The readings for our course are gathered from a variety of sources, including materials compiled by Professors Lawrence Gostin of Georgetown University School of Law and Leslie Gielow Jacobs of McGeorge School of Law at the University of the Pacific. Most cases and some articles are available through TWEN. Others will be provided as printed materials available in the Campus Bookstore. You are encouraged to email or otherwise provide additional materials to supplement our class discussions.

January 19

**INTRODUCTION TO GOVERNMENT POWER TO INTERVENE TO PROTECT THE HEALTH OF INDIVIDUALS AND THE COMMUNITY:**

Ropeik and Holmes, “Never Bitten, Twice Shy: The Real Dangers of Summer,” N.Y. Times, August 9, 2003 at A11;

Satcher, “Our Commitment to Eliminate Racial and Ethnic Health Disparities,” 1 Yale J. Health Policy, Law & Ethics 1 (2001);


“For Good Health, It Helps to be Rich and Important,” N.Y. Times June 1, 1999 p. F1;

*Jacobson v. Massachusetts*, 197 U.S. 11 (1905);

“The Last Smallpox Epidemic in Boston and the Vaccination Controversy, 1901-1903,” 344 N.E. J. Med. 375 (Feb. 1, 2001);


January 24

**FEDERALISM AND PUBLIC HEALTH POLICY: TOBACCO AS A CASE STUDY**

“Genetic Damage in Young Smokers is Linked to Lung Cancer,” N.Y. Times Apr. 7, 1999, p. A17;

*Cipollone v. Ligett Group, Inc.*, 505 U.S. 504 (1992);

“Acute Effects of Passive Smoking on the Coronary Circulation in Healthy Young Adults,” 286 JAMA 436 (2001);

N.Y. Public Health Law Article 13-E (go to [http://public.leginfo.state.ny.us](http://public.leginfo.state.ny.us), and search for S3292 (read especially Status, bill provisions (in green), Summary of
Specific Provisions, and Justification; read N.Y. Pub. Health L. 1399-n-1399-x; 

**January 26**

**HEALTH LAW RESEARCH APPROACHES (HELD IN LIBRARY COMPUTER LAB)**

*Guest Lecturer – Margaret Moreland*

**January 31**

**FREEDOM OF EXPRESSION AND PUBLIC HEALTH POLICY:**

*Commercial Speech, Vices, and State Parentalism*

*44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484 (1996);
Larry Gostin et al., “FDA Regulation of Tobacco Advertising and Youth Smoking: Historical, Social, and Constitutional Perspectives,” 277 JAMA 410 (1997);
February 2

**RISK ASSESSMENT AND RISK MANAGEMENT:**

**Lead Poisoning as a Case Study**
Percival, Miller, Schroeder & Leape, *ENVIRONMENTAL REGULATION: LAW, SCIENCE, AND POLICY* (4th ed. 2003) excerpt; New York City Coalition to End Lead Poisoning, Inc. v. Vallone, 100 N.Y.2d 337 (2003); Go to [http://www.council.nyc.ny.us/pdffiles/newswire/leadpaint.pdf](http://www.council.nyc.ny.us/pdffiles/newswire/leadpaint.pdf) (recognizing that this is the website of the defendants in the preceding case) and download press release; Go to [http://www.nmic.org/nyccelp/2002-lead-law.htm](http://www.nmic.org/nyccelp/2002-lead-law.htm) (recognizing that this is the website of the plaintiffs in the preceding case) and download:

a) History of lead paint issue in New York City, [http://www.nmic.org/nyccelp/laws/Briefing-paper-on-lead.htm](http://www.nmic.org/nyccelp/laws/Briefing-paper-on-lead.htm);
b) 1 page summary of Intro 101A;

February 7

**DRUG SAFETY:**

**Intersection of Food and Drug Administration Regulation and Products Liability Suits**

*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993);
ENSURING A SAFE BLOOD SUPPLY

MANDATORY TESTING OF PUBLIC SAFETY WORKERS:
Fourth and Fourteenth Amendment Issues
Skinner v. Railway Labor Executives’ Association, 489 U.S. 602 (1989);
Anonymous Fireman v. City of Willoughby, 779 F. Supp. 402 (N.D. Ohio 1991);
People v. Adams, 597 N.E.2d 574
PUBLIC HEALTH RESPONSES TO INFECTIOUS DISEASES:
Tuberculosis as a Paradigm Plus Quarantine and Isolation on a Local, National, and International Level, Focusing on Equal Protection Issues

