

Innovative Laws and Policies for a Post-Pandemic Public Health System

Executive Summary

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Throughout the COVID-19 pandemic, policymakers and public health leaders sought to better protect the health of their communities, particularly community members providing essential services at the frontlines of the pandemic response, and those at greatest risk of harm from COVID. One challenge was how to honor and balance three core public health values, including:

1. Evidence-Based Action to Promote Health and Well-being and Prevent Death, Disease, and Injury
2. Good Governance
3. Equity and Fairness

[The report](#) identifies some of the most innovative and effective laws and policies, primarily at the state and local levels, implemented during the pandemic in order to support the physical, mental, and economic health of communities.

Readers of the report may discover laws and policies that have the potential to address challenges in their jurisdictions. Being able to point to successful adoption in another jurisdiction may help some jurisdictions gather supporters or allay potential opposition. Learning about the creative law and policy approaches described in the report may also inspire readers to develop or modify still more innovative laws and policies.

Findings

States across the geographic and political spectrum have enacted an array of innovative laws and policies. Some of these legal strategies, such as public health modernization, had been advancing prior to the pandemic. Some laws and policies leveraged COVID-related federal funds, but others created a mechanism for additional ongoing funds at the state or local level, while still others implemented low-cost strategies to, for example, improve communication and to increase public trust and understanding of the essential role of public health.

The report categorizes innovative laws and policies for a post pandemic public health system into six areas that are both distinct and interconnected:

Governance

These laws strive to modernize public health and balance the need for quick and decisive action in an emergency with protections for the democratic process and individual rights. Importantly, some new laws require that governments assess whether or not proposed laws are likely to increase or decrease racial disparities.

Funding

Federal laws provided funding for COVID response, and for financial support for individuals, families, and businesses to comply with emergency orders to control the spread of the virus. Several states took innovative approaches to increase baseline funding for public health departments and collaboration with local governments and community-based organizations.

Health Equity

States and localities utilized a number of new strategies to increase fairness, create equity, and fight racism. They implemented health equity task forces, issued declarations of racism as a public health crisis, collected data to illuminate and measure progress on reducing health disparities, introduced procedures

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for inclusive decision making, and prioritized accessible funding, education, prevention, and treatment for individuals and communities at greatest risk.

Infrastructure

Numerous states and localities are leveraging federal funds to update physical infrastructure, such as public health laboratories, as well as information infrastructure through data modernization initiatives.

Workforce

Federal funding is supporting state and local implementation of strategies to recruit, retain, and diversify the public health workforce. The CDC, state and local governments, and nonprofit organizations are making strides toward enhancing the capacity of public health practitioners to analyze, apply, and advocate for laws to make their communities safer, healthier, and more equitable.

Public Health Interventions and Emergency Orders

Public conversation during the pandemic focused on laws and policies requiring or encouraging vaccination and masks. However, the federal government and states took numerous steps to expand access to health care, prevention, testing, and treatment. They also implemented a variety of legal tools to provide financial support to make it easier for individuals, families, and businesses to comply with emergency orders.

Key Opportunities

The pandemic raised the consciousness of the future of public health for everyone, providing an historic opportunity to re-envision and rebuild a stronger, more equitable, and more effective post-COVID public health system. The report identifies law and policy options—without prescribing a specific legal regime—to better inform public health improvement and advocacy efforts. Nonetheless, several overarching opportunities to rebalance the three core public health values identified in the report (evidence-based action, good governance, and equity and fairness) have emerged:

Laws and policies should be updated to address changing conditions and increase fairness and equity.

- States could conduct thorough assessments of their emergency powers, public health authorities, and the adequacy of current governance and funding mechanisms to both provide foundational public health services and respond to threats and opportunities of the 21st century in ways that are equitable. This review could occur in the context of public health modernization, an appointed task force or commission that includes diverse stakeholders, or in a more focused legal assessment of prevention measures. It might take place under the auspices of government, a university, or a professional association, institute, or academy.
- States and localities could create systems to collect and share objective data regarding disparities in health outcomes associated with race and ethnicity, including subpopulations within racial and ethnic groups. The systems should have the capacity to collect this data in connection with public health emergencies in real time, and measure progress in reducing health disparities.
- State and local governments could strengthen or establish the means for communities most affected by disparities in health opportunities and outcomes to participate in the process of designing and implementing solutions, including through health equity task forces and efforts declaring racism as a public health crisis.

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Laws and policies should align with community priorities and be developed through cross-sector collaboration.

- States could protect and expand home rule authority, which supports community priorities and local decision-making in response to local conditions and local input. This is true for public health decision-making and spans sectors impacting the social determinants of health as well. States could also protect against shifts in authority to ensure that emergency and day-to-day decisions affecting the public's health are guided by both community priorities and public health experience and expertise.
- Governmental public health agencies faced with new laws limiting public health authority could navigate the changed legal environment by creating space for dialogue and increased understanding by policymakers of public health challenges, powers, and duties. States and governmental public health agencies could explore new roles for diverse cross-sector actors and the authority in other sectors of government to support necessary actions.

Adequate long-term funding should be committed for a robust, equitable, and effective public health system.

- States could consider new ways to make the case for adequate, predictable funding to meet the day-to-day challenges of public health and health equity, emphasizing that a robust public health system will be in the best position to absorb and effectively use additional one-time funding during and after an emergency. Government at all levels could prepare to efficiently and effectively deploy financial safety net programs to facilitate compliance with emergency measures.
- Governmental and non-governmental entities could continue to invest in meeting the capacity needs of the public health workforce and like-minded others, including enhancing the necessary infrastructure to improve data and knowledge sharing. Support for the public health workforce should attend to the knowledge, skills, and abilities to equitably develop, understand, enforce, and advocate for laws that will create the conditions where all people have the opportunity for health and well-being.

Conclusion

The report provides numerous examples of innovative laws and policies which have already been enacted in one or more jurisdictions. Jurisdictions vary in their legal, political, cultural, and financial makeup, and total uniformity in emergency powers and public health authority is unlikely to be achieved. However, adhering to core values of interventions based in the evidence, good governance, and fairness and equity provide a framework in which legal and policy innovation can flourish.

The breadth and diversity of examples discussed in the report provide ample reason to believe that public health can emerge from the COVID-19 pandemic better prepared and equipped to fulfill its mission to protect and improve the health of the population as a whole in the years to come. States and other governmental entities that have already enacted innovative laws and policies like those identified in the report, or that do so in the coming years, will strengthen their abilities to both improve people's everyday lives and weather the next public health emergency.

Read the full report [here](#).