

PUBLIC HEALTH LAWS

INTRODUCTION

Medical doctors must be familiar not only with the extent of their power, responsibility and duties, but also with the limitations imposed upon them by law

10 GREAT PUBLIC HEALTH ACHIEVEMENTS (As a result of PHL)

- Vaccination
- Motor-vehicle safety
- Safety workplace
- Control of infectious diseases
- Decline in death from coronary heart disease and stroke
- Safer and healthier foods
- Healthier mothers and Babies
- Family planning
- Fluoridation of drinking water
- Recognition of Tobacco use as a health hazard

RELATION BETWEEN NIGERIAN LAW AND PUBLIC HEALTH PROBLEMS

NIGERIAN LAW	PUBLIC HEALTH ISSUE	HOW LAW WORK
School Entry Vaccination laws	(To provide) Herd immunity or individual immunity	Requires parental behavior
Smoking bans or restrictions	(to prevent) Exposure to environmental tobacco smoke	Requires behavior change
Fluoridation of community water supplies	(to prevent) Dental caries	Directly change physical environment requiring no action on part of target population

DEFINITION of PHL

- PHL is concerned with the legal powers and duties of the government to assure the **conditions for people to be healthy** + the limitations on the power of the govt to constrain the **Autonomy, Confidentiality, Privacy, or Other legally protected interests of individuals** for the protection or promotion of community health
- PHL examines the authority of the Govt at various jurisdictional levels to improve the health of the general population within societal limits and norms

CHARACTERISTICS of PHL

- **Government:** PHL is a special responsibility of govt. (in collaboration with partners in the community, business, the media and academia)
- **Populations:** PHL focuses on the health of population rather than individuals
- **Relationships:** PHL addresses the relationship btw Govt. and Pop./individuals
- **Services:** i.e. population-based services grounded on the scientific methodologies of public health (e.g. biostatistics and epidemiology)

- **Power:** has the power to regulate individuals and businesses for the protection of the community rather than relying on the ethics of voluntarism

ATTRIBUTES of PHL

- A collection of **Rules, Remedies and Sanctions**
- It is Normative = i.e. it is a **Collection of** do's and don'ts or **Norms** for healthy living.
- (like other laws,) Made by the **Legislature** (i.e. National or State assembly) or by delegated authority, according to the system of Govt or legal system that is in place in a given country
- It exists in continuum or continually, unless it is disrupted by serious social, political or economical upheaval
- It is **Fundamental and All-encompassing**
- It is often the **Response of the lawmaker** to the problems and issues confronting health systems in the country
- It is **Territorial and has Territorial limit:** PH law only operate in the geographical territory in which the health law applies, such as corporation, institution, agencies, local govt, ...
- It may be rooted and spring from the nature, culture, history, religion of the people, or social, political, and economic life on the people

SOURCE OF LAW NECESSARY FOR PUBLIC HEALTH PRACTICE

- Constitutions of FRN
- Treaties (Executive Order)
- Statutes
- Regulations
- Common law

CONSTITUTION (of FRN) AND PUBLIC HEALTH: CONSTITUTIONAL BALANCE BTW RIGHTS OF INDIVIDUALS AND THE NEED OF THE COMMUNITY WITH RESPECT TO PUBLIC HEALTH

- Health has been a constituent of all Nigerian constitutions, alongside matters like education, agriculture, roads and housing
- **Constitutional framework of Nigeria Health care sector or system**
 - In Nigeria, the National Health Care system is structured along the federal constitution framework comprising 3 tiers: **Federal, State and Local Government**
 - i.e. all 3 tiers of Nig. Government share responsibilities of providing health services and programs in Nig.
 - The 1979 constitution spelt out health as universal human right and prescribed the roles of the 3 tiers of govt. in the provision and maintenance of health services.
 - The current 1999 constitution makes provision for the **over-riding of individual rights, if it is in the interest of public health**. However, this constitution fell short of specifying the roles the state and federal government must play in the national health care delivery system; and only vague reference is made concerning the role of LG on health
 - NB: the LG is the Main implementing agents of Primary Health Care

TIERS/BRANCH	ENTITY	ROLE	TYPES OF LAW
Legislative	NASS/SASS/LGA council	Enact law	Statutes

Executive	President - Ministers Governors - Commissioner LGA - supervisor	Enforces law and regulates	- Executive order - Treaties - Regulations
Judicial		Interprets law in resolving disputes	Common law (include case law)

PUBLIC HEALTH LAW [PHL] ACCORDING TO THE LAW OF FEDERATION OF NIGERIA, DIFFERENT PARTS OF PHLs AND FUNCTIONS OF MEDICAL OFFICER OF HEALTH

- The Nigerian PHL spells out the power of PH officer and defines the general duty of the medical officer of Health (MOH)

PARTS OF PHL IN NIGERIA

PARTS	FOCUS	DESCRIPTION
I	Introduction	Application and interpretation
II	MOH or EHO	Appointment and Functions
III	Nuisance	Notice abatement on non-compliance and Court order
IV	Occupier of premises	Duties, Power to sell premises, right of entry, cost of execution relating to nuisance
V	Infectious Dxs	Declaration of infected area and order for evacuation
VI	Vaccination	Major vaccine preventable disease of PH significance
VII	Water	Drinking quality water, fouling water
VIII	Streets and open spaces trading	Market sanitation / street trading and illegal market regulation
IX	Food and food premises	MOH to inspect food exposed for sale and condemn unsound food
X	Local liquor	Spirit, wine and beer licenses in area
XI	Abattoir	Abattoir and slaughter houses regulations
XII	Slaughter	Slaughtering of animals regulations
XIII	Meat regulation	Sale of meat regulation
XIV	Commentary	Birth, cemetery and disposal of the dead regulation , registration of births and deaths
XV	Dog	Dog regulations
XVI	Pest	Pest and vector control regulations
XVII	Noise	Noise pollution control regulation
XVIII	Post mortem	Power to order post-mortem examination
	Miscellaneous provisions	General purposes for which by-laws may be made by-laws e.g. to buildings

FUNCTIONS OF MEDICAL OFFICER OF HEALTH (MOH)

- Investigation of the cause, origin, mode of transmission and distribution of **infectious diseases**
- To **advise his council/government** on all matters affecting **public health** in his area of jurisdiction
- Upon **outbreak of epidemic**, the MOH visit the place and inquire into **cause and circumstance** of the outbreak and take **appropriate measure to prevent the spread of dx**

- Direction of the work of the public health inspectors
- Take appropriate action to **prevent food contamination** and **deal with unsound food**
- Take necessary steps to deal with **offensive food traders**
- Compile weekly record of notifiable disease and forward it to the appropriate authority
- Compilation of annual report on all aspect of activities under his control and forward it to appropriate authority
- Deal with nuisance (abatement law)

EXAMPLES OF PHL

1. Food and Drugs Act
2. Indian Hemp Act
3. Tobacco smoking (control)
4. Poison and Pharmacy Act
5. Quarantine Act

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