

Preemption

Tips for Effective Preemption Messaging

- ✓ It is important to remember that most people believe that government plays a role in creating healthier communities.
- ✓ Begin by stressing the importance, value, effectiveness and accountability of local government. People have a significantly higher opinion of local government compared to state or federal government; they trust local government the most to pass laws that address their community's needs.
- ✓ Understand your audience's perspective on state and local government. Although people support local governments being able to pass their own laws, that can change if they don't agree with the specific policy being addressed. Explaining how the policy at hand benefits children and families can garner more support.
- ✓ Most people don't know what "preemption" is or what it means. When they learn more, they most often oppose the concept – believing that local governments should have authority over local issues and the use of local resources without state interference. In general, avoid using the word "preemption," and instead focus on the harm that occurs when local governments lose their ability to protect the health of children, families, and communities—especially those most in need.
- ✓ If you do use "preemption"—such as when speaking with reporters, who tend to use it in their articles—quickly define it so people understand what it means.
- ✓ The best way to communicate about preemption is to help people understand the consequences. To build support, it is best to begin by talking about specific policy issues and how they affect people's lives and end with an emphasis on local government's ability to know its community best and pass laws that reflect its resident's needs.
- ✓ Try to be as specific as possible about the negative effects of preemption on people's daily lives. For example, if states prevent local governments from passing smoke-free laws, children and families will be subjected to more secondhand smoke exposure that threatens their health, well-being and ability to reach their full potential.
- ✓ Explain that states tend to pass preemption laws at the urging of special interest groups and industry lobbyists that care mostly about their bottom lines at the expense of local communities. Know what is happening in your state to be able to reference relevant examples.
- ✓ When talking to state lawmakers, thank them for what they've done to promote good health, and explain that it's good for the state if local governments can take even stronger steps to further protect health and promote equity in their communities.
- ✓ Remind your audience that states have historically set minimum health, safety, workplace and social standards. And in the past cities and municipalities have been able to localize, and when necessary, build on and strengthen state laws to best meet the needs of their communities.
- ✓ Local governments are often key in passing laws that promote health, safety, equity and civic participation. But remember that local control is NOT always best, and local governments don't always pass laws that promote common good and equity. State and federal governments have roles to play in creating a safe and equitable society.

Language to Emphasize/Language to Avoid

Messages that resonate best are clear, avoid jargon, and communicate shared values and emotion. Below is a list of words/phrases Voices for Healthy Kids encourages you to use (left-hand column) instead of language in the right-hand column.

<i>Use This Language</i>	<i>Instead of This Language</i>
<ul style="list-style-type: none"> ✓ States blocking communities from passing their own laws, state interference 	<ul style="list-style-type: none"> ✗ Preemption (unless audience is familiar with what it means)
<ul style="list-style-type: none"> ✓ Local democracy, local control*, local governments should be able to pass their own laws, local decision making, state interference 	<ul style="list-style-type: none"> ✗ Imagery that invokes wars or battles, such as "an attack on cities" or "waging war on cities"

**The term "local control" may not be as effective for audiences in the South because of the history of local Jim Crow laws and the historical use of the term.*

Preemption Messages (*Use key messages consistently and repeatedly)

- ★ *Every community is different and needs the ability to develop their own policies to reflect the unique needs and values of the people living there. What works for [city/county] is not always what works for [town/other area of the state].*
- ★ *Local governments are uniquely positioned to meet the needs of the people in their communities. They should be able to pass laws that are proven to promote good health, well-being, and support the ability for people to reach their full potential.*
- ★ *Here in [state], our state has taken many positive steps to improve the health of people across the state. We want to make sure cities, towns and counties continue to have the option to build on this progress and pass laws to help their communities and local businesses thrive.*
- ★ *Local governments understand the needs and values of their community best. These leaders are people we see every day at the grocery store, at school events, walking their dogs in our community – and they can best respond to the changing needs of the local area.*
- ★ *When states block communities from passing their own laws, it can hurt the health and well-being of our families, friends and neighbors.*
- ▶ That is why local government exists—to pass laws that most accurately reflect the unique views, values, and needs of the people who live there.
- ▶ Industry lobbyists have successfully pushed state lawmakers across the country to put their interest and profits ahead of allowing local governments to support healthy families, a clean environment, good jobs, local democracy and safer communities.
- ▶ We’re seeing a steady rise in these types of special interest-driven preemption measures being used across a growing set of issues – from tobacco control and minimum wage laws to plastic bag bans and internet access.
- ▶ Good ideas often start locally. For example, local governments were the first to pass indoor smoke-free laws. Now, though, the ability of local governments to pass these kinds of laws is at risk. Use a local example if possible.
- ▶ Communities want to work together and expand opportunities to be healthy. When states block communities from passing their own laws it weakens local governments’ ability to innovate and enact laws that promote health and equity and improve people’s lives.
- ▶ Businesses are used to meeting different requirements under different local laws. This “patchwork” does not create an undue burden for businesses.
- ▶ We want policies to benefit everyone. When states block local governments from passing laws, it prevents communities from identifying and focusing on the places with the greatest need.

