BRYANT UNIVERSITY Health Law (LGLS383-A) Fall 2015

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Meeting Times

Hours: 2:00 pm - 3:15 pm Days: Tuesday/Thursday

Room: Bello 103

Office hours

Tuesday and Thursday | 3:30 pm - 5:30 pm By appointment

Course Description

This course investigates how law regulates health and affects the health care industry, health care practitioners, patients, scientists, and other stakeholders.

Each semester the topics included in the syllabus vary depending on what is currently debated. This semester the list of topics includes infectious disease, privacy, quarantine, FDA regulation, clinical trials, direct-to-consumer advertisement, medical tourism, reproductive health, rationing, abortion, end of life, and others. One of the major objectives of the class is to understand the role of national and international governmental bodies in regulating individuals' health, their power and limitations to their power as well as the role of law in setting standards but also in formalizing value judgment about our health, bodies and life.

The class combines lectures with class discussion and other active learning strategies.

Course Objectives

This course develops students familiarity of the following legal reasoning and analysis goals:

- To define and describe key legal concepts, specific facts and critical issues in law and correctly apply this information to particular examples; and
- To use conceptual legal models and theories to analyze legal events and case decisions; and
- To apply law and legal theories to make convincing arguments supported by evidence and reasoning.

In particular, through their readings, discussions and class work, students will demonstrate an understanding of and ability to:

- a) utilize appropriate legal terminology in the analysis of both real and hypothetical problems involving health issues; (Goal 1)
- b) retrieve statutory and case law from valid legal resources; (Goal 1)
- d) apply customary legal reasoning methods by identifying legal issues and the relevant rules of law contained in case decisions an/or hypothetical legal problems; (Goal 2)
- e) appropriately use legal analogies in their written analyses of legal issues; (Goal 2)
- f) compare previous legal precedents and case rationales in analyzing current legal problems; (Goals 2,
- g) identify the relevant and material evidence in a legal hypothetical or fact pattern; (Goal 1)
- h) distinguish between statutory and case law; domestic and international law; and federal and state legal

systems; (Goal 1)

i) identify and explain the legal issues, case precedents and holding of a case decision from both a state and federal court system. (Goal 2)

Course Structure and Materials

Students work, independently and in groups, to generate carefully research and creative analyses of the relationship between health and the law.

A good part of work done in class is structured as group work. Students are members of "reading groups" and each student is asked to contribute to the group in different capacities. Any assignment associated with the reading group is graded individually.

The instructor will communicate timely the schedule as well as roles and assignments for each reading group session.

Because of the nature of the subject matter and the pedagogical choice to focus on issues that a currently debated in the health policy arena, **no textbook is adopted** and no complete reading list is made available at the beginning of the semester.

Assigned readings/videos/handouts are posted progressively during the semester on backboard under Semester Schedule.

Suggested Topics:

- Organ procurement and allocation
- Epidemic Preparedness, Government Power and Civil Rights
- Drug Development
- Abortion
- Assisted Reproduction
- End of life
- Duty to others?
- Medical Marijuana
- Tobacco regulation
- Obesity and Public Health Law
- Mental health issues
- Obamacare

Time Expectation

This is a three-hour course. The expectation is 9 hours of preparation outside class each week. The course is structured to require 9 hours of readings and homework per week.

NOTE ON EXTRA CREDIT: I ordinarily do not assign extra credit work. If you have concerns about your grade, you should talk to me early in the semester. Only under exceptional circumstances, I allow students to retake an exam or make up for missed work.

Grading Policies

The final grade is calculated as follows:

- Closed book/note weekly quiz: 40%
- Open book/ open note final exam: 25%
- Reading group assignments: 25%
- Peer assessment of contribution to reading group: 10%

Bi-weekly quizzes take place on Tuesdays (the first is on September 15, 2015).

The take-home final exam will be due on **Monday, December 14, 2015 at 12 pm** (keep in mind that this is the first day of exams).

Attendance Policies

Class preparedness and participation are essential to success in this course, especially because the course relies heavily on active learning, that is, on active participation of students in class. According to the Bryant University Student Handbook (https://intranet_bryant_edu/resources/files/student_handbook.pdf), "the academic experience takes priority over all other activities. Accordingly, full attendance and participation in classes are expected of all students and is the responsibility of all students."

Attendance is incorporated in the grade of the weekly quizzes or the reading group assignments.

