



ChangeLabSolutions

# Finding & Reading the Law: Tools for Local Health Officials

Local Health Officers'  
Training, West Virginia  
November 8, 2024

# Presenters



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# Warm Up

I started a conversation this morning that I can't wait to continue.

**1**

**2**

**3**

**4**

**5**



I'm still waking  
up – where's  
the coffee?

Strongly agree

# Warm Up

I would describe my experience with legal research as follows . . .

**1**

**2**

**3**

**4**

**5**



What do you mean by legal research?

I regularly navigate legal sources to find laws and policies.



# ChangeLab's Mission

*Healthier communities  
for all through equitable  
laws & policies.*





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

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# Funding Acknowledgment

This work is supported by funds made available from the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$250,000 with 100 percent funded by CDC/HHS.

The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by CDC/HHS, or the U.S. Government.

# Why are we here?

- Participants will increase their ability to:
  - Navigate legal sources, and
  - Find and read the wide range of laws and policies that affect public health.
- For all public health practitioners and their partners, regardless of position or role!





# What will you learn?

By the end of today's training, you should be able to:

- Define and distinguish different types of laws and policies that affect public health;
- Navigate different legal sources to find relevant laws and policies; and
- Read and analyze laws and policies to aid in your work.



# Why Are These Skills Important?

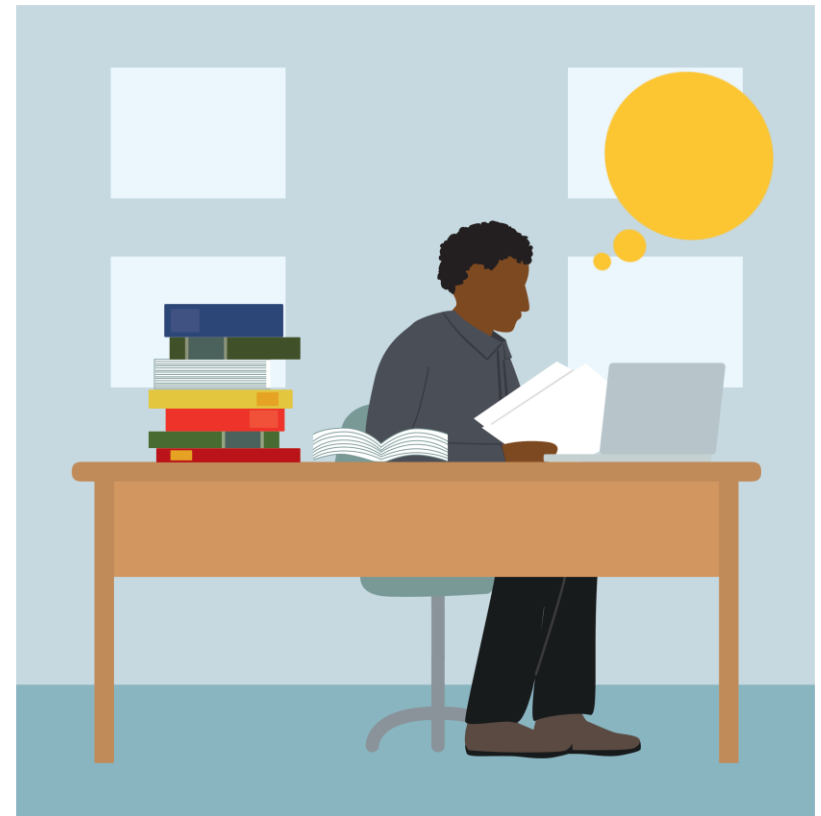
- **Law is a social determinant of health**
  - Affects the social, economic, and physical world around us
  - In turn, affects access to health-promoting resources and opportunities
- **Public health practitioners are increasingly asked to help shape laws and policies to improve health for all**
  - One of CDC's 10 Essential Public Health Services
- **Legal research skills support this work by:**
  - Supporting essential public health services
  - Facilitating collaboration across disciplines



# Think Like a Lawyer!

“The Covid-19 pandemic did not create a critical need just for epidemiologists but also for lawyers. Controlling a highly contagious airborne virus requires restrictions on individual or group liberties, which invariably triggers lawsuits challenging their necessity, scope, and legality.”

—Jay K. Varma, Theodore Long, & Dave A. Chokshi. [5 Skills Public Health Officials Need to Combat the Next Pandemic](#). December 2021.



# What We'll Discuss

- Welcome! (20 mins)
  - Activity 1: Warm up
- Getting Started with Finding the Law (40 mins)
  - Activity 2: Finding and reading secondary sources
- Break (5 mins)
- Researching Statutes and Ordinances (45 mins)
  - Activity 3: Finding and reading statutes
- Wrap up & evaluation (10 mins)

# Meeting agreements

- Create space for each other and avoid interrupting those who are speaking.
- Participate fully and give priority to those who haven't spoken.
- Listen actively, without distractions.
- Be conscious of body language and nonverbal responses.
- Speak from personal experience instead of generalizing ("I" instead of "they," "we," and "you").
- Do the work of understanding what kind of power dynamics we individually bring into the room, such as organizational title, race, gender, etc.
- Be accepting of hands-on, active facilitation.
- Understand the goal is not to always agree—it is to gain a deeper understanding that can improve our work.





Activity #1

# Warm Up

## Worksheet page 1:

- 1) Introduce yourself to a neighbor!
- 2) Discuss:
  - a. How do laws and policies come up in your work?
  - b. What is one thing you are hoping to learn during today's workshop?
- 3) Large group share out

# Getting Started With Finding the Law



**Basic terminology**



Finding secondary sources



Any questions?

# Policy and Law

- **Policy** refers to a written statement of a public agency's or organization's position, decision, or course of action.
- **Law** refers specifically to the codification and institutionalization of a policy by a government.
- **All laws are policies, but not all policies are laws.**





# Policies

## Laws



Organizational policies



Procurement policies



School district policies



City Charters



Statutes



Ordinances



Constitutions



Regulations



Judicial Decisions



Executive Orders



Agency opinion letters



Interagency memoranda



Agency guidance documents

# Legislation and Regulation

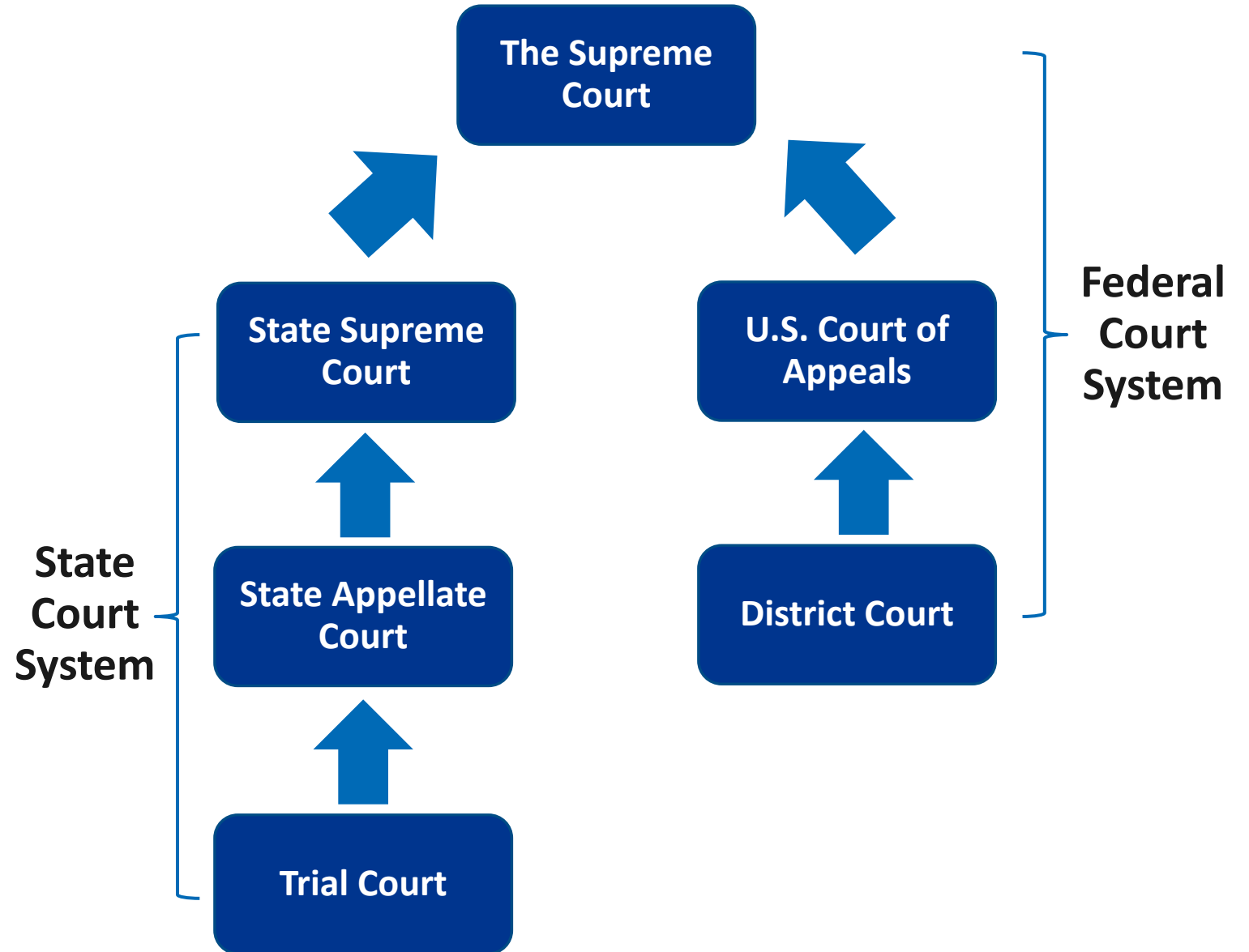
- **Legislation** is a law introduced and finalized by a legislative body (e.g., Congress, a state legislature, a city council, a county board of supervisors).
- **Regulations** are laws developed and finalized by administrative agencies (e.g., FDA, EPA, state and local health departments).



