

Public health laws are vital during emergency as well as everyday situations to maintain the public's safety and well-being. However, many public health laws at the state, local and tribal levels in this country are antiquated, ineffective, and insufficient for addressing modern public health needs. For example:

- **Many public health laws have been built in layers during the 20<sup>th</sup> century in response to specific diseases or health threats.** Some public health laws have separate sections for specific communicable diseases (TB, HIV, etc.) instead of standard approaches for addressing infectious disease. The need for updated laws was highlighted when SARS hit the United States. Some states' disease-specific laws were ill-equipped to deal with new threats. In one state, the state legislature had to quickly approve a measure to include SARS in a law outlining quarantine authority.
- **Some public health laws do not clearly define responsibilities and powers in the public health system.** In some states, laws that address the roles and responsibilities of local governments do not define the extent of public health powers. Conversely, many states' statutes give broad discretionary power to public health departments and boards without due process. Some states' laws authorize state health departments to quarantine people *whenever* officials determine it is necessary, providing very little guidance on the factors necessary for quarantines.
- **Some current public health laws do not reflect advances in public health science and practice, relying on outdated public health practices that may not be as effective in dealing with modern disease threats.** In one state, public health laws suggest that confinement is the first action that must be taken for people who refuse to accept treatment for a communicable disease. Today, many interventions other than confinement are considered to be more appropriate and less intrusive to civil liberties.
- **Some current public health laws may not reflect modern concepts in constitutional law.** Many existing state laws predate advances in constitutional law around civil liberties, including privacy and anti-discrimination.
- **Public health laws are inconsistent within and among states.** This inconsistency creates problems when communicable diseases cross state lines. For example, public health and wildlife officials contend that the wide variety of state laws is partially to blame for the monkeypox outbreak in the Midwest.

*"Public health law at the federal, state and local levels is often outdated and internally inconsistent...Public health law must be reformed so that it conforms to modern scientific and legal standards, is more consistent within and among states and is more uniform in its approach to different health threats." -- Institute of Medicine, "The Future of the Public's Health in the Twenty-first Century," 2002.*

For more information on the Collaborative visit

[www.hss.state.ak.us/dph/improving/turningpoint/MSPHA.htm](http://www.hss.state.ak.us/dph/improving/turningpoint/MSPHA.htm) or  
[www.turningpointprogram.org](http://www.turningpointprogram.org)

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