



How Legal and Policy Levers Can Amplify Efforts to Reach Healthy People Goals

Carter Blakey

Deputy Director, Office of Disease Prevention
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April 25, 2019

I. Introduction to Healthy People and Opportunities to Leverage Law and Policy to Achieve National Health Goals

- Carter Blakey, Deputy Director, ODPHP and Division Director of Division of Community Strategies



II. Legal and Policy Tools for the Public's Health

- Lindsay Wiley, JD, MPH, Director, Health Law and Policy Program, American University Washington School of Law



III. Making Public Health Legal and Policy Levers Accessible

- Jennifer Ibrahim, PhD, MA, MPH, Associate Dean for Academic Affairs and Associate Professor for Temple College of Public Health and Associate Director, Center for Public Health Law Research



IV. Question and Answer Session



What Is Healthy People?

- Provides a strategic framework for a **national prevention agenda** that communicates a vision for improving health and achieving health equity
- Identifies science-based, **measurable objectives with targets** to be achieved by the end of the decade
- Requires tracking of **data-driven outcomes** to monitor progress and to motivate, guide, and focus action
- Offers a model for international, state, and local **program planning**



Reports and Related Products

- Reports and community “Bright Spots”

Webinar Series

- Focused on specific HP2020 topics
- Shares community examples of innovative uses of law and policy to improve health outcomes

Supporting the Development of Healthy People 2030 (HP2030)

- HP2030 Listening Session: 2018 Public Health Law Conference

For more information:

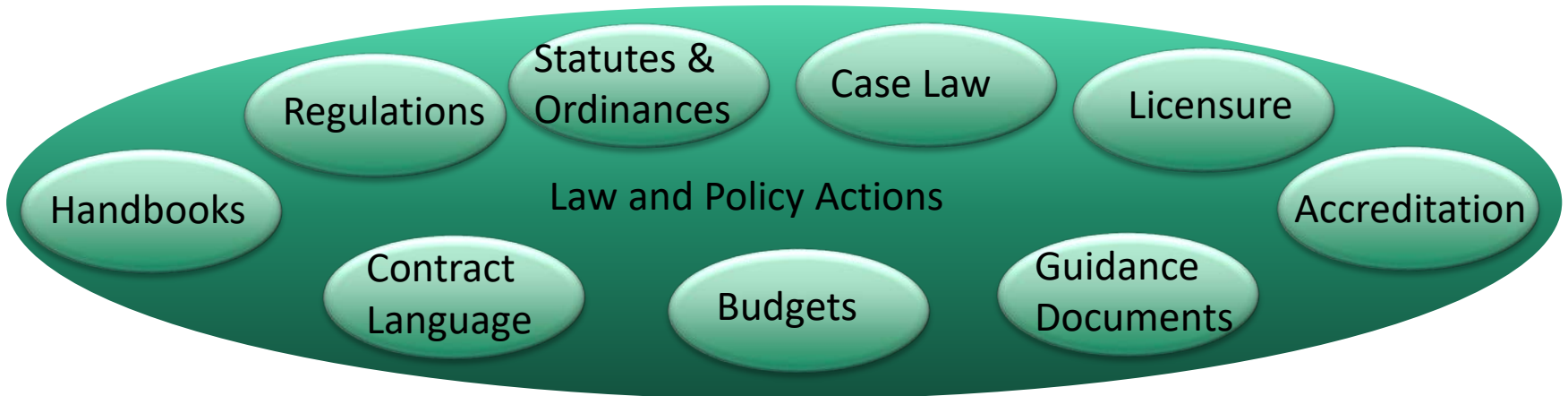
www.healthypeople.gov/2020/law-and-health-policy

