 a.m., October 25.

**Week 11, Class 20** (October 30)

Discussion on non-communicable and chronic conditions

**Readings:**
3. Vikram Patel & Somnath Chatterji, Integrating Mental Health In Care For Noncommunicable Diseases: An Imperative For Person-Centered Care, 34(9) HEALTH AFFAIRS 1498 (Sept. 2015).

**Due:**
1. Weekly written comment emailed by 10:00 a.m., October 30.

**Week 11, Class 21** (November 1)

Discussion on the social safety net, health disparities, and social determinants of health.

**Readings:**

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

**Week 12, Class 22** (November 6)

Workshop on intersection of politics and policy with public health laws, regulations, and legislation.

**Week 12, Class 23** (November 8)
Week 13, Class 24 (November 13)
  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 13.

Week 13, Class 25 (November 15)
  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 15.

Week 14, Class 26 (November 20)
  Case study on global public health law and Extensively Drug-Resistant Tuberculosis (XDR-TB).

Week 15, Class 27 (November 27)
  Exam Review