



ChangeLab Solutions

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Setting the Stage

Covid as the Latest Front in a Broad Deregulatory Effort



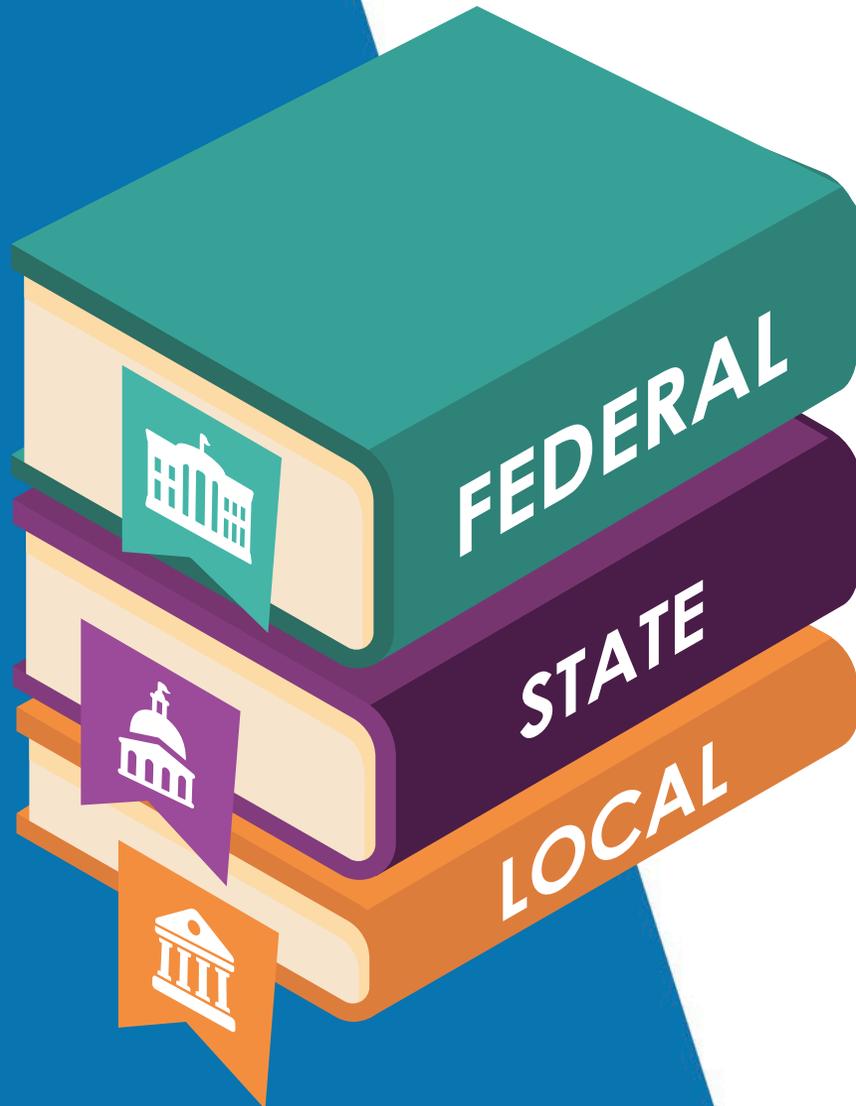
Our Mission

*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



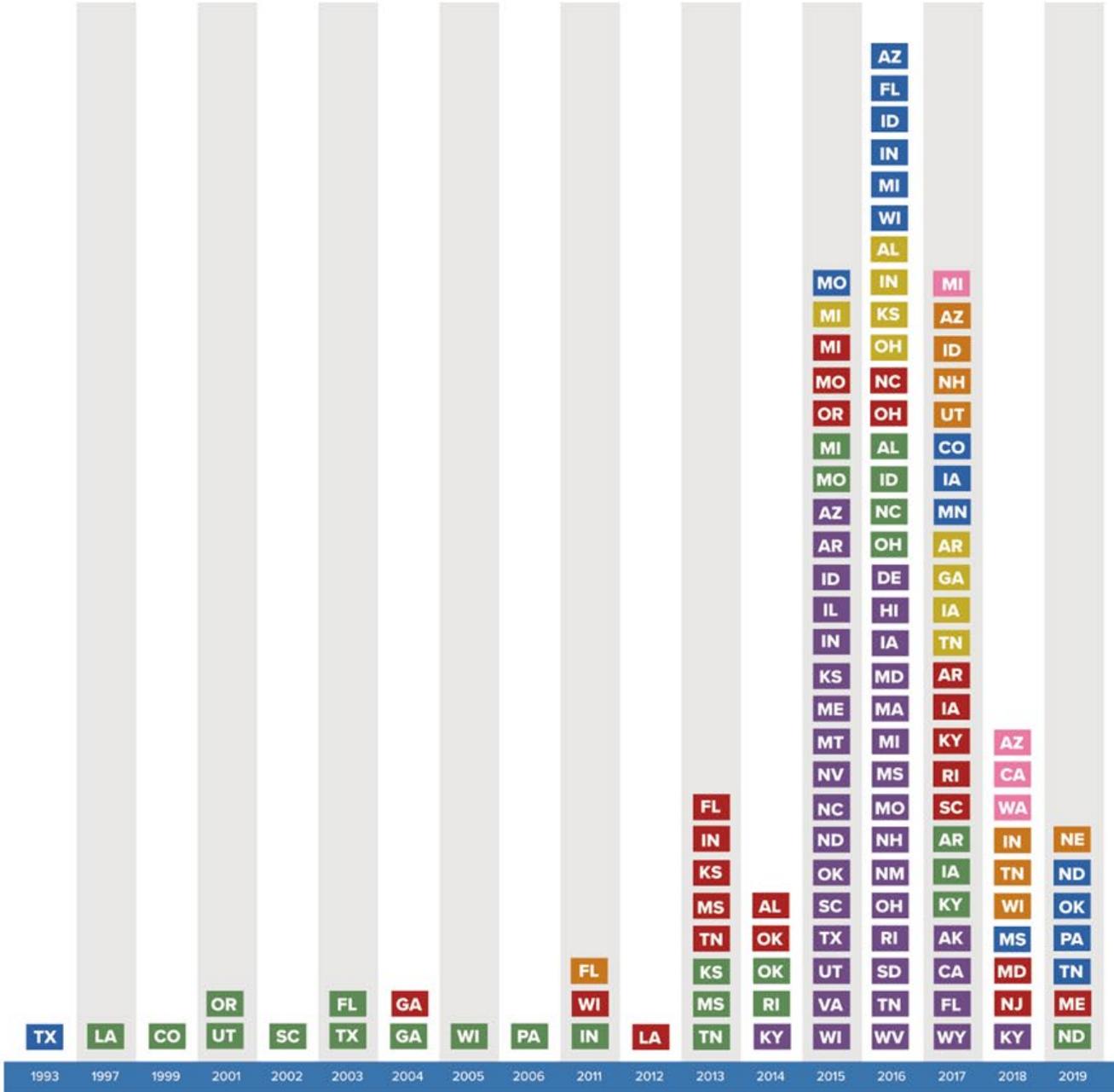