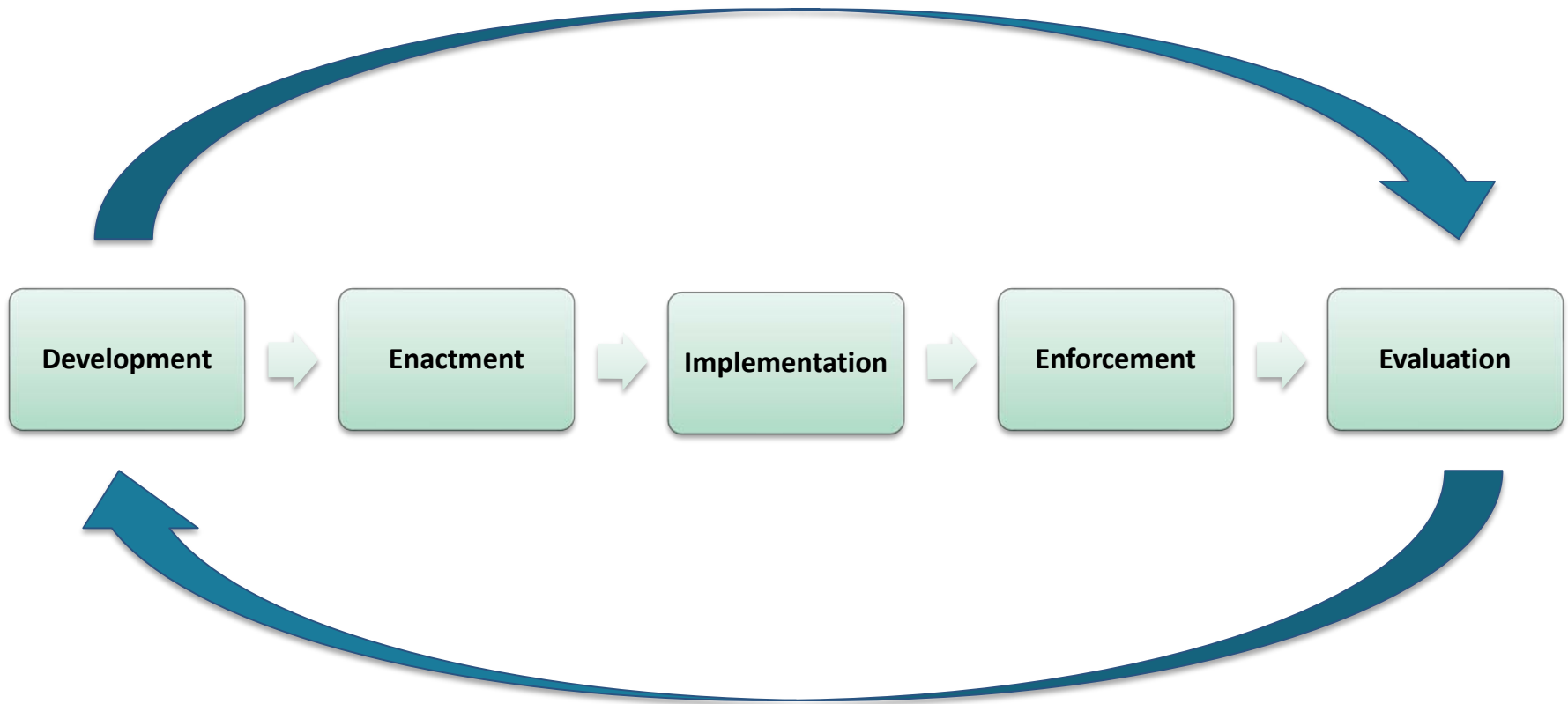


Robert Wood Johnson Foundation



Why Use Law and Policy to Help Meet Healthy People Goals?







Healthy People 2020 Objectives

- Fruit intake:
 - Goal: Increase from 0.53 cups to 0.93 cups per day
- Vegetable intake:
 - Goal: Increase from 0.76 cups to 1.14 cups per day
- Increase variety of fruits and vegetables consumed

2015–2020 Dietary Guidelines for Americans

- Recommendations for fruit intake for those consuming 2,000 calories per day:
 - Roughly 2 cups of fruit and juices daily
- Recommendations for vegetable intake for those consuming 2,000 calories per day:
 - 2.5 cups of vegetables daily

Sources:

Healthy U.S.-Style Eating Pattern: Recommended Amounts of Food From Each Food Group at 2000/day Calorie Level

<https://health.gov/dietaryguidelines/2015/guidelines/appendix-3/#table-a3-1-healthy-us-style-eating-pattern-recommended-amounts-o>

Healthy People Topics and Objectives, Nutrition and Weight Status

<https://www.healthypeople.gov/2020/topics-objectives/topic/nutrition-and-weight-status/objectives>





Legal and Policy Approaches to Promote Fruit and Vegetable Intake



Sources:

