



WINNING STRATEGIES FOR COMBATING ABUSIVE PREEMPTION

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Executive Summary

State lawmakers and corporate special interests have perfected the abuse of preemption over the last decade – embracing measures specifically designed to take power away from people and communities, with the goal of upholding inequitable and often racist laws and structures.

In 2024, the Local Solutions Support Center (LSSC) [tracked more than 400 abusive preemption bills nationwide](#) – most of which sought to harm BIPOC communities, LGBTQ+ people (particularly transgender youth), immigrants, women, and working people.

Abusive preemption is just one part of the much larger attack on democracy that has long been underway in the United States – but it’s a strategy that has proven both effective and enormously consequential to the communities it most impacts.

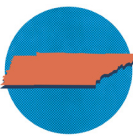
Here’s the good news: We know how to fight back. Thanks to the relentless work of advocates, activists, and policymakers across our ecosystem, we have a growing sense of the tactics we can use to counter abusive preemption and call out its true purpose. LSSC’s new report, *Winning Strategies for Combating Abusive Preemption*, can serve as action-oriented inspiration for both the well-tenured and emerging leaders whose creativity and passion pushes our fight forward.

Winning Strategies for Combating Abusive Preemption categorizes victories into policy wins – inclusive of legislative and litigation tactics; and ecosystem wins – inclusive of coalition accomplishments, progress toward structural reform, and narrative advances.

Some of the achievements in the report include:



How in 2021, community members and local elected officials in **Florida** engaged multiple cities across the Sunshine State to challenge HB 1, a preemption measure undermining the budget authority of municipalities over their own police departments. After a state court denied a motion from Governor Ron DeSantis’ administration to dismiss the challenge, [state legislators amended the bill](#) and addressed some of the concerns community members and elected officials had raised.



The successful push in **Tennessee** to mitigate the harm of a wide-ranging preemption bill that would have banned municipalities from regulating local police departments entirely. The bill was a direct response to a local policy in Memphis which sought to [reduce pretextual traffic stops](#) following the murder of Tyre Nichols at the hands of Memphis police. Advocates in-state worked successfully to limit the scope of the legislation – so the final version, passed in 2024, was narrowed and applied only to regulation of law enforcement protocol regarding traffic stops.



How a diverse coalition in **West Virginia** has worked together to successfully hold off the advancement of sweeping [Death Star](#) worker preemption bills for nearly a decade.



The community-led effort in **Ohio** to advance home rule reform through a challenge to the state’s sweeping preemption measure banning local regulation of tobacco and nicotine products. Fourteen Ohio cities are challenging the preemption policy in court; and in May 2024, a state court judge [halted enforcement](#) of the state’s tobacco preemption policy – calling it an unconstitutional infringement on home rule. The state is appealing.

The report also offers some higher-level lessons and recommendations, including:

POLICY WINS

- Diverse, cross-issue coalitions are critical for power building, education and organizing, and a key element of all the success stories we have compiled.
- When passage of abusive preemption is inevitable, advocates can still focus on limiting the harm and damage of the bill through amendments.
- Repeal efforts take years and multiple legislative sessions. Start building your coalition right away and keep building throughout the campaign.
- Repeal campaigns require creative messaging that addresses both the importance of the policy at stake and the need for localities to have autonomy to design their own solutions.
- Leverage your coalition to center the voices of the most impacted - and think creatively about non-traditional organizations, industries, and voices that might not typically appear in our political coalitions and campaigns.
- Repeal efforts provide important educational and organizing opportunities even when passage is not realistic. They also allow advocates and communities to talk about a positive and proactive vision, not just what they are against.
- Ballot initiatives are a powerful way to take our issues directly to the people and circumvent an unfavorable legislature.
- Litigation can be a powerful tool to continue the fight after abusive preemption is passed. And regardless of the favorability of the court, legal challenges are powerful organizing and educational tools to continue paving the way for future wins.
- City Attorneys play a critical role in safeguarding local authority, especially in their ability to use litigation to challenge abusive state preemption.

ECOSYSTEM WINS

- Creative and unusual partnerships via statewide cross-movement coalitions are imperative to fight back against abusive preemption and tell a broader, more powerful story about what is at stake.
- Building home rule reform campaigns and designing creative policy campaigns to support ongoing education and organizing activities are critical ways we can sustain our work; move the needle on our issues; and lay the groundwork for long-term, transformative structural reforms.
- Leveraging communication and messaging best practices is a critical component of creating the public imperative for reform. We must move past the dry, technical nature of preemption as a policy tool to articulate the dangerous consequences for our democracy and our communities.

Our team of campaigners, communicators, lawyers, and researchers are ready to support you in countering abusive preemption in your own community. Please reach out to lssc@supportdemocracy.org if you'd like to discuss how any of the tactics in this report may inform your own work.

