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Regulating Life, Disease, and Death: The Legal, Ethical and Moral Implications of Science, Medicine, and Technology

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Cover Page Footnote

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FOREWORD

REGULATING LIFE, DISEASE, AND DEATH: THE LEGAL, ETHICAL, AND MORAL IMPLICATIONS OF SCIENCE, MEDICINE, AND TECHNOLOGY

JAE YEON KIM*

On March 19, 2015, the *Notre Dame Journal of Law, Ethics & Public Policy* hosted a symposium to address the changing landscape of medicine, science, and technology.¹ The *Journal* made this selection because advancements in these fields pose unique challenges to society's understanding of the law's role in regulating and shaping public discourse on life, disease, and death.

The morning panels addressed the legal, ethical, and moral implications of pre-natal diagnosis and selective abortion, the gray market for biologics, the regulation of biotechnology, and end-of-life decisions.² In both his keynote address and article, Professor James G. Hodge discussed the legal myths surrounding the Ebola viral disease and the realities of legal preparedness for infectious diseases.³ His commentary is timely because the World Health Organization recognized Ebola viral disease as a public health emergency of international concern in 2014, and Ebola continues to be an ongoing threat to global health.⁴

The *Journal* is honored to have included excellent contributions from scholars, practitioners, and law students in this Symposium Issue. This Issue presents commentaries on a wide cross-section of issues involving science, medicine, and technology. The articles fill a gap in the literature by providing an ethical perspective on crowd-funded

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1. The Symposium's keynote address was given by Professor James G. Hodge, Jr. Panelists included Dr. Mary O'Callaghan, Attorneys Stacey Worthy and Michael Barnes, Professor Benjamin Hurlbut, and Professor Gilbert Meilaender.

2. To view recordings of our Symposium panels and keynote address, please visit the Symposia page on the *Journal's* website. NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY, 2015 – *Regulating Life, Disease, and Death*, http://scholarship.law.nd.edu/ndjlepp_symp/2015/ (last visited March 27, 2015).

3. James G. Hodge, Jr., *Legal Myths of Ebola Preparedness and Response*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 355 (2015).

4. *Id.*

biomedical research⁵ and the role of religion in the regulation of biotechnology.⁶ New trends like the concept of super risk⁷ and the gray market for prescription drugs and vaccines⁸ were also explored in this Issue. In addition to articles, three of the *Journal's* editors contributed student notes that explored topics on science, medicine, and technology including the constitutionality of prohibiting access to *in vitro* fertilization,⁹ an evaluation of the medical device excise tax,¹⁰ and the impact of *FTC v. Actavis Pharmaceuticals* on reverse-payment settlements.¹¹

The *Notre Dame Journal of Law, Ethics & Public Policy* presents this scholarship to assist policymakers and scholars as they navigate and solve problems related to science, medicine, and technology. This Symposium Issue is dedicated to the *Journal's* ongoing mission to encourage an ethical discussion of law and public policy.

5. Joshua E. Perry, *The People's NIH? Ethical and Legal Concerns in Crowdfunded Biomedical Research*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 453 (2015).

6. J. Benjamin Hurlbut, *Religion and Public Reason in the Politics of Biotechnology*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 423 (2015).

7. José Luis Bermudez & Michael S. Pardo, *Risk, Uncertainty, and "Super-Risk,"* 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 471 (2015).

8. Michael C. Barnes & Stacey L. Worthy, *Applying Lessons from the Opioid Abuse Epidemic to Protect Consumers from Gray Market Biologics*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 375 (2015).

9. J. Ravindra Fernando, *Three's Company: A Constitutional Analysis of Prohibiting Access to Three-Parent In Vitro Fertilization*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 523 (2015).

10. Kensington A. Wolgamott, *No Longer Left to Their Own Devices: Evaluating the Non-Traditional Medical Device Excise Tax*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 497 (2015).

11. Audra J. Passinault, *A Prescription for the Future: Reverse-Payment Settlements in the Wake of FTC v. Actavis Pharmaceuticals*, 29 NOTRE DAME J.L. ETHICS & PUB. POL'Y 549 (2015).