

Public Health Law Research: Making the Case for Laws that Improve Health

Scott Burris

Temple University Beasley School of Law

NACCHO Annual 2009

Program leadership

**Robert Wood Johnson
Foundation**

Michelle Larkin

Team Director and
Senior Program Officer

Angie McGowan

Senior Program Officer

Marek Sulzynski

Program Associate

**National Program Office: Temple
University**

Scott Burris

Program Director

Heidi Grunwald

Deputy Program Director

Jennifer Ibrahim and Alex Wagenaar

Associate Directors

**Michelle Mello, Jeffrey Swanson, Jennifer
Wood**

Key Consultants



Technology

DRIVEN TO DISTRACTION

Drivers and Legislators Dismiss Cellphone Risks



At 60 miles an hour on a Missouri highway, a 16-year-old driver texts with a friend as a 17-year-old takes the wheel.

DRIVEN TO DISTRACTION

- “Extensive research shows the dangers of distracted driving ... Yet Americans have largely ignored that research.”
- An Oklahoma legislator said “he and his colleagues needed more evidence of the dangers before they considered restricting the freedom to talk while driving.”
- ““To me, the death of freedom is far worse than the risk of talking on the phone while driving,” said a state representative in Salt Lake City...”



Definition

- “Public Health Law Research” is *the scientific study of the relation of law and legal practices to population health.*
 - “Scientific” connotes that PHLR deploys recognized research methodologies within an explicit theoretical framework to collect and analyze data
 - “Population health,” not individual outcomes, is the focus
 - Law is not just what’s on the books, but what happens “on the streets”
 - Implementation practices and regulatory techniques
 - How people think about and respond to law



Definition

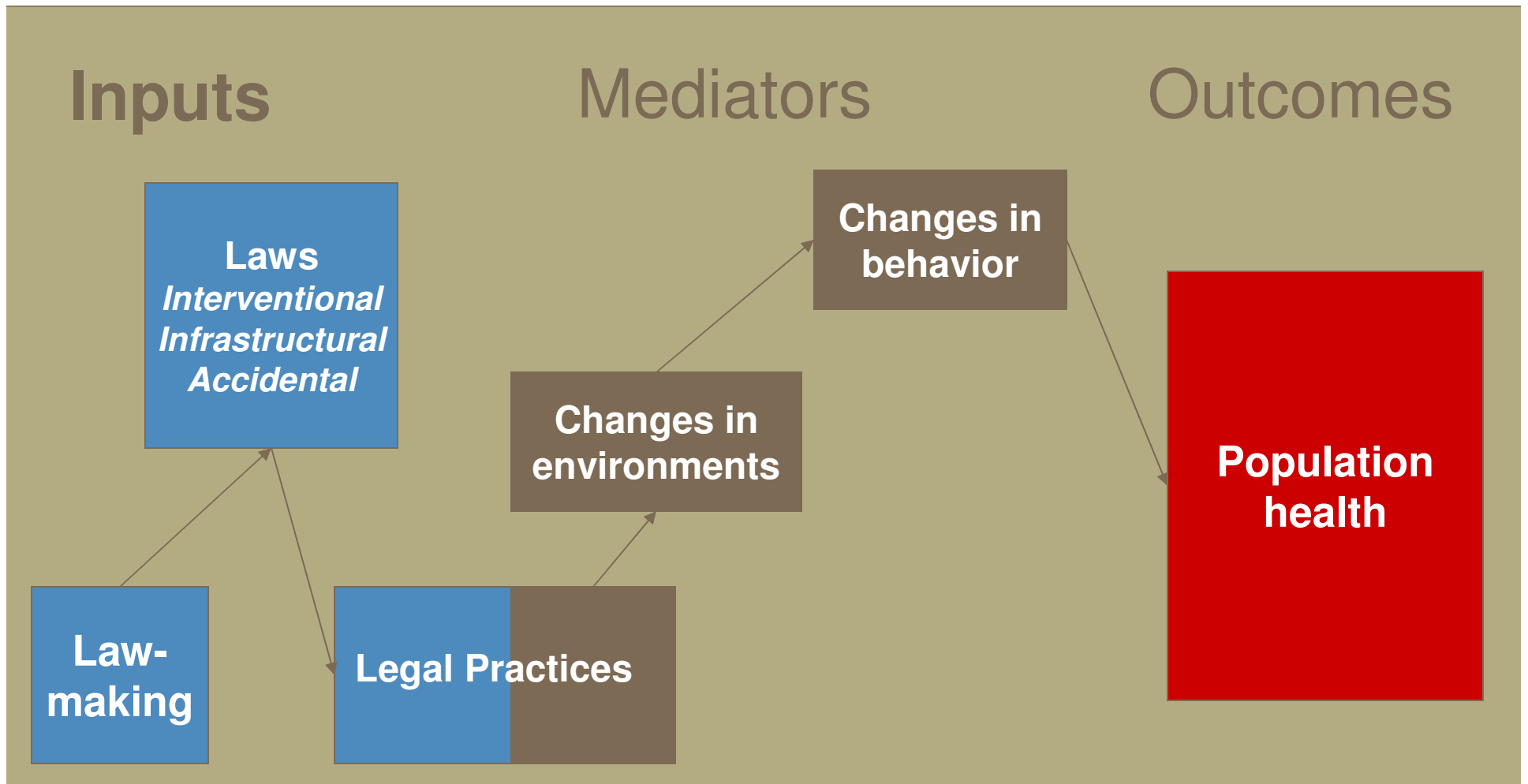
- **More than just “health” laws:**
 - “Interventional Public Health Law” – laws intended to influence health outcomes or mediators
 - “Infrastructural Public Health Law” – laws establishing powers, duties, institutions of public health
 - “Accidental Public Health Law” – laws, regardless of topic or purpose, that are studied for their impact on public health