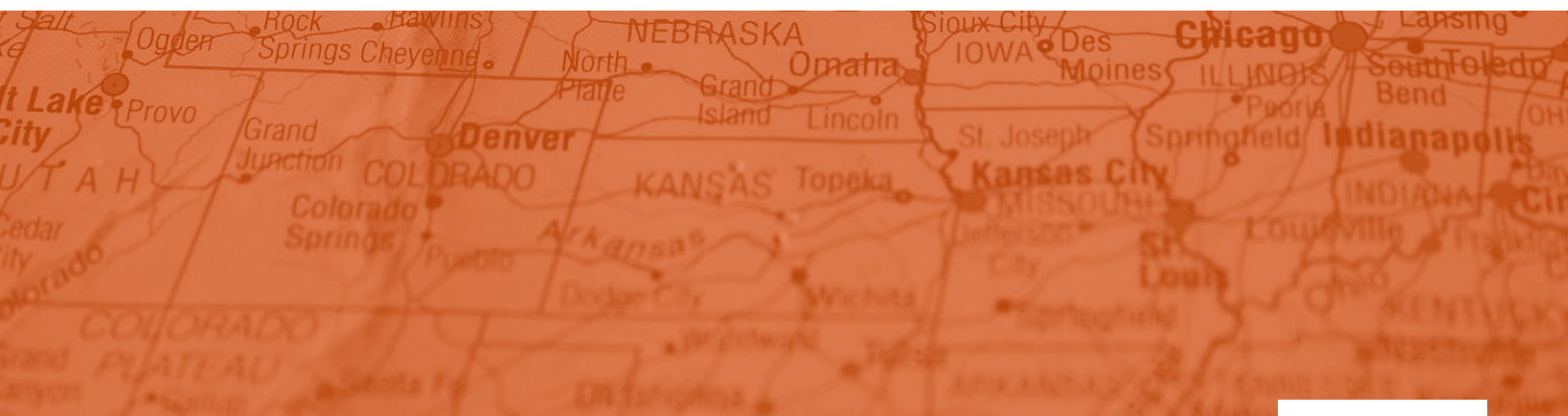




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I Introduction

Preemption is a tool that can be, and has been, used by both political parties. Preemption isn't always bad – when used correctly, it allows local communities to design tailored policies that meet their unique needs.

Historically, states have used preemption to create a “floor” – ensuring a policy baseline upon which local communities could build. Many state civil rights laws, for example, allowed cities to increase protections – but prohibited them from falling below what was required under state law.

Today, however, many state lawmakers abuse preemption to prohibit local governments from advancing policies meant to address and advance equity, public health, worker protections, climate change and so much more. When preemption is used to create these barriers to local policy, lawmakers are perpetuating harmful, oppressive systems that exclude BIPOC, LGBTQ+ people, women, immigrants, and working people.

We anticipate new onslaughts against local authority in 2025, particularly in the more than 20 states with conservative trifectas. Abusive preemption is frequently wielded as a political weapon primarily by state officials reacting to local measures intended to address the policies, institutions, and cultural barriers that perpetuate harm and continue to exclude BIPOC, LGBTQ+ people, women, immigrants, and working people.

Yet, the news is not all bad. Across the country, local governments are taking the lead on tackling our greatest challenges head-on, enacting laws to protect public health, improve workers' rights, reduce inequity, respond to emerging environmental threats, and move forward with other policy solutions. And there are thousands of advocates working tirelessly to combat abusive preemption. In 2024 alone, LSSC tracked more than 70 bills aimed at pushing back against this abuse of state interference; the bills would have either repealed state preemption or allowed local authority on a particular topic.¹

This report outlines different types of success in battling abusive preemption. From Colorado's repeal of minimum wage preemption to Nashville taking back control of their Metro Council, coalitions of advocates and local officials have successfully stopped, limited, or overturned abusive preemption in more than a dozen states since 2019.

“Across the country, local governments are taking the lead on tackling our greatest challenges head-on, enacting laws to protect public health, improve workers' rights, reduce inequity, respond to emerging environmental threats, and move forward with other policy solutions.”

1. As an example, Minnesota, Washington, and Wisconsin introduced bills that would have repealed firearm preemption in their states. S.B. 3583, 93d Leg. (Minn. 2024); H.B. 3672, 93d Leg. (Minn. 2024); S.B. 5446, 68th Leg., Reg. Sess. (Wash. 2023); H.B. 1178, 68th Leg., Reg. Sess. (Wash. 2023); Assemb. B. 1199, 2023 Leg. (Wis. 2024); S.B. 1100, 2023 Leg. (Wis. 2024).

DEFINING SUCCESS IN TUMULTUOUS TIMES

We identified preemption success stories in two main areas (1) policy wins and (2) ecosystem wins. Policy wins can be defensive or proactive. For the purposes of this report, policy wins include preventing an abusive preemption bill from passing; limiting the scope of an abusive preemption bill; challenging the legality of an existing preemptive law; ensuring the passage of a bill that affirmatively allows local laws, including those that exceeds state law; and repealing an abusive preemption law.