Healthy Dine Nation Act: Rural Community Profiles: Nutrition, ChangeLab Solutions

(http://www.changelabsolutions.org/sites/default/files/Rural_Community_Profiles-Nutrition_FINAL_20150818.pdf)

NYC Green Carts: How to get healthy food into the inner cities (walk in there, University of Michigan Epidemiological Student Association Blog

(<https://umicheso.wordpress.com/tag/green-carts/>)

Georgia Growing Fit: Growing Fit Kit, Georgia Department of Public Health (<https://dph.georgia.gov/early-care-providers>)

More information: <https://www.healthypeople.gov/2020/law-and-health-policy/topic/nutrition-and-weight-status>



Office of Disease Prevention and Health Promotion

10 Greatest Public Health Achievements, 2000–2010

Childhood Lead Poisoning Prevention

- Mandating that schools test water for lead
- Requiring landlords to disclose if housing units have lead-based paint

Occupational Safety

- Inspecting worksites to ensure they follow safety guidelines
- Creating data agreements to share workers' compensation data with public health surveillance systems

Tobacco Control

- Raising the minimum legal age of tobacco use to prevent youth initiation
- Enforcing smoke-free air laws and extending them to more places

Cardiovascular Disease Prevention

- Implementing Complete Streets programs to encourage exercise
- Addressing liability issues to encourage schools to make playgrounds available after hours

Emergency Preparedness and Response

- Joining mutual aid compacts, like the Emergency Medical Assistance Compact, to share resources across jurisdictions
- Issuing emergency declarations

Vaccine-Preventable Diseases

- Requiring children who enter schools to have certain vaccinations
- Funding the Vaccines for Children Program

Cancer Prevention

- Creating the Breast and Cervical Cancer Early Detection Program
- Requiring schools to provide information about HPV vaccines

Prevention and Control of Infectious Diseases

- Requiring hospitals to report central line infection rates
- Creating MOUs among state agencies to respond to foodborne disease outbreaks

Motor Vehicle Safety

- Enacting child restraint laws
- Establishing ignition interlock programs to address DUI offenses in the court system

Maternal and Infant Health

- Adding new conditions to newborn screening programs
- Requiring that certain foods be fortified with folate

Source: <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6019a5.htm>



- For the Law and Health Policy project:
 - <https://www.healthypeople.gov/2020/law-and-health-policy/topic/nutrition-and-weight-status>
- For any other questions, please contact:
 - Angie McGowan, Project Director (CDC Assignee), ODPHP: Angela.McGowan@hhs.gov



Legal and Policy Tools for the Public's Health

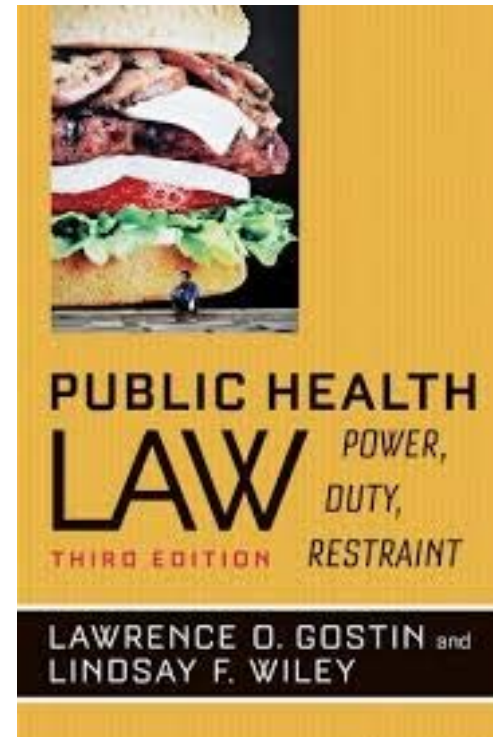
Professor Lindsay F. Wiley

Director, Health Law & Policy Program

American University Washington College of Law

Law is a Social Determinant of Health!