Austin, Texas



California Sugary Drink Taxes

Passage of State Legislation Preempting Local Laws About:

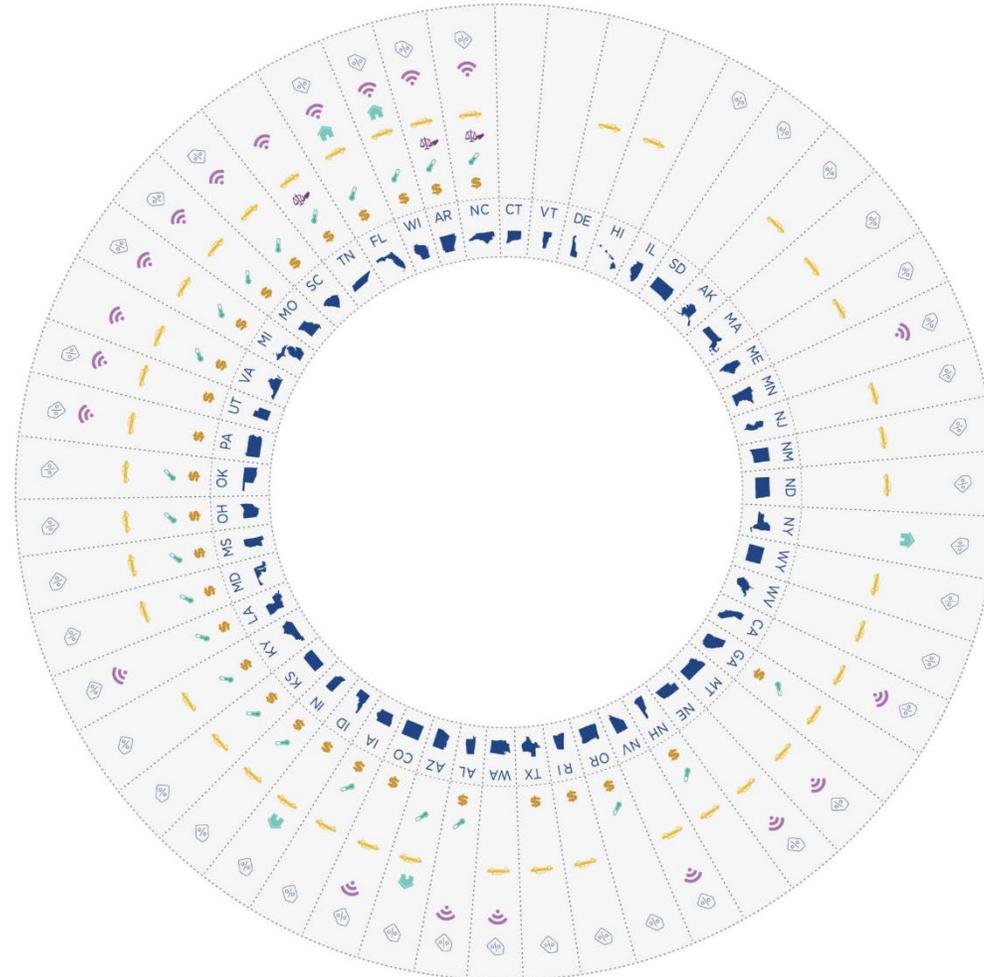
- Gig Economy*
- Paid Leave*
- Minimum Wage*
- Single-Use Plastic Bags*
- Soda Taxes*
- Short-Term Rentals*
- Fair Scheduling*