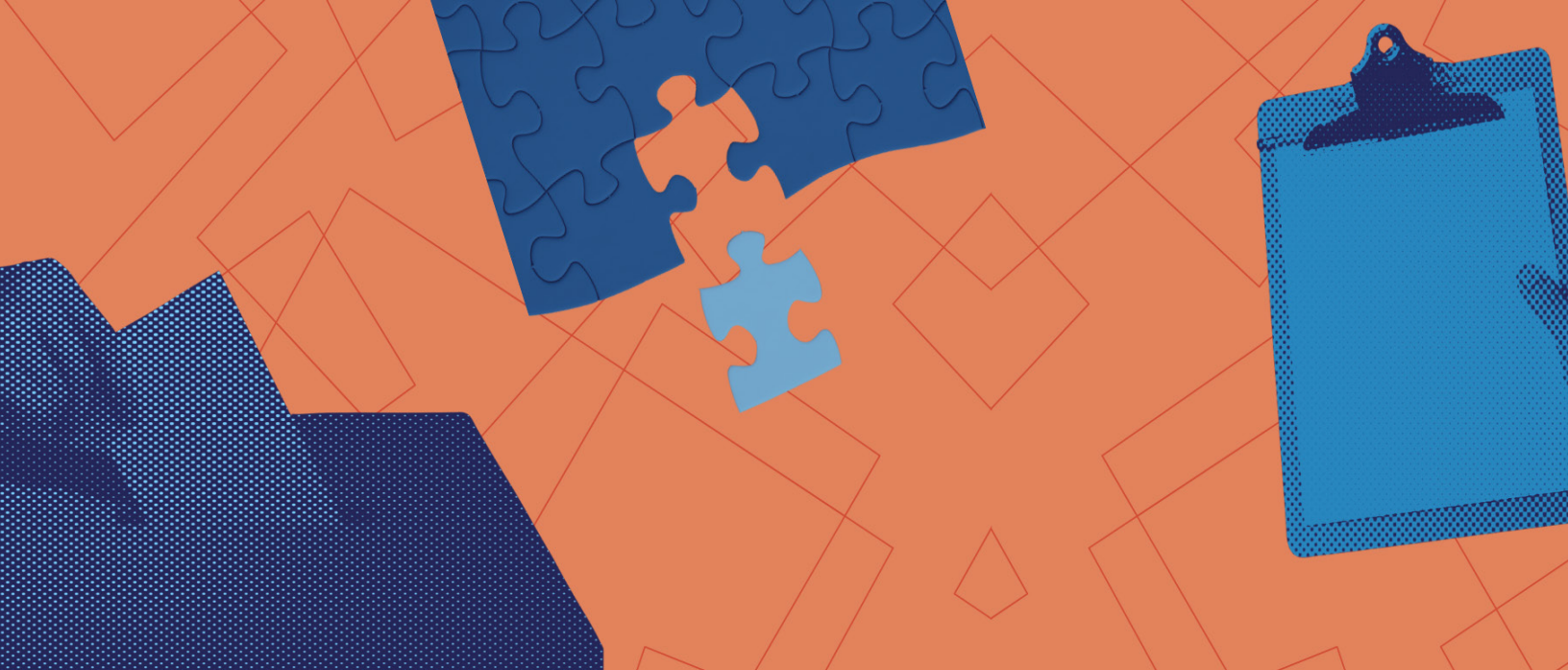
Ecosystem wins include efforts to change the environment to support local control, even if it does not result in the immediate defeat of abusive preemption bills. Strategies include forming or expanding a local or state coalition to fight abusive preemption; building the long-term case for the importance of structural reform (i.e., home rule authority); and advancing the national narrative to change the conversation around preemption.

Finally, we highlight ways that local governments can continue to advance the rights of local workers and families even with state or local preemption.

We know the months and years ahead will be challenging - but this report demonstrates the enormous resiliency of advocates driving the work to fight abusive preemption. In the face of tremendous and well-funded opposition, our ecosystem of local and state advocates, policymakers, lawyers, researchers, communications experts, and organizers is continuing to make an impact. We continue to build up a democracy that works for all of us by fostering cross-movement collaboration, demonstrating the consequences of abusive preemption, creating the public imperative for reform, and rebalancing the power between state and local governments.

This report is not a comprehensive inventory of every incredible success that advocates are achieving - but we do hope it serves as a roadmap that both long-time and emerging leaders find insightful and inspirational. The depth and breadth of expertise across the preemption ecosystem is our greatest strength, and we take seriously the opportunity to nurture the leadership, creativity, and impact of our partners - especially those most impacted by abusive preemption.





II Policy Wins

LESSONS & RECOMMENDATIONS

- Diverse, cross-issue coalitions are critical for power building, education and organizing, and a key element of all of the success stories we have compiled.
- When passage of abusive preemption is inevitable, advocates can still focus on limiting the harm and damage of the bill through amendments or legal challenges.
- Repeal efforts take multiple years and legislative sessions. Start building your coalition right away, and keep building throughout the campaign.
- Repeal campaigns require creative messaging that addresses both the importance of the policy at stake AND the need for localities to have autonomy to design their own solutions.
- Leverage your coalition to center the voices of the most impacted - and think creatively about non-traditional organizations, industries, and voices that might not typically appear in our political coalitions and campaigns.
- Repeal efforts provide important educational and organizing opportunities even when passage is not realistic in the short-term. They also allow advocates and communities to talk about a positive and proactive vision, not just what they are against.
- Ballot initiatives are a powerful way to take our issues directly to the people and circumvent an unfavorable legislature.
- Litigation can be a powerful tool to continue the fight after abusive preemption is passed. And regardless of the favorability of the court, legal challenges are powerful organizing and educational tools to continue paving the way for future wins.
- City Attorneys play a critical role in safeguarding local authority, especially in their ability to use litigation to challenge abusive state preemption.

A. Stopping Abusive Preemption Before It Becomes Law

Efforts to stop abusive preemption bills from passing often represent months or sometimes years of work to build and leverage cross-movement coalitions, mobilize community members, and educate elected officials.

For example, West Virginia has successfully held off “Death Star” worker preemption for the past nine years. A three-pronged coalition of the West Virginia Center on Budget and Policy, the American Heart Association, and the local building construction trades operates with the philosophy that “an attack on one is an attack on all.”² In the first few years the coalition was successful in convincing conservative state legislators that state preemption is not small government; that instead it is Charleston telling people what to do. As the state legislature has grown more conservative, the coalition’s strategy has evolved. Their grassroots organizing excels at mobilizing supporters – such as city managers – to apply pressure to legislators who support preemptive bills.³

In Arizona, local elected officials and advocates were critical in killing a 2023 bill that would have superseded local authority over zoning.⁴ Public opposition to the bill included the League of Arizona Cities and Towns, Phoenix Council Member Deb Stark, Tempe Mayor Corey Woods, and Gilbert Mayor Brigitte Peterson.⁵ The bill, initially supported by the arts movement, aimed to dismantle racist and classist redlining principles. However, during the legislative process, promised inclusions were removed, and the bill evolved to favor developers and wealthy landowners over human rights and the end of community segregation. Fuerte Arts Movement – an artist-led multi-issue civic engagement community organization – withdrew its support for the bill and worked with legislators on more targeted zoning reform measures for introduction in 2024.