# Caselaw

- **Caselaw** is the body of law made up of judicial decisions, in which courts interpret and apply legislation, regulations, and other types of laws.

Caselaw:  
**The Hierarchy of Legal Authority**



# When Would I Use Caselaw?

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- To understand the legal landscape
- Judicial interpretations of legislation and regulations

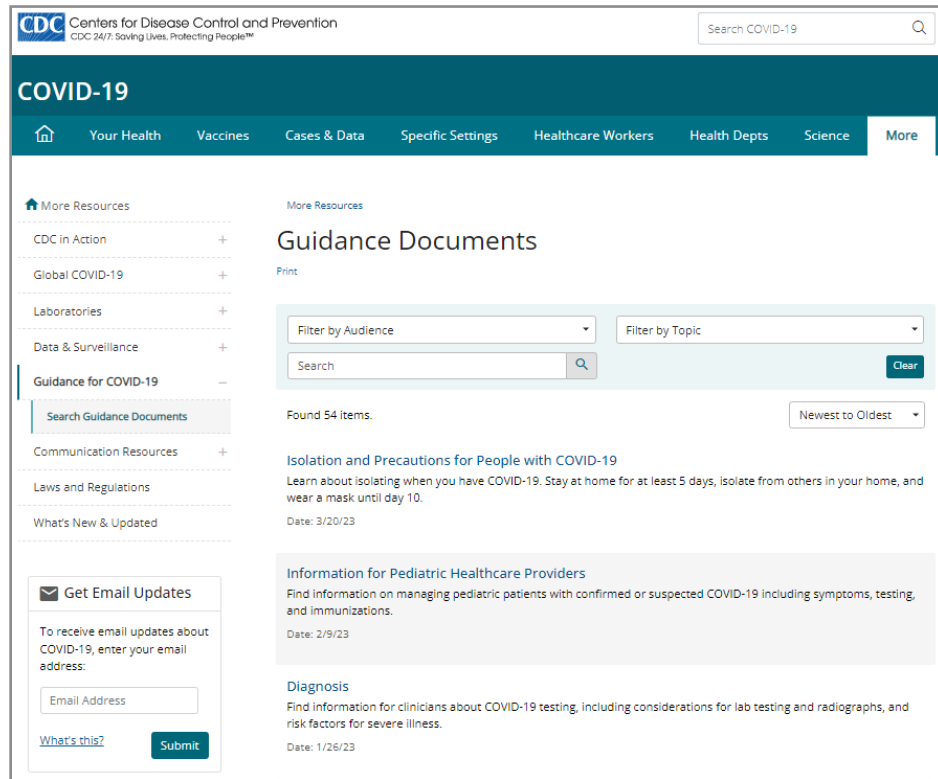


# Guidance Documents and Policy Statements

**Guidance Documents and Policy Statements** are anything that documents the policies of a government agency, including:

- Formal guidance documents
- Policy Statements
- Master plans
- Internal Agency Manuals and Guidebooks
- Interagency Memoranda
- Procurement policies

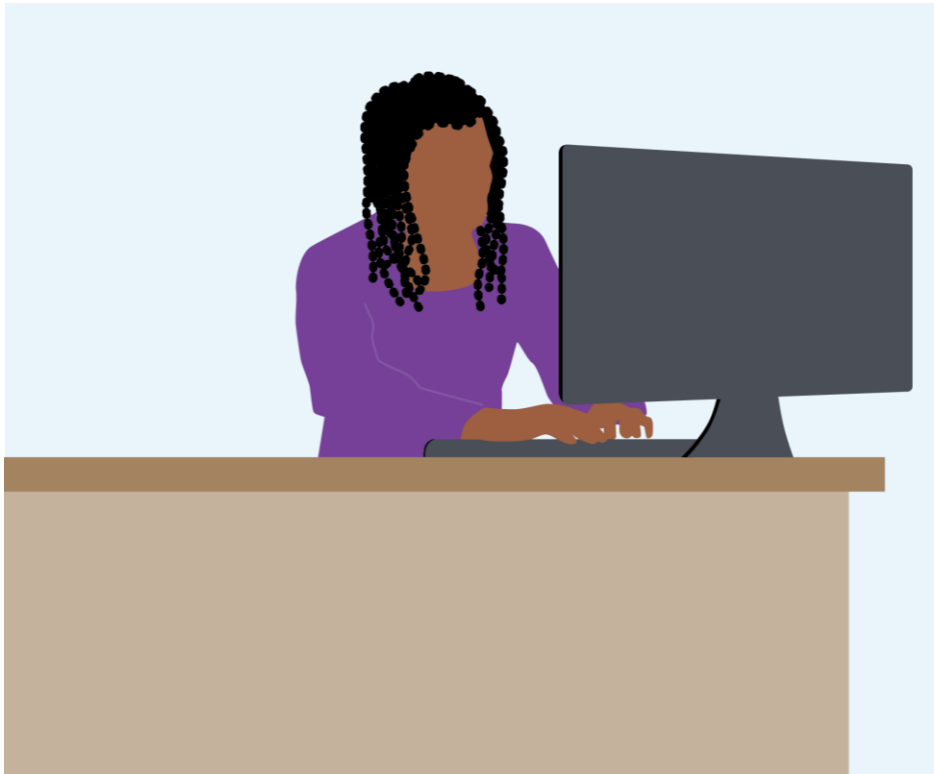
# Why Do Agencies Issue Guidance Documents and Policy Statements?



The screenshot shows the CDC website's COVID-19 section. At the top, there is a search bar with the text "Search COVID-19". Below the search bar is a navigation menu with options: "Your Health", "Vaccines", "Cases & Data", "Specific Settings", "Healthcare Workers", "Health Depts", "Science", and "More". The "More" option is selected. On the left side, there is a "More Resources" sidebar with categories: "CDC in Action", "Global COVID-19", "Laboratories", "Data & Surveillance", "Guidance for COVID-19" (which is expanded to show "Search Guidance Documents"), "Communication Resources", "Laws and Regulations", and "What's New & Updated". Below the sidebar, there is a "Get Email Updates" section with a text input field for an email address and a "Submit" button. The main content area is titled "Guidance Documents" and includes a "Print" link, two dropdown menus for "Filter by Audience" and "Filter by Topic", a search input field, and a "Clear" button. Below the filters, it says "Found 54 items." and "Newest to Oldest". Three document entries are visible: "Isolation and Precautions for People with COVID-19" (dated 3/20/23), "Information for Pediatric Healthcare Providers" (dated 2/9/23), and "Diagnosis" (dated 1/26/23).

- Explain an agency's interpretation of laws
- Identify an agency's implementation and enforcement priorities
- Describe legal requirements to promote compliance
- Set internal agency standards
- Recommend best practices

# When Would I Use Guidance Documents and Policy Statements?



- Interpreting complex legal language
- Understanding levels of government involved in an issue
- Identifying relevant laws and policies
- Understanding relationships between legislation, regulations, and policies



# Primary vs Secondary Sources?

- **Primary sources** come directly from a law-making body.
- **Secondary sources** offer analysis, commentary, or an explanation of primary law.

True or  
False

All policies are laws.

- True
- False



# Multiple Choice

Codified local legislation is called a . . .

