

Challenges and Opportunities in Public Health Under the Trump Administration

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	Urgent	Not urgent
Important	DO: <ul style="list-style-type: none"> COVID and a partly earned, partly manufactured loss of trust in public health system 	Plan/Slot in:
Not Important	Delegate:	Delete

	Right Now	Longer term
For us to do	<p>DO:</p> <p>Get RFK Jr out of office</p> <p>Fight for sensible policies at local and state level</p> <p>Build a vision of a healthy society where everyone counts and can not just pursue but find happiness</p> <p>Make public health a case study of a politics that stands apart from elites, meets people where they are, truly follows the science in the broadest sense, and serves everyone without any ideological litmus tests</p>	<p>Plan/Slot in:</p>
For allies in a larger effort	<p>Delegate:</p> <ul style="list-style-type: none"> • Trump and fascism • A partisan Supreme Court • Collapse of political “liberalism” 	<p>Delete</p> <p>Any longing for the good old days...</p>



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*Healthier communities for all
through equitable laws & policies*

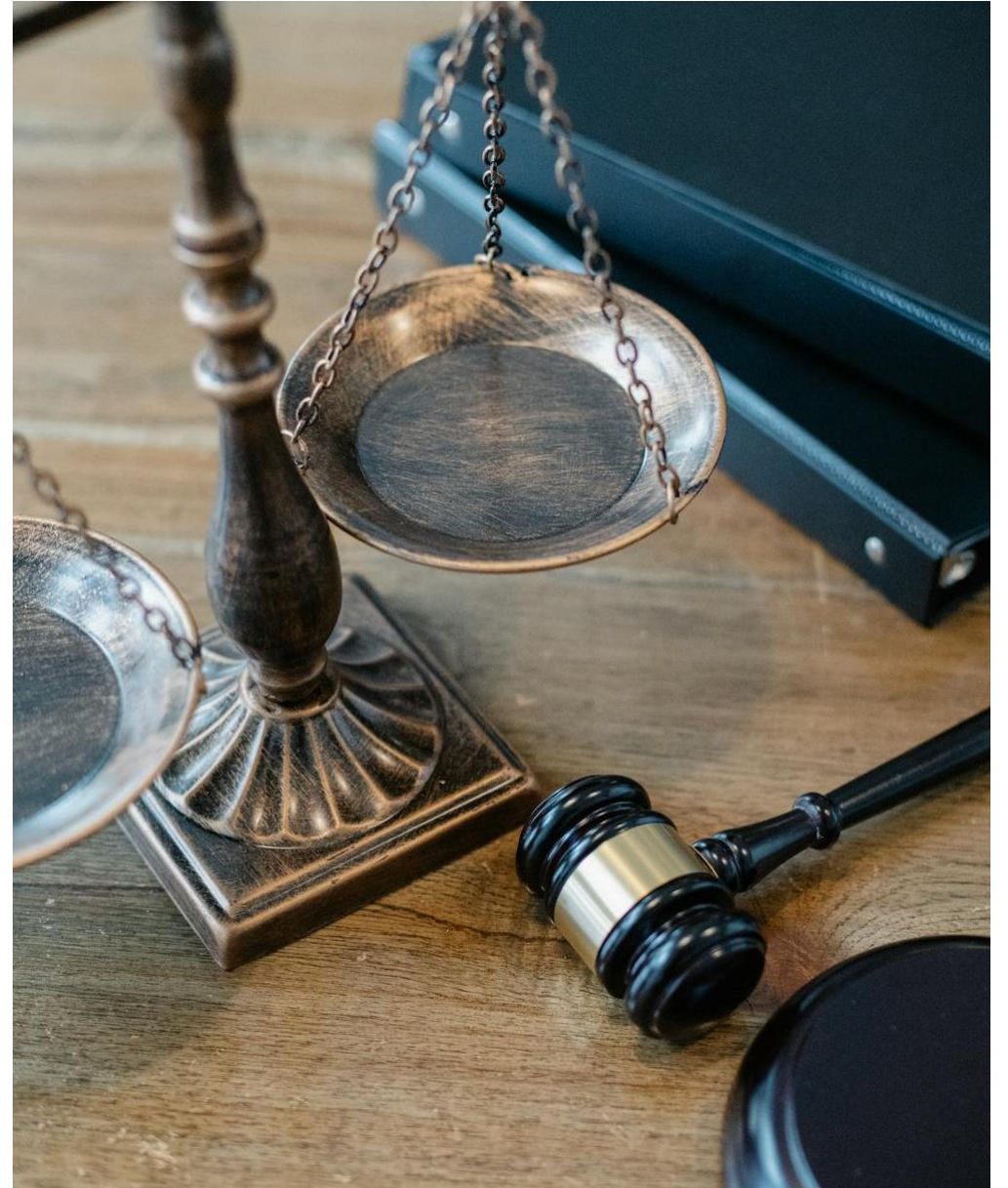
ChangeLab Solutions Disclaimer

The information provided in this discussion is for informational purposes only and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a nonpartisan nonprofit organization that educates and informs the public through objective, nonpartisan analysis, study, and research. The primary purpose of this discussion is to address legal and policy options to improve public health. There is no intent to reflect a view on specific legislation.