How Preemption is Impacting Health, Well-being and Equity in Local Lawmaking

It is important to think about the history of preemption and the positive role state and federal governments can play in addressing inequity and disparities. Some local governments have passed laws to discriminate and segregate. In those cases, state and federal governments have needed to step in and create laws that set a minimum standard or “floor” that local governments must meet. 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. An example of floor preemption is the Civil Rights Act of 1964 which ended the Jim Crow laws that were permeating state and local communities throughout the country.

Some laws being passed by state governments today, however, are different—they restrict local governments’ ability to pass their own laws and/or prevent them from strengthening laws set by the state. This is sometimes called “ceiling preemption” and is a tremendous concern for public health and equity. A growing number of these 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 – something that is often the very target of preemptive laws.

Read more in the health equity message guide: voicesforhealthykids.org/healthequity

Tips for Effective Messaging to Support Public Policy Change

1 Connect with supporters.

When communicating to gain support for policy, systems, and environmental changes that help kids grow up at a healthy weight, it is important to use language that will move people to take action. By framing your message in a way that paints a picture of how the current environment makes it difficult, if not impossible, to make healthy choices, you can create a sense of urgency and the need to take action. Make sure to clarify that the change and action you're calling for is about transforming environments to make it easy for people to eat healthy and be physically active and less about creating personal behavior change.

2 Use the right words.

While obesity is a chronic disease, most people still think of it as a personal problem with a personal solution. They believe if someone is obese or overweight, that person just needs to eat less and be more physically active. They don't immediately see the need for public policy solutions. However, when talking about people facing obesity-related diseases like diabetes and heart disease, most people agree that we need to work together to find a solution to the problem. Avoid using "obesity" and instead emphasize the health threats posed by heart disease and/or diabetes.

3 Emphasize choice.

People are most supportive of healthy changes if they don't fear their choices will be limited. When talking about adding healthy options, stress the array of overall choices offered to people, especially parents who we are here to support, so the focus is not on the removal of unhealthy options.

4 Use the right messenger.

Messages are only as strong as the person delivering them. Is the person delivering the message credible? Are they representative of the community most affected? Do they have personal experience related to the issue? Are they respected by the audience? The best messenger needs to be determined for each situation and location. For example, when messaging on health issues, the best messenger could be a doctor, a nurse, or a patient. Make informed decisions about the most culturally appropriate messenger on an issue.

5 Stress consumer education as ONE piece of the puzzle.

People believe education is the best way to encourage behavior change. But helping all children grow up at a healthy weight is a complex challenge and education is only one part of the solution. Reinforce consumer education as key to awareness building about the problem and solutions, but emphasize other initiatives that drive system-wide policy change. For example, with tobacco use, warning labels did a great deal to educate consumers but the change in norms and dramatic drops in smoking rates happened when environmental changes happened like prohibiting the sale to minors and making workplaces smoke-free.

6 Alleviate skepticism and build trust.

People are very skeptical of government and framing our solutions only from that lens can prevent us from getting our message through to key audiences. Introduce policy, systems, and environmental change efforts to the public with words like "services," "resources," "partnerships," as people are more inclined to embrace this terminology instead of "regulations," "mandates," "bans," "funding," and "government."