U.S. Constitution, Amendment XIV (equal protection clause);
Shevory, “Disease, Criminality and State Power: Evolving Legal Rhetoric and Cultural Constructions,” excerpt;
“Bubonic Plague Hits San Francisco 1909-1909,” excerpt;
Wong Wai v. Williamson, 103 Fed. 1 (C.C.N.D. Cal. 1900);
Jew Ho v. Williamson, 103 F. 10 (C.C.N.D. Cal. 1900);
Korematsu v. United States, 323 U.S. 214 (1944);
Chung; “Asian Americans Fight SARS Rumors,” The Oregonian, May 8, 2003 at p. C03;
Swarns, “More than 13,000 Face Deportation,” N.Y. Times June 7, 2003

Monday, February 21 thru Sunday, February 27 Winter Recess
February 28

THE PUBLIC HEALTH RESPONSE TO TUBERCULOSIS AND OTHER INFECTIOUS DISEASES:
Contact Tracing, Directly Observed Therapy, and Isolation, Due Process and Privacy Issues

Gasner et al., “The Use of Legal Action in New York City to Ensure Treatment of Tuberculosis,” 340 N. E. J. Med. 359 (1999);
Newark v. J.S., 652 A. 2d 265 (N.J. Super. 1993);
U.S. Constitution, Amendment XIV (Due Process Clause);
Kurtenbach, “Hong Kong Toughens its SARS Quarantine,” Sacramento Bee Apr. 12, 2003;
Shevory, “Disease, Criminality and State Power: Evolving Legal Rhetoric and Cultural Constructions,” excerpt;
Kirk v. Wyman, 83 S.C. 372 (1909);
Ex parte Company, 106 Ohio St. 50 (1922);
Mathews v. Eldridge, 424 U.S. 319 (1976);
Addington v. Texas, 441 U.S. 418 (1979);

March 2

THE PUBLIC HEALTH RESPONSE TO HIV/ AIDS:
Contact Tracing and Partner Notification - Good Public Health Policy and/or Violation of the Right to Privacy?

N.Y. Public Health Law §§ 2130 and 2133
Brandt, “The Syphilis Epidemic and Its Relation to AIDS,” 239 Science 375 (1988);
Stephenson, “HIV risk from Oral Sex Higher than Many Realize,” 283 JAMA 1279 (2000);
Bayer et al, “HIV Prevention and the Two Faces of Partner
March 7

THE PUBLIC HEALTH RESPONSE TO HIV/AIDS: Mandatory Testing and Screening of Health Care Workers and Patients

School Bd. of Nassau County v. Arline, 480 U.S. 273 (1987);
Arline v. School Bd. 692 F. Supp. 1286 (M.D. Fla. 1988);
Bragdon v. Abbott, 524 U.S. 624 (1998);
Leckelt v. Bd. of Commissioners of Hosp. Dist. No. 1, 909 F.2d 820 (5th Cir. 1990);
Doe v. University of Maryland Medical System Corp., 50 F.3d 1261 (4th Cir. 1995);

March 9

PRESENTATIONS OF RESEARCH WORK

March 14

THE PUBLIC HEALTH RESPONSE TO BIOTERRORISM:

Flanders, “In the Shadow of AIDS, a World of Other Problems,” N.Y. Times June 24, 2001, p. A3;
The Model Public Health Emergency Powers Act (check name);
“The Case for Voluntary Smallpox Vaccination,” 346 N. E. J. Med. 1323 (2002);
Breman et al., “Diagnosis and Management of Smallpox,” 346 N. E. J. Med. 1300 (2002);
Bradsher and Altman, “A Dying Disease, the Race to Keep it that Way,” International Herald Tribune, June 23, 2003, p. 2
Gostin, Lawrence, “Public Health Law in an Age of Terrorism: Rethinking Individual Rights and Common Goods,” Health Affairs, Vol. 21, No. 6, page 79

March 16

Monday, March 21 thru Sunday, March 17 Spring Break

March 28
March 30

April 4

April 6

April 11

April 13

April 18

April 20

April 25

April 27

May 2

May 4

May 9       Last Day of Class