AMERICAN JOURNAL OF LAW & MEDICINE

Volume 41, Number 1 • 2015

BOARD OF EDITORS

Faculty Advisors Kevin Outterson, J.D., LL.M. Abigail Moncrieff, J.D. Kathryn Zeiler, M.S., J.D., Ph.D.

Boston University School of Law

Faculty Editor-in-Chief Emeritus Frances H. Miller, J.D. Boston University School of Law Editor Edward J. Hutchinson American Society of Law, Medicine & Ethics

Founding Editor John A. Norris, J.D., M.B.A. *Health Discovery Corp.*

EDITORS

Gail B. Agrawal, J.D., M.P.H. University of Iowa College of Law

Michael Baram, J.D. Boston University School of Law

Charles H. Baron, LL.B., Ph.D. Boston College Law School

Jay A. Gold, M.D., J.D., M.P.H. MetaStar Inc., Madison

Ernest M. Haddad, J.D. Boston University School of Law

Clark C. Havighurst, J.D. Duke University School of Law

Nathan Hershey, LL.B. University of Pittsburgh Graduate School of Public Health (Retired)

David A. Hyman, M.D., J.D. University of Illinois College of Law

Sheila Jasanoff, J.D., Ph.D. Harvard University Kennedy School of Government

Timothy S. Jost, J.D. Washington and Lee University School of Law

Stephen Latham, J.D., Ph.D. Yale University Interdisciplinary Center for Bioethics

Silvia A. Law, J.D. New York University School of Law David T. Morris, J.D., M.B.A. AbbVie, Chicago

Joseph P. Newhouse, Ph.D. Harvard University

Irwin N. Perr, M.D., J.D. University of Washington School of Medicine

Harvey E. Pies, J.D., M.P.H. Blue Cross and Blue Shield of Florida

> Arti K. Rai, J.D. Duke University Law School

Philip R. Reilly, M.D., J.D. Third Rock Ventures, LLC

Marc A. Rodwin, J.D., Ph.D. Suffolk University Law School

Mark A. Rothstein, J.D. University of Louisville School of Medicine Institute for Bioethics, Health Policy and Law

> David S. Szabo, J.D. Edwards Wildman Palmer LLP

> > Linda V. Tiano, J.D. Epstein Becker ビ Green

Sidney D. Watson, J.D. Saint Louis University School of Law

AMERICAN JOURNAL OF LAW & MEDICINE

INTERNATIONAL BOARD OF EDITORS

Koichi Bai Director, Institute of Medical Humanities Kitasato University School of Medicine JAPAN

> Erwin Deutsch Faulty of Law University of Göttingen GERMANY

Bernard M. Dickens, Ph.D., LL.D. Faculties of Law and Medicine University of Toronto CANADA

Honorable Justice Michael D. Kirby President, Court of Appeal Supreme Court of New South Wales AUSTRALIA M.A.M. de Wachter Director, Institute of Bioethics The Netherlands

Christopher Newdick Reader in Health Law University of Reading UNITED KINGDOM

> Amos Shapira Faculty of Law Tel Aviv University ISRAEL

Peter D.G. Skegg Faculty of Law University of Otago NEW ZEALAND

AMERICAN JOURNAL OF LAW & MEDICINE

STUDENT BOARD OF EDITORS 2014-2015

Editor-in-Chief

Tanya Jane Beroukhim

Executive Editor Tulsi Patel

J. Corbin Carter

Managing Editors Kathryn Gevitz

Adamantia Giannakis

Projects Editor Jeremy Harbaugh

Symposium Editors Hannah Fine

Administrative Editor Hannah Tanabe

Articles Editors

Note Editors

Christine Donovan Rebecca Johnson Nick Falcone Maureen Stringham Alex Campbell Jamie Flaherty Andrea Jacobs

Gillian Leatherberry Ashley Tan

Third-Year Editors

Nina Garcia Jeanie Joe

Harrison Kaplan Kate Ramlose

Zach Rothman Caroline Samp

Omar Aniff Lauren Bentlage Daryl Berke Caitlyn Bingaman Christin Blonde-Trenholm Jack Brodsky Christina Cahn-Speyer Hannah Chapel Ting Chiu

Colin Creager

Staff Members

Sherene Davidson Talene Ghazarian Amanda Hesse Hannah Levin Sara Maldonado Jaime Margolis Timothy Murphy Dina Nathanson

Ashley Paquin **Tyler Patterson** Hannah Perlman Victoria Reines Daniel Risica Melissa Rybacki Portia Smith Sudeshna Trivedi Christopher York

AMERICAN JOURNAL OF

LAW & MEDICINE

Volume 41, Number 1 • 2015

ARTICLES

- 7 Medical Advice from Lawyers: A Content Analysis of Advertising for Drug Injury Lawsuits *Elizabeth Tippett*
- **49 The Legal and Regulatory Status of Biosimilars:** How Product Naming and State Substitution Laws May Impact the United States Healthcare System *Jordan Paradise*
- 85 Medical Evidence and Expertise in Abortion Jurisprudence Aziza Ahmed
- **119 Priority Setting, Cost-Effectiveness, and the Affordable Care Act** *Govind Persad*

NOTES AND COMMENTS

- 167 Do You Own Your 3D Bioprinted Body? Analyzing Property Issues at the Intersection of Digital Information and Biology Jeremy Thomas Harbaugh
- **190** The Medical Marijuana Catch-22: How the Federal Monopoly on Marijuana Research Unfairly Handicaps the Rescheduling Movement *Alexander W. Campbell*
- 210 Recent Case Developments