

Legal Epidemiology at Lunch

**Structural Racism and Racial Equity
Legal Data**

Presenters

- DeAnna Baumle, JD, MSW
- Cydney M. Murray, JD
- Phyllis Jeden, J.D
- Madina Agénor, ScD, MPH
- Leonardo Arriola Carnicelli, MPH

State Constitutions: Race and Governance

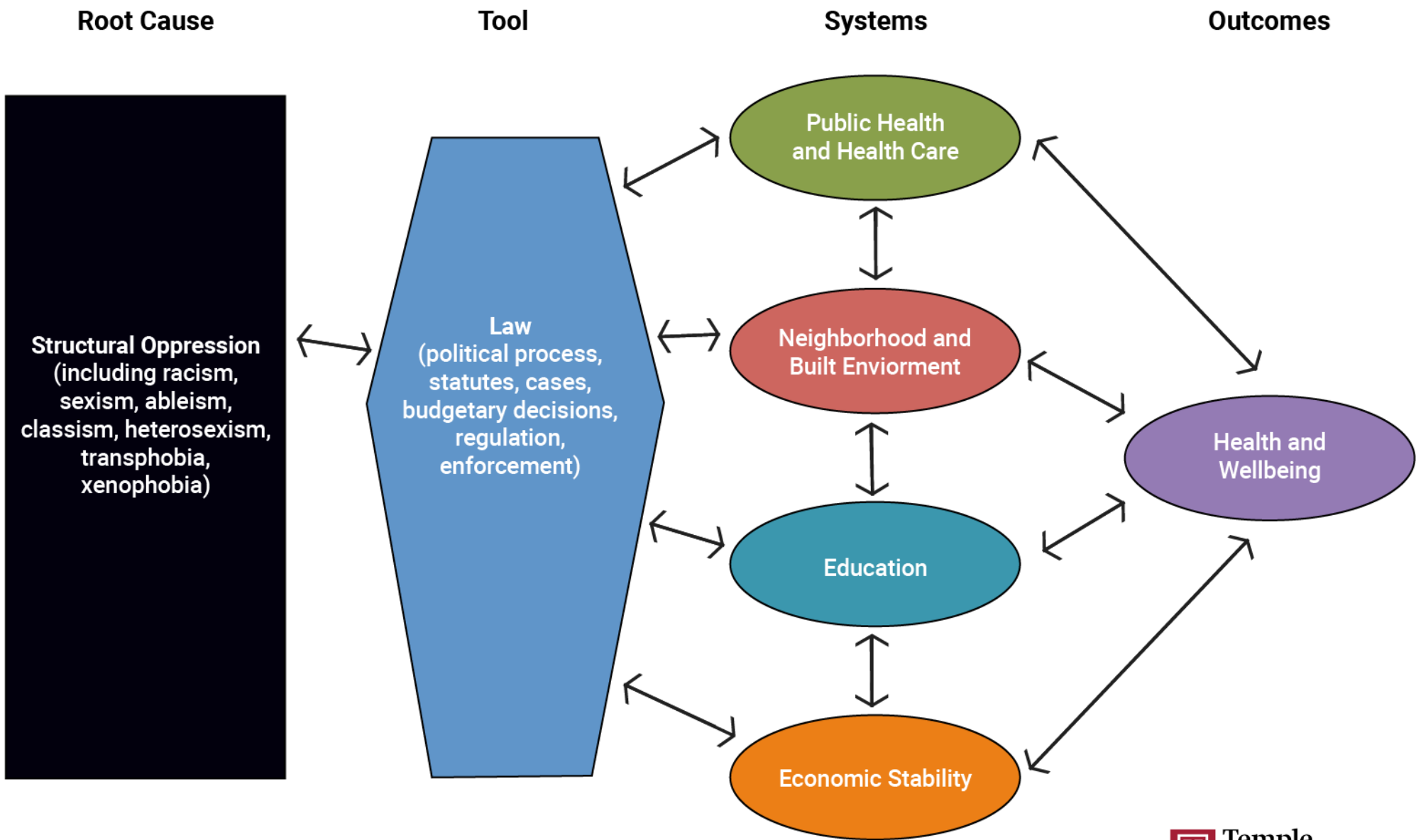
**Examining state constitutions for their
impact on racial health equity**

DeAnna Baumle, JD, MSW

Cydney M. Murray, JD

Center for Public Health Law Research

Temple University Beasley School of Law



Modified Version of Ruqaijah Yearby's 2020 Revised SDOH Framework

The purpose of this constitutional convention is “to establish white supremacy in this state... [I]f we would have white supremacy, we must establish it by law—not by force or fraud.”

— John B. Knox, President of the
Alabama 1901 Constitutional Convention

Examining state constitutions for their impact on racial equity

A longitudinal study: 2003 – 2023

Partnership with The Institute for Healing Justice & Equity at the Ohio State University

OSU team:

- Ruqaiijah Yearby
- Crystal N. Lewis
- Prashasti Bhatnagar
- Dr. Kemba Noel-London

CPHLR team:

- Adrienne R. Ghorashi
- Cydney M. Murray
- DeAnna Baumle
- Nadiri Ali
- Sabrina Zimmerman

Measured Legal Variables Include:

The Power of the People

Does the state constitution explicitly declare that political and government power is inherent to the people?