What's Happening Now?

- EOs attempting to “legislate” or undermine judicial rulings or other existing law
- EOs attempting to govern the behavior of entities **outside of** the executive branch
- Rapidly changing causing confusion and harm (directly + public perception)
- Loss of jobs and funding
- Loss of data and information



What Can and Cannot Be Done Through Executive Order (EO)?

CAN

- Order agencies to follow specific guidance or promote specific goals
- Influence whether and how agencies work with non-federal partners and how they perform their functions

CANNOT

- Change or sidestep checks and balances or the separation of powers
- Change statutes, regulations, or the Constitution
- Change judicial interpretations

All executive orders must be within the scope of the constitutional authority of the executive branch

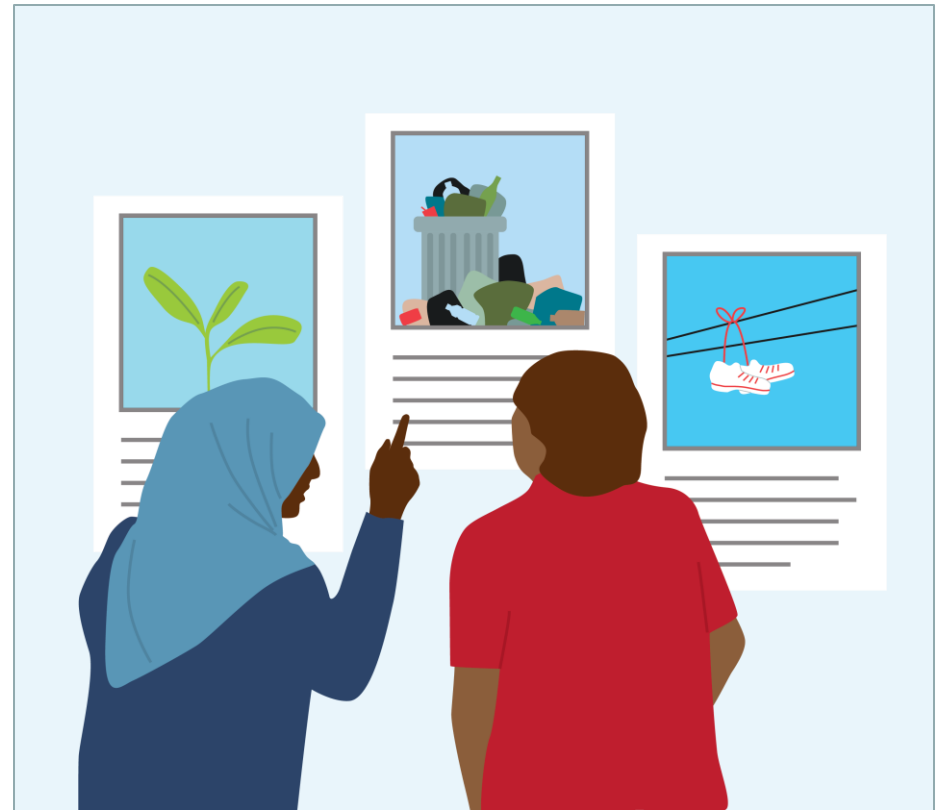
Legal Considerations



- Avoid unnecessary overcompliance
- Consider options and assess risk
- Make decisions strategically among partners and using the best available information
- Understand that there will be uncertainty

