Setting the Stage

Covid as the Latest Front in a Broad Deregulatory Effort

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Vice President of Law
Our Mission

Healthier communities for all through equitable laws & policies.
Pandemic Response
What is Preemption?

When the law of a higher level of government limits or invalidates the law of a lower level of government.
The Equity Landscape
"People who live in cities and towns want control over their own destinies," said National League of Cities CEO and Executive Director Clarence E. Anthony. "When states take away the ability of local leaders to make decisions, the values and will of the people are ignored."
Preemption isn’t universally negative or inherently partisan.
Birmingham, Alabama

- Minimum wage enacted
- State legislature preempted
- Lawsuit filed
California Sugary Drink Taxes
Passage of State Legislation Preempting Local Laws About:

- Gig Economy
- Paid Leave
- Minimum Wage
- Single-Use Plastic Bags
- Soda Taxes
- Short-Term Rentals
- Fair Scheduling

LSSC
Local Solutions Support Center
Where Does Preemption Limit Local Control?

Preemption is the use of state law to nullify a municipal ordinance or authority. State preemption can span virtually all policy areas.
Cities, counties, and other local governments are enacting policies that raise standards for working people, but state legislatures are lowering those standards back down with preemption—the use of state law to void local ordinances. Forty-four states have preemption laws that target key worker rights.

Alabama

Alabama has preemption laws for:

- **Minimum wage** (2016)
- **Fair scheduling** (2016)
- **Project labor agreements** (2016)
- **Paid leave** (2014)

Preempting progress: State interference in local policymaking prevents people of color, women, and low-income workers from making ends meet in the South | Economic Policy Institute (epi.org)
Poverty by State 2022

Highest Rate: Mississippi (19.78%)

Lowest Rate: New Hampshire (7.16%)

Poverty Rate by State 2022 (worldpopulationreview.com)
Characteristics of “New” Preemption

- Death Star deregulation
- Blanket deregulation
- Punishments for cities, electeds
- Disproportionate effects on people of color, women
- Targeting core local government functions
- Chilling aspirations, innovations
Preemption & COVID-19

Photo credit: CDC/Alissa Eckert, MS; Dan Higgins MAMS
States Punishing Localities & Withholding Funding
Vaccination Efforts
Perhaps more than at any other time in its history, public health is being directly and significantly impacted by how laws and policies are being implemented—or weakened.
Protecting Public Health Authority

- RWJF
  - LSSC
  - APHA
  - Public Health Law Partnership
    - ChangeLab Solutions
    - Network for Public Health Law
    - PHLR
    - PH Law Watch/George Consortium
    - PHLC
  - ASTHO
  - AHA

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- PHLC
Act for Public Health Partners:

- Track legislation and litigation
- Provide direct consultation and legal technical assistance
- Produce resources and conduct webinars and events
- Keep the public health community informed
### Other Activities

<table>
<thead>
<tr>
<th>Communications</th>
<th>Resources</th>
<th>TA</th>
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</thead>
<tbody>
<tr>
<td>• Act for Public Health website</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Email list</td>
<td>• Fact sheets on equity impacts and preemption</td>
<td></td>
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<tr>
<td>• Social media</td>
<td>• Training and resources on messaging</td>
<td></td>
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<td>• Op-eds/media outreach</td>
<td>• Training on advocacy and lobbying</td>
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<td></td>
<td>+ Amicus briefs</td>
<td>• Act for Public Health website form</td>
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<td>• In collaboration with APHA and other partners</td>
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Visit the Act for Public Health Website

actforpublichealth.org

- Request assistance
- Join the email list
- Learn about public health authority
- View resources
- Sign up for events
Support and Resources for Strengthening Public Health Protections

Public health agencies use their authority for more than preventing epidemics and the spread of disease; they serve many other critical functions, such as preventing injuries, testing children for lead exposure, promoting healthy behaviors, responding to disasters, advancing health equity and more. Act for Public Health provides direct support to public health departments and others through consultation, training, legal technical assistance, research, and resources to address legislation that weakens their ability to protect the communities they serve.
Preserving Local Public Health Powers

How to resist policy efforts to limit public health authority

FACT SHEET | GOOD GOVERNANCE

Public health is best served when decisions are driven by experts and experience rather than politics, but in the wake of COVID-19, some state legislatures continue to propose and pass bills that limit the authority of local public health officials. To help localities better protect the public’s health, ChangeLab Solutions has developed a set of resources for advocates, detailing what public health authority is, how it works, and the types of restrictions that public health departments are facing.
Thank you!

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