☐ Yes ☐ No

Does the state constitution explicitly allow the people to abolish the government?

☐ Yes ☐ No

Does the state constitution explicitly allow the people to directly amend its text?

☐ Yes ☐ No

Measured Legal Variables Include:

Race

Does the state constitution explicitly prohibit discrimination on the basis of race?

☐ Yes ☐ No

Does the state constitution prohibit slavery?

☐ Yes ☐ No

Does the state constitution explicitly reference race in its text?

☐ Yes ☐ No

Does the state constitution explicitly reference the federal constitution's Reconstruction Amendments?

- ☐ Yes, it references the 13th Amendment
- ☐ Yes, it references the 14th Amendment
- ☐ Yes, it references the 15th Amendment
- ☐ No

Does the state constitution declare English to be the state's official language?

- ☐ Yes, it declares English to be the official language of the state
- ☐ Yes, it declares English to be the language of all official proceedings
- ☐ Yes, it requires state officials to ensure the role of English as the common language is preserved and enhanced
- ☐ Yes, it prohibits the legislature from enacting laws that diminish or ignore the role of English as the common language of the state
- ☐ No

Measured Legal Variables Include:

Voting

Does the state constitution explicitly allow the state legislature to prohibit certain people from voting?

☐ Yes ☐ No

Does the state constitution explicitly prohibit certain people from voting?

☐ Yes ☐ No

Does the state constitution explicitly prohibit poll taxes?

☐ Yes ☐ No

Who is prohibited from voting?

- ☐ Non-U.S. citizens
- ☐ People convicted of any crime punishable by imprisonment
- ☐ People convicted of felonies
- ☐ People convicted of "infamous crimes"
- ☐ People convicted of treason
- ☐ People convicted of bribery
- ☐ People convicted of perjury
- ☐ People convicted of forgery
- ☐ People convicted of "high crimes"
- ☐ People convicted of a crime connected with voting
- ☐ People serving a prison term for a felony conviction
- ☐ People on parole for a felony conviction
- ☐ People determined to be "mentally incompetent"
- ☐ People with mental health disorders or impairments
- ☐ People confined in mental institutions
- ☐ People who are not literate in English
- ☐ People who are not taxpayers

Thank you!

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2021-2022 Racial Equity Dataset:

A Searchable Collection of Laws Related to Racial Equity



Phyllis Jeden, J.D.