- A. Statute
- B. Ordinance
- C. Regulation
- D. Order



# Getting Started With Finding the Law



Basic terminology



**Finding secondary sources**

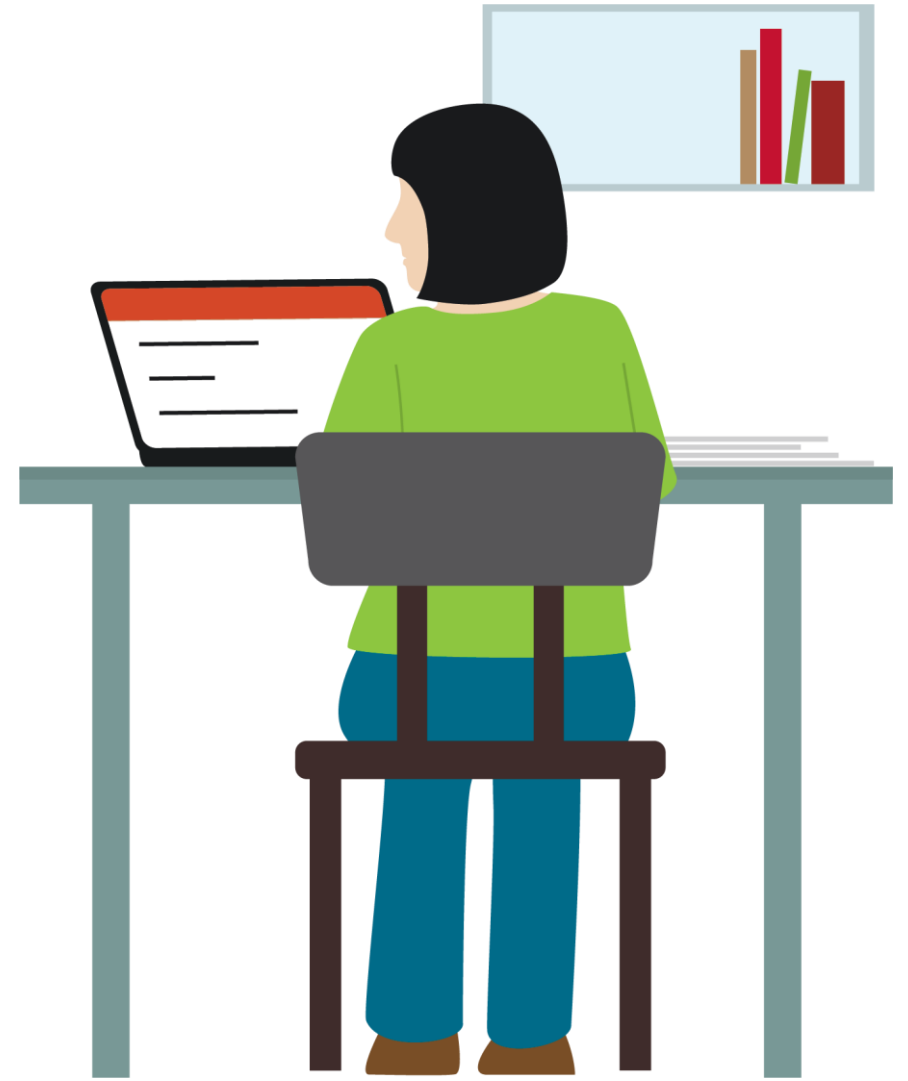


Any questions?

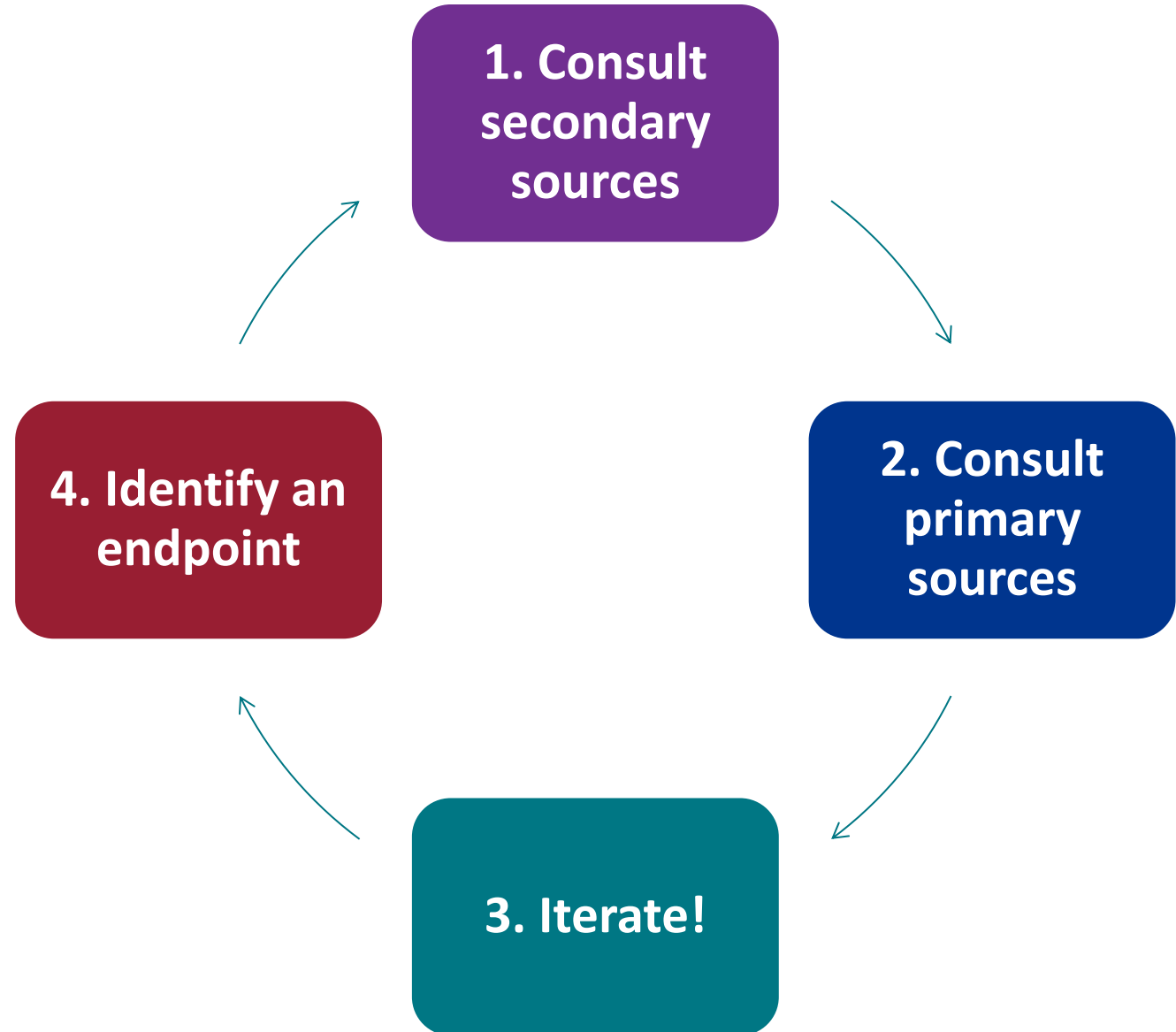
# Types of Secondary Sources

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- Legal dictionaries and encyclopedias
- Treatises
- Government websites
- Law review articles
- Social science research
- Reports
- News articles



