

# Why Preemption Matters for Public Health

Preemption is a legal concept that allows a higher level of government (like federal or state government) to limit or even eliminate the power of a lower level of government (like state or local government) to regulate a specific issue.

Preemption can allow for the creation of minimum standards and also can affect community-driven policymaking and health equity. To learn more, take our training Preemption & Public Health at [www.publichealthlawacademy.org](http://www.publichealthlawacademy.org).

## Minimum Standards



Higher levels of government can set minimum standards that promote health for all – such as the Washington State Paid Family and Medical Leave law, which establishes baseline requirements for paid sick leave. Localities may be able to go beyond state requirements if they want to adopt more comprehensive policies, but they cannot go below their state's minimum standards.

## Community-Driven Policymaking



Local governments often develop policies that reflect the unique challenges and experiences of their communities. Practitioners should be aware of preemptive laws that block local efforts to protect residents' health. For example, state laws can prevent localities from passing paid sick leave policies, even if no comprehensive statewide paid sick leave law exists.

## Health Equity



Depending on how it is used, preemption can either allow or block policies that foster equitable health outcomes. For example, many low-wage workers lack access to paid sick leave, so policies that ensure paid sick leave for all workers are crucial for advancing health equity. If public health practitioners understand preemption, they can focus on public policy solutions that promote health equity.