

Course Outline

COURSE:	LAWS 3005A, Law and Regulation
TERM:	Fall 2021
PREREQUISITES:	1.0 credit from LAWS 2201 , LAWS 2202 , LAWS 2501 , LAWS 2502
CLASS:	Day & Time: Monday, 08.35 – 11.25 Room: Online, using Brightspace and Zoom Course includes a combination of asynchronous lectures and synchronous sessions according to the schedule below
INSTRUCTOR:	Carey Thomson (It is acknowledged with gratitude that Dr. Nadine Ijaz has kindly permitted the use of all of the substantive content of her course outline for this course outline)
CONTACT:	Office: N/A Office Hrs: To be held Mondays 10:45 am – 11:25 am on Zoom (group office hours) or privately by appointment Telephone: N/A Email: carey.thomson@carleton.ca

CALENDAR COURSE DESCRIPTION

Definitions and goals of regulation; contemporary theories and debates about legal and non-legal approaches to regulation. Approaches studied may include market mechanisms, public agency regulation, self-regulation and governance in co-operation with associations in civil society.

COURSE DESCRIPTION

In this course, we will explore the dynamics of risk-focused government regulation in the health field. We begin with an introduction to key regulatory concepts and strategies including ‘carrots, sticks, and nudges’ and the precautionary principle. We then turn our attention to a series of case studies that illuminate the complexities, pitfalls and political machinations associated with risk-focused regulation. Cases emphasize the contemporary Canadian context, and include regulation of products (e.g., tobacco, bisphenol A, cannabis, genetically-modified organisms and in-vitro meat), practices (e.g., body art), and health care occupations (e.g., midwifery, acupuncture and traditional Chinese medicine). Across these cases, we will examine the ways in which stakeholders in regulatory debates diversely deploy the notion of public safety as political discourse, while attending to the inequities that various regulatory regimes may exert upon racialized groups.

REQUIRED TEXTS

All required course materials will be available on Brightspace.

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Description	%	Due
Class Attendance and Participation	10%	Eleven live (synchronous) seminar-based classes will take place on Zoom throughout the course . You will be graded for class attendance and participation, which includes attendance, active engagement and participation in class discussions. You are expected to attend all live sessions although <u>you may miss one without penalty</u> . The assessment for class attendance and participation is both a qualitative and quantitative assessment and seeks to recognize, among other factors, a student's overall contribution to the fostering of a respectful, collegial and hardworking class for the advancement and learning of the course materials.
Quizzes 2 x 10%	20%	Quizzes, at Weeks 4 (Monday Oct. 4) and 10 (Monday Nov. 22), will test comprehension of material from assigned readings and synchronous lectures in a true/false, multiple choice, and matching format. More information will follow on Brightspace.
Cannabis assignment	25%	More information will follow on Brightspace; due Friday Oct. 22, 11.59 pm
Take-home Final Exam	45%	More information will follow on Brightspace; Released on Friday, December 10 th and due Thurs. Dec. 23, 11.59 pm
TOTAL	100%	

LATE PENALTIES AND REQUESTS FOR EXTENSIONS**Late Penalties**

Missed quizzes will result in a grade of **zero** on the quiz unless an alternate arrangement has been made prior to the quiz date or in the case of emergency (as determined by the instructor). All **late assignments** as well as the Take-home Final Exam will be penalized by **10%** of the assignment/Exam grade per day up to a two-day, **20% maximum** unless an extension has been arranged with the instructor prior to the due date or the student has a legitimate emergency (to be determined by the instructor).

EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

COURSE BASICS

1. **EVERY WEEK.** Check Brightspace every week to find out what you are required to do that week. Make sure you do the readings in advance of all live classes so you are prepared for discussion.
2. **MUTUAL RESPECT.** Class discussions may be lively, and we will disagree about ideas, but we must stay cordial and respectful of each other and preserve the dignity of our class culture. Neither personal insults, nor any sexist, racist, classist, ableist, homophobic, transphobic, or otherwise oppressive commentary (including perspectives that denigrate neurodiversity) will be permitted whatsoever.
3. **REACHING THE PROFESSOR:** If you need to reach the Professor, you may send an email to carey.thomson@carleton.ca. Please include the course code LAWS 3005A in the subject to receive a prompt reply. I endeavour to respond to course-related emails within 48 hours on weekdays between 9 and 5 pm. If you do not hear back within that time frame, please email again.
4. **HOW TO ADDRESS YOUR PROFESSOR:** You may address your Professor as Mr. Thomson or Professor, both during classes and by email. Kindly use standard professional etiquette in your emails, i.e., Dear Mr. Thomson, or Hello Professor (rather than 'Hi' or 'Hey').
5. **PRIVACY AND COPYRIGHT:** Links to class Zoom sessions are private and must not be shared with others outside of our class. Prerecorded (video) lectures and other course materials posted to Brightspace are protected by copyright (laws) and must not be shared, distributed or used outside of our course.

SCHEDULE of TOPICS & WEEKLY READINGS

Week 1 September 13 Introduction	<p>Overview of course and course evaluation methodology.</p> <p>Note that required readings listed for Session 2 MUST be completed before Session 2 so that you are prepared for the synchronous (live) discussion session.</p>
Week 2 September 20 Carrots, Sticks & Nudges	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Lugo NR. Will Carrots or Sticks Raise Influenza Immunization Rates of Health Care Personnel? American Journal of Infection Control. 2007 Feb;35(1):1–6.</p> <p>Alemanno A. The Behavioural Turn of Tobacco Risk Regulation. European Journal of Risk Regulation. 3(1):32–42.</p> <p>Ewert B. Promoting Health in Schools: Theoretical Reflections on the Settings Approach Versus Nudge Tactics. Soc Theory Health. 2017 Nov;15(4):430–47.</p>
Week 3 September 27 Precaution, Perception and Public Protection	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Pietras J. Bisphenol A: A Critique of the Law’s Failure to Protect the Public from Toxic Exposure. New Zealand Journal of Environmental Law. 2014;18:41–68</p> <p>https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol.html</p> <p>https://www.canada.ca/en/health-canada/services/home-garden-safety/bisphenol-bpa.html</p> <p>Laestadius LI. Public Perceptions of the Ethics of In-vitro Meat: Determining an Appropriate Course of Action. J Agric Environ Ethics. 2015 Oct;28(5):991–1009</p> <p>Watch: Europe’s new approach to GMOS https://www.youtube.com/watch?v=OpYQf1Kas8U</p> <p>Watch: Is cell-cultured meat ready for the mainstream? https://www.youtube.com/watch?v=VYXw-vJFBA</p>

<p style="text-align: center;">Week 4 October 4 Regulating Cannabis I</p>	<p>Live Class on Zoom, 10 am – 11.25 am</p> <p>Quiz #1 – time will be allowed in class for its completion and submission.</p> <p>Crepault J-F. Legalize It (But Don't Advertise It): The Public Health Case for Cannabis Legalization. In: High time: the legalization and regulation of cannabis in Canada. Queen's University Press; 2019: 79-96.</p> <p>Watch: STONED: Hemp Nation on Trial, 1998 https://www.youtube.com/watch?v=u0t3TyMtPI4</p>
<p style="text-align: center;">Week 5 October 11 Statutory Holiday</p>	<p>No Class</p>
<p style="text-align: center;">Week 6 October 18 Regulating Cannabis II</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Cannabis Assignment due by 11.59 pm, Friday October 22.</p> <p>Owusu-Bempah A. Where Is the Fairness in Canadian Cannabis Legalization? Lessons to be Learned from the American Experience. Journal of Canadian Studies. 2021 Jul 1;55(2):395–418.</p> <p>Watch: The Untapped Promise of Cannabis Legalization</p> <p>Rohr R. Taxing Disability: A Critical Look into the Medical Cannabis Regime under the New Cannabis Act, 2018. Journal of Canadian Studies. 2021 Jul 1;55(2):436–57.</p>
<p style="text-align: center;">BREAK</p>	<p>October 25: No class, reading week break (and restore).</p>