- If a student is not in class, he/she receives a 0 on a weekly quiz or the regain group assignment.
- If a student turns in some work but he/she is not in class, the grade is lowered (usually 1 point out of 3). Full credit is given only to students who are in class.
- **Justified absence**. In the event of a justified absence (such as to attend a Bryant-sponsored event, military duty, jury duty, illness or injury sufficient to prevent class attendance; or death or serious illnesses in the family), the student must request that I assign make-up homework to make up the absence within one week after the absence. If you anticipate missing a test, you must contact me prior to the scheduled test, either in person, by phone, or by e-mail. Failure to do so will result in an automatic grade of zero for that exam.
- **Prolonged absences**: According to the Bryant University Student Handbook, students must contact the Registrar's Office in the event of situations requiring prolonged absences. In addition, please provide independent notice to me in advance of the absence.

Final Grade

Letter grades are assigned as follows:

93-100%: A 90-92%: A-87-89%: B+ 83-86%: B 80-82%: B-77-79%: C+ 73-76%: C 70-72%: C-67-69%: D+ 60-66%: D 59% or below: F

Topics and Weekly assignments

Week 1 – Introduction to health law

Learning goals

- o What is "law"?
- What is the function of the law?
- What is "health"?
- o How do you think the law IS affecting health?
- o How do you think the law SHOULD affect health?

Readings

- o Guide to Law
- o How to Understand the Differences Between Statutes, Regulations, Ordinances and Common Law
- Health Law: An Overview

Week 2 – The Power of Government and Individual Rights in Public Health Emergencies and Epidemics Learning goals

- What is a Public Health Emergency (PEH) and what are the consequences of one being declared?
- What is Ebola and what is an epidemic?
- What governmental authorities have jurisdiction over PEHs and epidemics (WHO, President and CDC, Governor and state bodies)?
- o What legal measures can be implemented to reduce the risks associated with a PEH and an epidemic?
- O How do courts balance the right of individuals against the power of government in dealing with PEHs and epidemics?
- Understand the difference between substantive due process and procedural due process
 Readings
- o on the powers of government in the event of an epidemic
 - International Health
 - Regulations: http://apps.who.int/iris/bitstream/10665/43883/1/9789241580410_eng.pdf
 - Congressional Service Center, Ebola: Selected Legal Issues: https://www.fas.org/sgp/crs/misc/R43829.pdf
 - o Polly Price, Ebola and the Law in the United States: A Short Guide to Public Health Authority and Practical Limits:http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2538187
- o on Ebola and the courts: the Kaci Hickox case
 - Maine Statutes
 - http://www.mainelegislature.org/legis/statutes/22/title22sec810.html
 - http://www.mainelegislature.org/legis/statutes/22/title22sec811.html
 - o Mary Mayhew, Commissioner Department of Health State of Maine v/ Kaci Hickox. District Court, Fort Kent. Docket CV-2014-36
 - Request: http://courts.maine.gov/news reference/high profile/hickox/verified petition for public health order.pdf
 - Order
 - (1): http://courts.maine.gov/news_reference/high_profile/hickox/order_pending_hearing.pdf
 - Order (2): http://courts.maine.gov/news_reference/high_profile/hickox/order.pdf
 - Kaci Hickox, Caught Between Civil Liberties and Public Safety Fears: Personal Reflections from a Healthcare Provider Treating
 - Ebola,http://www.suffolk.edu/documents/LawJournals/Kaci Hickox Suffolk Law JHBL.pdf
 - Steve Miles, Kaci Hickox: Public health and the politics of fear: http://www.bioethics.net/2014/11/kaci-hickox-public-health-and-the-politics-of-fear/
 - Webinar When Public Health Goes to Court: The Court and Public Health
 Emergencies on: https://www.networkforphl.org/webinars/2015/03/13/556/when_public_health_goe
 s to court the court and public health emerge
- o on due process
 - Presidential Commission for the Study of Bioethical Issues, Ethics and Ebola: Public Health Planning and Response (Feb. 2015)

Week 3 - Drug Development and Approval

Learning goals: Demonstrate familiarity with the following concepts:

- o Role that the following items play in drug development
 - Basic research and university
 - The industry
 - o Translational research
 - o Research on animal models
 - Patents
- FDA oversight
 - o Drug application

