

Lobbying vs. Advocacy

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Value of Public Health Law

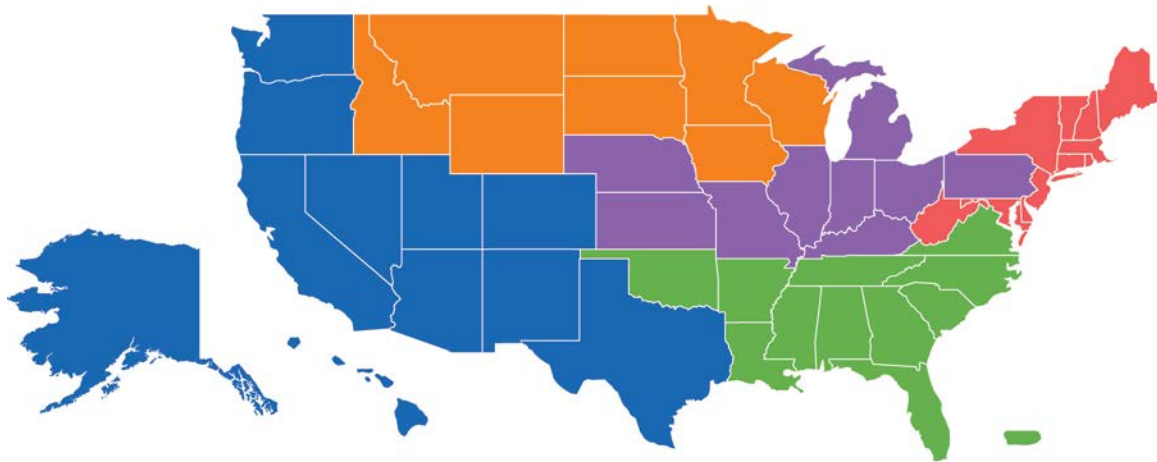
Laws can solve public health challenges, including:

- » Provision of emergency medical services
- » Regulation of medical marijuana in the interest of public health
- » Second-hand smoking laws
- » Air bag requirements
- » Vaccination requirements

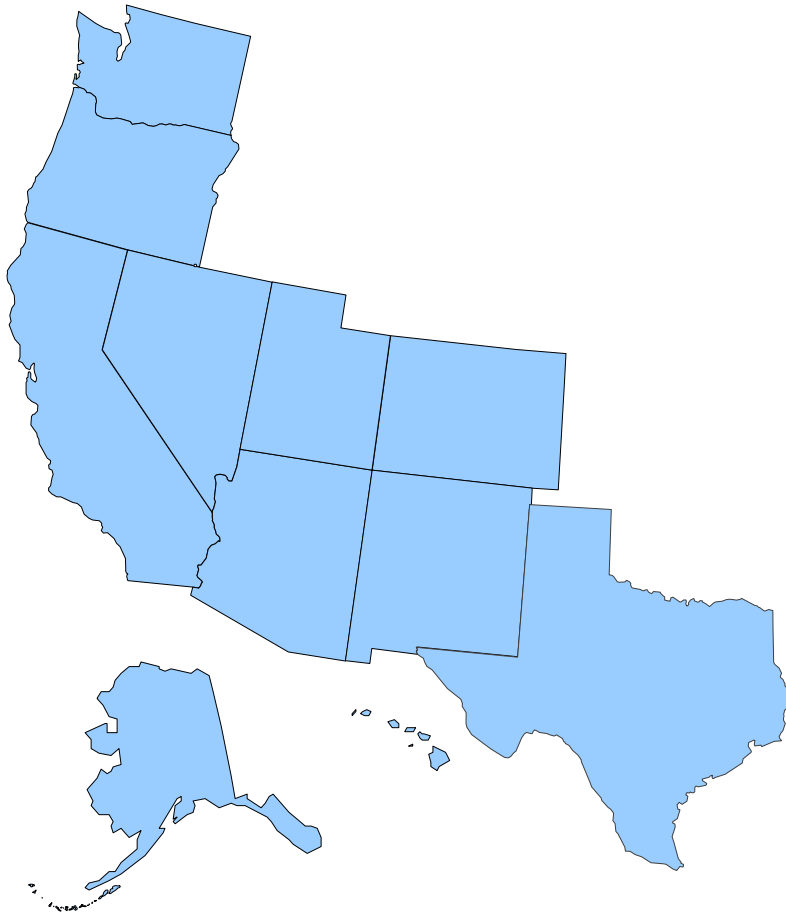


National Scope with Local Expertise

- » **Provides support across the country**
- » **Divided into 5 Regions to provide local and state support**
- » **Contact your Region for assistance**



Western Region Leaders



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Legal Technical Assistance

Legal assistance can include:

- » **Strategizing about potential legal options**
- » **Help finding experts, resources and tools**
- » **Support to develop, implement and enforce legislation, statutes or regulations**

Technical assistance does not include providing legal advice or representation.

Who can use the Network

Anyone committed to public health can join the Network:

- » **Local, state, tribal and federal public health officials**
- » **Public health practitioners**
- » **Attorneys**
- » **Policy-makers**
- » **Advocates**

Join the Network at No Cost

- » <http://www.networkforphl.org>
- » Network products, such as fact sheets, tables of state laws, legal briefs and more
- » Monthly webinar series
- » Public health lawyer directory
- » Library of legal assistance questions and answers
- » External resources
- » Network newsletters
- » Events



Network Resources

- Network Products
- Webinar Series
- Public Health Lawyer Directory
- Legal Assistance Library
- Network Newsletter
- Law In Action
- Events
- Research
- Archived External Resources

STATE PUBLIC HEALTH LAWYER DIRECTORY

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Year Score (0-100)	2015	2016	2017
A	D	C	
B	B	A	
C	C	F	
D	F	C	

Lobbying

Questions to Ask: What Type of Entity Will Act?



