

- Course Title:** *Public Health Ethics & Law*
- Course Number:** *HSAP 0620 (MPH students) and HSAP 0700 (doctoral students)*
- Course Pre- and Co-requisite(s):** *None*
- Course Location:** *West Lecture Hall, Robert Wood Johnson Medical School building, New Brunswick, NJ*
- Course Date & Time:** *Monday 6:00 to 8:00 pm*
- Course Instructor:** *Kevin R.J. Schroth, JD, Associate Professor*
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(848) 932-8052
- Office Hours:** *By Appointment Only*
- Course Assistant:** *Manisha Gurumurthy*
mq1381@sph.rutgers.edu
- Course Website:** canvas.rutgers.edu
- Required Course Text:** *Lawrence O. Gostin, Lindsay F. Wiley, Public Health Law, Power Duty, Restraint, Third Edition 2016*

Additional/Supplemental Readings/Resources: *See assignments and Canvas.*

Course Description: This course explores how the law can be a tool to advance public health and an obstacle that has the potential to undermine it. This course examines numerous ethical and policy-oriented issues, including current events, in the context of a public health legal framework. To understand the legal foundations of public health, students will study the sources and nature of government power and its limitations. Accordingly, this class examines the U.S. Constitution, federal, state and local laws, administrative law, and key judicial decisions. A series of topical case studies will demonstrate the essential tools that governments can use to shape and improve public health, as well as relevant challenges and legal obstacles.

Selected Concentration Competencies Addressed: The competencies addressed in this course for the MPH and DrPH in include:

MPH in Healthy Systems and Policy Competencies & DrPH in Leadership, Practice and Research Competencies:

1. Assess and delineate public health policies and practices recognizing legal and ethical implications for individuals and populations
 - o Assessed by midterm, group presentation, and final paper
2. Assess community health needs, disparities, and the health care delivery system within the context of social, cultural, political, legal, and economic forces
 - o Assessed by personal journal, group presentation, and final paper
3. Describe and evaluate the political, social, and institutional contexts in which health policies are developed
 - o Assessed by personal journal, group presentation, and final paper

4. Propose strategies to promote inclusion and equity within public health programs, policies and systems
 - Assessed by midterm paper, personal journal, group presentation, and final paper
5. Integrate scientific information, legal and regulatory approaches, ethical frameworks and varied stakeholder interests in policy development and analysis
 - Assessed by midterm paper, personal journal, group presentation, and final paper

Please visit the Concentration webpages on the School of Public Health's website at sph.rutgers.edu for additional competencies addressed by this course for other degrees and concentrations.

Course Objectives: By the completion of this course, students will be able to:

- Understand and describe the framework of the U.S. government and legal system, and the intersection of law, ethics and the core principles of public health.
- Demonstrate the relevance of ethical principles and the application of those principles in public health practice and administration.
- Identify and describe the regulatory environment that governs and influences public health, including the role and limitations of law in public health practice.
- Identify legal, economic, social, and ethical considerations associated with various public health issues.
- Recognize and evaluate existing and emerging ethical concerns in public health practice and administration.
- Interpret and present pertinent legal and ethical considerations in public health issues through written and oral communications.
- Engage in legal analysis of public health issues and proficiently navigate laws, regulations and other legal authorities.
- Develop an appreciation of conflicts between governmental intervention regarding community health and individual civil rights.

Course Requirements and Grading:

- This course relies on discussions during class as a basis for learning and requires students to do the required reading and prepare in advance of each class. Attendance is essential and will be taken.
- Written assignments must be submitted to the instructor both (1) as uploaded electronic copy before the beginning of class on the assigned due date and (2) by email before the beginning of class on the assigned due date. Written assignments will not be accepted after the assigned due date and time, or may be accepted with a mark-down determined at the sole discretion of the instructor.
- Oral presentations must occur as scheduled.
- Requests for extensions to deadlines must be made to the instructor in advance by email with sufficient advance notice to assess the requests under the circumstances. Last minute requests are likely to be denied. The instructor has the sole discretion to grant or deny any request.
- DrPH students will be required to perform additional assignments specified during the semester.
- Additional details about the course's projects/assignments may be provided during the semester.