- Law and policy tools can create favorable – or unfavorable – conditions for the public’s health and may contribute to – or help eliminate – health disparities.
- Law and policy tools can facilitate many public health interventions, such as:
 - Safe housing
 - Healthy food
 - Access to education and employment opportunities
 - Reducing environmental pollution
 - Creating health-promoting built environments
 - Reinforcing healthy social norms and practices



Public Health Law and Policy Tools

These basic tools:

- Direct Regulation
- Deregulation
- Taxation
- Spending
- Tort Liability

Can be used to:

- Alter the Built Environment
- Alter the Information Environment
- Alter the Socioeconomic Environment

Direct Regulation of Persons, Professionals, and Businesses

- Command-and-control style regulation
 - Public health standards are prescribed and enforced through licensing, permitting, zoning, etc. and associated penalties
 - Examples
 - Mandated signage to remind employees to wash their hands
 - Sneeze-guards in self-serve food areas
 - Nutrition labeling on packaged foods and menus
- “Nudge” style approaches
 - Attempts to influence individuals’ choices for her own benefit, while still allowing the individual to make her own decisions about her health
 - Examples
 - Opt out vs. opt-in approaches to sex education in schools
 - Changing the way items are listed on a menu or the way foods are displayed in a grocery store to make them more – or less – appealing.



Deregulation



- Deregulation can remove legal barriers to public health intervention.
 - Examples
 - Suspending regulations to allow health care providers to practice outside of their usual scope or jurisdiction of their license during a public health emergency
- Closely tied to the principle of harm reduction
 - Examples
 - Safe consumption sites
 - Needle exchange programs
 - Naloxone access
- Important for protecting the health of groups who are vulnerable to criminal sanctions (e.g., sex workers, people who use drugs, and immigrants)

Taxation

- Taxes create a disincentive to engage in high-risk activities
- Examples of tax burdens on harmful products
 - Cigarettes
 - Alcohol
 - Firearms
 - “Sugar taxes”
 - Disposable grocery bags
- Tax relief can be offered to incentivize health-producing activities (e.g., medical services, childcare, and charitable contributions)



Spending

- Government spending supports a wide array of public health services, e.g., public health infrastructure, including:
 - Well-trained workforce
 - Electronic information & communications systems
 - Rapid disease surveillance
 - Response capability
- Government can also impose health-related conditions on recipients of funds
- Many social safety-net programs involve rely on conditional spending, e.g., Medicaid, nutrition assistance programs, education and housing programs



Tort Liability

- Attorneys general, public health authorities, and private citizens can seek redress for many public health harms through civil litigation
- Litigation may raise awareness about health and safety risks, make information available to the public via the discovery process, and increase political will to create/strengthen a regulatory regime
- Examples
 - Environmental damage (e.g., air and water contamination)
 - Exposure to toxic substances (e.g., pesticides, lead paint, and asbestos)
 - Badly designed or defective products (e.g., children's toys, household goods)
 - Marketing and distribution practices for hazardous products (e.g., tobacco, firearms, prescription opioids)



COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss. SUPERIOR COURT
C.A. No. 1884-ev-01808 (B1.52)

COMMONWEALTH OF MASSACHUSETTS,
v.
PURDUE PHARMA L.P., PURDUE PHARMA INC.,
RICHARD SACKLER, THERESA SACKLER,
KATHE SACKLER, JONATHAN SACKLER,
MORTIMER D.A. SACKLER, BEVERLY SACKLER,
DAVID SACKLER, ILENE SACKLER LEFCOURT,
PETER BOER, PAULO COSTA, CECIL PICKETT,
RALPHI SNYDERMAN, JUDITH LEWENT, CRAIG
LANDAU, JOHN STEWART, MARK TIMNEY,
and RUSSELL J. GASDIA

RECEIVED
JAN 16 2019
SUPERIOR COURT CIVIL
MICHAEL JOSEPH LONCHMAN
CLERK/MAGISTRATE

THE COMMONWEALTH'S PRE-HEARING MEMORANDUM
FOR THE HEARING SET FOR JANUARY 25, 2019

Alter the Built Environment

- Law and policy tools can be used to reduce injury, infectious disease, and toxic exposures
 - Examples
 - Workplace safety, traffic calming, fire codes
 - Sanitation, zoning, housing codes
 - Regulations to reduce the use of lead paint and toxic emissions
- Local governments can use their zoning, licensing, and permitting authority to encourage healthier choices about harmful products and physical activity
 - Examples
 - Reducing density of tobacco, alcohol, or fast food retailers and increasing access to grocery stores
 - Increasing recreational space and promoting active forms of transportation (e.g., bike lanes)