- o Clinical trials (3 phases, informed consent, healthy v. unhealthy study population)
- Need to demonstrate safety and efficacy
- o Approval and on-label uses
- o Post approval oversight, new data, new uses, Clinical trials Phase IV

Readings

- Alexandra Ossola, The Fake Drug Industry Is Exploding, and We Can't Do Anything About It
- Benedict Carey, Antidepressant Paxil Is Unsafe for Teenagers, Analysis of Original Data Finds (The New York Times September 17, 2015)
- o Angell 2004 The creation of a new drug
- o Andrew Pollack, Once a Neglected Treatment, Now an Expensive Specialty Drug (NYTimes Sep. 20, 2015)
- o Andrew Pollack, Price Increase Rescinded for a Tuberculosis Drug (NYTimes Sep. 21, 2015)
- o Peter Shumlin, OxyContin Is Not for Kids (NYTimes Sep. 21, 2015)

Week 4-5 – Assisted Reproduction

Learning goals

- o Broader lessons from Assisted Reproduction Techniques (ARTs) Laws
- Catalog of ways that allow a person to become a parent
- o Familiarity with assisted reproduction issues in courts
- Analysis of legislative initiatives
- Informed consent and assisted reproduction
- The legal status of embryos

Readings

- o Class notes on Assisted Reproduction Techniques (ARTs) Laws
- o Kindegran, The Current State of Assisted Reproduction Law (2011)
- o Cramblett v. Sperm Bank Complaint
- o Cramblett v. Sperm Bank Motion to Dismiss
- o Cuevas, Ohio woman sues sperm bank after racial mix-up (CNN Oct. 2, 2014)
- o Flannery 2013 Rethinking Embryo Disposition upon Divorce
- o Kindregan, Dead Dads (2009)
- Class notes on embryos and pre-embryos
- Informed consent in Assisted Reproduction
 - o Cornell Center for Reproductive Medicine
 - Informed consent for Preimplantation Genetic Diagnosis and Embryo Disposition
 - o Informed consent for Preimplantation Genetic Diagnosis

Week 6 – Abortion

Learning goals – understanding of and familiarity with

- Constitutional issues involving abortion
- Interplay between federal and state law
- State initiatives in this area
- Litigation of abortion issues in court
- o International variation in abortion laws and the determinants of such variation

Readings

- o Roe v. Wade (https://supreme.justia.com/cases/federal/us/410/113/)
- Planned Parenthood v. Casey
 (http://www.ache.org/pubs/hap_companion/Wing/PlannedParenthoodCasey.pdf)
- o Whole Woman's Health v. Cole (http://www.ca5.uscourts.gov/opinions%5Cpub%5C14/14-50928-CV0.pdf)
- Bonnie Hope Arzuaga, Ben Hokew Lee, "Limits of Human Viability in the United States: A Medicolegal Review" *Pediatrics* Dec 2011, 128 (6): 1047-1052, http://pediatrics.aappublications.org/content/128/6/1047.full

Week 7 - Sex selection, contraceptives and sterility

Learning goals

- o Methods of sex selection, their lawfulness and ethics issues associated with them
- o Identify ways in which sterilization is performed or achieved and the different issues that voluntary and involuntary sterilization raise
- o Articulate why involuntary sterilization is problematic and in particular the argument based on eugenics
- o Be familiar with the holding in Buck v Bell.
- o Analysis of recent form of involuntary sterilization is (chemical) castration of convicted criminal offenders
- Understand the basic methods of contraception
- o Be familiar with FDA approval of Plan B

Readings

- Savulescu, Deaf lesbians, "designer disability," and the future of medicine, http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1124279/
- o Buck v Bell
- o http://www.huffingtonpost.com/alex-stern/sterilization-california-prisons_b_3631287.html
- o Collins, Tennessee Prosecutor Insisted Woman Undergo Sterilization As Part Of Plea Deal, http://thinkprogress.org/health/2015/03/30/3640543/mentally-ill-woman-sterilization-case/
- Simerman, No chemical castration for convicted New Orleans rapist, Louisiana Supreme Court rules, http://theadvocate.com/news/neworleans/neworleansnews/12292887-123/no-chemical-castration-for-convicted
- o Paedophile told by court that castration was not a punishment, http://www.thejournal.ie/czech-republic-human-rights-paedophile-castration-1765414-Nov2014/
- o https://www.nichd.nih.gov/health/topics/contraception/conditioninfo/Pages/types.aspx
- o http://www.guttmacher.org/statecenter/spibs/spib_EC.pdf

