

PUB. HEALTH LAW - Syllabus

Professor Lars Noah

This class will meet on Mondays & Tuesdays @ 10:30-11:55 a.m. in Rm. 285D. Unless otherwise announced, office hours will take place on Mondays & Thursdays @ 12:30-1:30 p.m. in Rm. 335 (or you can contact me: noah@law.ufl.edu, (352) 273-0923).

We will be using my casebook, Law and the Public's Health: Cases, Controversies & Covid-19 (Carolina Academic Press 2023). I have placed three 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/74674656?wrap=1>. 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 other such drivel.

Jan. 16 (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)

Jan. 22 (Mon): *Restrictions on Movement: 3-18*

Jan. 23 (Tue): *Forced Medical Interventions/School Closure: 18-32*
Video: "Eugenics Crusade" (PBS Am. Exp. 10/16/18), abridged [24:15]

Jan. 29 (Mon): *Managing Other Places: 33-52*
Video: "Influenza 1918" (PBS Am. Exp. 1/2/18), abridged [28:40]

Jan. 30 (Tue): *Managing Things & Information: 53-76*

Managing People

Feb. 5 (Mon): *Declaring Emergencies/Lockdowns: 79-108*

- Feb. 6 (Tue): *Curfew/Quarantine/Isolation/Exclusion*: 108-38
- Feb. 12 (Mon): *Face Masks in Schools*: 151-80
- Feb. 13 (Tue): *Broader Mask Reqts./Other Forms of PPE*: 181-99, 217-20
- Feb. 19 (Mon): *School Vaccination Reqts.*: 220-38
Video: "The Vaccine War" (PBS Frontline Mar. 24, 2015), abridged [25:30]
- Feb. 20 (Tue): *Broader Vaccination Reqts./Mandatory Treatment*: 238-55, 266-72
- Feb. 26 (Mon): *Mandatory Treatment (TB)*: 272-89
Video: "Forgotten Plague" (PBS Am. Exp. 2/10/15), abridged [21:00]
- Feb. 27 (Tue): *Criminalizing Contagious Behaviors*: 290-312
Video: "Ending HIV in America" (PBS Nova 10/5/22), abridged [30:15]

Managing Places

- Mar. 4 (Mon): *Closing Schools & Houses of Worship/Indoor Smoking Bans*: 315-32, 345-52
- Mar. 5 (Tue): *Vaccine Passports/Business Closures*: 255-66, 377-94
- Mar. 18 (Mon): *Workplace Safety—Private Ordering & Federal Mandates*: 395-421
- Mar. 19 (Tue): *Workplace Safety—Fed. Mandates (cont'd)/Eviction Moratorium*: 421-50
- Mar. 25 (Mon): *Modes of Transportation—Federal Mandates*: 451-79

Managing Things & Information

- Mar. 26 (Tue): *Medical Countermeasures*: 489-514
Video: "Polio Crusade" (PBS Am. Exp. 2/2/09), abridged [25:50]
- Apr. 1 (Mon): *Rationing Health Care/Pastuerization & Fluoridation*: 514-26, 547-57
- Apr. 2 (Tue): *Contaminated Drinking Water (Flint, MI)*: 532-46
Video: "Poisoned Water" (PBS Nova 5/31/17), abridged [51:35]
- Apr. 8 (Mon): *Prohibitions (Pets & Products)*: 571-98
- Apr. 9 (Tue): *Research sites/Controlling Vectors*: 479-85, 661-71
Video: "The Battle to Beat Malaria" (PBS Nova 11/15/23), abridged [28:50]
- Apr. 15 (Mon): *Safety Alerts/Disclosure Reqts./Advg. Restrictions*: 738-63
- Apr. 16 (Tue): *Squelching Physician Speech/Misinformation*: 790-91, 807-25
Video: "Superspreaders" (FX & NYT 8/19/22), abridged [29:40]
- Apr. 22 (Mon): *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]
- May 2 (Thu): **Final exam**: Open book, 3 essay-style questions (probably given 2½ hours),
[in class] with strict word limits to discourage use of canned, nonresponsive answers.

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 decisionmaking, and advertising restrictions vs. free expression.

STUDENT LEARNING OUTCOMES:

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

- A. Identify the duties and limits to those duties of federal, state, and local governments to protect and promote the public's health.
- B. Use legal analysis to develop strategies for addressing threats to public health.
- C. Locate and evaluate reliable sources of scientific and medical information for the purposes of representing clients seeking legal advice on public health matters.
- D. Demonstrate effective and written oral skills for communicating with the different audiences who constitute the clients for public health law information.
- E. Recognize the ethical issues that arise when developing solutions to public health problems.

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.