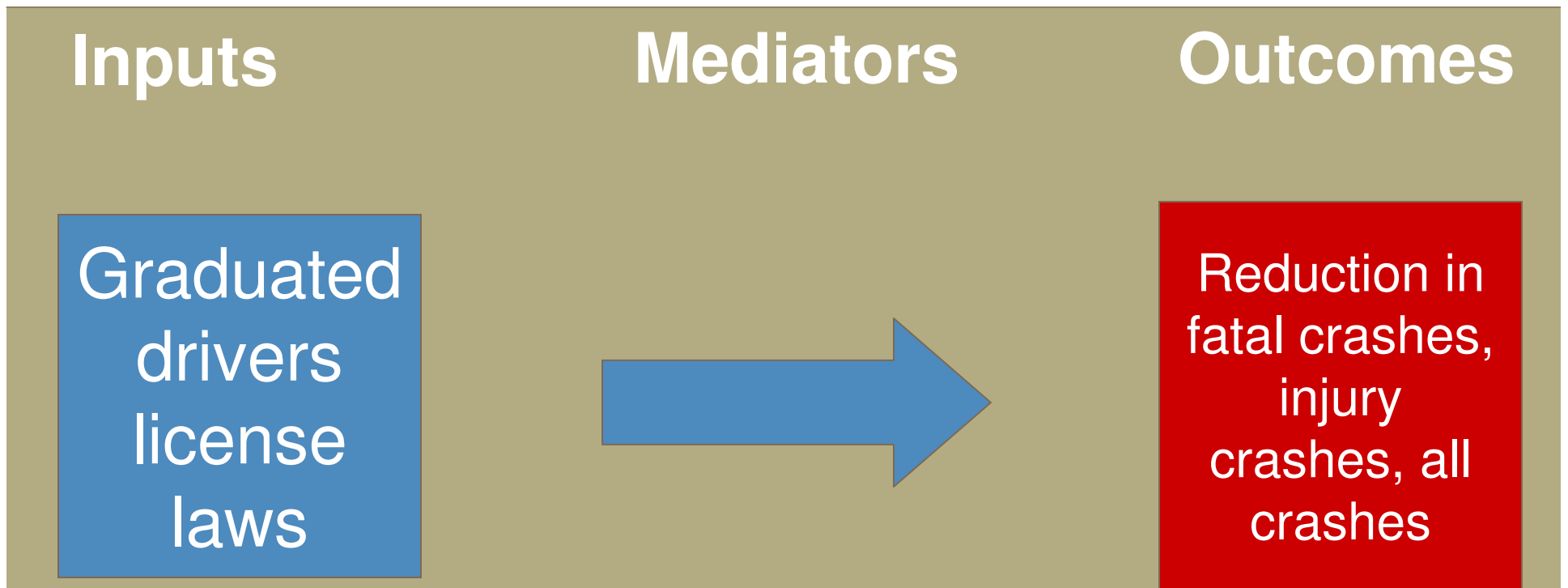
Definition

- PHLR does not encompass all *scholarship* on public health law
 - Commentary on legal, ethical or doctrinal issues
 - Development of new doctrinal theories
 - Analysis of law and practice against normative standards (e.g., compliance with human rights norms)
 - Treatises like Gostin’s “Public Health Law: Power, Duty, Restraint”