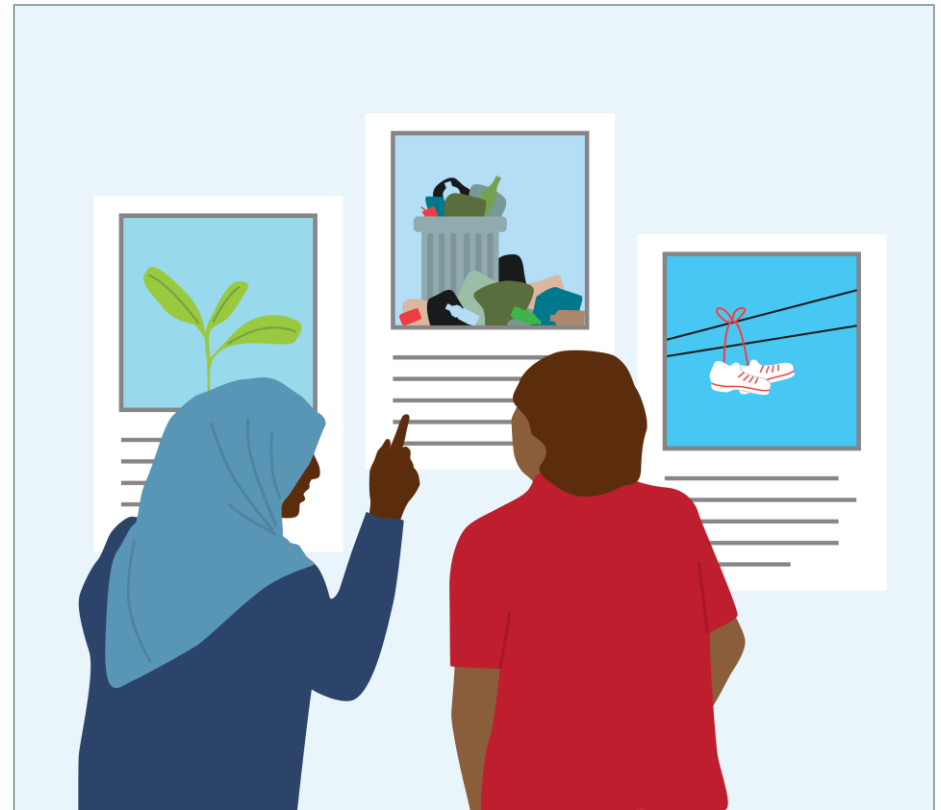
Strategy Considerations (Part 1)

- Think about your risk tolerance and understand consequences of preemptive compliance
- Participate in lawsuits as plaintiffs or signing on to amicus briefs



Strategy Considerations (Part 2)

- Get information
- Conversations and coordination with others
- Storytelling
- Advocacy





Resources for Navigating Federal Actions

To find a curated list of resources, policy and litigation trackers, and actionable guidance, visit our website:

<https://www.changelabsolutions.org/supporting-changemakers-responding-federal-actions>





Finding & Reading the Law

A Skills-building Training for Changemakers

- Designed to build confidence navigating the law
- Small-group, interactive training
- Collaborative, hands-on learning
- 2-hour virtual session
- 1-hour follow-up for skills building
- Early bird & group discounts available



Legal knowledge isn't just technical – it's transformational.

Litigation Tracking and Convening

- Newsletter -
<https://www.publichealthlawwatch.org/contact>
- Convening Report -
<https://www.publichealthlawwatch.org/report-protecting-public-health-in-the-courts>

GOALS	
Create the Operational Structure for Coordinated Activities	A single access point for sharing information and communication will help make silo walls permeable and coordinated effort easier.
Doctrinal Research and Development	A long-term strategy requires a jurisprudence that centers government's responsibility for the health and well-being of its people, and which recognizes that how we arrange our society, our economy, and our physical environment drives the state of our public health.
Implement a Coordinated Litigation Strategy	Create synergies by working with organizations whose doctrinal concerns align with the doctrinal concerns of public health.
Engage with the Judicial Selection/Election Process	Everyone has an interest in having well-qualified judges who view protecting the public's health as an important governmental interest, and who can knowledgeably evaluate the purpose and methods behind public health measures. Public health and its allies need to engage, to the extent legally possible, in the judicial selection process.
Educate the Legal Profession/Establishment	The public health law community needs to increase awareness within the legal profession - from law students to law professors, from litigation attorneys to judges - of the central role that public health plays in our constitutional order.
Develop Messaging Content and Outreach Plans	Public health provides a powerful success story for how robust government action can vastly improve public welfare. It also demonstrates how improving health outcomes for vulnerable populations improves health outcomes for everyone. These messages need to be communicated outside of the courtroom to be effective inside the courtroom.
Develop a Sustained Funding Strategy	Good planning can make it possible for public health to use its resources to their greatest effect. Understanding the landscape of the work already being done will reveal new opportunities from which to develop future funding proposals with clear goals and measurable outcomes to attract potential funding or strategic partnerships from untapped sources.

Health Equity Litigation

- **“Litigation Challenging Governmental and Health Institution Efforts to Address Health Equity from January 2024 to May 2025”**
- <https://www.publichealthlawwatch.org/health-equity-litigation-report-2025>
- Thank you to ChangeLab Solutions, especially Jami Crespo and Shannon Rempe.
- The identified lawsuits focused on two topic areas:
 - challenges to rules and guidance issued by the Biden Administration to expand civil rights protections for gender identity and sexual orientation (19 lawsuits)
 - challenges to programs, services, or advisory groups with racial or gender eligibility preferences or requirements (11 lawsuits)

Peer Learning and Sharing

Challenges:

- How have federal actions affected you?
- What are you trying to navigate?

Strategies:

- Have you taken any of these actions?
- What additional actions have you taken or are you hearing about / interested in pursuing?