<p style="text-align: center;">Week 7 November 1 Regulating Body Art</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Jelinski J. Bad Bastards?: Tattooing, Health, and Regulation in Twentieth-Century Vancouver. <i>Urban History Review</i>. 2018; 47(1–2):103–12.</p> <p>Carlson VP, Lehman EJ, Armstrong M. Tattooing Regulations in U.S. States, 2011. <i>Journal of Environmental Health</i>. 2012;75(3):30–8.</p> <p>Nova Scotia Safe Body Art Act, 2011 https://nslegislature.ca/legc/bills/61st_3rd/3rd_read/b109.htm</p> <p>Nova Scotia Safe Body Art Regulations, 2019 https://www.novascotia.ca/just/regulations/regs/sbasafe.htm#text</p>
<p style="text-align: center;">Week 8 November 8 Health Professional Regulation Theory</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Leslie K, Moore J, Robertson C, Bilton D, Hirschhorn K, Langelier MH, et al. Regulating health professional scopes of practice: comparing institutional arrangements and approaches in the US, Canada, Australia and the UK. <i>Hum Resour Health</i>. 2021;19(1):15.</p> <p>Lemmens T, Ghimire KM. Regulation of health professions in Ontario: self-regulation with statutory- based public accountability. <i>Rev Direito Sanit</i>. 2019 May 30;19(3):124–204.</p>
<p style="text-align: center;">Week 9 November 15 Regulating Midwifery I</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Massey E. By her own authority: The scope of midwifery practice under the Ontario Midwifery Act, 1991. <i>Alberta Law Review</i>. 1993;31(2):349–89.</p> <p>Paterson S. Ontario Midwives: Reflections on a Decade of Regulated Midwifery. <i>Canadian Woman Studies</i>. 2004;24(1):153–7.</p> <p>Daubs K 2020. 'Huge victory for midwives' as Ontario court upholds pay-equity ruling. https://www.thestar.com/news/gta/2020/06/29/huge-victory-for-midwives-as-ontario-court-upholds-pay-equity-ruling.html</p>

<p style="text-align: center;">Week 10 November 22 Regulating Midwifery II</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Quiz #2, Monday November 22 -time will be provided in class for the completion and submission of the Quiz.</p> <p>Nestel S. The boundaries of professional belonging: how race has shaped the re-emergence of midwifery in Ontario. In: <i>Reconceiving midwifery.</i> McGill-Queen's University Press; 2004. p. 287-305.</p> <p>Carroll D, Benoit C. Aboriginal Midwifery in Canada: Merging Traditional Practices and Modern Science. In: <i>Reconceiving midwifery.</i> McGill-Queen's University Press; 2004. p. 263–86.</p>
<p style="text-align: center;">Week 11 November 29 Regulating Acupuncture & Chinese Medicine I</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Ijaz N, Boon H, Muzzin L, Welsh S. State risk discourse and the regulatory preservation of traditional medicine knowledge: the case of acupuncture in Ontario, Canada. <i>Social Science and Medicine.</i> 2016;170:97–105.</p> <p>Ijaz N, Boon H. Safety as 'boundary object': the case of acupuncture and Chinese medicine regulation in Ontario, Canada. In: Brosnan C, Violanto P, Danell J-A, editors. <i>Complementary and alternative medicine: Knowledge production and social transformation.</i> Palgrave Macmillan; 2018. p. 193-213.</p>
<p style="text-align: center;">Week 12 December 6 Review Starts</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am</p> <p>Make up of course material not covered and/or to be revisited, course review Part 1 and Live Q & A session with Professor</p> <p>No assigned Readings though students are encouraged to review material with which they had problems/concerns and to submit questions to the professor by Friday, December 3rd for his review.</p>
<p style="text-align: center;">Week 13 December 10 Final Class & T-H Final EXAM</p>	<p>Live Class on Zoom, 8:35 am – 11.25 am, course review Part 2, Live Q & A session with Professor. Take-Home Final Examination is Due Thursday, December 23, 2021 by 11.59 pm and that the penalty for late submission is as noted above in this course outline.</p>

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs. For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities: [The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the

first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation will be provided to students who compete or perform at the national or international level. Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

Accommodation for Student Activities

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For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations:
<https://carleton.ca/law/student-experience-resources/>.