Week 8 – Vaccinations

Learning goals

- o Understand:
 - o the (scientific) rationale for mandatory vaccination programs
 - o the source of power of states in implementing mandatory vaccination programs
 - o how states handle the liability for injuries caused by vaccines
 - o when students can be exempted from mandatory vaccinations
 - o whether state can exclude students who are exempted from school
 - o whether parents of exempted kids be sued in torts for breach of care towards kids who get a communicable disease as a result of coming in contact with an non-vaccinated kid?
- Actively participate in analysis of the legislative proposal at the state level (Personal Beliefs Exemption in California)

Readings

- o Philipps v NYC EDNY Order 1.pdf
- Philipps v NYC 2nd Cir Opinion.pdf
- o Rubinstein Reiss.pdf
- o California Health and Safety Code, Section 120365
- Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged
 Through 18 Years United States, 2015, http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html.
- Alison Buttenheim, Malia Jones & Yelena Baras, Exposure of California Kindergarteners to Stu- dents With Personal Belief Exemptions From Mandated School Entry Vaccinations, 102 AM. J. PUB. HEALTH e59-e67 (Aug. 2010), http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3464858/pdf/AJPH.2012.300821.pdf.

- Jennifer S. Rota, Daniel A. Salmon & Lance E. Rodewald, Robert T. Chen, Beth F. Hibbs & Eugene J. Gangarosa, Processes for Obtaining Nonmedical Exemptions to State Immunization Laws, 91 AM. J. PUB. HEALTH 645-48 (2001), http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.91.4.645.
- CDC, Outbreak of Measels—San Diego, California, January-February 2008, 57 MMWR (Early Release) 1-4 (Feb. 22, 2008), http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5708a3.htm.
- Pediatric Infectious Disease Society Statement Regarding Personal Belief Exemption from Immunization Mandates, http://www.pids.org/images/stories/pdf/pids-pbe-statement.pdf.
- California Dep't of Public Health, Personal Beliefs Exemption to Required Immunization, CDPH 8262, https://www.cdph.ca.gov/programs/immunize/Documents/CDPH-8262.pdf

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Week 9 – End of life issues

Learning goals

- Analyze constitutional issues and state laws with regard
 - o Definition of "death"
 - o Legal consequences of pronouncement of "death"
 - o End-of-life options
 - o Palliative care options

Readings

- Rhode Island Medical Orders for Life Sustaining Treatment, http://www.health.ri.gov/forms/medical/OrdersForLifeSustainingTreatment.pdf
- California Physician Assisted Suicide statute.
 <a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128&search_keywords="http://legislature.ca.gov/faces/billNavClient.xhtml?bill.xhtml?bill.xhtml?bill.xhtml?bill.xhtml?bill.xhtml?bill.xhtml?bill.xhtml?bill.xh
- National debate on physician assisted suicide, http://www.deathwithdignity.org/advocates/national
- o Magnus et al., Accepting Brain Death, NEJM (2014)
- Stacy Keene, Holding On for Dear Life (http://themoth.org/posts/stories/holding-on-for-dear-life)
- Randy Pausch Last Lecture: Achieving Your Childhood Dreams (https://www.youtube.com/watch?v=ji5_MqicxSo)
- Brian L. Mishara, David N. Weisstub, The legal status of suicide: A global review, International Journal of Law and Psychiatry, Available online 13 September 2015 (http://www.sciencedirect.com/science/article/pii/S0160252715001429)
- o BJ Miller, What really matters at the end of life (https://www.ted.com/talks/bj miller what really matters at the end of life)
- 60 Minutes interviews with Dr. Kevorkian: http://www.cbsnews.com/news/dr-jack-kevorkians-60-minutes-interview/
- o Frontline, The Suicide Tourist (PBS 2010)

Week 10 - Medical Marijuana

Learning goals

- o Legal status of marijuana at the federal level
- Legal status of marijuana at the state level
- o Interplay between federal and state law
- Scientific basis for claims regarding medical marijuana
- o Massachusetts regulation of medical marijuana

Readings [with an (*) are mandatory]

- Enforcement
 - o http://www.dea.gov/druginfo/factsheets.shtml
 - o http://www.dea.gov/ops/cannabis.shtml