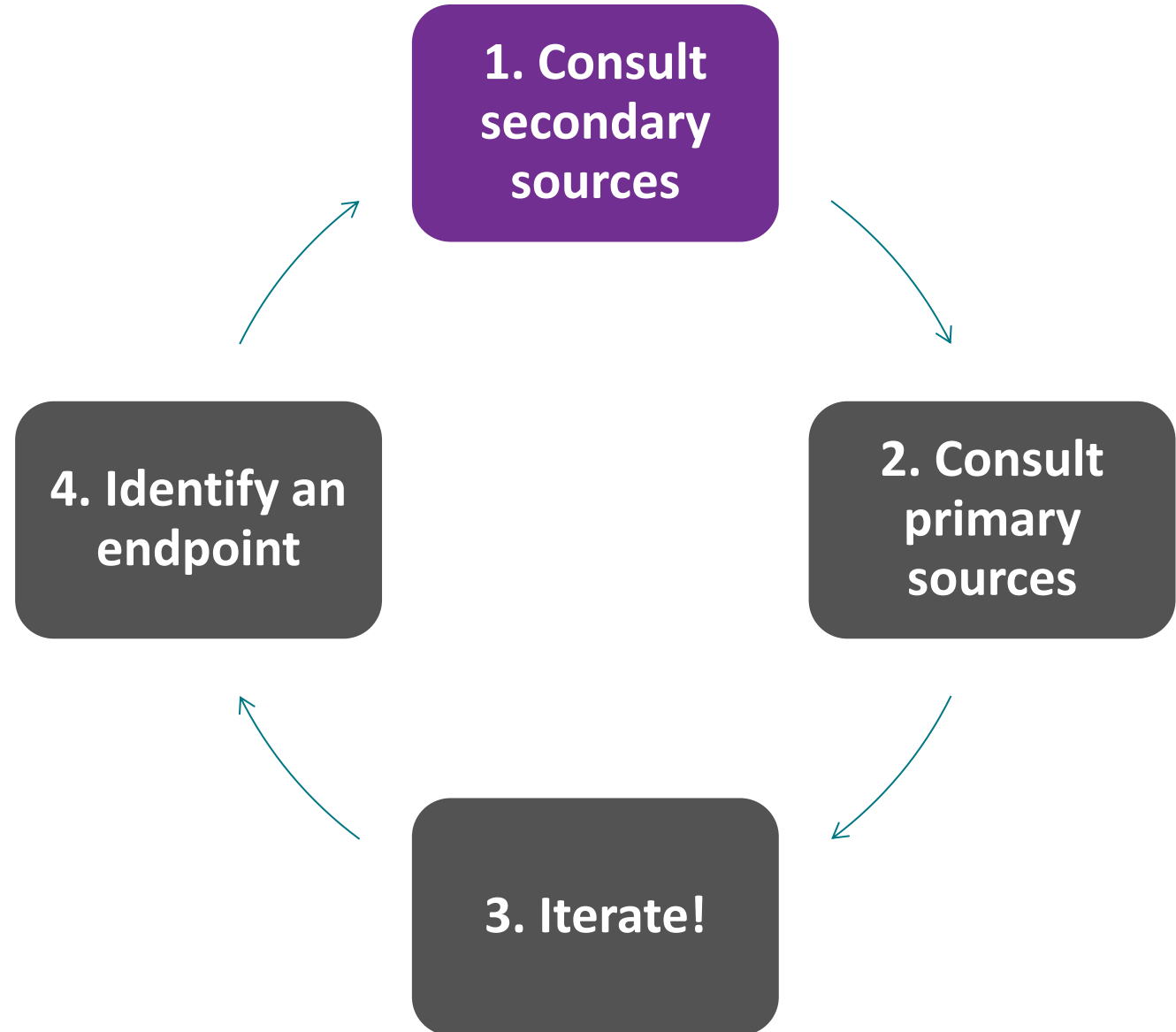
# Overview of Legal Research Process



# Consult Secondary Sources

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- Learn the basics
- Identify primary sources



# Finding Secondary Sources

## Dictionaries, Encyclopedias, Treatises

- [Law.com](#) and [Justia.com](#) dictionaries
- [WEX](#) legal dictionary and encyclopedia
- [NOLO legal encyclopedia](#)
- [Directory of Open Access Books](#)





# Finding Secondary Sources

## Journals

- [Google Scholar](#)
- [Directory of Open Access Journals](#)
- [JSTOR Open Access Content](#)
- [SSRN Legal Scholarship Network](#)

## News Articles, Reports

- Google News Archive
- Government and organizational websites
- Google



# Finding Secondary Sources

## Compendiums & Guides

- See Harvard Law School Library, Secondary Sources: [ALRs, Encyclopedias, Law Reviews, Restatements, and Treatises](#)
- See Stanford Law School, Robert Crown Law Library, Free and Low-Cost Legal Research: [U.S. Primary and Secondary Sources: Secondary Sources](#)



# Getting Started With Finding the Law



Basic terminology



Finding secondary sources



Any questions?




Activity #2

# Finding & Reading Secondary Sources

**Worksheet pages 2-3:**

- 1) Read the background and instructions for activity 2 on your own.
- 2) Working with your small group, use a search engine on a laptop or other device to answer the worksheet questions. It's ok if you don't get to every question.
- 3) Facilitators will be circulating. Raise your hand if you need help!

## Share-Out

- 
- What is something your team learned from the activity?
  - What is something that was challenging about the activity?



5-minute stretch break

# Researching Statutes & Ordinances



How do I find statutes and ordinances?



How do I read statutes and ordinances?

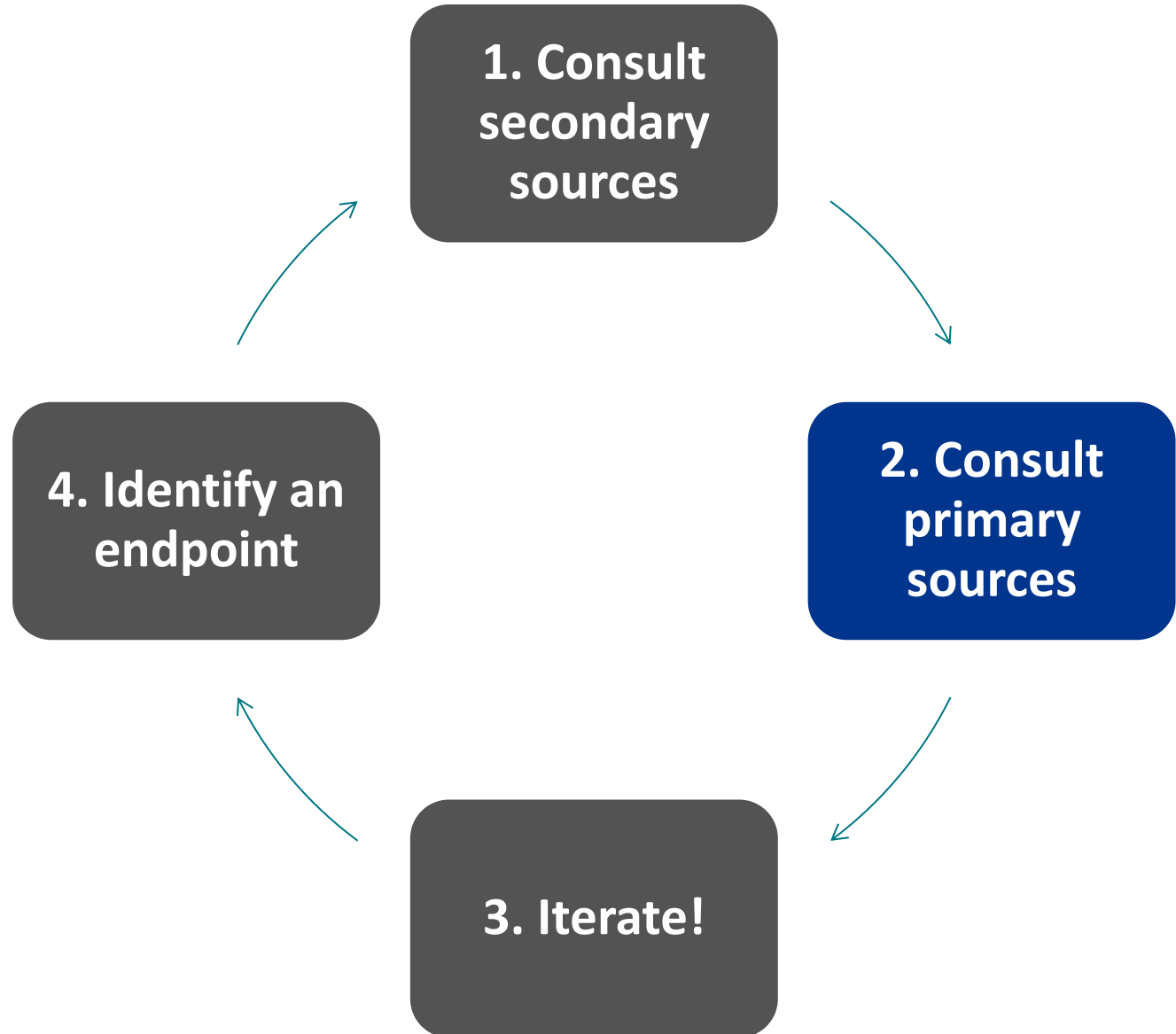


What information should I record about the laws that I find?

# Consult Primary Sources

---

- Learn what the law says
- Ask an attorney for help!





# How Do I Access Primary Sources?



## **Paid subscription services**

- Westlaw and Lexis
- Municode
- HeinOnline



## **Government websites and offices**

- Federal and state legislatures
- Cities, counties, and courts
- Public agencies and libraries



## **Google search engines**

- Google Scholar
- Google News
- Google

# Finding State Statutes


## WEST VIRGINIA CODE

[WV LEGISLATURE HOME PAGE](#)   [ENROLLED BILLS](#)

CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.

**CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.**

- ARTICLE 1. LIMITS AND JURISDICTION.
- ARTICLE 2. APPORTIONMENT OF REPRESENTATION.
- ARTICLE 3. CREATION OF NEW COUNTY; CHANGE IN COUNTY LINE.
- ARTICLE 4. SEAT OF GOVERNMENT OF POLITICAL SUBDIVISIONS.
- ARTICLE 5. ACQUISITION AND DISPOSITION OF REAL PROPERTY BY AND BETWEEN PUBLIC BODIES.
- ARTICLE 6. STATE PURCHASE OF AMERICAN-MADE FLAGS.
- ARTICLE 7. THE PROTECT OUR RIGHT TO UNITE ACT.

 EMAIL

### Search Hide

Search in all Chapters

Type search terms here...

**SEARCH**

Chapter...   Article...   Section...

**GO TO**

Searches are case insensitive.

Search for phrases with double quotes around the phrase like this: "claims commission"

Use a + symbol in front of a word to include it and use a - in front of a word to exclude it from searches like this: +railroad -sign

# Search Methods

- **Method 1:** Using keywords and search terms in statute search box
- **Method 2:** Browsing statute table of contents
- **Method 3:** Google using keywords and search terms

# Method 1: Using the Search Box

**WEST VIRGINIA CODE**

WV LEGISLATURE HOME PAGE    ENROLLED BILLS

CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.

**CHAPTER 1. THE STATE AND ITS SUBDIVISIONS.**

ARTICLE 1. LIMITS AND JURISDICTION.

ARTICLE 2. APPORTIONMENT OF REPRESENTATION.


