The Preemption Action Model

Mark Pertschuk
Director
Grassroots Change & the Preemption Watch project

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Grassroots Change: Connecting for Better Health (2009 – present)
Preemption Watch; Preemption & Movement Building in Public Health

How to kill a grassroots public health movement: From advocates, researchers, organizers, public officials, working on:

Gov. Jerry Brown with representatives of Pepsi, Coca-Cola and the American Beverage Association following a private dinner at the governor's mansion
The Evolving Threat: New (and Old) Tricks

In the Midnight Hour
- CA SSB P: > 3 weeks in secret; leaked for 5 days; approved on final day for passage

The Weak Link

The Old Switcheroo (unrelated bills)

Preemption clause: Express preemption (Kansas 2016)
- Amendments (often on unrelated topics) (California 2018)
- Fiscal mechanisms (de facto preemption) (Arizona 2016)
- Barriers to local taxation and expenditure
- Limits on local ballot measures
- Blanket preemption (Arizona 2016; Texas - proposed 2015, 2017; Florida – proposed 2019)
Combatting and Preventing Preemption: A Strategic Action Model

Michael Bare, MPH; Leslie Zellers, JD; Patricia A. Sullivan; Jennifer L. Pomeranz, JD, MPH; Mark Pertschuk, JD

Progress in public health policy innovation often starts at the local level and spreads to state and federal laws. In many cases, these local policies seek to improve community health in a way that may impact business interests, such as taxes on unhealthy products or restrictions on harmful business practices. To prevent the loss of local authority, public health advocates must actively combat preemption before it is enacted. On the basis of research from the IOM and others, as well as real-world experience in the fields of grassroots movement building and preemption, we beckon those in government, advocacy, medicine, and public health to take action against powerful opposition.
Combatting Preemption Strategic Action Model

- Engage Grassroots
- Unify Allies
- Media Advocacy
- Monitor & Anticipate

- Preemption Threat
- Local Control
- Prevent Future Threats
- Cultural Change

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Anticipate and Monitor

- Prepare in advance! Don’t wait for bills or amendments...
- Know and learn from the opposition
- Don't expect litigation or lawyers to undo preemption after it’s passed.
- With the exception of smokefree laws, preemption has rarely been repealed, and it’s expensive and time-consuming to try
- All public health laws Must Have a Savings Clause
  “Nothing in this law preempts more restrictive local requirements.”
Unify Allies & Engage Grassroots

- What discussions need to happen with elected officials, public health organizations, grassroots groups, unions, and other advocates?
- Ensure everyone is in agreement and committed
- Hold each other accountable
- Build the grassroots movement before it’s needed (e.g., Colorado O&G repeal, 2019)
- Assess current strengths: Build & broaden coalitions
Media Advocacy

- Educate the media BEFORE you need them.
- “The strategic use of mass media to advance policy or social change.”
- Who are your media contacts?
- Messaging. Nonpartisan = messages for conservative, progressive, and general audiences.
- Messengers who are convincing, local, diverse and unexpected (including business owners and conservatives)
“I come to you today heartbroken... [Young people are] losing loved ones... because of amputations or other [diabetes] complications... I ask you to please stand with us.”

- Ashley Vasquez, Youth Advocate, Stockton, California

“It was very difficult to wake up on Sunday morning and read the news... Special interests shouldn’t decide what the voters want. Voters are smart... Let them decide. We can’t let [them] win, especially in these times, where California is that shining city on the hill, that’s providing hope to the nation.”

- Christian Garcia, Grassroots Public Health Organizer
“Let me just thank all the folks, especially the young folks from Stockton who came here to give testimony...

“We welcome you back, we will need you back. We often have to make very difficult choices. I’m very proud to be part of this Legislature.” - Ting

“I come to this with a sense of abject disgust... Let me [tell] you how deeply embarrassed I am by where we are today, and encourage you to stay active.” - Bloom
“The last thing we can do is make this kind of behavior the norm, because then it’ll happen every session”

- Washington State Senator Michael Dembrow
Grassroots Change & Preemption Watch

Mark Pertschuk
Grassroots Change & the Preemption Watch project
Mark@GrassrootsChange.net
www.GrassrootsChange.net
(415) 250-8260 (text or cell)

Preemption Watch
@GCPublicHealth
GrassrootsChange