Alter the Information Environment

- Government can alter the information environment to encourage people to make healthier choices through:
 - Health communication campaigns
 - Limiting harmful or misleading information for potentially harmful products
 - Mandating warning labels
- This can be controversial as economic and constitutional interests may be at stake
 - I.e., health communications about:
 - Smoking
 - Food and beverage consumption
 - Gun ownership and safe storage
 - Family planning



Alter the Socioeconomic Environment

- Taxation and spending may be used to redistribute resources and reduce inequality
- Regulation and tort litigation can also have distributional effects
- Redistributive policies are politically charged and controversial
 - Many public health advocates believe a reduction in health disparities to be a social imperative
 - Economic conservatives believe a free-market economy is indispensable to a prosperous society capable of producing good health
- Examples
 - Increasing access to educational, employment, and housing opportunities
 - Raising minimum wage
 - Increasing the Earned Income Tax Credit



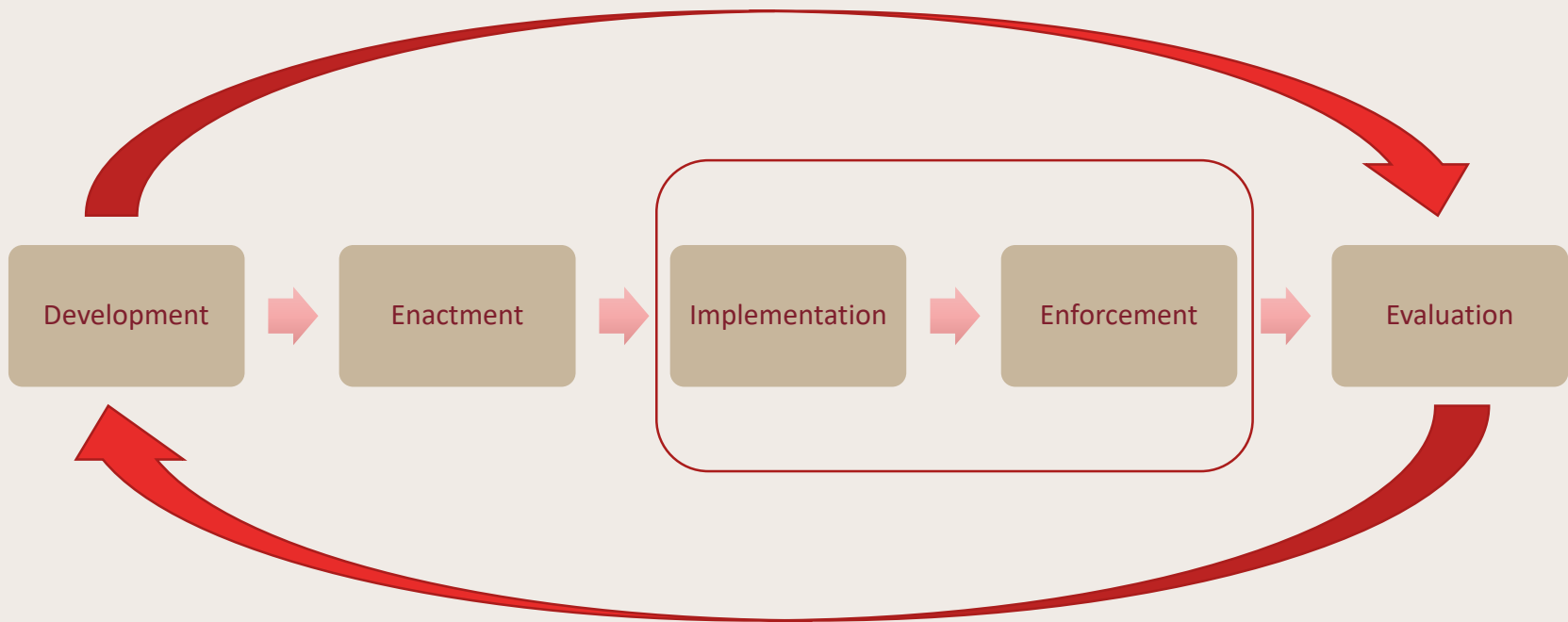
MAKING PUBLIC HEALTH LAW & POLICY LEVERS ACCESSIBLE

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Associate Professor & Associate Director
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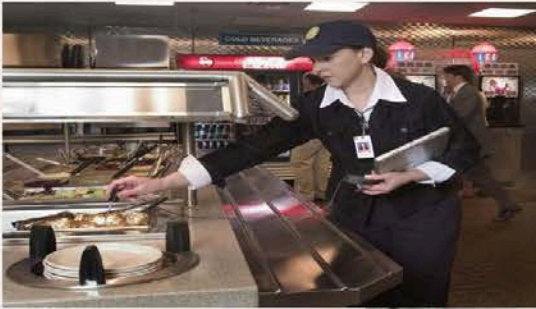
COLLEGE OF PUBLIC HEALTH
Health Services Administration and Policy

Policymaking Process



Using the law...But who knows the law?

Using the law... But who knows the law?

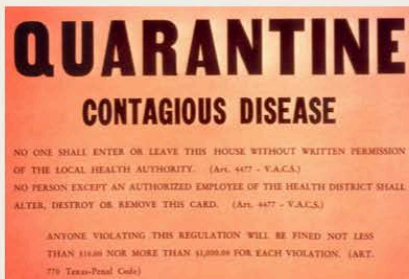


How do I access the law?



Need for Information on Law

- Policy Inventory
 - *What does the law say?*
 - *How does the law impact my authority to act?*



LawAtlas

The Policy Surveillance Portal

Home / Nebraska Public Health Laws

Nebraska Public Health Laws

The Nebraska Department of Health and Human Services (NE DHHS) provides public health services to Nebraskans and promotes public health by implementing laws and regulations that address health issues, track health outcomes, and certify and license health professionals.

This section of LawAtlas tracks laws and regulations that relate to NE DHHS's core mission. Below are links to pages that provide contextual information and texts of relevant laws and regulations on key functions of the NE DHHS. Select one of these options below for more information on the specific topic area and to access the surveillance of key public health laws and regulations.