- A list of activities, assignments, projects, exams, etc. that contribute to course grade, and the respective point/percentage value of each, along with descriptions, are provided below:

MPH Students:

1. Quizzes & personal journal	5 pts.
2. Midterm exam	30 pts.
3. Group presentation	25 pts.
4. Final paper	30 pts.
5. Class Participation	<u>10 pts.</u>
Total:	100 pts.

DrPH Students:

1. Quizzes & personal journal	5 pts.
2. Midterm exam	20 pts.
3. Midterm paper	20 pts.
4. Group presentation	20 pts.
5. Final paper	25 pts.
6. Class Participation	<u>10 pts.</u>
Total:	100 pts.

- Quizzes and Personal Journal entries. On most weeks, as specified by the syllabus's weekly assignments, each student will either take an online quiz through Canvas or write a personal journal entry. Collectively, the quizzes and personal journal entries will count towards 5% of the final grade.
 - Quizzes. Quizzes will be based on the reading and will be mainly factual.
 - Personal Journal. Periodic journal entries will typically ask the student to reflect on the assigned reading, how it affects public health, and relevant policy strategies. More details will be provided in class and on Canvas.
- Midterm exam. The midterm exam will be administered in class, and it will cover the reading and material covered in class through that date.
- Midterm paper. DrPH students must write a midterm paper. Details regarding the midterm paper are below and may be updated during the semester.
- Group presentations. Details regarding group presentations are below and may be updated during the semester.
- Final paper. Details regarding the final paper are below and may be updated during the semester. DrPH students may have distinct requirements regarding this paper.
- Class participation. Class participation involves speaking during class sessions on a regular basis regarding the required reading material set forth in the syllabus and on Canvas. Class participation does not include the group presentations listed above.
- School-wide uniform grading scale:

94 – 100	A
90 – <94	A-
87 – <90	B+
84 – <87	B
80 – <84	B-
77 – <80	C+

70 – <77 C
<70 F

GROUP PRESENTATION: Controversies in Health Justice (25% of course grade)

Students must work in groups of 2-3 people for this assignment only.

Choose a health policy issue that has potential to make a significant positive impact on public health. Students are encouraged, but not required, to select a topic that has a notable impact on social justice and/or health equity. Create an advocacy presentation arguing how the legal foundations, constitutional design, and/or methods of government intervention (at the appropriate level of government for the topic selected) that studied throughout the semester can be, and should be, used to address this issue. Describe the policy and legal mechanisms available to government to improve public health, including how it may address health inequities in the US. Outside research is required to explain your topic and support your position. Thus, if legislation or regulations exist that impede progress in this area, you must mention them (e.g., that it (e.g., a law preempting your proposal should be repealed, etc.). If a law should be created to further your issue, which government entity should be responsible for this? Be ambitious but also politically realistic. You may need to discuss current political limitations to your approach. For example, if you are thinking about the federal level, consider how the current political environment and balance of power may ultimately affect the path to achieve your goals. Class members will ask questions of the presenters. Form groups of 2-3 people. If you do not have a group, I will add you to a group. After I know the number of groups, I will determine time limits for the presentations.

Required documents due on the day of your presentation:

- Power point presentation (hard copy and email before class)
- Team coversheet. Must list each team member's name and 1-2 sentences specifying each person's primary role(s) in the group project.
- Individual statement. Each person must describe in less than 300 words their contribution to the project, including research they conducted and how it relates to the proposal.
- Annotated bibliography of outside sources (1-2 sentences explaining the value of each source)

WRITTEN ASSIGNMENTS

DrPH Midterm Paper

In 2011, the FDA's proposed to require pictorial warnings on packs of cigarettes. The FDA's original proposed warnings were struck down by a federal court in 2012. In 2019, the FDA released a new set of pictorial warnings for packs of cigarettes. Write a paper that explains (a) how the FDA's new proposed rule regarding the warnings has changed from the initial effort and (b) if the new warnings are more likely to survive a legal challenge than the original proposal from 2011-2012.