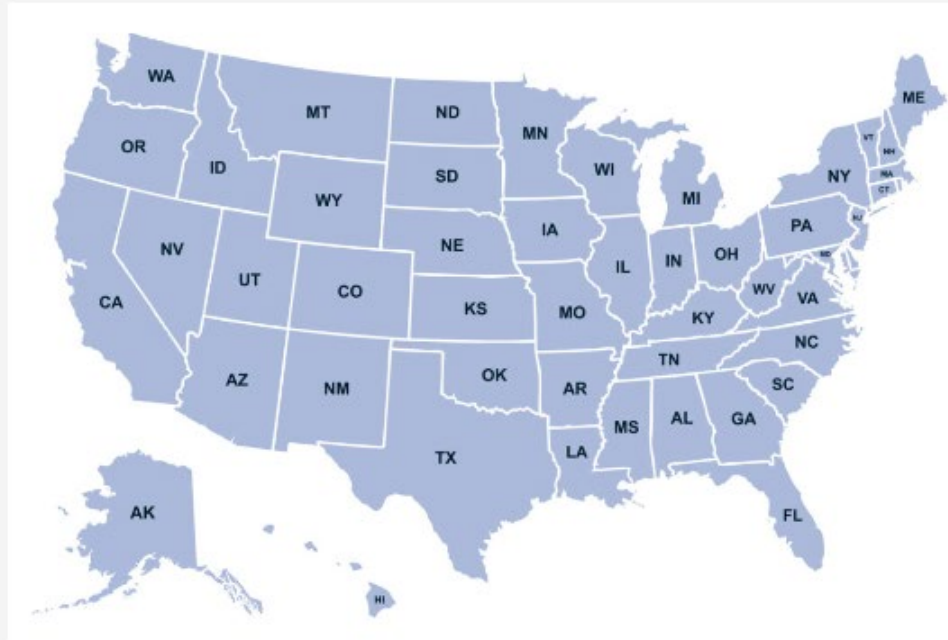
Senior Attorney

Mid-States Region

Network for Public Health Law

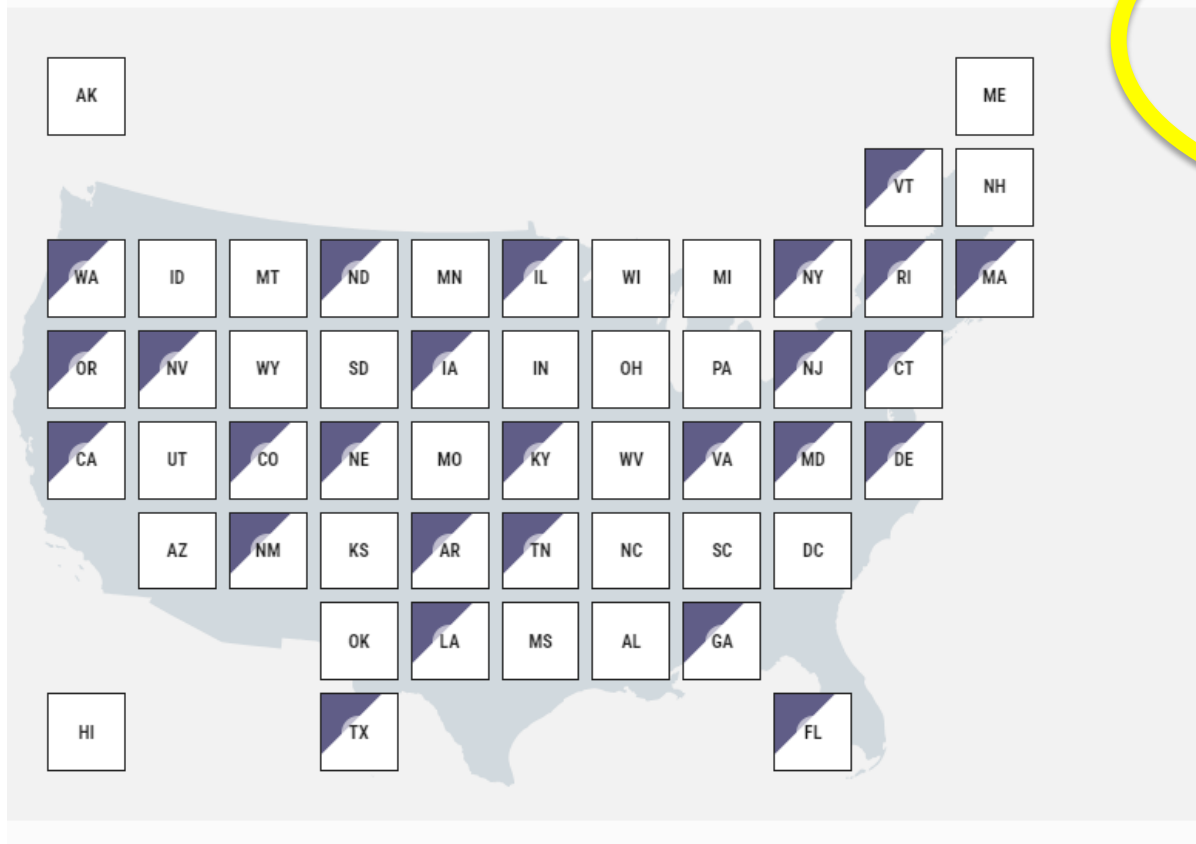
2021-2022 Racial Equity Dataset:

A Searchable Collection of Laws Related to Racial Equity

[EXPLORE THE DATA HERE](#)

Parent Question

Table [How to read this chart](#) Mode: Comparison



1. Was a law enacted in 2021 or 2022 that relates to racial health equity and that was still in effect on December 31, 2022?