Logic model of PHLR

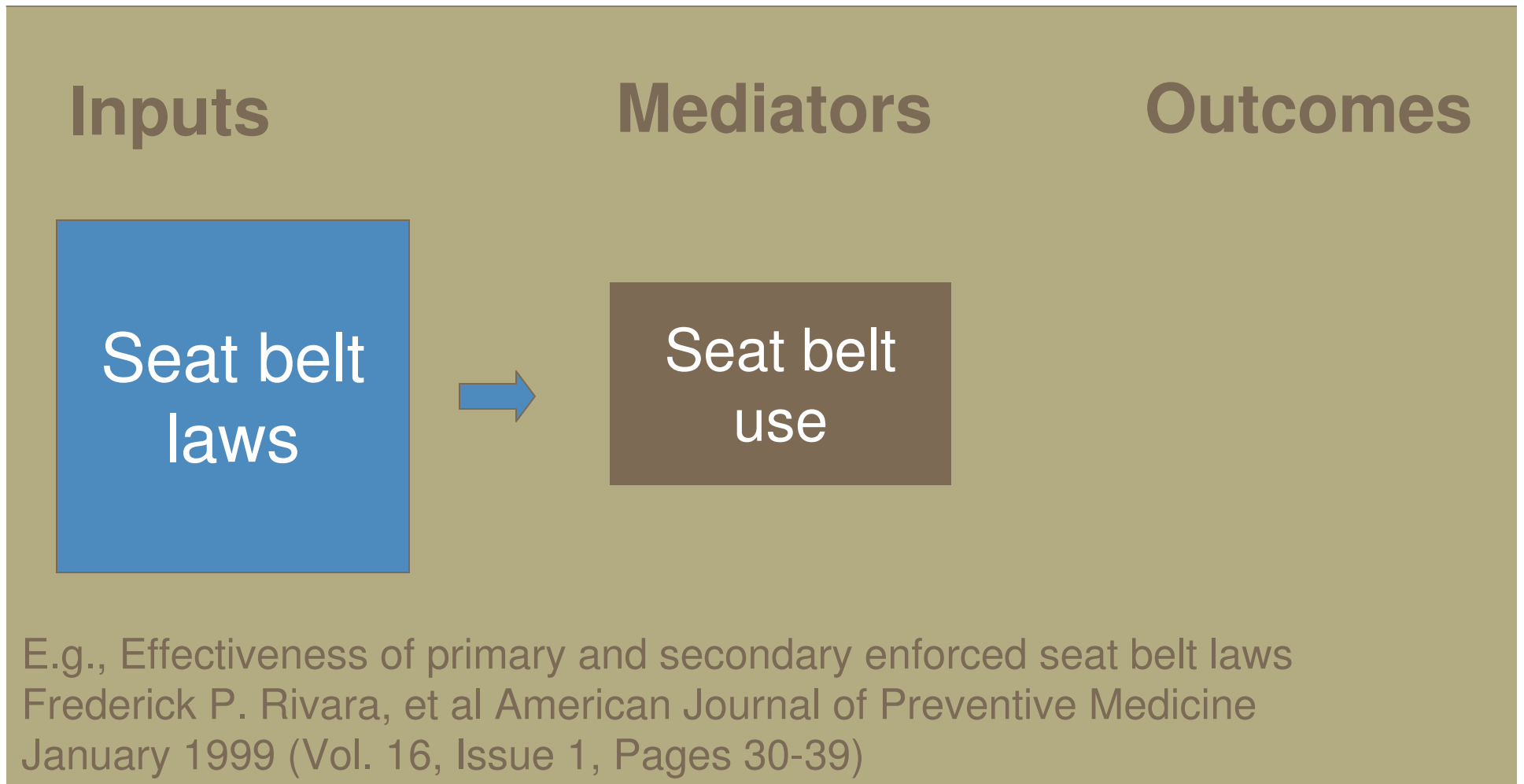


Some PHLR directly tests law's impact on health



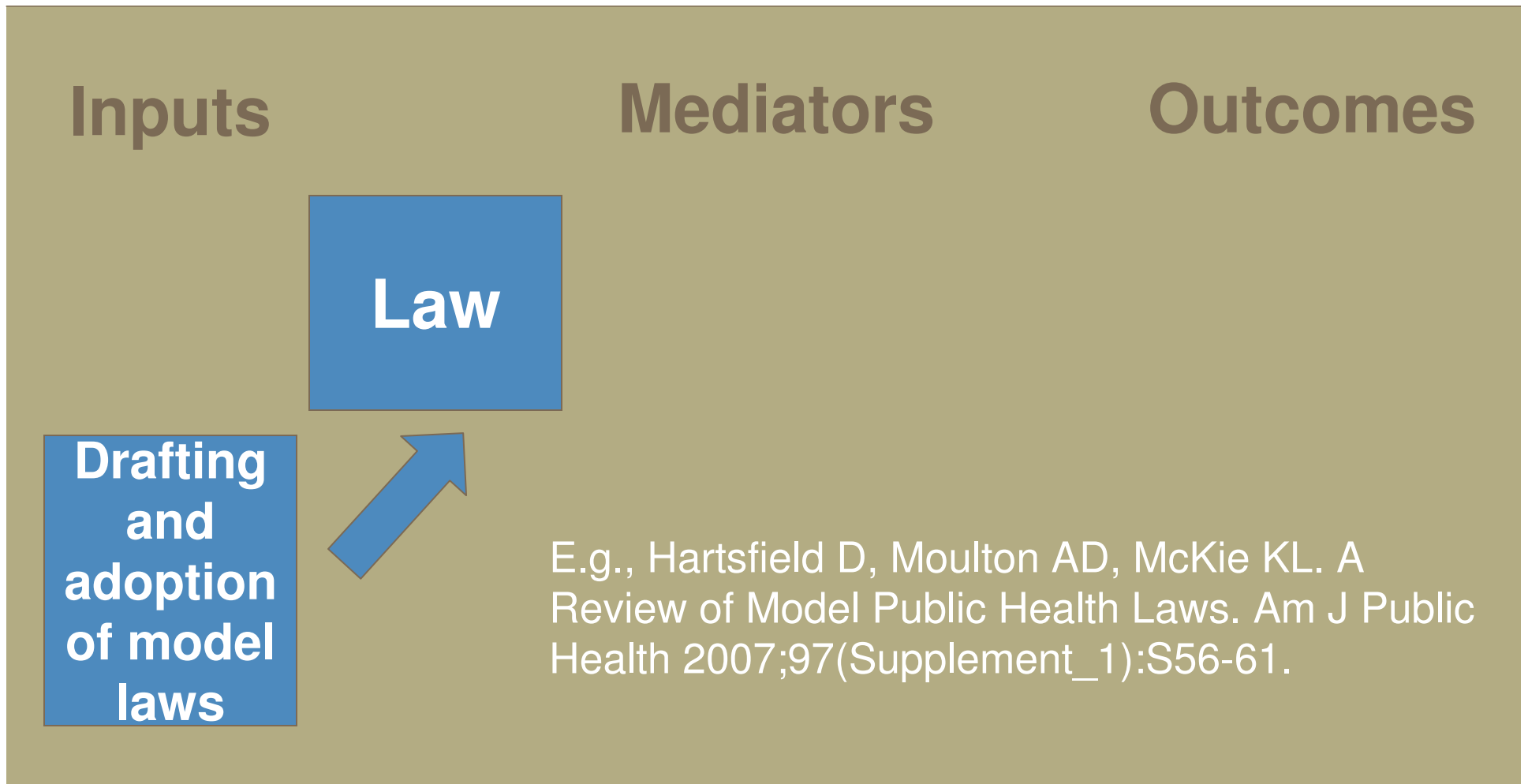
E.g., Robert D. Foss et al., *Initial Effects of Graduated Driver Licensing on 16-Year-Old Driver Crashes in North Carolina*, 286 JAMA 1588, 1588 (2001).

