

## How Can Preemption Impact Equity?

Across the United States, local governments have developed and implemented innovative solutions to improve their communities such as sugary drink taxes, smoke-free laws, paid family leave policies, and increases in the minimum wage. However, states are increasingly passing preemption laws that limit or even eliminate the power of local governments to enact policies in these areas. This type of preemption can perpetuate health disparities.

### How Can Preemption Be Used to Drive Disparities?

Preemption can prevent local governments from passing policies that would improve equity through nutrition and food policy like sugary drink taxes and nutrition labeling standards. Preemption also can remove the authority of localities to enact policies that reduce violence, like gun control measures, or regulations that reduce youth smoking rates, like a minimum legal age of 21 for tobacco sales. All of these issues disproportionately affect low-income communities and communities of color.

### How Can Preemption Be Used to Drive Equity?

All levels of government have a role to play in advancing health equity. State leaders must work alongside local officials to prioritize areas of greatest need first. State governments can and should pass laws that set a minimum standard that local governments can build on to improve the lives of all of their constituents. This is referred to as “floor preemption,” and while it sets a minimum standard, it allows a state or locality to do more to protect health. Examples of successful floor preemption efforts include Arizona’s state-mandated minimum wage of \$11 an hour and the base-level requirements for paid family leave enacted in New Jersey.

To advance health equity, we must ensure that local governments have every tool possible to improve the health of their communities and that state governments are doing their part by setting standards and guidelines that can be built upon.

**Here are a few messages to use that focus on the impact preemption has on equity:**

- ▶ When states block communities from passing their own laws, it can have the worst impact on communities where the need is the greatest.
- ▶ Everyone should be able to benefit from smart and effective policies regardless of where they live. When states prevent communities from acting in their best interest, this can hurt under-resourced communities the most.
- ▶ Policy can and should play an important role in promoting equity. Local governments should be able to proactively address disparities through smart policy solutions.

For more information on talking to decision makers about health equity, read our health equity message guide: [voicesforhealthykids.org/healthequity](https://voicesforhealthykids.org/healthequity)