Public Health Law Position Paper (30% of course grade)

Choose a public health law topic that you wish to delve into further based on the assigned reading or class discussion. *This topic may be, but is not required to be, the same as your group presentation topic.* The assignment requires you to make an argument to support your viewpoint

on the topic chosen so pick a topic that involves some controversy. In explaining your topic, describe how it is controversial, choose a side, defend it, and rebut the opposition. The paper must be realistic based on US government structure, public health evidence, and the law. To this end, identify which government body and level of government would be responsible for enacting, interpreting, or enforcing law relevant to your topic. For example, you should specify if NJ should pass a law, Congress should pass a law, or a specific administrative agency should pass a rule. Explain the governmental authority or duty and any barriers to the government's ability to address your topic/position. Do not overstate your position or minimize the opposition. Instead, you should anticipate opposition arguments and explain how they can be overcome. This paper requires you to research the public health issue beyond the assigned reading and research the relevant policy, government entity, and legal issues. Use resources identified on the syllabus in addition to government websites and other reputable sources. Define all terms and reference all factual assertions. Turn in the paper by emailing a Word version to me on or before the due date, and by turning in a hard copy on the due date.

All papers must use Times New Roman 12 point font, double-spaced, include one inch margins, page numbers and be STAPLED prior to class. The text must be 4-5 pages, excluding endnotes, figures, tables or graphs. The length of papers for DrPH students is 8-12 pages, excluding endnotes, figures, tables or graphs. If you use figures, tables, or graphs, refer to them in the paper and explain how they support your paper. Please put your name and email address on the top left corner on the first page. Use endnotes for your references using Word or endnote software. Please print double-sided, if possible.

Follow the page limits and other directions. Grades will be reduced for not following directions. If you have any concerns about plagiarism, in addition to reading Rutgers' plagiarism policy and academic integrity policy, please complete the [Indiana University Plagiarism Tutorial](#) (which provides certificate of completion).

Course Schedule: *Below is a week by week listing of each class session:*

Class	Topic Activities	Online Activity	Readings	Links to Assignments and Competencies
Class 1 Jan. 27	Public health law theories, Constitutional design, and preemption		Gostin & Wiley, Chapters 1 and 3 (pp. 75-105), and Table 2.1, pp. 41-43 U.S. Constitution http://constitutionus.com/ Pomeranz, State Preemption: A Significant and Quiet Threat to Public Health the in the United States Blake A. What's an executive order? Washington Post. Jan. 27, 2017	1, 2 and 3
Class 2 Feb. 3	Constitutional limitations, state and local power, individual rights and freedoms	Quiz	Gostin & Wiley, Chapter 4 Jacobson v. Massachusetts (1905) Lochner v. New York (1905) <i>DrPH reading (optional for MPH students):</i> Gostin & Wiley, Chapter 10, pp. 345-63, 381-88	1, 2 and 3
Class 3 Feb. 10	First Amendment and required health warnings	Quiz	Gostin & Wiley, review Chapter 4 pp. 143-151 RJ Reynolds v. FDA, (DC Cir. 2012) ABA v. San Francisco (sugar sweetened beverage warnings) <i>DrPH reading (optional for MPH students):</i> FDA's Required Warnings for Cigarette Packages and Advertisements	1, 2, 3, 4 and 5
Class 4 Feb. 17	The delegation doctrine, administrative law, and health department structure	Quiz	Gostin & Wiley, Chapter 5 Axelrod v. Boreali Hispanic Chamber of Commerce v. NYC <i>DrPH reading (optional for MPH students):</i> Large Sized Soda Ban as an Alternative to Soda Tax	1, 2, 3, 4 and 5
Class 5 Feb. 24	Direct regulation—taxing, spending and Affordable Care Act	Quiz	National Federation of Independent Business v. Sebelius, 132 S. Ct. 2566 (2012) Gostin & Wiley, Chapter 6 pp. 193-94, 221-224, skim 194-221 Gostin & Wiley, Chapter 8, skim pp. 271-297	1, 2, 3, 4 and 5
Class 6 Mar. 2	Taxation and unintended consequences	Personal journal post	Chaloupka FJ, Yurekli A, Fong GT Tobacco taxes as a tobacco control strategy <i>Tobacco Control</i> 2012;21:172-180.	1, 2, 3, 4 and 5