B. Limiting the Damage

Some abusive preemption bills inevitably pass. If advocates do not have the political support to stop the bill, they can be effective in limiting the scope of the bill. We provide examples from the last two years from Florida, Tennessee, and Utah, below.

In Florida, a sweeping bill introduced in 2023 (House Bill 433), would have prohibited all local workplace regulation including minimum wage, employment benefits, and heat exposure requirements.⁶ HB 433 was introduced in response to an ordinance being considered by Miami-Dade County regarding workplace heat safety requirements; however, the initial language of HB 433 went far beyond preempting the heat safety requirements.⁷ Local labor unions and other advocates for workers successfully pushed for a series of amendments, narrowing HB 433 before it passed into law. The final version of the bill applied only to heat regulations, procurement, and predictive scheduling.⁸ Although the final law limits local action on key worker protection issues, advocates were able to reduce the harmful impact.

Similarly, in 2024, legislators in Tennessee introduced a bill prohibiting all local regulation of police in response to an ordinance passed by the City of Memphis the prior year. Advocacy efforts by a coalition called “Decarcerate Memphis” were able to limit the broad scope of the bill before it passed into law.⁹ In 2023, Memphis had passed the “Driving Equality Act in Honor of Tyre Nichols” in response to the murder of Mr. Nichols. Mr. Nichols was killed by members of a specialized Memphis police unit notorious for using low-level traffic enforcement to target those suspected of more serious offenses.¹⁰ The Driving Equality Act was aimed at reducing pretextual traffic stops for minor violations of traffic law that did not significantly impact safety.

The initial bill that the state introduced in retaliation was extremely broad and would have prohibited *all local action* “[limiting] the ability of a law enforcement agency to take all necessary steps that are lawful...to fulfill [their] duties to prevent and detect crime.”¹¹ But thanks to the efforts of Decarcerate Memphis, the version of

the bill that ultimately passed only preempted regulation of law enforcement behavior with regard to traffic stops.¹² Although the final law is still a direct encroachment on the authority of local government to regulate law enforcement practices and address the harm to BIPOC communities, advocates were able to limit the bill's negative impact.

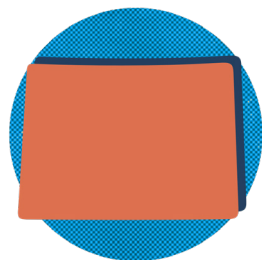
In Utah, a proposed 2024 bill would have modified when local health departments can invoke an order of restriction, like an isolation or quarantine order.¹³ Instead of allowing public health orders based on infectious or communicable diseases, the law would require the existence of a “dangerous public health condition,” which is a new definition with a list of qualifying diseases or infections. Ultimately, public health advocates successfully amended the bill to restore local control by broadening the definition of “dangerous public health condition.”¹⁴ The broader definition will allow public health isolation or quarantine orders for infections that may cause high illness or death.

C. Repealing Preemption

It is not always possible for advocates to prevent abusive preemption from passing, or to modify bills before they pass to mitigate the harmful consequences. Fortunately, advocates across the country have been successful in repealing even longstanding preemptive laws, launching multi-year campaigns to educate, engage, and mobilize those most impacted by the abuse of preemption to demand reforms.

COLORADO

In 2019, the Colorado People's Alliance (COPA) led a diverse coalition of impacted community members to repeal a law that had preempted all local minimum wage laws since 1999.¹⁵ After years of state legislators refusing to increase the minimum wage, Colorado voters had used the power of referendum to increase the state minimum wage in 2006 and 2016. Even with those increases the minimum wage still was not high enough to meet the rising cost of living, so advocates for local control decided to pursue



repeal of the 1999 law.

Before convincing Colorado lawmakers, this group of advocates sought to increase their capacity by engaging with the state minimum wage coalition.¹⁶ Together, they shifted their messaging to legislators from increasing minimum wage and supporting families, to supporting the ability of local electeds to respond to the needs of their constituents. Additionally, advocates learned that repealing preemption involved waging a messaging battle on two fronts: demonstrating the need for the policy and demonstrating why localities need the authority to design their own versions of the policy.

Though a preemption repeal bill introduced in 2018 was unsuccessful, that November's election shifted legislative and gubernatorial power and opened the door for reform. Advocates then introduced an improved version of the bill in 2019, which passed through the new legislature and became law. Unlike the 2018 bill, the 2019 version not only repealed the preemption of local minimum wage laws, but also explicitly established parameters for local minimum wage adoption and enforcement. Soon after, advocates once again stepped in - this time, to defeat a 2020 bill sponsored by the restaurant industry that would have reversed the repeal.¹⁷ At least three jurisdictions have since raised their minimum wage, including Denver, which now ranks 9th among the 50 largest cities nationwide for housing affordability for minimum wage workers.¹⁸

Colorado has also been successful in repealing preemption of oil and gas drilling regulation. Senate Bill 19-181, enacted in 2020, grants local governments authority over oil and gas operations in multiple areas, including siting, fines for spills and other environmental harms, noise regulations, and more.¹⁹ For additional information about preemption repeals in Colorado, see this report's sections on Repeal of Municipal Broadband Preemption and Repeal of Commercial Tobacco Regulation.