ARTICLE 3. CREATION OF NEW COUNTY; CHANGE IN COUNTY LINE.

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Searches are case insensitive.

Search for phrases with double quotes around the phrase like this: "claims commission"

Use a + symbol in front of a word to include it and use a - in front of a word to exclude it from searches like this: +railroad -sign



# Method 1: Using the Search Box

## **Advanced searches**

- Quotation marks around phrases, i.e. ["open meeting"]
- AND/OR/NOT and proximity connectors, i.e. ["open" AND "meeting"; "open AND (meeting OR proceeding)"; "open" /p "meeting"]
- Exclamation points, question marks, asterisks, i.e. ["open meet!"]

# Method 2: Browse Table of Contents

WEST VIRGINIA CODE	
<a href="#">WV LEGISLATURE HOME PAGE</a>	<a href="#">ENROLLED BILLS</a>
<input type="text" value="CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS."/>	
<b>CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.</b>	
ARTICLE 1. OATHS OF OFFICE.	
ARTICLE 2. OFFICIAL AND OTHER BONDS.	
ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.	
ARTICLE 4. CREDENTIALS OF OFFICERS.	
ARTICLE 5. TERMS OF OFFICE; MATTERS AFFECTING THE RIGHT TO HOLD OFFICE.	
ARTICLE 6. REMOVAL OF OFFICERS.	
ARTICLE 7. COMPENSATION AND ALLOWANCES.	
ARTICLE 8. SETTLEMENTS BY OFFICERS.	
ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.	
ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.	

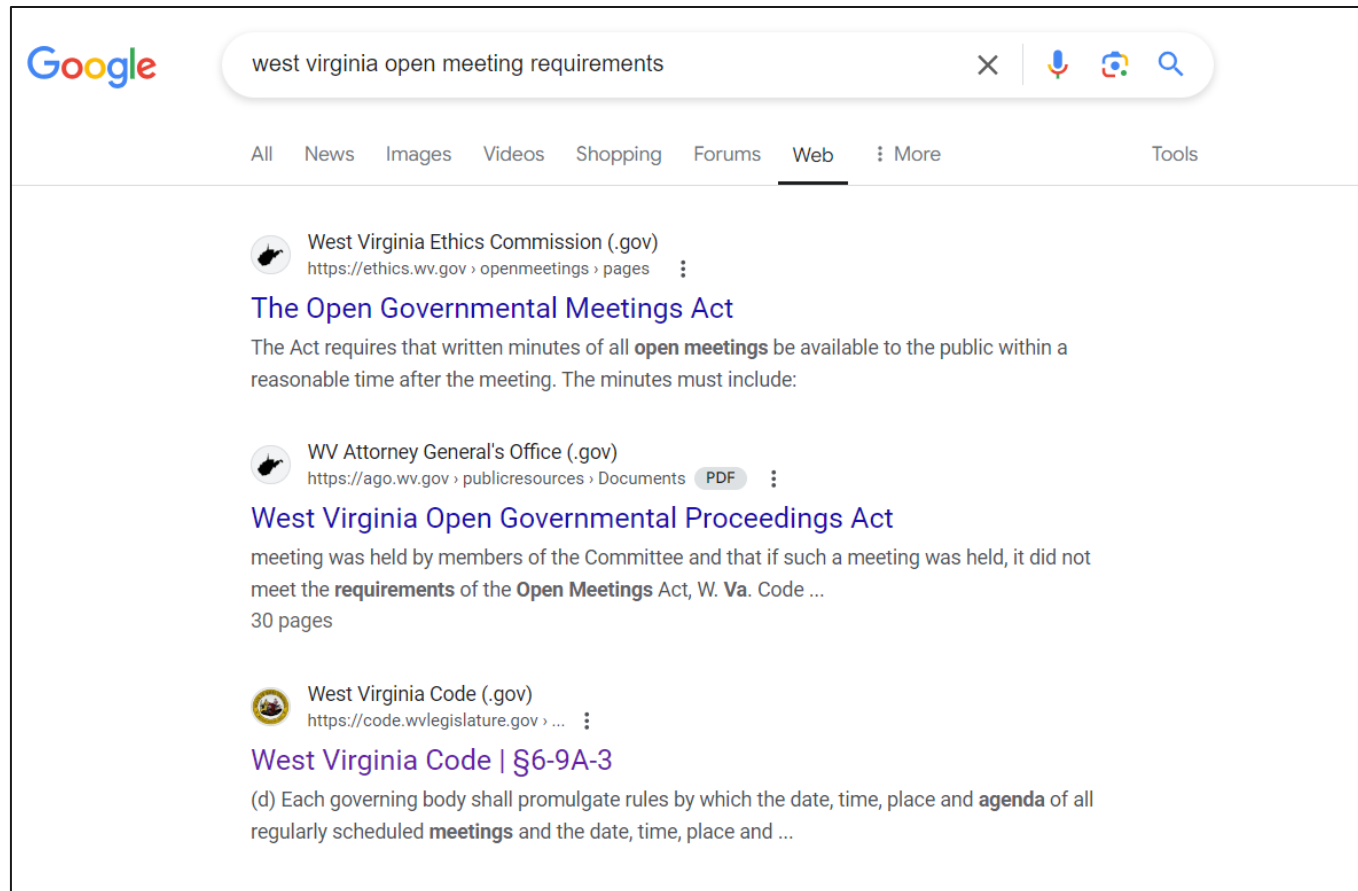
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ARTICLE 8. SETTLEMENTS BY OFFICERS.	
ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.	
ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.	






# Method 3: Google



Google


west virginia open meeting requirements

All News Images Videos Shopping Forums Web More Tools

 West Virginia Ethics Commission (.gov)  
https://ethics.wv.gov › openmeetings › pages


**The Open Governmental Meetings Act**

The Act requires that written minutes of all **open meetings** be available to the public within a reasonable time after the meeting. The minutes must include:

 WV Attorney General's Office (.gov)  
https://ago.wv.gov › publicresources › Documents PDF

**West Virginia Open Governmental Proceedings Act**

meeting was held by members of the Committee and that if such a meeting was held, it did not meet the **requirements** of the **Open Meetings Act**, W. Va. Code ...  
30 pages

 West Virginia Code (.gov)  
https://code.wvlegislature.gov › ...

**West Virginia Code | §6-9A-3**

(d) Each governing body shall promulgate rules by which the date, time, place and **agenda** of all regularly scheduled **meetings** and the date, time, place and ...

# Method 3: Google



The screenshot shows the West Virginia Ethics Commission website. The header includes the WV.gov logo, the text "State Agency Directory | Online Services", and a search bar labeled "Search WV EC". The main title is "West Virginia Ethics Commission" with a text size selector. A navigation menu on the left lists various categories. The main content area features a banner image of the West Virginia State Capitol dome and a red text box stating: "The Ethics Commission has no authority or power to enforce the Open Governmental Meetings Act. Complaints must be filed in Circuit Court." Below this, there are sections for "Coronavirus and other Public Health Risks" and "Emergency Meeting" with bullet points.

WV.gov State Agency Directory | Online Services Search WV EC

West Virginia Ethics Commission Text size A A A

About Us  
Administrative Law Judges  
Advisory Opinions  
Annual Reports  
Complaints  
Contract Disclosures  
Employment Exemptions  
Financial Disclosure  
Forms, Booklets and Guidelines  
Lobbyist Information  
Lobbying Services Contracts  
Meeting Information  
Newsletters

Ethics Commission > Open Meetings

**The Open Governmental Meetings Act**

The Ethics Commission has no authority or power to enforce the Open Governmental Meetings Act. Complaints must be filed in Circuit Court.

**Coronavirus and other Public Health Risks**  
The following is the opinion of Ethics Commission staff concerning public health risks and the Open Meetings Act.

**Emergency Meeting**

- If a governing body needs to meet to discuss or vote on an issue relating to the coronavirus, the governing body may call an emergency meeting if immediate attention is required to address an issue relating to the same. ([W.Va. Code § 6-9A-2\(2\)\(A\)](#)).
- A governing body must post an emergency meeting notice as soon as practicable prior to the meeting, and an emergency meeting agenda and minutes must include the facts and circumstances of the emergency. State agencies must electronically file a notice of the emergency meeting with the Secretary of State.
- The governing body may only call an emergency meeting if it meets the emergency meeting test, not because it is merely more convenient to hold an emergency meeting in lieu of a special or regular meeting.

## OVERVIEW OF OMA

- What agencies and meetings are covered by the OMA
- Notice and Agenda
- Emergency Meetings
- Minutes
- Executive Sessions
- Advice and Advisory Opinions
- Enforcement and Penalties

## OTHER OMA RESOURCES

- [Frequently asked Questions](#)
- [View the Open Meetings Act](#)
- [View Open Meetings Advisory Opinions](#)
- [Open Meetings Checklist](#)

# Finding Local Ordinances



## **Where to look:**

- Municipal Codes and County Codes
- Google  
“CITY/COUNTY code”

# Finding Local Ordinances



A screenshot of the Charleston, WV Code of Ordinances website. The page features a dark sidebar on the left with navigation icons and a main content area on the right. The sidebar includes a home icon, a document icon, a magnifying glass icon, a list icon, a share icon, and a city logo. The main content area displays the title 'Code of Ordinances' and 'Supplement 51', along with a green button labeled 'VIEW WHAT'S CHANGED'. Below this, there is a section titled 'Adopted Ordinances Not Yet Codified' with a list of bills, including 'Bill No. 8039'.