			Strong Link Between Cigarette Tax and Illegal Smuggling Rates Madsen, Why soda taxes work (Berkeley) Zhong, The short term impact of sugary beverage tax in Philadelphia	
Class 7 Mar. 9	Mid-term exam			1, 2, 3, 4 and 5
SPRING BREAK				
Class 8 Mar. 23	Tobacco, e-cigarettes	Quiz	Gostin & Wiley, Chapter 12, pp. 435-467, 471-77 FDA v Brown & Williamson (summary) Sottera v. FDA (excerpts) Proctor, Why ban the sale of cigarettes Zeller, Reflections on the endgame for tobacco control <i>DrPH reading (optional for MPH students):</i> Summary of Tobacco Control Act E-Cigarettes and the Harm Reduction Continuum	1, 2, 3, 4 and 5 Review midterm exam; consider topics for presentations and final papers
Class 9 Mar. 30	Right to choose & right to death	Personal journal post	Roe v. Wade (summary) Stenberg v. Carhart Gonzalez v. Carhart (summary) Ginsberg dissent (Carhart summary) Cruzan Gonzalez v. Oregon	1, 2, 3, 4 and 5 Midterm papers for DrPH students due
Class 10 Apr. 6	Recreational and medical marijuana	Personal journal post	Sacco, The marijuana policy gap Kilmer, Recreational Cannabis – minimizing the health risks of legalization Carroll, Time for a New Discussion of Marijuana’s Risks Carroll, Alcohol or Marijuana NACCHO <i>DrPH reading (optional for MPH students):</i> Bills/laws legalizing marijuana for recreational use in selected states (TBD)	1, 2, 3, 4 and 5 Finalize topics for presentations and final papers
Class 11 Apr. 13	Gun violence	Personal journal post	Gostin & Wiley, pp. 514-528 US v. Miller Heller Decision and What it Means Understanding McDonald v. Chicago The Brady Policy Approach	1, 2, 3, 4 and 5

Class 12 Apr. 20	Environmental public health law and Flint water crisis	Personal journal post	Selected readings on Flint water crisis ASTHO Policy Statement Investing in Effective Environmental Health System <i>DrPH reading (optional for MPH students):</i> Flint water crisis litigation (TBD)	1, 2, 3, 4 and 5 Submit 1-page outline/abstract for presentation and final paper
Class 13 Apr. 27	Public health law and social justice	Personal journal post	Gostin & Wiley, chapter 14, 531-550, Health justice and the future of public health law Regulations.gov Public Comments Make a Difference <i>DrPH reading (optional for MPH students):</i> Burris, Law in a Social Determinants Strategy: a public health law research perspective. 2011	1, 2, 3, 4 and 5
Class 14 May 4	Presentations			1, 2, 3, 4 and 5
Class 15 May 11	Presentations Final papers due			1, 2, 3, 4 and 5

Learning Management System: Canvas will be used extensively throughout the semester for course syllabus, assignments, announcements, communication and/or other course-related activities. It is the student's responsibility to familiarize themselves with Canvas and check it regularly. If you have difficulties accessing Canvas, please inform the instructor and Canvas Support (help@canvas.rutgers.edu). Canvas is accessible at canvas.rutgers.edu.

