

Public Health Law  
Fall 2008  
Professor Kahn  
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**Goals and Objectives:** This course will acquaint students with a broad range of issues in the area of Public Health Law. This course will focus particularly on regulatory issues relating to public health, with a concern to explore how the law structures relations among individuals, corporate actors and the state in the promotion and delivery of health care services. It also explores policy issues relating to state promotion of health science research and product development. The course aims to develop an appreciation of the diverse and complex ways the American polity must make choices concerning exercise of state power over the individual in areas that involve the intersection of health, science, commerce and the body.

**Readings:**

The casebook for the course is: Gostin et al., *Law, Science and Medicine* 3d ed. (Foundation Press). All page references in the syllabus assignments are to this book, unless otherwise noted.

**Resources:**

There are several serviceable hornbooks available in the library. Perhaps the most comprehensive is Furrow et al. *Health Law, 2d ed.*, from West. *Public Health Law: Power, Duty, Restraint*, by L. Gostin et al. is also a useful resource. There is new edition coming out this fall but it may not be available before the course begins.

There are numerous web sites beyond Westlaw and Lexis that have useful resources. The CDC maintains a Public Health Law web site at <http://www2.cdc.gov/phlp/>. LSU also maintains an interesting Medical and Public Health Law Web Page at <http://biotech.law.lsu.edu/index.htm>. The Public Health Law Association also maintains a useful web site at <http://www.phla.info/index.htm>

**Class Participation:** The course is organized around fostering student discussion of the cases we read each class, therefore your regular attendance is essential. Every student will be responsible for presenting at least one case in class. These cases will be assigned in advance.

**Classroom Etiquette:** The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and indeed professionally required that you demand professional behavior of your classmates in and out of class.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to usual courtesies, refrain from text-messaging and email; using cell phones, pagers, or any other communication device; refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

- Behavior which interferes with the learning ability of your classmates will be sanctioned accordingly.

**Attendance Policy:** Attendance is important and required by the ABA and Hamline University School of Law. If a student is absent (for any reason) more than 5 times this semester, it is **his or her responsibility** to contact the professor to determine whether the work can be made up or whether some other arrangement such as a grade change or withdrawal from the course is more appropriate. Failure to consult with the professor promptly about make-up work or other alternatives after a sixth (6) absence may constitute grounds for withdrawal from the course.

**Grading:** Your course grade will be derived primarily from your final exam. Class participation may count as a “plus” factor in cases where grades are on a particular borderline. Failure to participate in class will *not* count against you so long as you each make a good faith effort in your assigned class case presentations.

**Final Exam:** The Final Exam will be *limited open book*. This means you may bring in the casebook and any other assigned materials. You may also bring in any notes or outlines that *you yourself* have written. This does not include other materials that you have simply copied. You may bring in notes that have been prepared cooperatively with other students. You may not bring in commercial outlines or any other such materials not assigned in class.

## **THIS SYLLABUS SUBJECT TO REVISION**

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### **Section I: Public Health Law: Foundations**

Assignment 1: Defining Concepts  
pp. 440-464

Assignment 2: The Scope of Public Health  
pp. 464- 481

Assignment 3: State Power and Surveillance  
pp. 482-498

Assignment 4: Health Promotion  
pp. 499-524

Assignment 5: Control of Infectious Disease – Isolation and Quarantine  
pp. 525-543

Assignment 6: Control of Infectious Disease: Compulsory Vaccination  
pp. 544-569

Assignment 7: Bioterrorism  
pp. 560-577

Assignment 8: Public Health Regulation and Tort Litigation  
pp. 584-600

Assignment 9: Case Study: Obesity  
pp. 600-618

## **Section II: Private Control of Science and Medicine**

Assignment 10: 216-234

Assignment 11: 234-259

Assignment 12: 259-282

Assignment 13: 282-303

## **Section III: Public Control of Science and Medicine**

Assignment 14: 304-312; 333-343

Assignment 15: 343-375

Assignment 16: 383-400

Assignment 17: 400-420

Assignment 18: 420-439

## **Section IV: THE HUMAN BODY**

Assignment 19: 820-840

Assignment 20: 840-855; 862-870

Assignment 21: 871-897

Assignment 22: 898-918

Assignment 23: 918-948

Assignment 24: 948-961

Assignment25: 961-975