☒ ☐ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

1.1. Does the law relate to healthcare access and quality?

☐ ☐ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

1.1.1. Does the law relate to data collection and reporting?

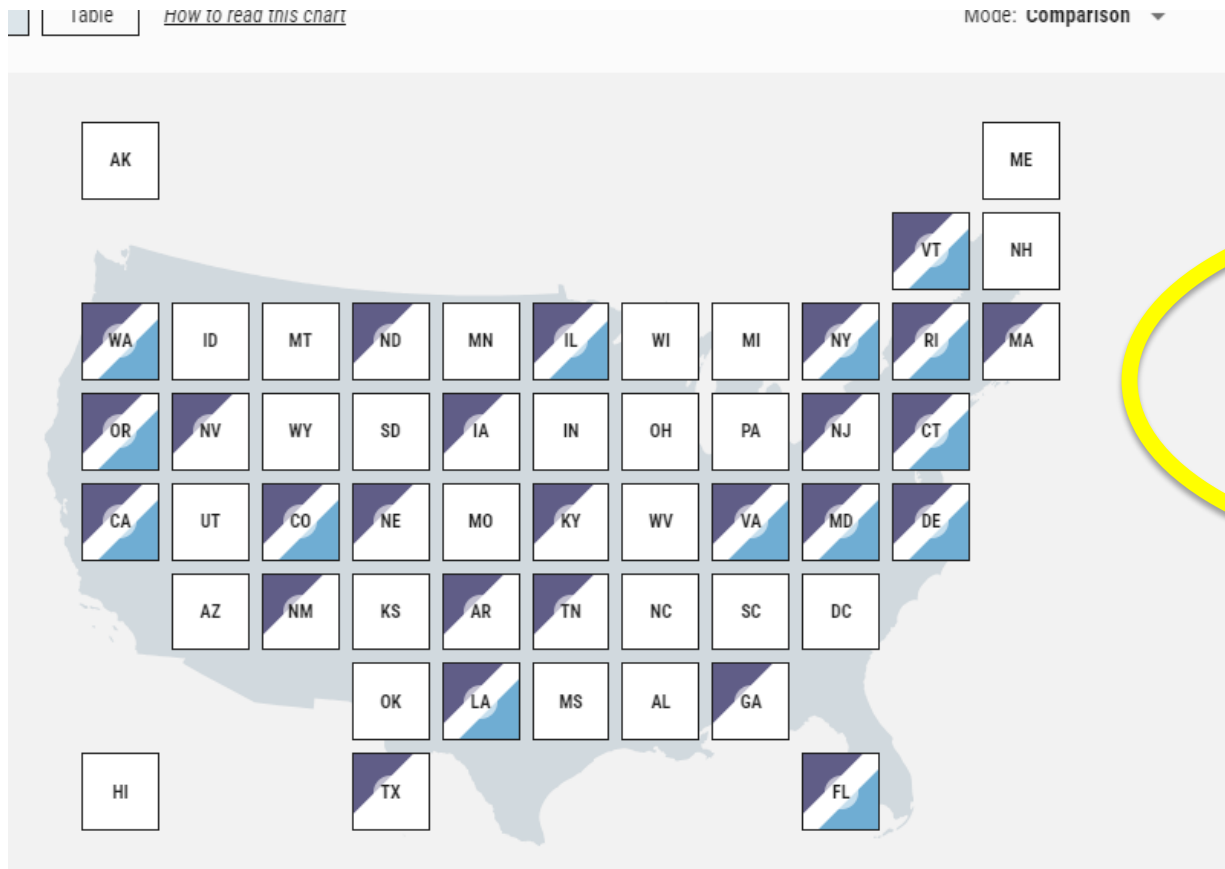
☐ ☐ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

1.1.2. Does the law relate to underserved and marginalized populations?

Child Question

Table [How to read this chart](#) Mode: **comparison**



1. Was a law enacted in 2021 or 2022 that relates to racial health equity and that was still in effect on December 31, 2022?

☒ ☐ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

1.1. Does the law relate to healthcare access and quality?

☐ ☒ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

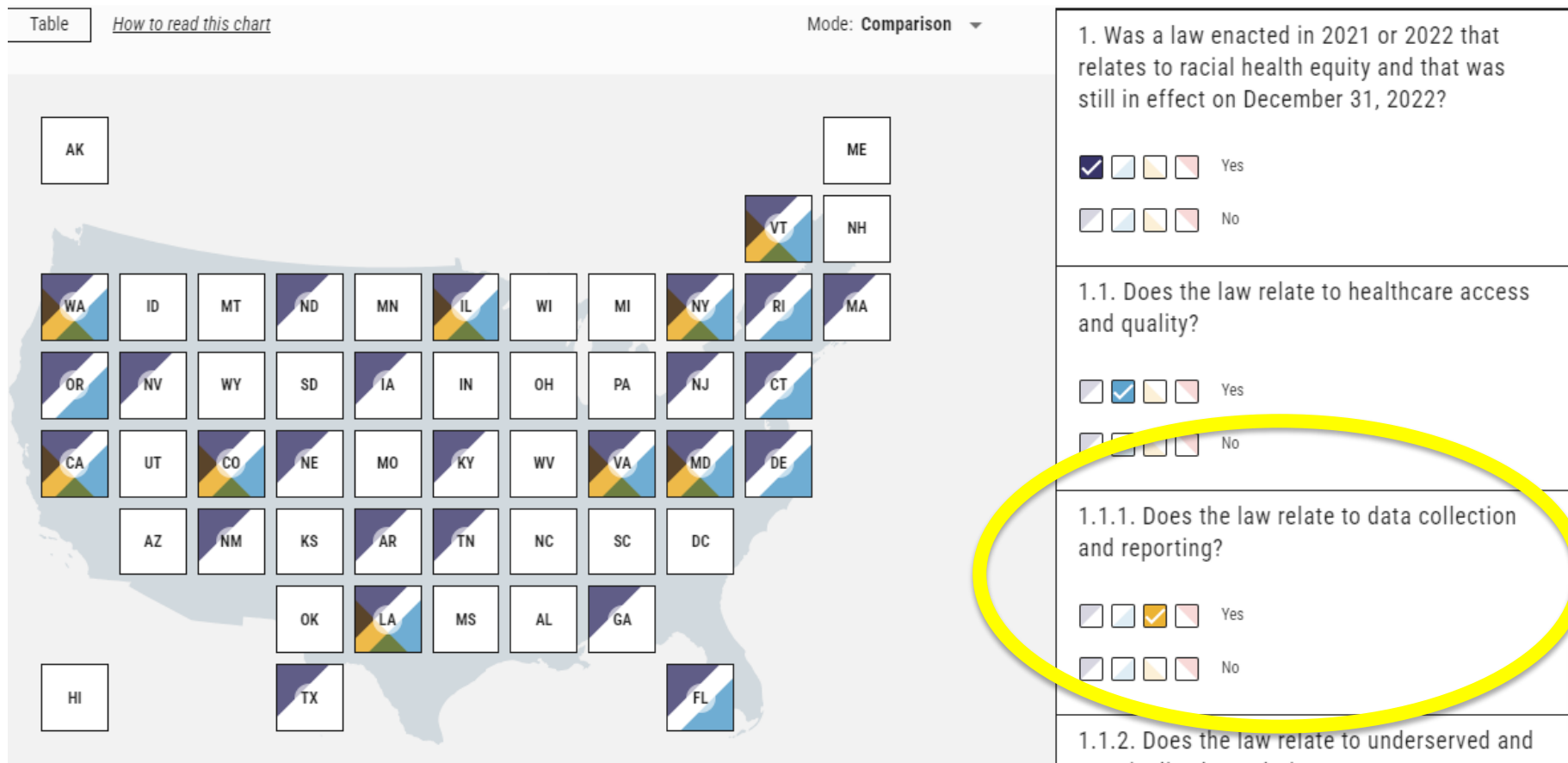
1.1.1. Does the law relate to data collection and reporting?