- [Alcohol, Tobacco, and Other Drugs](#)
- [Chronic Disease and Injury](#)
- [Disabilities](#)
- [Disasters and Emergencies](#)
- [Environmental Health](#)
- [Foodborne Illnesses](#)
- [Health Professions Licensure](#)
- [Maternal Health, Children, and Families](#)
- [Mental and Behavioral Health](#)
- [Seniors and Aging](#)
- [Structure and Governance](#)
- [Vital Statistics](#)

Department of Health & Human Services



Available at: <http://legacy.lawatlas.org/nebraska>

State Level Levers to Address Tobacco Use

Nebraska: Alcohol, Tobacco, and Other Drugs - Clean Indoor Air Act

This page provides information on Nebraska's Clean Indoor Air Act. This page has been updated through October 1, 2014 to include laws currently in effect. To explore variation in these laws click the "Start Here" button below or see the table for a default query displaying information on this topic.

Data Codebook Protocol

- view table
- share results

Start here

Nebraska

1 Jurisdiction Found

Nebraska

07/15/2010 - 10/01/2014

View Law

Where is smoking prohibited under the Nebraska Clean Indoor Air Act?	Place of employment Public place Child care program §
What is a place of employment restricted by the Nebraska Clean Indoor Air Act?	An indoor area under the control of a proprietor that an employee accesses as part of his or her employment without regard to whether the employee is present or work is occurring at any given time §
→ What kind of violation is the first offense by any person smoking in a place of employment?	Class V misdemeanor §
→ What kind of violation is the second and any subsequent offenses by any person smoking in a place of employment?	Class IV misdemeanor •

View Law



Neb. Rev. Stat. § 71-5716 Act, how cited.

Sections 71-5716 to 71-5734 shall be known and may be cited as the Nebraska Clean Indoor Air Act.

Neb. Rev. Stat. § 71-5717 Purpose of act.

The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment. The act shall not be construed to prohibit or otherwise restrict smoking in outdoor areas. The act shall not be construed to permit smoking where it is prohibited or otherwise restricted by other applicable law, ordinance, or resolution. The act shall be liberally construed to further its purpose.

Neb. Rev. Stat. § 71-5718 Definitions, where found.

For purposes of the Nebraska Clean Indoor Air Act, the definitions found in sections 71-5719 to 71-5728 apply.

Neb. Rev. Stat. § 71-5719 Employed, defined.

