Collaborations in Public Health Law as It Relates to Oral Health Issues

Benjamin Mason Meier, JD, LLM, MPhil
Public Health Law Project Manager
Center for Health Policy
Need for Legal Reforms

- Fluoride as a Safe and Effective Dental Public Health Intervention
- Legislation as a Means of Implementing Community Water Fluoridation
- HOWEVER, despite overwhelming public health evidence, the policy debate continues:
  - Legislative Amendments
  - Litigation Challenges
  - Voter Referenda
Objectives

- Provide an accessible database of laws, legal reforms, legal challenges, and related interpretive material about community water fluoridation,
- Increase legal competencies of oral health advocates
- Collaborate with CDC Division of Oral Health and partners in education, consultation, and technical assistance.
  - Association of State and Territorial Dental Directors (ASTDD)
  - Children’s Dental Health Project (CDHP)
  - Oral Health America (OHA)
Methods/Three-Year Plan

• Documenting legal reforms
• Interviewing key informants
• Developing databases
• Drafting model litigation & statutory language
• Creating competency-based training
• Engaging in user-oriented consultation and evaluation

Months

1-18

16-28

24-36
<table>
<thead>
<tr>
<th>Obj.</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
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<tbody>
<tr>
<td>1</td>
<td>Identify State &amp; Local Laws &amp; Jurisprudence</td>
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<td>Interview Key Informants</td>
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<td>2</td>
<td>Develop web accessible database</td>
<td>Compile state and local data in web accessible database</td>
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<td>3</td>
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<td>Data Synthesis</td>
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<td>Develop Regulatory &amp; Judicial Model</td>
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<td>Create Educational Model</td>
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<td>5</td>
<td>CDC &amp; Advocate Consultation, Education, and Support</td>
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Year 1 – The Database

- Regulation and Jurisprudence Identification
- Database Development
## Preliminary Database Findings

<table>
<thead>
<tr>
<th>Pre-Litigation Tactics</th>
<th>Procedural Challenges</th>
<th>Substantive Challenges</th>
<th>Political/ Legislative Challenges</th>
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<tbody>
<tr>
<td>Anti-Fluoridation campaigns</td>
<td>Preemption</td>
<td>Unnecessary, unsafe, wasteful</td>
<td>“Pure Water” Bills</td>
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<tr>
<td>Public hearings &amp; Influencing public opinion</td>
<td>Improper regulator/ procedure</td>
<td>Unlicensed practice of medicine/ compulsory medication</td>
<td>Defeating bills in legislature</td>
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<td>Threats of litigation</td>
<td>Abuse of municipal authority</td>
<td>Due process violations</td>
<td>Referenda (misleading language)</td>
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<td>Petitions</td>
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<td>Push for FDA approval</td>
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Successful & Unsuccessful Litigation Challenges – Case Examples

- Unsuccessful (Fluoridation Wins):
  - Coshow v. City of Escondido (CA, 2005)
  - City of Watsonville v. State Department of Health Services (CA, 2006)

- Successful (Fluoridation Loses):
  - Parkland Light & Water Co. v. Tacoma-Pierce Co. Board of Health (WA, 2004)
Successful & Unsuccessful Referenda Challenges – Case Examples

- Successful (*Fluoridation Loses*):
  - Juneau, AK: Referendum (2007)
  - Hood River, OR: Measure 14-23 (2005)

- Unsuccessful (*Fluoridation Wins*):
  - Oregon Statewide Anti-Fluoridation Measure (1976)
Moving Forward: Database Development

- Audience: Oral Health Advocates AND Local Legal Counsel
- Analysis to Identify “Best Legal Practices”
- Examples of Regulations, Court Documents, and Referenda Language
Thank You!

- Please send any relevant legal documents on community water fluoridation to:

  fluoridationlaw@columbia.edu