Or a well-established mediator of health outcomes



E.g., Effectiveness of primary and secondary enforced seat belt laws
Frederick P. Rivara, et al American Journal of Preventive Medicine
January 1999 (Vol. 16, Issue 1, Pages 30-39)

Some PHLR investigates how law is developed



Or put into practice

Inputs

Mediators

Outcomes

Law

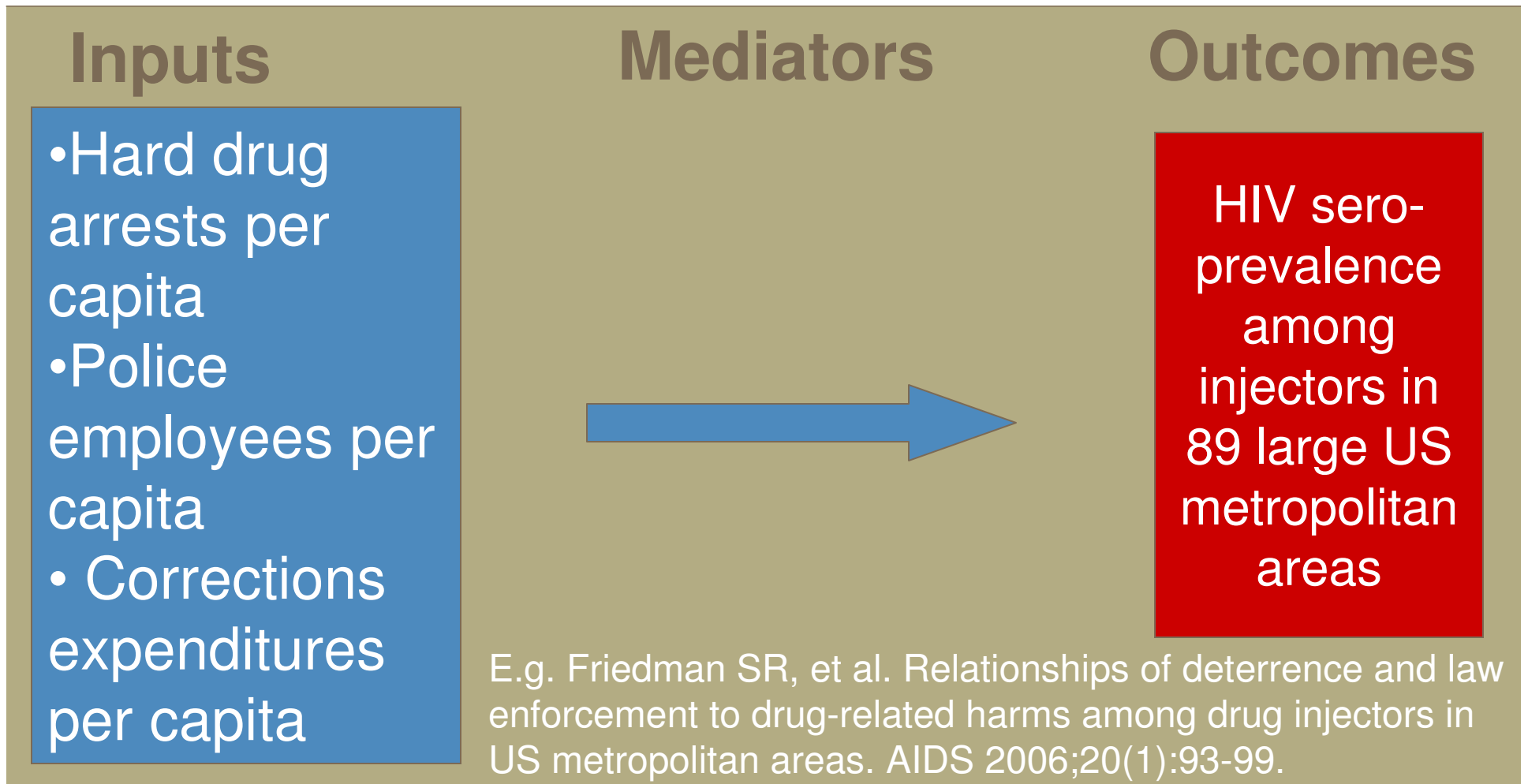


Legal practices

E.g., Jacobson, P. D., & Wasserman, J. (1999). The implementation and enforcement of tobacco control laws: policy implications for activists and the industry. *Journal of Health Politics, Policy & Law*, 24(3), 567-598.



Some PHLR looks at how implementation affects outcomes



Some research focuses on mediators themselves

Inputs

Mediators

Outcomes

How law influences behavior

How law influences environments

How to effectively implement law



Finally, some PHLR simply examines the distribution, characteristics and variations in laws

Inputs

Mediators

Outcomes

Quarantine
laws

E,g. Shaw FE, McKie KL, Liveoak CA, Goodman RA. Legal tools for preparedness and response: variation in quarantine powers among the 10 most populous US states in 2004. Am J Public Health 2007;97 Suppl 1:S38-43.



Our goals

- **Building the PHL evidence base**
 - What works
 - What doesn't
 - How
- **Strengthening scholarship in PHLR**
 - Improved methods
 - More and better researchers working in the field
 - More interdisciplinary and research-practice collaboration
 - More research funding for PHLR
- **Supporting practice**
 - Communicating the evidence
 - Supporting PHLR by agencies and practitioners



Our activities

- **Funding research**
 - Three rounds of funding in next five years
