

CONTAGION & THE LAW (a.k.a. PUB. HEALTH) - Syllabus

Professor Lars Noah

This class will meet on Tuesdays & Thursdays @ 10:35 a.m.-12:00 in Rm. 382. My office hours will take place daily (barring faculty mtgs., etc.) @ 12:30-1:30 p.m. in Rm. 335 (or you can contact me: noah@law.ufl.edu,(352) 273-0923 (voicemail only)).

We will be using my casebook, Law and the Public's Health: Cases, Controversies & Covid-19 (Carolina Academic Press 2023). I have placed two copies on reserve: KF3821.N634 2023. I'll post any PowerPoint slides and other misc. items after each class on our Canvas site.

The dates in the syllabus indicate when you should be prepared to discuss the assigned readings, while I'll be showing the specified videos in class. Regular attendance and occasional participation are expected of everyone (I'll try to keep track of both). If I detect a problem (esp. if on-time attendance slips below 80%), then I'll email you to provide notice of the potential consequences. (Patterns of leaving mid class also arouse my ire.) Otherwise, apart from minor adjustments necessitated by the mandatory curve used at this place, your grades will depend entirely on final exam performance (format noted on the bottom of p.2).

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found (on Canvas) at this link: <https://ufl.instructure.com/courses/427635/files?preview=98226140>. Apart from what already appears in this document and my *Preface* (and what'll become readily apparent in class), I don't supply a course description/objectives, learning outcomes, workload or the like. Please note, however, that I do not record classes.

Aug. 19 (Tue): *Table of Contents: vii-xv (skim)/Preface: xxi-xxiv*
Video: "Plague at the Golden Gate" (PBS Am. Exp. 5/24/22), abridged [1:24:30]

Public Health Law During the Progressive Era (or Thereabouts)

Aug. 21 (Thu): *Restrictions on Movement: 3-18*
Aug. 26 (Tue): *Forced Medical Interventions/School Closure: 18-32*
Video: "Eugenics Crusade" (PBS Am. Exp. 10/16/18), abridged [24:15]
Aug. 28 (Thu): *Managing Other Places: 33-52*
Video: "Influenza 1918" (PBS Am. Exp. 1/2/18), abridged [28:40]
Sept. 2 (Tue): *Managing Things & Information: 53-71; Supplement pp.1-10 (posted here)*

Managing People

Sept. 4 (Thu): *Declaring Emergencies/Lockdowns: 79-108*

- Sept. 9 (Tue): *Quarantine/Isolation/Exclusion*: 108-38
- Sept. 11 (Thu): *Face Masks in Schools*: 151-80
- Sept. 16 (Tue): *Broader Mask Reqts./Other Forms of PPE*: 181-99, 217-20
- Sept. 18 (Thu): *School Vaccination Reqts.*: 220-38
Video: "The Vaccine War" (PBS Frontline Mar. 24, 2015), abridged [25:30]
- Sept. 23 (Tue): *Broader Vaccination Reqts./Mandatory Treatment*: 238-55, 266-72
- Sept. 25 (Thu): *Mandatory Treatment (TB)*: 272-89
Video: "Forgotten Plague" (PBS Am. Exp. 2/10/15), abridged [21:00]
- Sept. 30 (Tue): *Criminalizing Contagious Behaviors*: 290-312
Video: "Ending HIV in America" (PBS Nova 10/5/22), abridged [30:15]

Managing Places

- Oct. 2 (Thu): *Closing Schools & Houses of Worship/Indoor Smoking Bans*: 315-32, 345-52
- Oct. 7 (Tue): *Vaccine Passports/Business Closures*: 255-66, 377-94
- Oct. 9 (Thu): *Workplace Safety—Private Ordering & Federal Mandates*: 395-421
- Oct. 14 (Tue): *Workplace Safety—Fed. Mandates (cont'd)/Eviction Moratorium*: 421-50
- Oct. 16 (Thu): *Modes of Transportation—Federal Mandates*: 451-79

Managing Things & Information

- Oct. 21 (Tue): *Medical Countermeasures*: 489-514
Video: "Polio Crusade" (PBS Am. Exp. 2/2/09), abridged [25:50]
- Oct. 23 (Thu): *Rationing Health Care/Pastuerization & Fluoridation*: 514-26, 547-57
- Oct. 28 (Tue): *Contaminated Drinking Water (Flint, MI)*: 532-46
Video: "Poisoned Water" (PBS Nova 5/31/17), abridged [51:35]
- Oct. 30 (Mon): *Prohibitions (Pets & Products)*: 571-98
- Nov. 4 (Tue): *Research sites/Controlling Vectors*: 479-85, 661-71
Video: "The Battle to Beat Malaria" (PBS Nova 11/15/23), abridged [28:50]
- Nov. 6 (Thu): *Safety Alerts/Disclosure Reqts./Advg. Restrictions*: 738-63
- Nov. 13 (Thu): *Squelching Physician Speech/Misinformation*: 790-91, 807-25
Video: "Superspreaders" (FX & NYT 8/19/22), abridged [29:40]
- Nov. 18 (Tue): *Wrap up [course evals. (first 15 mins.)] Index (skim/just FYI)*: 881-92
Connecting Dots/Welcome to the Regressive Era: 829, 841-47, 858-65, 877-79
Video: "Dr. Tony Fauci" (PBS Am. Masters 3/21/23), abridged [35:30]
- Dec. 11 (Thu): **Final exam**: in class, limited open book (i.e., internet blocked), 3 essay-style questions (probably given 2½ hours, with strict word limits).
[Rm. TBA]

Course Facts

PUBLIC HEALTH LAW

Prof. Lars Noah

3 credits

Doctrinal content (approximate)

Administrative procedure	5%
Constitutional law (total)	35%
Free speech	10%
Free exercise of religion	10%
Substantive due process	10%
other	5%
Regulatory (esp. CDC)	20%
Torts	30%
Other (e.g., criminal law, land use, labor, local gov't)	10%

Warning: May cause users to become germophobes (or worse)!

Additional statements:

- High 1L course content (> 50%) may help to promote success on the bar exam.
- STEM-certified (fair dose of science).
- Offers a glimpse at the nature of sophisticated law practice, with specialization oriented toward public sector (rather than particular skill set or doctrinal category).
- Nutrient dense—short on empty calories (apart from screening a few PBS documentaries).

Rated "M" (mature audiences only) for occasional discussions of sex and drug use.

In order to comply with UF Law Policy, the following information has been added.

COURSE DESCRIPTION FROM UF LAW WEBSITE

Addresses the powers and duties of government to assure the conditions for healthy populations and examines tensions between this goal and civil liberties, such as infectious disease surveillance vs. privacy, vaccine requirements vs. conscientious objection, forced treatment/quarantine vs. autonomous medical decision making, and advertising restrictions vs. free expression.

STUDENT LEARNING OUTCOMES:

.By the end of this course, you will be able to:

1. Identify and articulate the powers and duties of government regarding public health;
2. Identify and articulate how civil liberties may be impacted by the goal of public health;
3. Apply legal rules and case law to sets of facts and identify good arguments and counter-arguments that use analogical reasoning, critical thinking, and policy analysis to justify the outcomes of harder, more ambiguous legal issues;

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.