- o http://www.mass.gov/eohhs/docs/dph/quality/medical-marijuana/law-enforcement-guidance.pdf
- Medical studies/Medical profession's perspective
 - o http://marijuanascienceforum.org/wp-content/uploads/2015/06/DSouza-and-Ranganathan_Medical-MJ-Is-the-cart-before-the-horse.pdf
 - o http://coleman-pediatrics.com/marijuana_article.pdf
 - http://search.proquest.com.bryant.idm.oclc.org/docview/1020530273/fulltext?accountid=36823 (library authentication required)
 - Additional resource: https://www.nlm.nih.gov/medlineplus/marijuana.html#cat27 (research section: statistics and research, clinical trials, and journal articles)
- Massachusetts regulations/medical
 - o https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter369
 - o http://www.mass.gov/eohhs/docs/dph/regs/105cmr725.pdf
 - o http://www.mass.gov/eohhs/docs/dph/quality/medical-marijuana/updates/2015-10-20-pc-fcr-letter-final.pdf
- Massachusetts regulations/recreational
 - o https://malegislature.gov/Bills/189/House/H1561 (bill pending to legalize recreational use)
 - o http://www.caragillis.com/Pierce/Phil%2020%20/wilson.pdf

Week 12 - Tobacco regulation

Learning goals

- Analysis of regulation at the international level
- Framework Convention on Tobacco Control (FCTC)
- o Analysis of regulation at the federal level and the role of federal agencies
- o Analysis of regulation at the state level
- o Constitutional issues involved in the regulation of tobacco
- o Constitutional challenges in courts challenging state regulation

Readings

- o http://www.nejm.org/doi/full/10.1056/NEJMra1314094
- o http://www.cdc.gov/tobacco/data statistics/sgr/2000/highlights/historical/index.htm (timeline)
- o http://www.cdc.gov/tobacco/data_statistics/by_topic/policy/legislation/ (legislation)
- http://www.cancer.org/cancer/news/expertvoices/post/2012/10/29/the-fda-and-tobacco-regulation-three-years-later.aspx (2009 Tobacco Control Act)
- O American Lung Association's state laws database http://www.lungusa2.org/slati/factsheets.php
- Cigarette Tax
 - Rates: http://taxfoundation.org/sites/taxfoundation.org/files/docs/Cigarette%20Tax%20Rates.png
- o http://en.wikipedia.org/wiki/Tobacco_Master_Settlement_Agreement

Cases

- o Price Discounting Restriction: National Association of Tobacco Outlets, Inc. v. City of New York
- <u>Tobacco Product Sales and Price Discounting Regulation:</u> National Association of Tobacco Outlets, Inc. v. City of Providence
- Tobacco Product Sales Restriction: Independents Gas & Service Stations Associations, Inc., v. City of Chicago
- o FDA Regulation of Tobacco: Discount Tobacco & Lottery v. U.S.
- o FDA Graphic Warnings: RJ. Reynolds v. United States Food and Drug Administration
- o Collecting Cigarette Taxes from Native American Retailers: Cayuga Indian Nation/Seneca Nation
- o Flavored Tobacco Regulation: USST v. City of New York

- o Tobacco Retail Licensing Fees: Long Island Gasoline Retailers Ass'n
- o Point-of-Sale Health Warnings: 23-94th St. Grocery Corp.
- o Prevent All Cigarette Trafficking (PACT) Act Challenge: Red Earth LLC
- o Racketeer Influenced and Corrupt Organizations Act [RICO]: United States v. Phillip Morris
- <u>Cigarette Trafficking</u> Red Earth LLC City of New York and The People of the State of New York v.
 Federal Ground Package System Inc. and Federal Express Co

Week 13 – Obesity and public health law: Law as a tool to facilitate healthier lifestyles and prevent obesity Learning goals