Charleston, WV

Search or jump to

NOTIFICATIONS SIGN IN

Code of Ordinances

VERSION: JUL 17, 2024 (CURRENT)

CODE OF THE CITY OF CHARLESTON, WEST VIRGINIA

SUPPLEMENT HISTORY TABLE **modified**

- CHARTER
- Chapter 1 - GENERAL PROVISIONS
- Chapter 2 - ADMINISTRATION
- Chapter 3 - MUNICIPAL HOME RULE
- Chapter 6 - ALCOHOLIC BEVERAGES
- Chapter 10 - ANIMALS
- Chapter 14 - BUILDINGS AND BUILDING REGULATIONS
- Chapter 18 - BUSINESSES
- Chapter 22 - CEMETERIES
- Chapter 26 - CHARITABLE SOLICITATIONS

## Code of Ordinances

Supplement 51

Online content updated on July 17, 2024

CODE OF ORDINANCES City of CHARLESTON, WEST VIRGINIA Codified through Bill No. 8031, enacted April 15, 2024. (Supp. No. 51)

**VIEW WHAT'S CHANGED**

*This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality.*

### Adopted Ordinances Not Yet Codified

The listing below includes all legislation received by Municipal Code since the last update (printed or electronic) to the Code of Ordinances. This legislation has been enacted, but has not yet been codified.


#### Bill No. 8039

Adopted 8/19/24

A BILL TO AMEND AND REENACT SECTIONS 78-371, 78-372, AND 78-373 OF THE MUNICIPAL CODE OF THE CITY OF CHARLESTON, AS AMENDED, AND TO AMEND SAID CODE BY ADDING THERETO A NEW SECTION, DESIGNATED SECTION 78-374, ALL RELATING UPDATING, CLARIFYING, AND REFORMING THE CONTROLLED SUBSTANCES OFFENSES IN MUNICIPAL CODE, INCORPORATING THE STATE CODE DEFINITIONS AND SCHEDULES OF CONTROLLED SUBSTANCES, REDUCING THE PENALTIES FOR SIMPLE POSSESSION OF

# Finding Local Ordinances



 **West Virginia Secretary of State**  
Mac Warner

West Virginia Secretary of State — Online Data Services Administrative Law

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### Administrative Law

**Code Of State Rules Search** ◀ New search

Select Agency

Select Title-Series  
 or enter text to search

Select Rule Name

Search Rule Name For

Search Code Citation

Effective Date Range  
Begin Date:  End Date:

Filing Date Range  
Begin Date:  End Date:

True or  
False

State statutory codes are typically available on state legislature websites.

- True
- False



# Researching Statutes & Ordinances



How do I find statutes and ordinances?

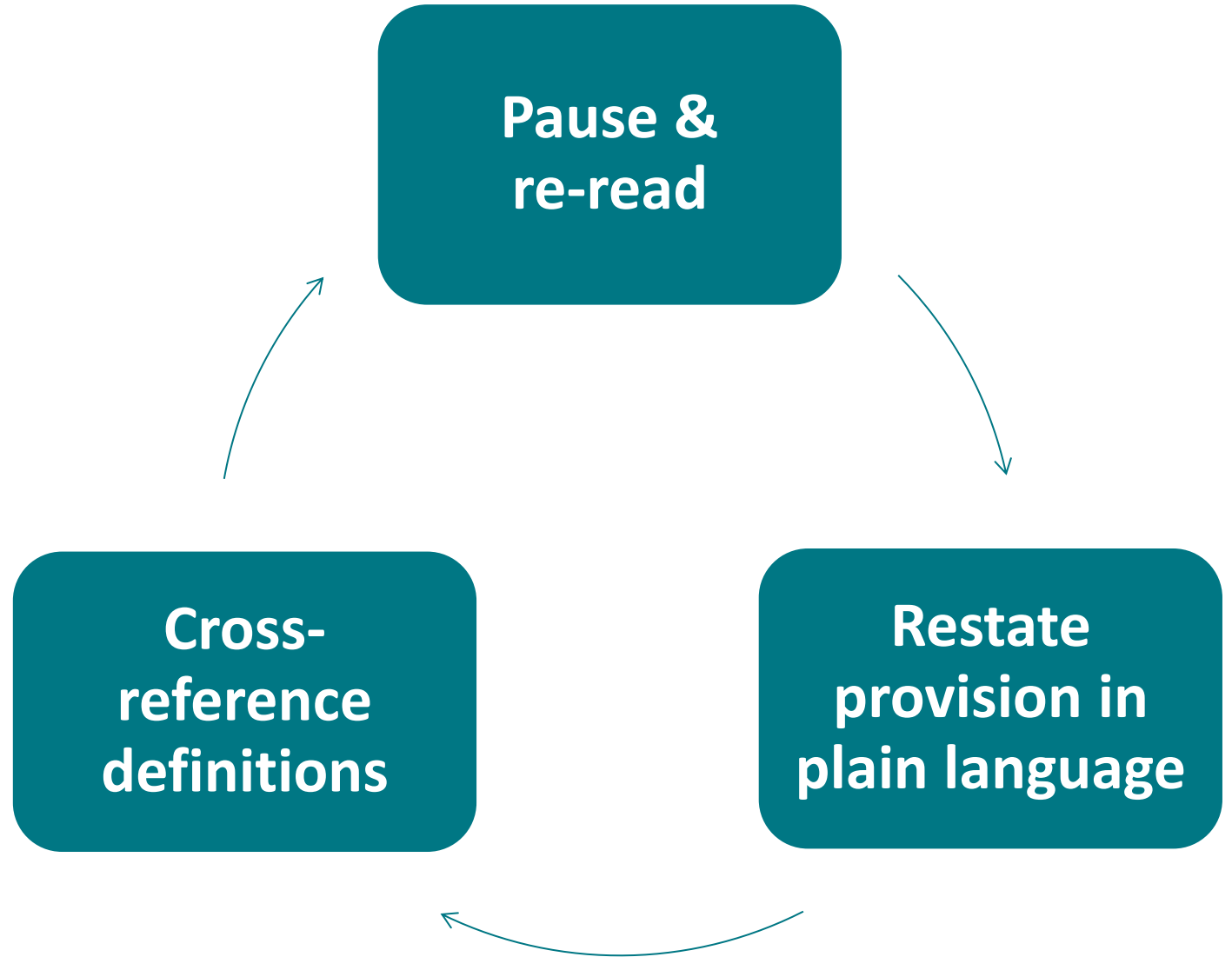


How do I read statutes and ordinances?



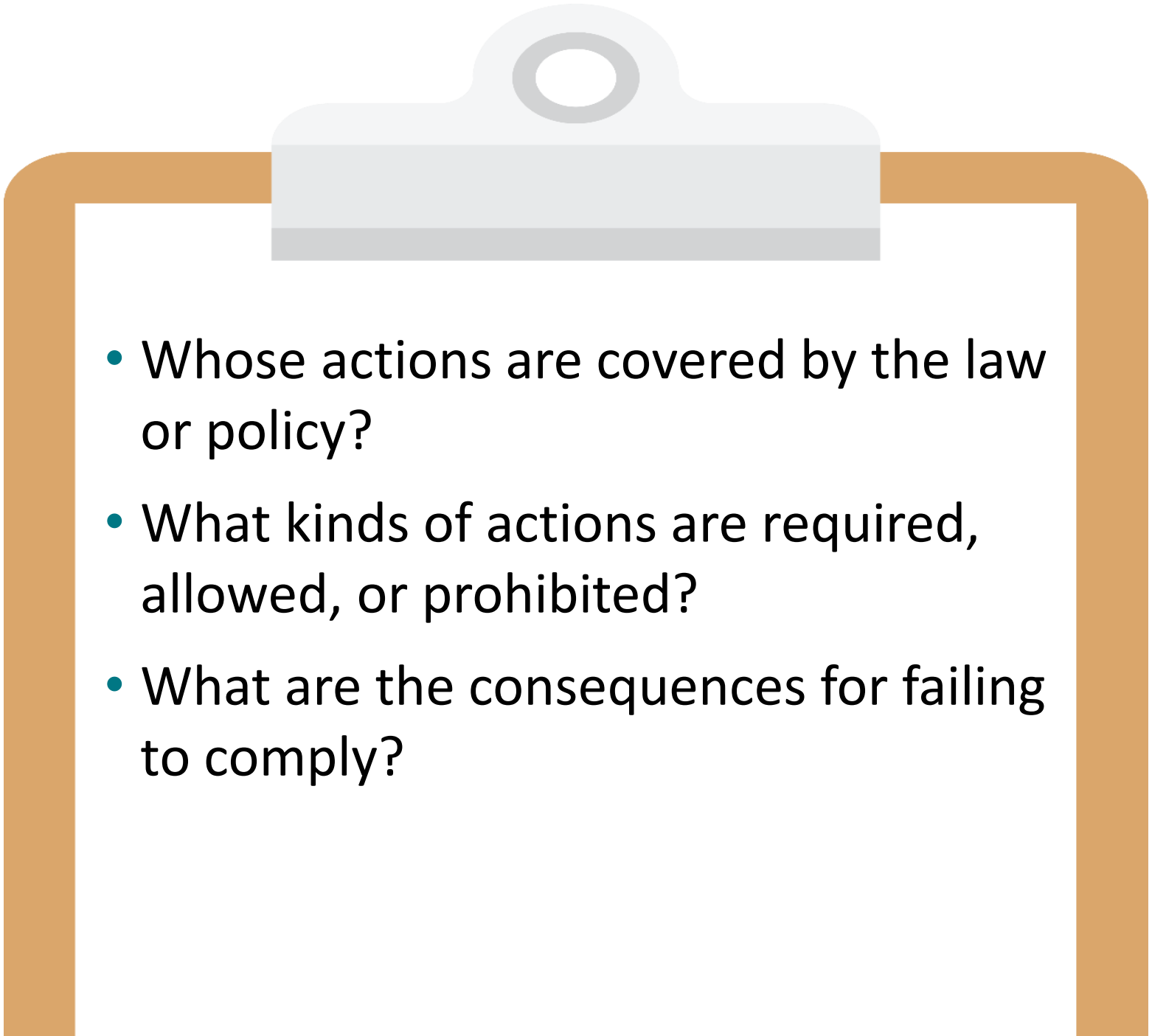
What information should I record about the laws that I find?

