

Preemption: States Blocking Local Action that Promotes Health, Well-being, and Equity

Across the United States, local governments have developed and implemented innovative solutions to improve their communities, and in some cases, that has led to wider adoption of those policies by other communities or even the state. For example, local governments were the first to pass indoor smoke-free laws before states began adopting them. But the ability of local governments to pass these kinds of laws is now at risk.

States are increasingly passing preemption laws that limit the ability of local governments from taking action on an issue, and these laws are extending to a greater number of issue areas. In 2017 alone, at least 19 new preemptive laws were passed across multiple policies.¹

- ▶ 13 states have passed preemption laws on issues related to nutrition, including 4 states that preempt localities from passing sugary drink taxes²
- ▶ 12 states preempt local smoke-free laws³
- ▶ 43 states preempt local control of firearms⁴

Local governments are uniquely positioned to meet the needs of the people in their communities and are often key in passing laws that promote health, safety, equity, and civic participation. But remember that local control is not always best. Local governments don't always pass laws that promote common good and equity, and state and federal government have roles to play in creating a safe and equitable society.

If states set minimum standards that cities, towns, and counties can build upon, then local elected officials can pass improvements that reflect their local needs and values. Instead, a growing number of state preemption laws are blocking local elected officials from passing laws and even looking to punish cities and local lawmakers for passing local laws, such as by fining local lawmakers or withholding state funding. In addition, many state preemption laws are being used to create inequities by preventing local governments from addressing disparities.

To advance health equity, we must ensure that public policies at both the state and local level prioritize areas of greatest need first. Local lawmakers should have the ability to pass laws that address the situation in their communities in order to do so.

What can you do?

You can help your neighbors, friends, and local organizations understand the importance of your local elected officials having ability to pass laws that promote health and equity and improve the lives of the people in your community. It's also important to help your state lawmakers understand the need for local governments to act on behalf of their communities and be able to build on progress being made at the state level.

Visit <https://preemption.voicesforhealthykids.org/> to learn more.

1. <https://citiesspeak.org/2018/07/13/mayors-agree-states-and-cities-must-work-together/>
2. <https://grassrootschange.net/preemption-watch/#/category/nutrition>
3. <https://grassrootschange.net/preemption-watch/#/category/smokefree>
4. <https://grassrootschange.net/preemption-watch/#/category/guns>