Where Does Preemption Limit Local Control?

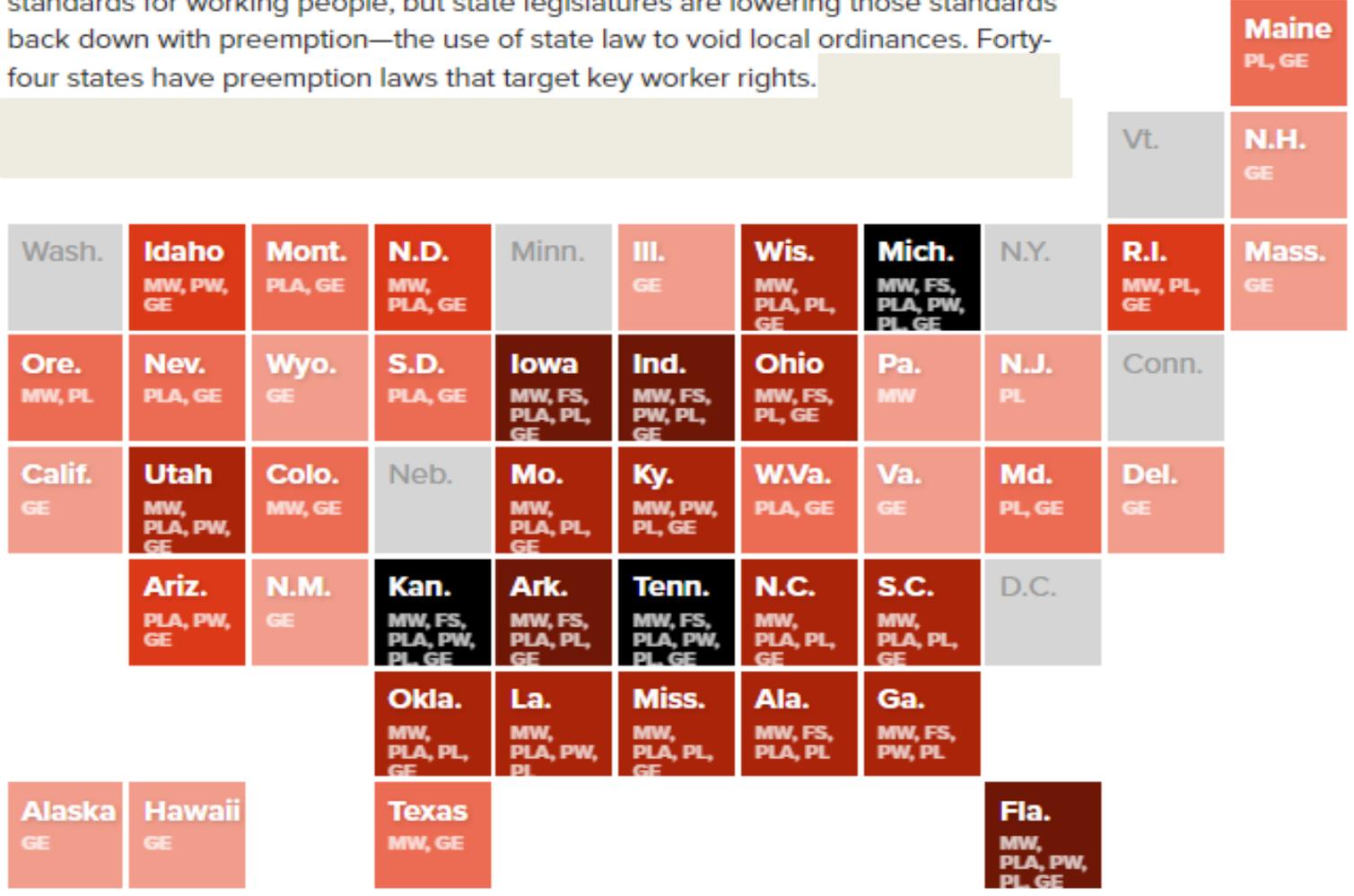
Preemption is the use of state law to nullify a municipal ordinance or authority. State preemption can span virtually all policy areas.