How To Read  
the Law:  
The Basics





# Summarizing Key Provisions

- 
- A graphic of a clipboard with a silver clip at the top and a white sheet of paper. The paper is framed by a thick orange border. The text is written on the white paper.
- Whose actions are covered by the law or policy?
  - What kinds of actions are required, allowed, or prohibited?
  - What are the consequences for failing to comply?

# Structural Signals

When interpreting laws and policies, it is important to **pay close attention to structural signals**.

- “And” versus “or”
- “Unless,” “except”
- “Shall” versus “may”
- “Subject to,” “within the meaning of,” “for the purposes of”



# Structural Signals

- “If . . . then,” “upon,” “Before . . . after,” “provided that”
- “Each/only,” “every/any/all”



“

(a) **Except** as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and **except** as provided in section four of this article, all meetings of any governing body **shall** be open to the public.

(b) Any governing body **may** make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend.”

West Virginia Code §6-9A-3. Proceedings to be open; public notice of meetings.

# Apply Common Rules of Interpretation

- Assume all words in a law or policy have meaning
- Interpret a law or policy so that it makes sense, is internally consistent, and does not lead to some absurd or improbable result
- If a word isn't defined in the legal text:
  - Consider whether it is a “term of art”
  - Use the word's “ordinary meaning” (dictionary definition)

# If All Else Fails . . .

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- Go back to secondary sources for clues about how certain types of laws are typically interpreted and applied
- Consult an attorney to help (e.g., agency counsel, city attorney, county counsel, legal intern, law school clinics, research centers)



# Researching Statutes & Ordinances



How do I find statutes and ordinances?



How do I read statutes and ordinances?



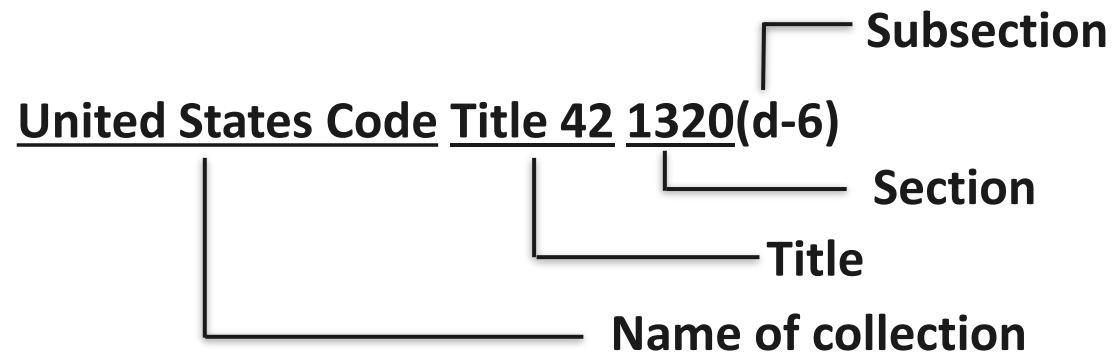
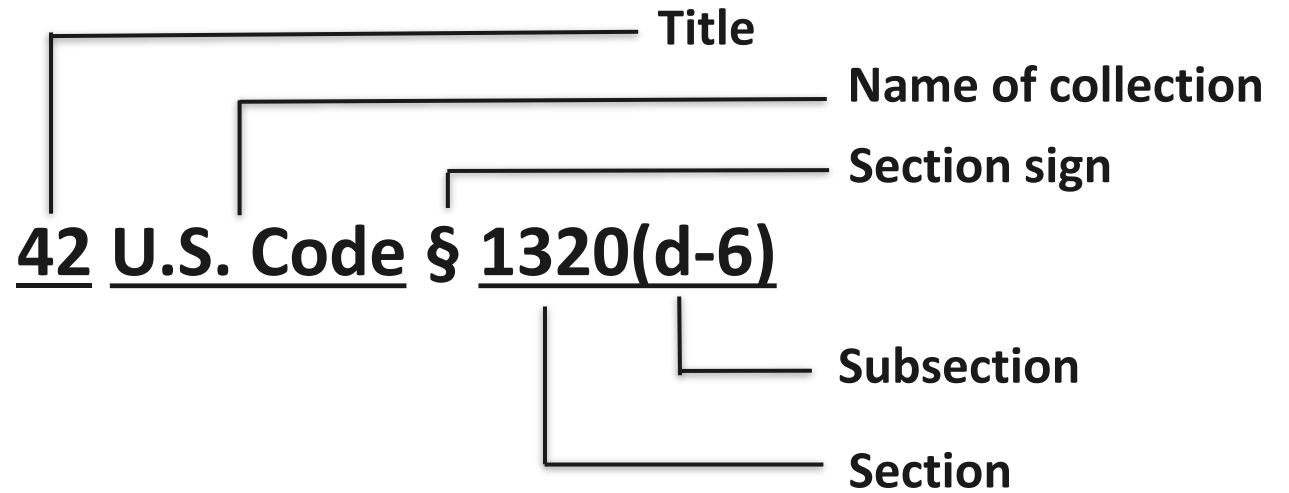
What information should I record about the laws that I find?

# How to Read & Record a Legal Cite

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## Legal Citation

- Unique identifier that places the law within the legislative, regulatory, or statutory code.
- “Good enough” form includes: jurisdiction, division, title, chapter, section, subsection



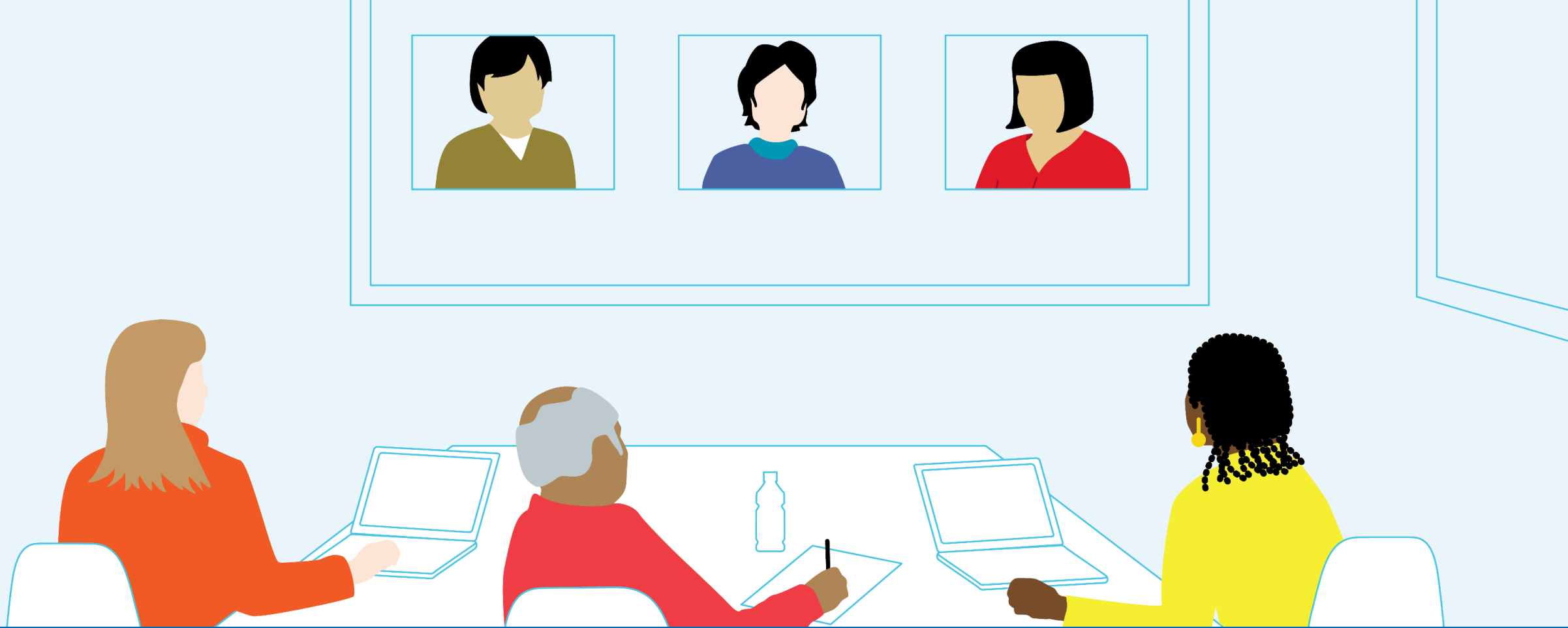


# Multiple Choice

Which of the following are strategies for interpreting legal language?

