

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

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HEALTH POLICY  
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# Need for Legal Reforms

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- 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

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- 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

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- 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**



	Year 1			Year 2				Year 3		
Obj. 1	Identify State & Local Laws & Jurisprudence									
		Interview Key Informants								
Obj. 2	Develop web accessible database									
		Compile state and local data in web accessible database								
Obj. 3					Data Synthesis					
						Develop Regulatory & Judicial Model				
Obj. 4								Create Educational Model		
									Disseminate Educational Model	
Obj. 5	CDC & Advocate Consultation, Education, and Support									



# Year 1 – The Database

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- Regulation and Jurisprudence Identification
- Database Development





# Preliminary Database Findings

## Pre-Litigation Tactics

- *Anti-Fluoridation campaigns*
- *Public hearings & Influencing public opinion*
- *Threats of litigation*

## Procedural Challenges

- *Preemption*
- *Improper regulator/procedure*
- *Abuse of municipal authority*
- *Petitions*
- *Push for FDA approval*

## Substantive Challenges

- *Unnecessary, unsafe, wasteful*
- *Unlicensed practice of medicine/ compulsory medication*
- *Due process violations*

## Political/Legislative Challenges

- *“Pure Water” Bills*
- *Defeating bills in legislature*
- *Referenda (misleading language)*

# Successful & Unsuccessful Litigation Challenges – Case Examples

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- 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

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- 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

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



# Thank You!

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

**[fluoridationlaw@columbia.edu](mailto:fluoridationlaw@columbia.edu)**