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Public Health Law: An Essential Tool for Tribal Public Health

Why use code to promote public health?

- Clarifying authority to exercise public health powers (i.e.- authorizing legislation to exercise power, setting out who the power will be vested in)
- Dedicating resources for public health (i.e. – providing funding for initiatives, public health surveillance, enforcement, etc.)
- Allowing for collaboration and sharing of resources (i.e. – emergency aid, licensing requirements in times of emergency, etc.)
- Overall – setting out systems that provide for needs, set out expectations and operations, and creating sustainability

Public Health Achievements & Role of Law

- Vaccination
- Motor-vehicle safety
- Safer workplaces
- Control of infectious diseases
- Safer and healthier foods
- Fluoridation of drinking water
- Recognition of tobacco use as a health hazard

How can you begin to do this work?

- Determine the issues that you want to address through the tool of public health law
- Examine the existing legal and policy landscape (are there already laws that you might be able to use?)
- Connect with experts
- Gauge interest/awareness of leaders, gauge interest/awareness of population

Beginning the work

- If the community is not aware of the problems and proposed solution, the situation will require outreach and education
 - Data
 - Gathering interested stakeholders
 - Informal and formal conversations
 - Town hall meetings
 - Newspaper articles
 - Presentations to elected and community leaders

Locating codes that can be used as examples

- Look to Tribal Codes
- Native American Rights Fund website
 - <http://www.narf.org/nill/triballaw/codes.htm>
- Oklahoma University
 - <http://thorpe.ou.edu/const.html>
- Westlaw contains some Tribal codes

Locating codes that can be used as examples

- Turning Point Initiative.
- May need substantial tailoring to suit Tribal communities, but many states have used portions of it to model their codes on.
http://turningpointprogram.org/Pages/pdfs/statute_mod/phsm_TP_model_state_ph_act.pdf

Locating codes that can be used as examples

- Network for Public Health Law
 - →TA program
 - → looking to assist Indian Country
https://www.networkforphl.org/ask_a_question/
- William Mitchell College of Law also provides TA in certain areas of public health law
 - →<http://publichealthlawcenter.org/about/staff>
- CDC Public Health Law Program provides TA and may also be able to assist
 - →<http://www.cdc.gov/phlp/>

Gaining Buy In

- Tribal Leaders (elected and unelected) & Tribal citizens
 - Sovereignty
 - Need for authority to do the work – practical
 - Best way to create sustainability

- Questions and Comments?

- Contact

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