☐ ☐ ☐ ☐ Yes

☐ ☐ ☐ ☐ No

1.1.2. Does the law relate to underserved and

Grandchild Question



Getting to the Law

Map
Table
How to read this chart

Mode: Comparison

AK

WA

OR

CA

HI

ME

NH

MA

RI

VT

NY

NJ

CT

MD

DE

DC

FL

Maryland
Policies as of December 31, 2022
1. Was a law enacted in 2021 or 2022 that relates to racial health equity and that was still in effect on December 31, 2022? Yes ([Legal Source](#))
1.1. Does the law relate to healthcare access and quality? Yes ([Legal Source](#))
1.1.1. Does the law relate to data collection and reporting? Yes ([Legal Source](#))
Md. Code, Health-Gen §19-2112 Pathways to Health Equity Program
Effective: May 30, 2021
(a)(1) The Commission shall establish a Pathways to Health Equity Program.(2)(i) The purpose of the Program is to provide the foundation and guidance for a permanent Health Equity Resource Community program under Title 20, Subtitle 14 of this article.(ii) CRISP shall provide technical assistance to the Commission by maintaining a data set and supporting program evaluation for the Program.(3)(i) The Program shall provide grant funding to reduce health disparities, improve health outcomes, improve access to primary care, promote primary and secondary prevention services, and reduce health care costs and hospital admissions and readmissions.
View Full Text

Md. Code, Health-Gen §4-302.3 Health information

1. Was a law enacted in 2021 or 2022 that relates to racial health equity and that was still in effect on December 31, 2022?
☒ Yes
☐ No

1.1. Does the law relate to healthcare access and quality?
☒ Yes
☐ No

1.1.1. Does the law relate to data collection and reporting?
☒ Yes
☐ No

1.1.2. Does the law relate to underserved and marginalized populations?
☒ Yes
☐ No

Clear Variables

December 31, 2022

Other Questions

Does the law require implicit bias and/or cultural competency/sensitivity training?

Does the law create a taskforce, committee, workgroup or similar entity?

Does the law relate to a declaration of racism as a public health crisis?

Does the law explicitly prohibit or restrict education or training that addresses health or racial equity?

Does the law restrict diversity, equity, and inclusion (DEI) related actions at educational institutions?

2021-2022 Racial Equity Dataset:

A Searchable Collection of Laws Related to Racial Equity

**Contact For Questions
or
Technical Assistance**

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CENTERING COMMUNITIES OF COLOR IN LEGAL EPIDEMIOLOGY AND BEYOND

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DEFINING STRUCTURAL RACISM

America: Equity and Equality in Health 3

Structural racism and health inequities in the USA: evidence and interventions

Zinzi D Bailey, Nancy Krieger, Madina Agénor, Jasmine Graves, Natalia Linos, Mary T Bassett

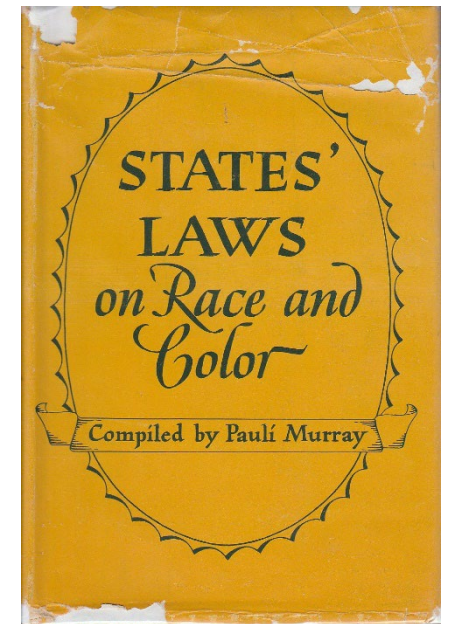
Despite growing interest in understanding how social factors drive poor health outcomes, many academics, policy makers, scientists, elected officials, journalists, and others responsible for defining and responding to the public discourse remain reluctant to identify racism as a root cause of racial health inequities. In this conceptual report, the third in a Series on equity and equality in health in the USA, we use a contemporary and historical perspective to discuss research and interventions that grapple with the implications of what is known as structural racism on population health and health inequities. Structural racism refers to the totality of ways in which societies foster racial discrimination through mutually reinforcing systems of housing, education, employment, earnings, benefits, credit, media, health care, and criminal justice. These patterns and practices in turn reinforce discriminatory beliefs, values, and distribution of resources. We argue that a focus on structural racism offers a concrete, feasible, and promising approach towards advancing health equity and improving population health.