Employed means hired, contracted, subcontracted, or otherwise engaged to furnish goods or services.

Close



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Health Services Administration
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Health Professions

Nebraska has enacted laws regulating over 42 different health professions such as nurses, pharmacists, dentists, and paramedics. These laws answer questions such as how old an individual must be to practice, what activities they can perform, and what license renewal requirements are. Although some health professions have similar titles, they can have varying levels of training and education which necessitate different rules on their scope of practice. For example, nurse practitioners must earn a master's degree or higher, whereas a registered nurse requires an associate or bachelor's degree.

The health professions datasets for Nebraska address issues such as scope of practice, continuing competency, minimum age, renewal requirements, exceptions to licensure, supervision, and others. To learn more about the laws that govern these issues for each profession, click the title below:

- [Advanced Emergency Medical Technicians](#)
- [Alcohol and Drug Counselors](#)
- [Athletic Trainers](#)
- [Audiologists](#)
- [Body Artists](#)
- [Child Care Providers](#)
- [Chiropractors](#)
- [Clinical Nurse Specialists](#)
- [Cosmetologists](#)
- [Dental Hygienists](#)
- [Dentists](#)
- [Electrologists](#)
- [Emergency Medical Responders](#)
- [Emergency Medical Technicians](#)
- [Environmental Health Specialists](#)
- [Estheticians](#)
- [Funeral Directors](#)
- [Licensed Practical Nurses](#)
- [Marriage and Family Counselors](#)
- [Massage Therapists](#)
- [Medical Radiographers](#)
- [Nail Technicians](#)
- [Nurse Anesthetists](#)
- [Nurse Midwives](#)
- [Nurse Practitioners](#)
- [Nursing Home Administrators](#)
- [Occupational Therapists](#)
- [Optometrists](#)
- [Paramedics](#)
- [Pharmacists](#)
- [Physical Therapists](#)
- [Physician Assistants](#)
- [Physicians](#)
- [Podiatrists](#)
- [Professional Counselors](#)
- [Psychologists](#)
- [Registered Nurses](#)
- [Respiratory Care Practitioners](#)
- [Social Workers](#)
- [Speech Pathologists](#)
- [Veterinarian Technicians](#)
- [Veterinarians](#)

Related Resources:

- Nebraska DHHS Health Professions Licensure Unit: <http://dhhs.ne.gov/publichealth>

Nebraska

09/06/2013 - 10/01/2014

[View Law](#)

What are the requirements to issue a license by examination for an advanced practice registered nurse, practitioner?

Receive a master's degree related to that profession
 Pass one or more professional exams
 Complete a residency or other supervised training program
 Completed application
 U.S. citizenship or legal resident

⚠
\$

→ Does Nebraska allow for reciprocity with other jurisdictions?

Yes
\$

→ What is the minimum age required to be licensed in this profession?

No minimum age requirement

Who is exempt from the license requirements of this profession?

Individuals acting in emergency situations
 State, local, or federal employees performing official duties
 Individuals licensed in other jurisdictions

\$

How long is a license valid?

Two years

\$

→ What are the requirements to renew a license?

Meet the continuing competency requirements
 Pay renewal fee
 Update the board on any discipline issues
 Update the board on any criminal issues

\$

How is continuing competency demonstrated to maintain a license?

Continuing education requirements
 Continuing clinical practice requirements

\$

→ How many hours of continuing education activities are required to maintain a license?

37-48 hours

\$

→ How many hours of continuing clinical practice activities are required to maintain a license?

1-2,500 hours

⚠
\$

Stage Level Levers to Address Foodborne Illness



Home / Food Safety

Food Safety

Omaha, Neb., has laws establishing local health department duties for enforcing food safety laws, particularly those that focus on general inspection and protection, sanitation requirements, labeling, and standards and enforcement. These datasets also provide details on specific permitting requirements for food stores and meat markets, frozen desserts, milk, and food service establishments.

Click on each topic to learn more about the law and the local health department's role:

- [General Food Inspection and Protection](#)
- [Food Stores and Meat Markets - Permits and Inspections](#)
- [Food Stores and Meat Markets - Sanitation Requirements](#)
- [Frozen Desserts - Standards and Enforcement](#)
- [Frozen Desserts - Permits, Labeling, and Inspection](#)
- [Milk Control - Standards and Enforcement](#)
- [Milk Control - Permits, Labeling, and Inspection](#)
- [Food Service Establishments - Standards and Enforcement](#)
- [Food Service Establishments - Permits](#)

Please email nebraska@temple.edu with comments, questions, or suggestions for this site. For Nebraska.