Questions to Ask: What is the Source of Funding?





The Network
for Public Health Law

Ideas. Experience. Practical answers.

Arizona

Lobbying

Lobbying “means attempting to influence the passage or defeat of any legislation by directly communicating with any legislator, or in the case of bonding, lobbyists directly communicating with any school district employee or a school district governing board member or attempting to influence any formal rule making proceeding_[.]”

Lobbying does not include:

- “(a) Interagency communications between state agency employees.
- (b) Communications between a public official or employee of a public body, designated public lobbyist or authorized public lobbyist and any state officer, except for a member of the legislature, or an employee of the legislature.
- (c) Oral questions or comments made by a person to a state officer or employee regarding a proposed rule and made in public at a meeting or workshop that is open to the public and that is sponsored by a state agency, board, commission, council or office.”

A.R.S. § 41-1231(11)

Lobbying

PRINCIPAL: any person, other than a public official, who employs, retains, engages or uses, with or without compensation, a lobbyist.

PUBLIC BODY: any public entity that engages or uses, with or without compensation, a designated public lobbyist or authorized public lobbyist.

LOBBYISTS: any individual or a firm whose primary professional function is lobbying in Arizona.

AUTHORIZED LOBBYIST OR AUTHORIZED PUBLIC LOBBYIST: A lobbyist who is other than a designated public lobbyist or lobbyist for compensation. This type of lobbyist may be paid or a volunteer for the Principal or Public Body.

Registration

Principals, Public Bodies, and their Lobbyists **Must Register with the Arizona Department of State, Office of the Secretary of State** Prior to the First Lobbying Attempt or Within Five Business Days After Any Lobbying Activity

Exceptions

- A natural person who merely appears for himself.
- A duly elected or retained public official, acting in his official capacity on matters pertaining to his office, board, advisory committee, commission or council.
- A person who provides technical assistance at the request of a lobbyist, and who makes no expenditures required to be reported.

Arizona Law

- **This state and counties, cities, towns, school districts, community college districts, and universities within the state must not use or spend resources for the purpose of influencing the outcome of elections**
- **Influencing the outcomes of elections** means supporting or opposing:
 - A candidate for nomination or election to public office
 - The recall of a public officer
 - A ballot measure, question, or proposition
 - **Universities cannot use university resources to advocate support for or opposition to pending or proposed legislation.**



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Federal Law

Restrictions on Federal Funds

- **Direct lobbying**: advocating for or against legislation
- **Grassroots lobbying**: making a direct appeal to the general public in support or opposition to proposed or pending legislation
- **“Legislative liaison activities”**: activities done in preparation for lobbying

Change Lab Solutions:

<http://changelabsolutions.org/sites/default/files/Memorandum%20M%20%20Ashe%2006082012%20re%20CAA%20Section%20503.pdf>



Consolidated Appropriations Act of 2012: Section 503

Section 503 Restrictions

- **Extends restrictions to local governments**
- **Covers pending or proposed regulation, administrative action, or order by executive branch of a state or local government**
- **Includes any activity to advocate or promote a proposed, pending, or future federal, state, or local tax increase or restriction on a legal consumer product**
- **Covers activities funded by appropriations transferred from the Prevention and Public Health Fund**

Direct Lobbying

Other than in the context of a normal and recognized executive-legislative relationship, grantees are restricted from using federal funds to attempt to influence deliberations or actions by Federal, state, or local legislative or executive branches.

Grassroots Lobbying

No appropriated federal funds may be used by grantees for activities directed at inducing members of the public to contact their elected representatives to urge support of, or opposition to, proposed or pending legislation or appropriations or any regulation, administrative action, or order issued by the executive branch of any Federal, state or local government.

Lobbying

- » Encouraging the public or other entities to support or oppose specific action proposed or pending before the U.S. government
- » Encouraging the public or other entities to support or oppose specific legislation or executive action proposed or pending before the state or local government
- » Direct lobbying of the US Congress, or its members
- » Direct lobbying of a state or local legislature, except for normal executive-legislative relationships
- » Advocacy to perpetuate or increase their own funding from the federal government

Allowable



- » **Normal and recognized communications in an executive-legislative relationship at the state or local government level**
- » **Working with their own state or local government's legislative body on policy approaches to health issues, as part of normal executive-legislative relationships**
- » **Educating the public on personal health behaviors and choices**
- » **Research on policy alternatives and their impact**
- » **Working with other executive branch agencies on policy approaches and implementation**

Allowable



- » **Educating the public on health issues and their public health consequences**
- » **Educating the public on the evidence associated with potential policy solutions to health issues**
- » **Compiling and communicating the results of research on health issues and policy approaches**
- » **Conducting educational campaigns**
- » **Upon formal, written request, providing technical assistance**
- » **Upon formal, written request, providing technical assistance to public officials**

Conclusion

- » **Impermissible lobbying may have serious negative consequences, BUT education and advocacy are basic tools of public health**
- » **Talk to your managing official(s) in advance regarding situations that may be controversial**
- » **Consult an attorney, the grant contract, or the contract administrator about legal questions**