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# PUBLIC HEALTH, LAW, & GOVERNMENT

APRIL 2018

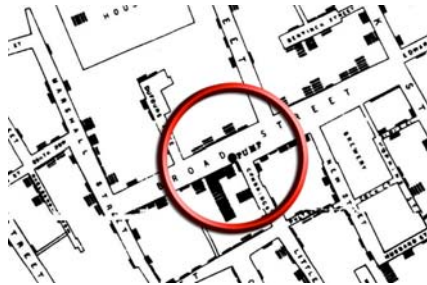


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## TWO QUESTIONS

- What is public health?
- Why is government involved?

## LONDON 1854: BROAD STREET PUMP



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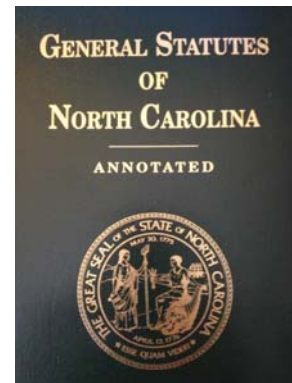
1949  
Last naturally acquired  
case in US

1977  
Last naturally acquired  
case in world

1980  
Declaration of  
eradication of smallpox

## POLICE POWER

- The power of government to enact laws to protect the health, safety, and welfare of the public



## JACOBSON V. MASSACHUSETTS, 197 U.S. 11 (1905)

“The liberty secured by the Constitution of the United States to every person within its jurisdiction does not import an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis organized society could not exist with safety to its members.”

- Upheld compulsory smallpox vaccination as a valid exercise of the state’s police power
- Acknowledged limits on police power

## JEW HO V. WILLIAMSON, 103 F. 10 (N.D. CALIF. 1900)



- Court invalidated San Francisco quarantine that was enforced only against Chinese people & businesses
- A law that appears fair and impartial may nevertheless violate constitutional rights “if it is applied and administered by public authority with an evil eye and an unequal hand”

The science of protecting and improving the health of people and their communities

## TEN GREATEST PUBLIC HEALTH ACHIEVEMENTS – 20<sup>TH</sup> CENTURY

1. Vaccination
2. Motor vehicle safety
3. Safer workplaces
4. Control of infectious diseases
5. Decline in deaths from coronary heart disease and stroke
6. Safer and healthier foods
7. Healthier mothers and babies
8. Family planning
9. Fluoridation of drinking water
10. Recognition of tobacco use as a health hazard

Centers for Disease Control, *Morbidity & Mortality Weekly Report* (April 2, 1999).

## REMEMBER THE BIG PICTURE

- Public health laws are an exercise of the police power – the power of government to protect the health, safety, and welfare of the population
- The police power is broad, but it has limits
- Legal limits relate back to the scientific underpinnings of public health actions and the evidence-based nature of public health interventions