- o Regulatory initiatives (at the state and federal level) to curb obesity
- o Role of Federal Trade Commission, FDA,
- National School Lunch Program
- Regulation of food at the state level (taxation, police powers, zoning laws, workplace health promotion, Readings
- Background paper on the US Mello, Studdert, and Brennan, "Obesity The New Frontier of Public Health Law," New England Journal of Medicine, 354: 2601-2610 (2006).http://www.nejm.org/doi/full/10.1056/NEJMhpr060227
- Background paper on initiatives at the global level: Taylor, Parento, and Schmidt "The Increasing Weight of Regulation: Countries Combat the Global Obesity Epidemic," Indiana Law Journal: Vol. 90: Iss. 1, Article 7. http://www.repository.law.indiana.edu/ilj/vol90/iss1/7
- Mello, Studdert, and Brennan, Obesity The New Frontier of Public Health Law, New England Journal of Medicine, 354: 2601-2610 (2006).http://www.nejm.org/doi/full/10.1056/NEJMhpr060227
- Pomeranz and Gostin, "Improving Laws and Legal Authorities for Obesity Prevention and Control", 37 J.L. Med. & Ethics 62-75
 (2009).http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1485&context=facpub
- Brownell et al. "The Public Health and Economic Benefits of Taxing Sugar Sweetened Beverages." New England Journal of Medicine, 361(16): 1599-1605 (2009).http://www.nejm.org/doi/full/10.1056/NEJMhpr0905723
- Chaloupka and Davidson, Applying Tobacco Control Lessons to Obesity: Taxes and Other Pricing Strategies to Reduce Consumption (2010). http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-obesity-2010.pdf
- James G. Hodge et al., "New Frontiers in Obesity Control: Innovative Public Health Legal Interventions",
 5 Duke Forum for Law & Social Change, 1-37
 (2013).http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1035&context=dflsc
- o Mello, Rimm, and Studdert, "The McLawsuit: The Fast-Food Industry And Legal Accountability For Obesity" Health Affairs, 22(6), 207-216 (2003). https://content.healthaffairs.org/content/22/6/207.long
- o Mair, Pierce, and Teret, The use of zoning to restrict fast food outlets: A potential strategy to combat obesity (2005).http://www.publichealthlaw.net/Zoning%20Fast%20Food%20Outlets.pdf

Week 14 – Duty to others?

Learning goals

- o Familiarity with tort law and principles of civil liability
- The harm principle
- State regulation of sensitive health information
- Physician duty to disclose risks

Readings

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- o Lawrence O. Gostin, General justifications for public health regulation, Public Health (2007)
- Legal sources

- ACLU, State Criminal Statutes on HIV Transmission (2008), https://www.aclu.org/files/images/asset_upload_file292_35655.pdf.
- O You can also consult this website: http://www.lawatlas.org/query?dataset=hiv-criminalization-statutes
- o Massachusetts law: http://www.mass.gov/eohhs/gov/departments/dph/programs/id/std/partner-services/
- o Doctor's liability: Tarasoff v.Regents of University of California
- Legal analysis
 - o http://blogs.findlaw.com/blotter/2015/09/hiv-criminalization-laws-you-didnt-know-existed.html
 - o http://blogs.findlaw.com/blotter/2014/06/iowa-mans-hiv-transmission-conviction-overturned.html
 - o http://blogs.findlaw.com/injured/2014/06/can-you-sue-someone-for-giving-you-an-std.html
 - James B. Damiano, Sexually Transmitted Diseases: A Courtroom
 Epidemic (2012) http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1021&context=student_scholarship
 - o Charlie Sheen's Non Disclosure Agreement
 - http://images.intouchweekly.com/uploads/images/file/25708/charlie-sheen-non-disclosure01.jpg?fit=crop&w=680 (page1)
 - o http://images.intouchweekly.com/uploads/images/file/25709/charlie-sheen-non-disclosure-2.jpg?fit=crop&w=680 (page 2)
- Media coverage of Charlie Sheen's interview
 - o http://blogs.findlaw.com/celebrity_justice/2015/11/charlie-sheen-is-hiv-positive-raising-questions-about-disclosure-laws.html

Week 15 - The future of health care

- Nanomedicine (https://www.youtube.com/watch?v=HTKZPSvqhCE)
- o Brain stimulation (https://www.youtube.com/watch?v=YCFKc2pwS7Y)
- 3-D printers and regenerative medicine
 (https://www.ted.com/talks/lee cronin print your own medicine)
- Personalized medicine (https://www.youtube.com/watch?v=JXP0SvCOG74
 https://www.youtube.com/watch?v=2
 0aEezKvBE)
- o Consumer genetic testing (https://www.youtube.com/watch?v=2MGIIT2eDfc)
- o The Patient Protection and Affordable Care Act (or Obamacare)