Our institutions may oversee seemingly different aspects of American life, but the racialized rules create similarities across institutions that facilitate their symbiotic interconnectedness.


Gee & Hicken, 2021

STRUCTURAL RACISM AND THE LAW

- The **law** has played a central role in establishing and perpetuating **structural racism**
 - First U.S. laws established to maintain white supremacy in context of slavery, settler colonialism, and capitalism
 - Myriad contemporary laws that criminalize and harm Black, Indigenous, and other people of color
 - Laws that could disproportionately benefit communities of color have systematically not been passed/enacted/enforced or repealed
 - Legal reforms have not ended structural racism
- Past and present laws shape unequal and inequitable distribution of **social determinants of health** among and across racialized groups
- **Critical Race Theory** underscores role of **explicitly and implicitly** racist laws in perpetuating structural racism
- **State laws** reflect and shape the specific historical **context**, political **climate**, and social and cultural **norms** of particular states



Developing a Database of Structural Racism–Related State Laws for Health Equity Research and Practice in the United States

Madina Agénor, ScD, MPH¹ ; Carly Perkins, JD²; Catherine Stamoulis, PhD^{3,4}; Rahsaan D. Hall, JD⁵; Mihail Samnaliev, PhD^{3,6,7}; Stephanie Berland, JD²; and S. Bryn Austin, ScD^{4,7,8}

Abstract

Objectives: Although US state laws shape population health and health equity, few studies have examined how state laws affect the health of marginalized racial/ethnic groups (eg, Black, Indigenous, and Latinx populations) and racial/ethnic health inequities. A team of public health researchers and legal scholars with expertise in racial equity used systematic policy surveillance methods to develop a comprehensive database of state laws that are explicitly or implicitly related to structural racism, with the goal of evaluating their effect on health outcomes among marginalized racial/ethnic groups.

Methods: Legal scholars used primary and secondary sources to identify state laws related to structural racism pertaining to 10 legal domains and developed a coding scheme that assigned a numeric code representing a mutually exclusive category for each salient feature of each law using a subset of randomly selected states. Legal scholars systematically applied this coding scheme to laws in all 50 US states and the District of Columbia from 2010 through 2013.

Results: We identified 843 state laws linked to structural racism. Most states had in place laws that disproportionately discriminate against marginalized racial/ethnic groups and had not enacted laws that prevent the unjust treatment of individuals from marginalized racial/ethnic populations from 2010 to 2013.

Conclusions: By providing comprehensive, detailed data on structural racism–related state laws in all 50 states and the District of Columbia over time, our database will provide public health researchers, social scientists, policy makers, and advocates with rigorous evidence to assess states' racial equity climates and evaluate and address their effect on racial/ethnic health inequities in the United States.

- **10 legal domains** of cotemporary U.S. state laws explicitly or implicitly related to structural racism: voting rights, stand-your-ground, racial profiling, mandatory minimum prison sentencing, immigrant protections, fair housing, minimum wage, predatory lending, school punishment, stop-and-identify
- **843 U.S. state laws** related to structural racism in 2010-2013 in 50 U.S. states and D.C.
- Most states had laws that **harm** people of color
- Most states did not have laws that **protect** people of color

FOOD JUSTICE AND SOVEREIGNTY



CENTERING COMMUNITIES OF COLOR

- Communities are the **experts** on the conditions of their lives
- Those **most impacted** by structural racism have the greatest knowledge
- (Legal) data are only as good as the extent to which they support **communities** on the ground
- Contributing to ongoing efforts in a way that is **meaningful** – requires asking people what they need!
- **Community engagement** during all phases of policy surveillance
 - Key-informant interviews with people with lived and professional expertise to refine legal domains and laws
 - Focus groups with community members, organizers, and advocates to obtain feedback on legal database
 - Input on future research and practice activities using structural racism legal database
 - Collaboration with existing food justice fellowship program (Vital Village Networks by Dr. Boynton-Jarrett)

BEYOND LEGAL DATA

- Tackling structural racism will require a **multi-pronged** approach
- Must address not only myriad racist **laws** and **policies** but also **ideologies, norms, governance structures, and historical legacies**
- Will require not only legal change but also **community organizing, reparations, (re)new(ed) approaches** to being and living led by those most impacted
- Need for **imagination** to think beyond bounds of existing systems, structures, institutions, and practices
- Center principles and practices of **autonomy, self-determination, reciprocity, mutuality, and care** central to Indigenous and Black traditions

ACKNOWLEDGMENTS



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- Alison Tovar, PhD, MPH (Co-I)
- Lindsay Cloud, JD (Co-I)
- Renée Boynton-Jarrett, MD, ScD (Co-I)
- Harvard Catalyst
- Robert Wood Johnson Foundation

THANK YOU!