School of Public Health Honor Code: The School of Public Health Honor Code is found in the School Catalog (sph.rutgers.edu/academics/catalog.html). Each student bears a fundamental responsibility for maintaining academic integrity and intellectual honesty in his or her graduate work. For example, all students are expected to observe the generally accepted principles of scholarly work, to submit their own rather than another's work, to refrain from falsifying data, and to refrain from receiving and/or giving aid on examinations or other assigned work requiring independent effort. In submitting written material, the writer takes full responsibility for the work as a whole and implies that, except as properly noted by use of quotation marks, footnotes, etc., both the ideas and the works used are his or her own. In addition to maintaining personal academic integrity, each student is expected to contribute to the academic integrity of the School community by not facilitating inappropriate use of her/his own work by others and by reporting acts of academic dishonesty by others to an appropriate school authority. It should be clearly understood that plagiarism, cheating, or other forms of academic dishonesty will not be tolerated and can lead to sanctions up to and including separation from the Rutgers School of Public Health.

Students with Disabilities: Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student must apply for Services by first completing a Registration Form with the Rutgers Office of Disability Services (ODS) at ods.rutgers.edu. The student will also be required to participate in an ODS intake interview and provide documentation. If reasonable accommodations are granted, ODS will provide you with a Letter of Accommodations which should be shared with your instructors as early in your courses as possible.

Commitment to Safe Learning Environment: The Rutgers School of Public Health is committed to helping create a safe learning environment for all students and for the School as a whole. Free expression in an academic community is essential to the mission of providing the highest caliber of education possible. The School encourages civil discourse, reasoned thought, sustained discussion, and constructive engagement. Provocative ideas respectfully presented are an expected result. An enlightened academic community, however, connects freedom with responsibility. The School encourages all students to disclose any situations where you may feel unsafe, discriminated against, or harassed. Harassment or discrimination of any kind will be not tolerated and violations may lead to disciplinary actions.

Reporting Discrimination or Harassment: If you experience any form of gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking, know that help and support are available. You may report such incidents to the [RBHS Title IX Office](#) or to the School of Public Health's [Office of Student Affairs](#). Rutgers University has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, and more. If you experience any other form of discrimination or harassment, including racial, ethnic, religious, political, or academic, please report any such incidents to the School's [Office of Student Affairs](#). The School strongly encourages all students to report any incidents of discrimination or harassment to the School. Please be aware that all Rutgers employees (other than those designated as confidential resources such as advocates, counselors, clergy and healthcare providers as listed in Appendix A to [Policy 10.3.12](#)) are required to report information about such discrimination and harassment to the School and potentially the University. For example, if you tell a faculty or staff member about a situation of sexual harassment or sexual violence, or other related misconduct, the faculty or staff member must share that information with the [RBHS Title IX Coordinator](#). If you wish to speak to a confidential employee who does not have this reporting responsibility, you can find a list of resources in Appendix A to University [Policy 10.3.12](#). For more

information about your options at Rutgers, please visit [Rutgers Violence Prevention and Victim Assistance](#).

Graduate Student Computer Policy: Students are required to possess a personal laptop, no older than approximately two years, that must meet minimum requirements which may be found online at: sph.rutgers.edu/student-life/computer-support.html

Policy Concerning Use of Recording Devices and Other Electronic Communications Systems:

When personally owned communication/recording devices are used by students to record lectures and/or classroom lessons, such use must be authorized by the faculty member or instructor who must give either oral or written permission prior to the start of the semester and identify restrictions, if any, on the use of mobile communications or recording devices.

Policy Concerning Use of Turnitin: Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com (directly or via learning management system, i.e. Canvas) for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Usage Policy posted on the Turnitin.com site. Students who do not agree should contact the course instructor immediately.

Withdrawal/Refund Schedule: Students who stop attending their course(s) without submitting a completed [Add/Drop Course](#) form will receive a failing grade. Furthermore, students dropping to zero credits for the semester are considered withdrawn and must submit a completed [Leave of Absence](#) form from the School of Public Health's Office of Student Affairs. The School of Public Health refunds tuition only. Administrative and technology fees are non-refundable. You may find the Withdrawal/Refund Schedule on the School of Public Health website at: sph.rutgers.edu/academics/academic-calendar.html