- Minimum wage
- Anti-discrimination
- Ride sharing
- Tax and Expenditure Limitations (TEs)
- Paid leave
- Home sharing
- Municipal broadband



Overview	Minimum wage (MW)	Fair scheduling (FS)	Project labor agreements (PLA)	Prevailing wage (PW)	Paid leave (PL)	Gig economy (GE)
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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)

Poverty by State 2022

Highest Rate:
Mississippi (19.78%)

Lowest Rate: New
Hampshire (7.16%)



Mississippi

Poverty Rate: 19.78%

Poverty: 585,786

Characteristics of “New” Preemption

Death Star
deregulation

Blanket
deregulation

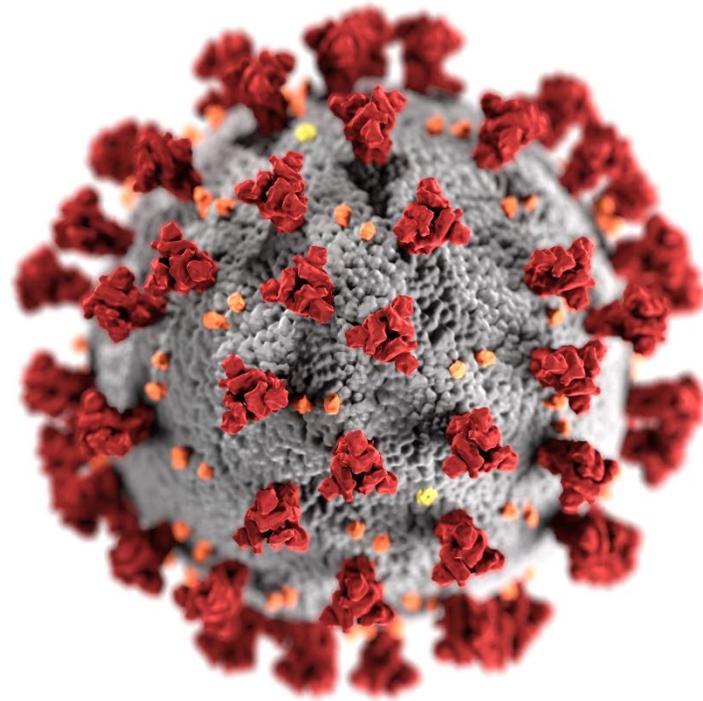
Punishments
for cities,
electeds

Disproportionate
effects on
people of color,
women

Targeting
core local
government
functions

Chilling
aspirations,
innovations

Preemption & COVID-19





**States
Punishing
Localities &
Withholding
Funding**



Vaccination Efforts



ACT for Public Health

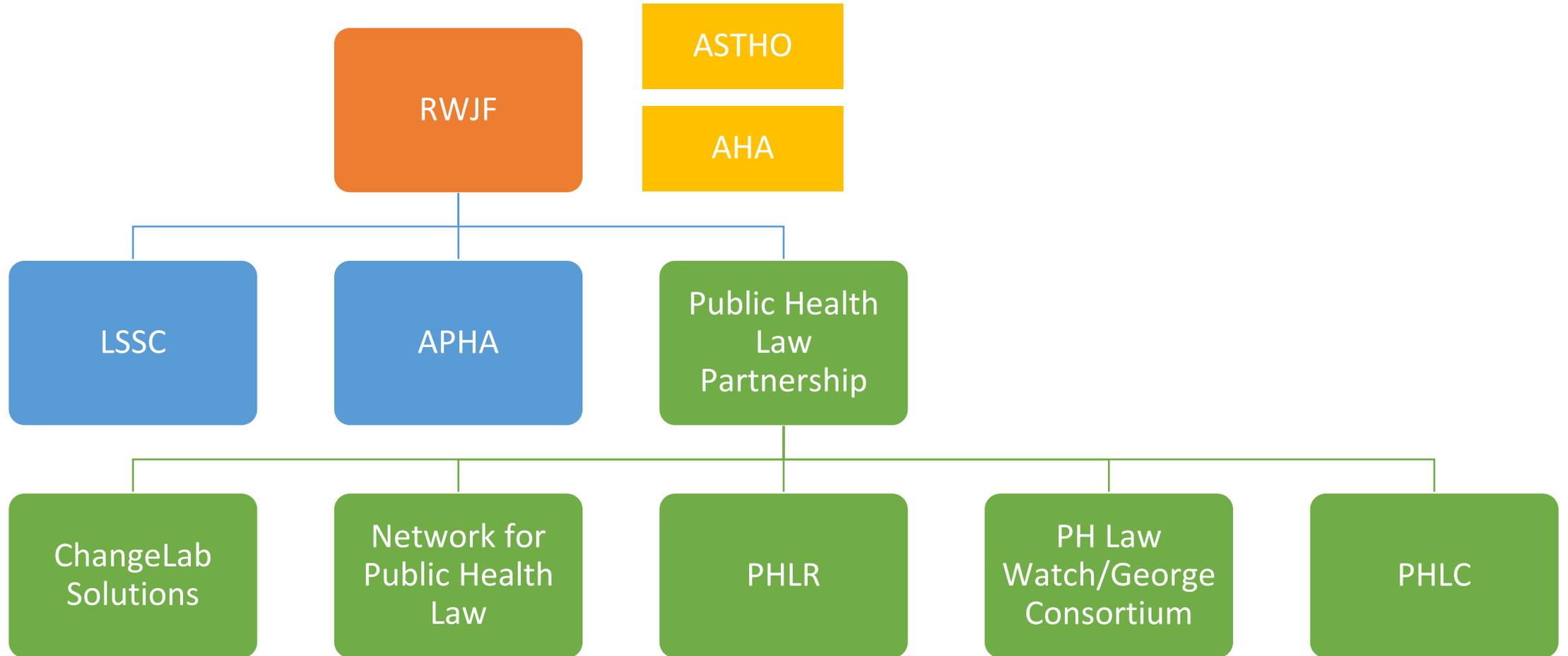


**Health law partners addressing challenges to
public health authority and infrastructure.**



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





ACT for Public Health



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

Communications

- Act for Public Health website
- Email list
- Social media
- Op-eds/media outreach

Resources

- Fact sheets on equity impacts and preemption
- Training and resources on messaging
- Training on advocacy and lobbying

TA

- Act for Public Health website form
- In collaboration with APHA and other partners

+ Amicus briefs



ACT for Public Health



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.

EXPLORE OUR RESOURCES

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.



 ChangeLab Solutions

Help Ensure That Public Health Professionals Can Continue to Protect Community Well-Being