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Community-Engaged Public Health Practices

Leonardo Arriola Carnicelli, MPH (He/They)



Health Equity Zones

Health Equity
Approach



Place-Based

Address Social
Determinants of Health



Community-Led

PCF Health Equity Zone - Resident Engagement

Housing



Youth
Engagement



Food and
Nutrition

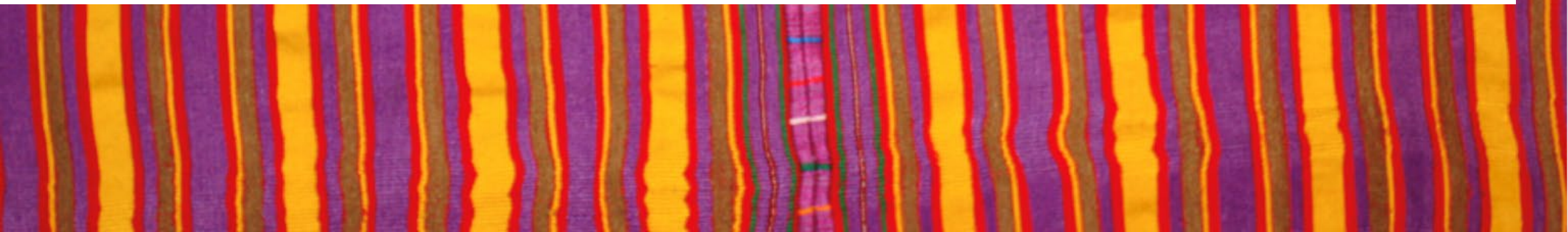


Substance
Use and
Mental
Health





Examining Food Security Among Immigrants
with an Undocumented Status in Rhode Island:
A Call for Inclusive Nutrition Assistance Programs



Food Security

- Food security refers to having physical, social, and economic access to sufficient food that meets a person's dietary needs and food preferences for an active and healthy life **with personal dignity at all times** ¹
 - ◆ RI: 31% of all households in 2022 (compared to 18.4% in 2021) ²
- Immigrants with an undocumented status (IUS) experience food insecurity at a disproportionate level compared to their documented counterparts.
 - ◆ In the United States, 45% of all IUS live in food insecure households ³.

1. <https://www.worldbank.org/en/topic/agriculture/brief/food-security-update/what-is-food-security#:~:text=Based%20on%20the%201996%20World,an%20active%20and%20healthy%20life.>

2. <https://rifoodcouncil.org/data-dashboard/food-access-and-security/>

3. California Immigrant Policy Center. (2022, April). FOOD INSECURITY AMONG UNDOCUMENTED IMMIGRANTS IN CALIFORNIA & EXCLUSION FROM NUTRITION ASSISTANCE PROGRAMS. Retrieved from: <https://caimmigrant.org/wp-content/uploads/2022/04/Food4All-Food-Insecurity-Brief-r3-1.pdf>

Study Goals and Methods

Goals:

1. To understand the experiences of immigrants with an undocumented status in accessing nutrition assistance resources in Rhode Island
2. To understand the perspectives and insights of community members, community leaders, legislators, and academics in Rhode Island on the potential implementation of a state funded initiative that would provide nutritional assistance to all low-income individuals regardless of citizenship?

Methods:

- Community-Engaged Research Practices
- Qualitative Methods - Reflexive Thematic Analysis

Addressing Food Insecurity with Community Voices

- Advocate for the implementation of a program similar to CFAP in RI given that:
 - No easy path to naturalization
 - 5-year limit to access welfare for new green card holders
 - Current welfare services are not available to IUS despite tax contribution
 - Over reliance on food pantries is unsustainable (environmentally and healthy equity-wise)¹
- State investment is necessary.
 - RI cash assistance funding has relied entirely on federal funding and no state funding in the past 10 years²