- A. Cross-reference definitions and other relevant code sections,
- B. Pay attention to structural signals,
- C. Apply common rules of interpretation,
- D. Consult an attorney, or
- E. All of the above.





Questions?




Activity #3

# Finding & Reading State Statutes

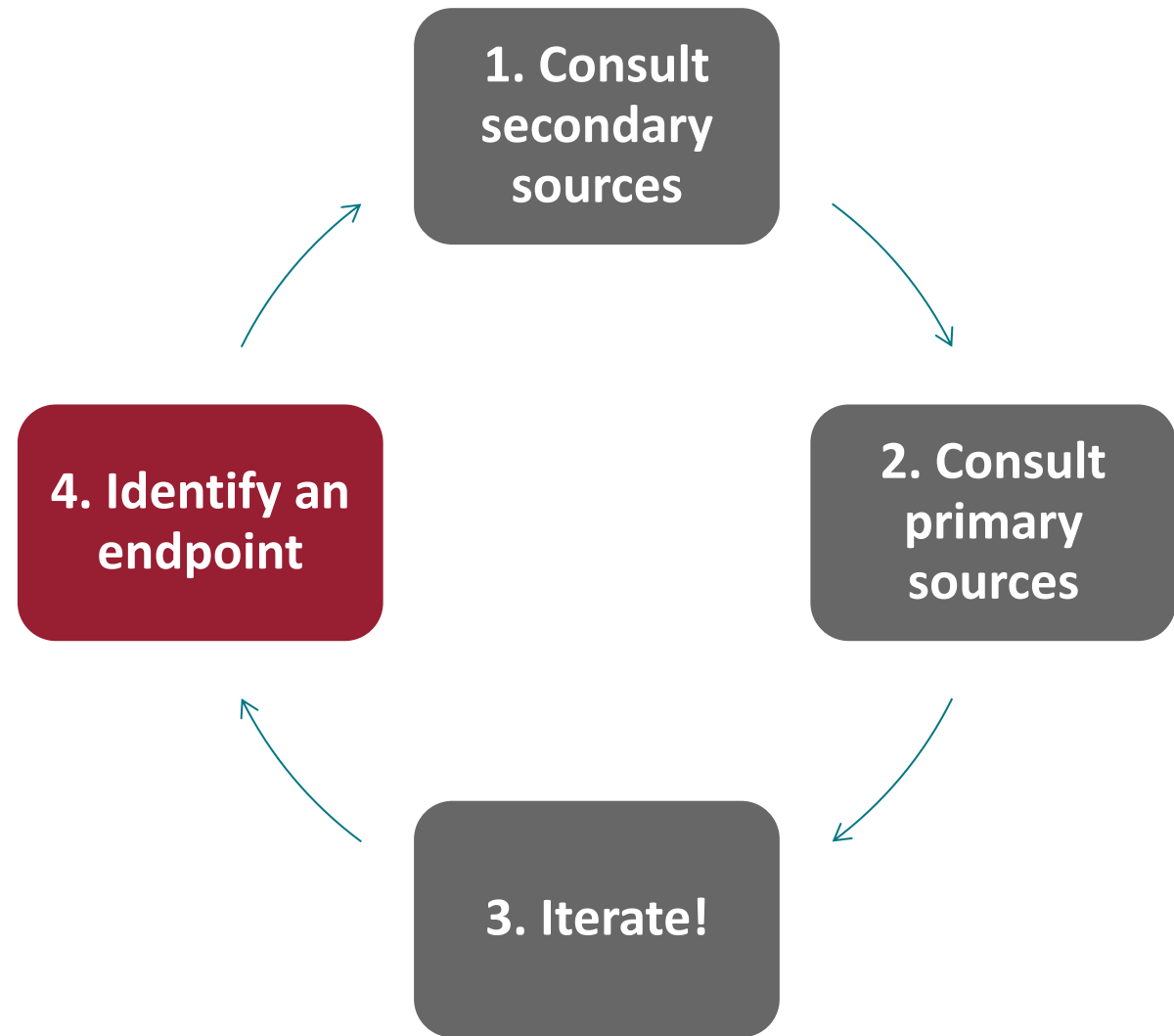
## Worksheet pages 5-6:

- 1) Read the background and instructions for activity 3 on your own.
- 2) Working with your small group, use a search engine on a laptop or other device to answer the worksheet questions. It's ok if you don't get to every question.
- 3) Facilitators will be circulating. Raise your hand if you need help!

## Share-Out

- 
- What is something your team learned from the activity?
  - What is something that was challenging about the activity?

# Identify an endpoint



## Public Health Law Academy

A partnership between the Centers for Disease Control (CDC) and ChangeLab Solutions that provides free resources and trainings to build the capacity of aspiring and practicing public health professionals at all levels of government.

Share



### Understanding the connection between law and health outcomes

Law and policy are essential tools for protecting the health of the public and promoting health equity. Public health professionals need to have a clear understanding of our legal system and its role in improving overall population health. Yet many practitioners may not fully understand the extent to which law & policy affect health outcomes.

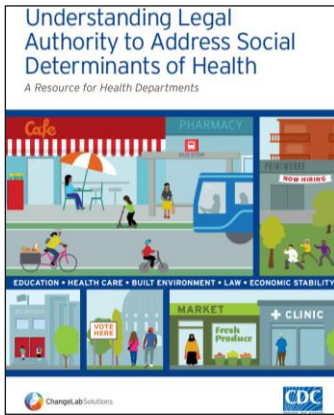
We are building a workforce of public health professionals who are equipped to advance health

# Additional Resources

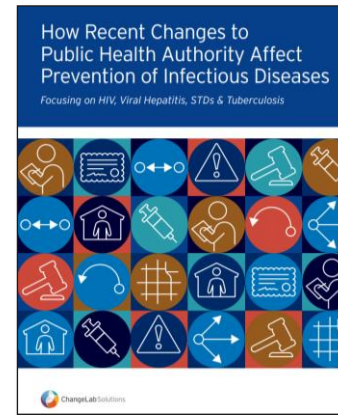
Online courses to inform your legal research are available at [www.publichealthlawacademy.org](http://www.publichealthlawacademy.org), covering topics like:

- Structure of Government
- Preemption & Public Health
- Public Health Law: Past & Present
- What Legal Powers Do Health Departments Have?

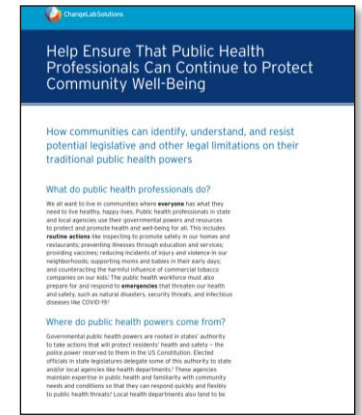
# Additional Resources



[ChangeLab Solutions: Understanding Legal Authority to Address Social Determinants of Health](#)



[ChangeLab Solutions: How Recent Changes to Public Health Authority Affect Prevention of Infectious Diseases](#)

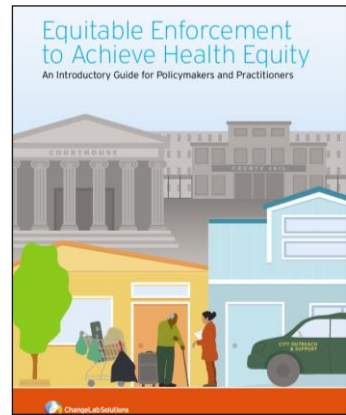


[ChangeLab Solutions: Preserving Local Public Health Powers](#)

# Additional Resources



[ChangeLab Solutions: Supporting Equitable Community Engagement – A Resource for State Health Departments](#)



[ChangeLab Solutions: Equitable Enforcement to Achieve Health Equity](#)



[ChangeLab Solutions: Understanding the Equitable Enforcement Ecosystem](#)



# Thank you!

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