When repealing preemptive laws, states should explicitly establish local government authority to act in that area to avoid any ambiguity or confusion. Colorado did just that when it repealed minimum wage laws in 2019.

REPEAL OF MUNICIPAL BROADBAND PREEMPTION

Several states have been successful in repealing preemption of municipal broadband, allowing local governments to work toward providing their citizens with high quality internet access. In Arkansas, an effort led by the Republican Women's Legislative Caucus repealed part of a broadband preemption law in 2021.²⁰ Female legislators spearheaded the bill when they realized it was negatively affecting telehealth in rural communities and remote workers were losing out on job opportunities.²¹

In 2023, Colorado repealed its preemptive law that limited local governments from pursuing local broadband services without first passing a ballot initiative.²² Similarly, in 2024, Minnesota removed a requirement that municipal governments seeking to offer telecommunications exchanges obtain a referendum of 65% of voters in order to do so.²³ Proponents of these repeals expect the changes to help local governments build better, more affordable community-owned and operated broadband networks, as well as improve access to digital equity programs and federal funding opportunities.²⁴

REPEAL OF PREEMPTION OF COMMERCIAL TOBACCO REGULATION

Since 2004, seven states – Illinois, Louisiana, Mississippi, Montana, Nevada, New Jersey, and Oregon – have successfully repealed provisions that preempted local smoking restrictions in some or all settings.²⁵ In addition there appears to be a trend for states that adopt new smoking restrictions to include specific language granting authority to local governments. For example, state smoke-free laws adopted in New Jersey and Louisiana in 2006 included explicit non-preemptive language that expressly allows communities to adopt local smoke-free laws.²⁶

More recent examples include successful repeal efforts in Colorado, Florida, and Tennessee. In March 2019, the Colorado legislature repealed a longstanding law that punished municipalities for even proposing to regulate tobacco products.²⁷ Under the law, local governments that tried to regulate tobacco products forfeited their share of



the state sales tax on cigarettes.²⁸ The repeal campaign was propelled by the Colorado Tobacco Free Alliance, a coalition that included the American Heart Association, the Colorado Association of Local Public Health Officials, Colorado Tobacco Free Kids, the Colorado Academy of Family Physicians, the Group to Alleviate Smoking Pollution, and the Colorado chapters of the American Cancer Society and American Lung Association, among others. The Alliance worked closely with local communities and advocates on the repeal.²⁹ Concern about the e-cigarette epidemic resonated with many lawmakers as did the coalition's message about the importance of local control and allowing communities to decide what was best for them.

Since the repeal of Colorado's tobacco preemption law, advocates and local governments have launched some 40 local tobacco regulation campaigns in the state, including nine tax proposals that passed with solid majorities in ballot initiatives.

Florida, often ground zero for preemption of public health issues, has extensive state preemption of local smoking regulation.³⁰ However, in 2022, the Florida legislature repealed preemption for smoke-free beaches³¹ thanks to the combined efforts of youth groups,

environmental advocacy organizations, and local chambers of commerce.³² Florida communities took action immediately, with dozens adopting smokefree beach ordinances in the last two years.³³

In 2022, Tennessee passed a law to restore the local option to make bars and music venues smokefree.³⁴ A coalition, including Musicians for a Smokefree Tennessee, called on the state to allow communities to protect musicians and hospitality workers from an unhealthy workplace.³⁵ The Musicians for a Smokefree Tennessee coalition includes artists and advocates who were affected by smoking in the workplace; the coalition used their voices – and even created a song – to advocate for local authority to protect artists from secondhand smoke exposure. As one artist said: “As a singer and vocal coach, my career and ability to work is dependent on my vocal health.”³⁶

OTHER REPEAL EFFORTS

During the 2023-2024 legislative session, at least 31 preemption repeal bills were introduced in twelve states. While only two of these bills passed (companion bills in Maryland), each bill can be a powerful tool to educate about the harms of abusive preemption and generate discussion among legislators and advocates.

For example, Florida’s Restoring Local Freedom Act would repeal 35 state laws that remove local policy making in areas such as minimum wage and sick leave,³⁷ firearms,³⁸ plastics,³⁹ and the regulation of tobacco products.⁴⁰ While none of these repeal efforts have yet passed, they have been effective in providing a proactive narrative as advocates organize against more abusive preemption proposals in the legislature and educate the broader public about the sweeping range of abusive preemptions passed in the last two decades, and what they stand to gain by restoring local power in the hands of the people. Repealer packages and bills also provide an organizing alignment opportunity for diverse organizations that have different missions but are all impacted by abusive preemptions.

For years, Michigan has been seeking to repeal the state’s “Death Star” preemption. The Death Star bill, passed in 2015, prohibits any local ordinance that controls minimum wage, benefits, sick leave, union organizing and strikes, wage

disputes, apprenticeship programs, and “ban the box” policies (blocking employers from asking about felony convictions).⁴¹ The most recent bills, introduced in 2023, were led by Representative Joey Andrews (D-St. Joseph) and championed by the Michigan AFL CIO; the bills have not made it out of committee.⁴²