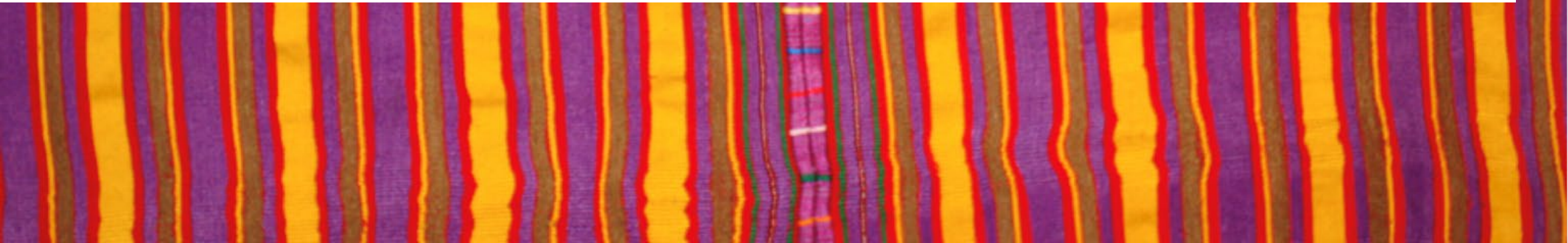
1. <https://www.theguardian.com/environment/2021/apr/28/our-unequal-earth-food-insecurity-aid-corporate>

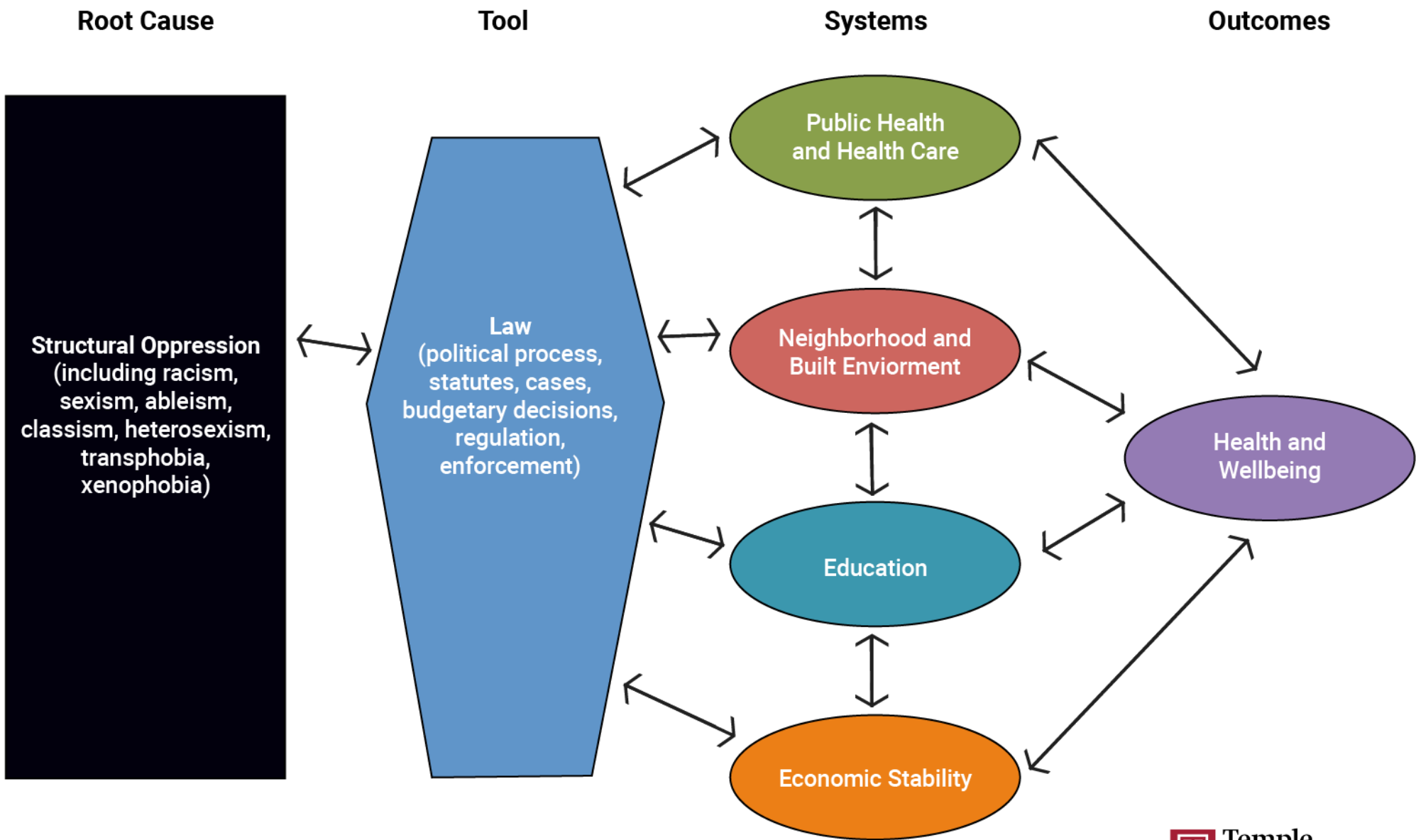
2. <https://www.economicprogressri.org/wp-content/uploads/2023/09/Poverty-as-a-policy-choice.pdf>



Questions?

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Modified Version of Ruqaijah Yearby's 2020 Revised SDOH Framework



CPHLR TRAINING WEBINARS

**INTRODUCTION TO
POLICY SURVEILLANCE**

- Tuesday, December 3rd
- 12:00pm EST