Nebraska Omaha		View Law
01/23/1996 - 04/30/2015		
Does the city have a law on general food inspection and protection practices?	Yes	§
It is unlawful to sell any food product for profit without complying with the food protection law?	Yes	§
What kinds of facilities are covered by the food protection law?	Any place manufacturing food products Any place selling food products Any place distributing food products §	
→ What sanitary standards does the law require of the facilities it covers?	All applicable state laws Current good manufacturing practices as defined and promulgated by the U.S. Food and Drug Administration §	
→ Must running water be supplied in these facilities?	Yes	§
→ For what purpose is running water supplied?	Hand-washing by employees handling food products Washing equipment used in handling food products §	
→ Are toilet rooms required in all covered facilities?	Yes	§
→ Must the toilet rooms be equipped with adequate hand-washing facilities?	Yes	§
Does the law require a permit to manufacture food products?	Yes	§
→ When do permits expire?	On December 31 of the year the permit was issued §	
→ Must permitted facilities be inspected?	Yes	

Local Legal Levers to Promote Activity



King County, Washington Healthy Comprehensive Planning Policies For Active Transportation Map

In 2014, 22 percent of adults in King County, Washington, were obese. Lack of physical activity is a contributor to poor health, and being overweight or obese is a driver of various chronic diseases that shorten and reduce quality of life.

Research shows that the built environment's transportation-related infrastructure can positively affect health by promoting physical activity with adequate infrastructure to reduce overweight/obesity, designing neighborhoods to be safe, and making healthier non-driving transport options an easier choice. Comprehensive land use plans are the legal planning documents that can support active transportation to address this type of infrastructure.

King County and its cities are required by Washington state's growth management law (RCW 36.70A.040) to adopt these comprehensive land use plans for the built environment and more detailed functional plans, with updates every six years. Active transportation elements of these comprehensive plans address pedestrian, bicycling, transit and inter-connectivity between active modes.

This map identifies and compares elements of all 39 King County cities' comprehensive land use plans that either support or detract from opportunities for active transportation.

Specifically, the page identifies which cities in King County have policies addressing:

- Equitable access to active transportation infrastructure,
- Pedestrian and bicycle safety,
- Pedestrian and cycling comfort,
- Access to multimodal transportation,
- Complete streets,
- Active transportation goals and how they are incorporated into plans,
- Policies and how they are incorporated into plans, and
- Infrastructure and design strategies for a healthy built environment.

This page displays policies in effect as of March 31, 2016, the most recent six-year updates to the Comprehensive Plans. To explore the variation in these policies click the "Start Here" button below.

[View and download underlying policy data in Excel format](#)

[View and download Research Protocol](#)

Public Health Seattle & King County

Laura Hitchcock, JD
Amy Laurent, MSPH
Cait Lang, MPH

Where At least one of these selections apply

Does the comprehensive plan address improving bicycle access?: **Yes**

If bicycle access is addressed, at what level of policy is it addressed?: **Policy/Strategy/Procedure**

38 Policies Found

Jurisdiction	Effective	Valid Through	Law	Plan includes improving bicycle access	Bicycle access addressed at what level of policy	Excel
Washington Seattle-King County Algona City	06/01/2015	04/30/2016	View Law	Yes	Goal, Other ⚠	
Washington Seattle-King County Auburn City	12/14/2015	04/30/2016	View Law	Yes	Goal, Policy/Strategy/Procedure, Other	
Washington Seattle-King County Bellevue City	08/01/2015	04/30/2016	View Law	Yes	Major Goal, Policy/Strategy/Procedure, Other ⚠	
Washington Seattle-King County Black Diamond City	06/01/2009	04/30/2016	View Law	Yes	Goal, Policy/Strategy/Procedure, Other	
Washington Seattle-King County Bothell City	07/07/2015	04/30/2016	View Law	Yes	Major Goal, Goal, Policy/Strategy/Procedure	

Available at: <http://lawatlas.org/>



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Questions and Discussion