Baltimore

Two bills passed in Maryland in 2024 represent a significant win for Baltimore, whose local police department had been controlled by the state for more than 150 years.⁴³ Maryland took over the Baltimore Police Department (BPD) in 1860 - and in the 165 years since, the state has had control over any policy changes.⁴⁴ Generations of local residents and local officials have had virtually no say in any of the BPD policies impacting their neighborhoods. In 2017, Baltimore ended up in a Consent Decree with the Department of Justice (DOJ) based on the DOJ’s findings that the BPD “had engaged in a pattern and practice of conduct that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution [and other provisions of federal law].”⁴⁵ Baltimore Mayor Brandon Scott, who has been working on local control efforts since he entered city government in 2011, expressed his frustration with the situation: “[c]learly, you couldn’t entrust that kind of power and autonomy to the General Assembly because technically they had the legislative oversight of the agency and during that time we ended up in the consent decree.”⁴⁶ Scott noted, for example, “it was illegal...for the city council to require its own police department to wear body cameras.”⁴⁷



In 2021, the Maryland General Assembly passed a law to give control of BPD back to Baltimore, contingent on Baltimore City voters approving a measure establishing BPD as an agency of the city itself - rather than the state. Baltimoreans overwhelmingly approved the measure by an 82 percent margin. Technicalities in the city’s charter required voters to weigh in again, and in November 2024 city residents once again overwhelmingly affirmed that BPD should report to the mayor and city council - not state legislators.⁴⁸

D. Ballot Initiatives

Ballot initiatives are another way to protect families and workers through changes to state law. Labor coalitions in Missouri have successfully used a ballot initiative three times to raise the state's minimum wage, most recently in November 2024.⁴⁹

In 2015, a coalition of labor, faith leaders, workers, and local elected officials came together to pass a higher minimum wage in St. Louis.⁵⁰ That minimum wage was swiftly preempted by the state and the same coalition was able to pass a ballot measure that raised the minimum wage statewide.⁵¹

In 2024, the Missourians for Healthy Families and Fair Wages gathered enough signatures for another ballot initiative to gradually raise the state's minimum wage to \$15 an hour and guarantee paid sick leave for workers.⁵² The initiative, which passed in November 2024, was backed by various unions and workers' advocacy groups, social justice and civil rights organizations, more than 500 state business owners, and others.⁵³ Businesses signed on to support the ballot measure, arguing the policies help their bottom line, causing lower employee turnover, increased productivity and better health and safety conditions.⁵⁴

Advocates noted that their work did not happen overnight: "Missourians like me have not only had to work two to three jobs at a time to make ends meet; For over a decade, we have also spent time outside of work organizing our strength in numbers for the dignity of all working people

"The ballot initiative strategy can be successful because '[i]t's more popular with the public than the legislators,' according to Massachusetts state Senator Patricia Jehlen. Senator Jehlen, a Democrat, sponsored a bill in 2023 to raise the minimum wage that failed to make it through the legislature."

when it comes to our ability to make a living and provide for our families," said Terrence Wise, a worker in Kansas City with Missouri Workers Center and Stand Up KC.⁵⁵ Ballot initiatives to increase the minimum wage have been passed in Missouri twice before by wide margins.

Workplace rights are a popular topic for ballot initiatives. Alaska and Massachusetts had initiatives to raise the minimum wage on their November 2024 ballots.⁵⁶ Although the Massachusetts initiative failed, the initiative passed in Alaska. Alaska and Nebraska also established the right to paid sick time via ballot initiatives – with Nebraska voters supporting the paid sick time measure by nearly 50 percentage points.⁵⁷ The ballot initiative strategy can be successful because '[i]t's more popular with the public than the legislators,' according to Massachusetts state Senator Patricia Jehlen. Senator Jehlen, a Democrat, sponsored a bill in 2023 to raise the minimum wage that failed to make it through the legislature.⁵⁸

E. Litigation to Challenge Preemptive Laws

Some abusive preemption laws may be challenged in court. Litigation is an important aspect of developing the law in any area, and preemption and home rule are no exception; litigation can be used to enforce home rule authority and ensure that laws are being interpreted and enforced correctly. Legal challenges also provide an opportunity to continue education and organizing efforts, by encouraging city councils to engage in litigation, securing media coverage of efforts to fight abusive preemption to drive the anti-abusive preemption narrative, and filing amicus briefs to ensure the voices of impacted community members, academics, and legal scholars are informing court decisions.

While going to court to overturn a law can be a costly and time-consuming strategy that requires support from attorneys, funding, and political will, as well as consideration of the risks that come with it (including retaliation from state actors), the time and investment needed to wage a legal battle is often worthwhile. In some cases, a lawsuit may be the only strategy left after a law is enacted. In some states, courts may also provide a more friendly venue for anti-abusive preemption efforts than the state legislature.

In this section, we highlight lawsuits challenging preemptive laws as violations of home rule authority in California, Florida, Ohio, Tennessee, and Texas. Each lawsuit has been successful in at least delaying implementation of the preemptive law(s) at issue, pending appeals, and lawsuits in California and Tennessee have successfully struck down preemptive laws either in part or in full.

California

In 2018, the beverage industry pressured the California legislature to pass a law prohibiting local governments from imposing taxes or fees on “groceries,” even though the exclusive target was sugary drinks.⁵⁹ Corporate special interests



financed a ballot proposition that, if passed, would have decimated local governments’ ability to raise revenues for any purposes. The beverage industry then offered the legislature a deal. The industry promised to remove the proposition from the ballot if the state agreed to preempt all future sugary drink taxes. The state legislature had no choice but to accept the deal and passed the preemptive measure. The state law – known as the Keep Groceries Affordable Act – also contained a penalty provision that provided that a charter city would lose all of its sales tax revenue if it adopted a sugary drink tax and if a court found that the city had acted lawfully in doing so.⁶⁰