 - Rapid response mechanism to be implemented
- **Conducting research**
 - Effect of anti-obesity legislation
 - Policing and health
 - Food safety
 - Cell phone – driving laws
- **Support for better research**
 - Methodological guidance
 - TA for grantees (& as demand & resources warrant, for the field)
- **Dissemination of evidence**
 - Watch www.PublicHealthLawResearch.org

How Can You Help the PHLR Team?

- **Provide input on policy-relevant topics for future calls for proposals**
 - Researchers benefit from understanding the policy context and concepts related to their work
 - In future CFPs, we will look to generate results that have a high degree of policy relevancy

How Can You Help the PHLR Team?

- **Join in research**

- Form your own interdisciplinary research-practice collaborations

- Help researchers to design studies and utilize methodology that will best inform policy debates

How Can You Help the PHLR Team?

- Advise on dissemination of research results to ensure that stakeholders are reached
- Help to disseminate research findings
- Use PHLR results in your work as decision-makers.



Our expectations

- Even the best evidence can be ignored
 - Medical malpractice
- And often researchers have to be patient as evidence gradually accumulates and even more gradually influences policy
 - Needle exchange
- But better evidence can foster a cycle of good – and life-saving – policy diffusion
 - Seat-belt laws
 - Graduated driver’s licenses



**Researchers to
policy-makers:
“Keep your eyes on
the road!”**

Thank you!

Sign up for news, and offer your advice, at
<http://www.PublicHealthLawResearch.org>

Contact us:
phlr@temple.edu

Thank you