How communities can identify, understand, and resist potential legislative and other legal limitations on their traditional public health powers

What do public health professionals do?

We all want to live in communities where **everyone** has what they need to live healthy, happy lives. Public health professionals in state and local agencies use their governmental powers and resources to protect and promote health and well-being for all. This includes **routine actions** like inspecting to promote safety in our homes and restaurants, preventing illnesses through education and services, providing vaccines, reducing incidents of injury and violence in our neighborhoods, supporting moms and babies in their early days, and counteracting the harmful influence of commercial tobacco companies on our kids! The public health workforce must also prepare for and respond to **emergencies** that threaten our health and safety, such as natural disasters, security threats, and infectious diseases like COVID-19!

Where do public health powers come from?

Governmental public health powers are rooted in states' authority to take actions that will protect residents' health and safety – the public power reserved to them in the US Constitution. Elected officials in state legislatures delegate some of this authority to state and/or local agencies like health departments! These agencies maintain expertise in public health and familiarity with community needs and conditions so that they can respond quickly and flexibly to public health threats! Local health departments also tend to be

 **Help Ensure That Public Health Professionals Can Continue to Protect Community Well-Being (10/22)**
FACT SHEET



 **Why Keep Public Health Powers Close to Local Communities? (10/22)**
FACT SHEET

Act for Public Health Website



Mailing List Sign Up



Thank you!

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