In 2020, a nonprofit health equity organization and a Santa Cruz City Council member (acting in her personal capacity) challenged the penalty provision of the law, arguing that “the provision wrongly serves to penalize charter cities that lawfully exercise their constitutional rights under the home rule doctrine.”⁶¹ Plaintiffs also asserted that “the Legislature probably understood that the home rule doctrine prevented the state from banning charter cities from taxing sugar-sweetened drinks; and so, as a workaround, the Legislature created the act’s penalty provision to discourage cities from validly exercising their right to to tax these drinks under the home rule doctrine.”⁶² A trial court agreed with this interpretation, and ruled the penalty provision (but not the prohibition on sugar-sweetened beverage taxes) unenforceable. In 2023, the California Third District Court of Appeal affirmed the trial court’s ruling, thereby permitting charter cities to decide for themselves whether or not to adopt a sugary drink tax without fear of losing all of their sales tax revenues

Subsequently, voters in the city of Santa Cruz passed a sugar-sweetened beverage tax in November 2024 – despite the beverage industry’s \$1.6 million dollar campaign to defeat the measure.⁶³ If the law is challenged, advocates will have the chance to push back against the underlying preemption of beverage taxes in the Keep Groceries Affordable Act, hopefully leading to another win in the courts.⁶⁴

Florida

In 2021 Florida lawmakers passed House Bill 1 - legislation which limited the ability of municipalities to control their own law enforcement budgets.⁶⁵ The law - a direct response to racial justice protests against police violence following the 2020 murder of George Floyd by law enforcement - allowed state or local officials to appeal any change in a municipal budget that decreased the operating budget of their law enforcement agency.⁶⁶ The law would have covered any kind of reduction in budget - even across-the-board cuts or adjustments for one time expenditures like equipment purchases - and did not specify how appeals would be analyzed, though Governor Ron DeSantis had disclosed that no cuts would be tolerated.⁶⁷



In November 2021, six Florida cities launched a constitutional challenge against the law in state court. The cities filed the lawsuit following pressure from local elected officials and residents – hundreds of whom turned out to testify before city councils – to protect their community and safeguard local authority. After the court denied a motion to dismiss the case filed by Governor DeSantis, the state legislature passed a new bill amending HB1 to address the issues identified by the suing cities and to avoid losing the lawsuit. The new law limits appeals to budget reductions of five percent or more; establishes standards for analyzing appeals; and removes the governor's authority over the process, placing decision-making authority with an administrative law judge. Although the state still has more authority over municipal law enforcement budgets than before 2021, the lawsuit filed by the coalition of cities forced the state to change the law and give some power back to the local governments and communities.⁶⁸

Ohio

A group of 21 Ohio cities has so far been successful in challenging a state law prohibiting local regulation of tobacco. In late 2022,



the Columbus City Council enacted an ordinance prohibiting the sale of flavored tobacco and nicotine products, including menthol cigarettes.⁶⁹ In response, in 2023, Ohio's Republican-controlled legislature added a provision into the state's biennial budget bill prohibiting local governments from regulating tobacco and nicotine products in any way, declaring such regulation "a matter of general statewide concern."⁷⁰

Advocates for the preemption provision argued it encouraged uniformity and would protect small businesses. Governor DeWine, a politician with a long record of supporting tobacco control measures, disagreed with his own party, arguing that it would undo years of public health progress and that the best way to encourage uniformity would be with a statewide flavored tobacco ban.⁷¹ The Governor vetoed the preemption provision but his veto was overridden by the state legislature.

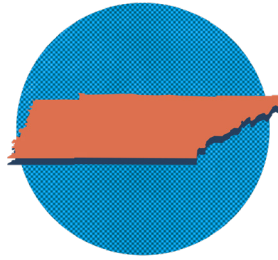
In response, the City of Columbus announced that it would file a legal challenge to defend its law prohibiting flavored tobacco products and, more generally, its authority to regulate tobacco and nicotine products. Other cities in Ohio – many of whose city attorneys had long been in communication about preemption issues – quickly joined the lawsuit. Some reached out to Columbus to join, and others were encouraged by Columbus to sign on. The Tobacco Free Ohio Alliance shared information about the law, which helped connect interested parties.

The group of cities claimed the preemption provision violated the home rule authority granted to them by the Ohio Constitution. They argued that local authority cannot be limited by state laws that do no more than prohibit local regulation in a particular field; otherwise, the home rule protections of the Ohio Constitution would be meaningless. A judge agreed: in May of 2024, Franklin County Common Pleas Court Judge Mark Serrott halted enforcement of the state's preemptive law as "an unconstitutional infringement on the rights of the [municipalities] to exercise their right to Home Rule," because it was only designed to prevent them from exercising their home rule authority.⁷² The State has appealed the decision, and the case is expected to continue to the Ohio Supreme Court.

68. House Bill 1 also attempted to expand the definition of "riot" to impose criminal liability on individuals present at a riot, even if they did not themselves engage in violent behavior. After a challenge from several racial and social justice organizations, the Florida Supreme Court decided the law could not apply to those individuals. *De Santis v. Dream Defenders*, 389 So.3d 413 (Fla. 2024); *Florida Supreme Court Issues Decision Confirming that Anti-Protest Law Cannot Be Used to Prosecute Non-Violent Protestors or Bystanders*, ACLU Fla., (June 20, 2024), <https://www.aclufla.org/en/press-releases/florida-supreme-court-issues-decision-confirming-anti-protest-law-cannot-be-used>.