Peer Learning and Sharing (cont'd)

Collaboration:

- How, if at all, have you been collaborating with other jurisdictions or collaboratives during this time?
- Or with attorneys and legal organizations to navigate federal actions?

Resources:

- What resources have you found helpful?
- What additional resources and supports are most needed to support your work and the communities you serve?



New Product!

Legal authority facilitating and guiding good...

- Processes
- Accountability
- Shared goals

...in all exercises of public health authority



Public Health Legal Authority for Good

Examples & Evidence for Practitioners & Policy Partners



Governmental Legal Authority

- Public health powers
- Preemption and other limitations
- Community roles
 - Lobbying limits
 - Advocacy
 - Implementation



Source: [Understanding Legal Authority to Address SDOH](#)

Authority to Do What?

- Collect and analyze **data** to understand community
- Further community **health goals**
- **Educate** and **learn**
- Provide **programs** and **services**
- **Investigate** and **control** the spread of illnesses and environmental hazards
- Respond to **emergencies**
- Create, implement, and enforce **safety rules** and **health-promoting policies and legislation**

Source: [Understanding Legal Authority to Address SDOH](#)

More Effective & Equitable Public Health Systems

1. **Financing/Funding**
2. **Data/Information Technology**
3. **Workforce**
4. **Public Health Law/Governance/Policy**
5. **Community Engagement**
6. **Partnerships**
7. **Equity**
8. **Social Determinants of Health**

[...]



APHA Alliance's Crosswalk:

12 Reports on Improving PH Systems

- [Public Health Forward: Modernizing the U.S. Public Health System](#)
- [Public Health 3.0: A Call to Action for Public Health to Meet the Challenges of the 21st Century](#)
- [Charting a Course for an Equity-Centered Data System: Recommendations from the National Commission to Transform Public Health Data Systems](#)
- [CDC Data Modernization Initiative Strategic Implementation Plan](#)
- [Building Skills for a More Strategic Public Health Workforce: A Call to Action](#)
- [Seven Vital Conditions for Health and Well-Being](#)
- [Staffing Up: Workforce Levels Needed to Provide Basic Public Health Services for All Americans](#)
- [Urban Health Agenda](#)
- [Meeting America's Public Health Challenges](#)
- [How Investing in Public Health will Strengthen America's Health](#)
- [The Future of the Public's Health](#)
- [The Impact of Chronic Underfunding on America's Public Health System: Trends, Risks, and Recommendations, 2022](#)

Central Question

- What laws, policies, and governance structures are needed to ensure that public health officials and staff can serve the public's health **effectively and fairly**, in ways responsive to **community priorities**?
- Authority to...
 - Respond nimbly to public health emergencies;
 - Provide stable, day-to-day public health services to all; and
 - Facilitate upstream activities that improve public health

Priorities for public health legal authority

Process



Legal authority can dictate how things are decided and implemented and with whom

Accountability



Legal authority can establish and require the evidence to justify, guide, and evaluate actions and improvements

Goals



Legal authority can embed explicit goals and outcomes measures



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ACT for
**Public
Health**

New Product!

8 Processes

- 8 Sustainability & Workforce Supports
- 11 Community Trust
- 15 Cross-Sector Partnerships

18 Accountability

- 18 Data Tools & Protections
- 21 Accountability to Community
- 23 Good Governance

25 Goals

- 25 Foundational Public Health Services for All
- 27 Community-Based Drivers of Health
- 29 Systems-Based Health Solutions



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Public Health Legal Authority for Good

Examples & Evidence for Practitioners & Policy Partners



Public Health Legal Authority for Good

	Processes	Accountability	Goals
Providing Core Services	Sustainability and workforce supports	Data tools and protections	Foundational public health services for all
Serving Communities	Community trust	Accountability to community	Community-based drivers of health
Coordinating Systems	Cross-sector partnerships	Good governance	Systems-based health solutions

Taney County, MD

- **Example of coordinating systems for accountability (promoting good governance)**
- Administrative Policy & Procedure Manual for the Taney County Health Department in Missouri confirms that “[t]he Health Department will complete a community health assessment every three years with annual updates” with “information focusing on community and demographic data . . . and social issues that may affect public health.”
- The department will work with community partners to use an evidence-based health assessment, collect data, and analyze health status, disease trends, risks, and resources.

Understanding Legal Authority to Address Social Determinants of Health

A Resource for Health Departments



Understanding Legal Authority to Address Social Determinants of Health

Visit
changelabsolutions.org
learn more!



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Stay in touch!



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“Advancing Public Health and Health Equity in the Courts”

- Amicus briefs on behalf of public health and health equity
- Continue to build the George Consortium’s capacity to protect health
- Connect public health experts and advocates with lawyers and legal scholars
- Communicate what is being done

Please take this survey to evaluate conference sessions.