Tennessee

After the Tennessee Legislature passed seven abusive preemption laws in 2023, Nashville challenged four of the seven as unconstitutional, and won unanimous verdicts in all four.⁷³



The first law, the “Metro Council Reduction Act” capped the size of municipal governing bodies at 20 members. Only one city in the state - Nashville, which has a Metro Council with more than 20 members - would be impacted by the law; the measure would have halved the size of its governing body.⁷⁴ The Davidson County Chancery Court, which decided all four of Nashville’s challenges, stopped enforcement of the Act.⁷⁵ The State has appealed this decision.⁷⁶

The second law would have reversed Nashville voters’ decade-old decision to require more than a simple majority of Metro Council members to act with regard to buildings on the city’s fairgrounds, e.g., whether to demolish certain buildings. After taking a loss in the Chancery Court, the State opted not to appeal the decision, solidifying victory for Nashville.⁷⁷

The third law shifts a vast majority of the appointing authority for the Metro Nashville Airport Authority Board from city officials to state officials, and expands the Airport Authority’s zoning control in the county.⁷⁸ Previously, all seven board members were appointed by the mayor and approved by the Metro Council; with the new law, only two would be appointed this way, with six more appointed by the governor and approved by the Senate and House Speakers.⁷⁹ In this case, the Court was not able to act in time, and a new board had already been created and started voting on contracts. The Chancery Court’s October 2023 decision gave authority back to the original board, and the State appealed.⁸⁰

Similar to the Airport Authority overhaul, the fourth law challenged by Nashville restructured the Sports Authority, giving the Governor power to appoint six of the thirteen board members. Again, the Chancery Court ruled in favor of the City, blocking enforcement of the law.⁸¹

Texas

In 2023, Texas passed House Bill 2127 (also known as the “Death Star” bill), to prohibit cities and counties from passing laws that go beyond what’s allowed under state law in a broad range of areas, including paid sick leave.⁸² Press reports say the Republican-backed law “aims to stop local governments from enacting a wide range of progressive-leaning policies,” and is part of a long campaign against Texas’ largest cities “which account for most of the state’s economic growth and often are governed by Democrats.”⁸³



Officials from Houston, San Antonio, and El Paso challenged the law as unconstitutionally vague and an unconstitutional infringement on their home rule authority, leading a Travis County judge to halt enforcement of the law just days before it was slated to take effect.⁸⁴ The state immediately appealed this decision, and the case is expected to continue to the Supreme Court of Texas.⁸⁵ Though it is unclear how many local laws would be invalidated if HB 2127 were to take effect, it is clear that locals would not be able to pass or enforce protections for workers such as paid sick leave and mandatory water breaks in extreme heat, or eviction protections for renters with low-incomes.⁸⁶ Unfortunately, despite the early court victory, HB 2127 has already had a chilling effect on local lawmakers - causing San Antonio to scale back a water break ordinance it had been considering.⁸⁷ At the very least, the litigation helped bring the law and the concept of abusive preemption to the attention of state and national media.

“At the very least, the litigation helped bring the law and the concept of abusive preemption to the attention of state and national media.”

F. Proactively Safeguarding Local Democracy

Another strategy to protect local authority is for states to pass a law regulating a certain area, while explicitly preserving the authority of local governments to pass laws in that area that are complementary to or more restrictive than the state law. This sets a minimum standard that local governments can then build on to meet their unique local needs. For example, in 2023, Minnesota passed a law requiring employers to provide a minimum amount of earned paid sick leave to their employees, explicitly stating that the state law does not preempt other laws or policies that allow for greater time accrual.⁸⁸ As a result, local paid sick time ordinances remain in effect in Minneapolis, St. Paul, and Bloomington. Also in 2023, North Carolina passed a law allowing local governments to shift duties away from police officers toward unarmed civilian employees, specifically to investigate crashes involving only property damage.⁸⁹

In addition to legislators passing laws, voters can also claim more power for their communities by passing ballot measures; for example, in 2006, Arizona voters passed a ballot measure raising the state minimum wage and repealing minimum wage preemption, allowing localities to set higher minimum wages and regulate benefits.⁹⁰

Similarly, states can pass laws granting local governments new authority to regulate, without implementing their own state-level regulations. During the 2023-2024 legislative session, legislators across 11 states introduced at least 36 bills that would have done so. For example, Tennessee's Senate Bill 2424, which became law on June 1, 2024, gives locals more control over their energy consumption by granting county and municipal mayors the authority to enter into voluntary agreements with developers for energy infrastructure improvements for clean or renewable energy.⁹¹ In August 2024, Illinois passed Senate Bill 3173, which allows counties and municipalities to undertake local broadband projects and become retail providers of broadband services.^{92 **93}



In New York, after courts across the state started striking down local “good cause eviction” laws, the state passed a law expressly granting municipalities the ability to pass “good cause eviction” laws. “Good cause eviction” laws protect renters from excessive rent increases and unwarranted evictions by requiring landlords to show legally defined good cause to evict. When landlords and real estate groups challenged these local laws in the jurisdictions that passed them, courts found implied preemption in the sections of state law governing evictions, and struck down the local laws.⁹⁴ Another municipality, Kingston, repealed its good cause eviction law after seeing courts strike down the laws in other jurisdictions.⁹⁵

Because the state did not intend to preempt good cause eviction laws, in 2024, New York enacted a statewide good cause eviction law. The law took immediate effect in New York City and gave other local governments the power to opt-in to the protections.⁹⁶ As of October 21, 2024, nine municipalities have opted into the good cause eviction law.⁹⁷

93. LSSC recently [highlighted preemption](https://www.supportdemocracy.org/issuespecific-preemption-guides/preemption-of-broadband-internet) of local broadband as a nationwide problem - 16 states currently have restrictive legislation against local broadband, influenced by large telecommunications companies “focused on maximizing their short-term revenues.” Cooper, *supra* note 23. <https://www.supportdemocracy.org/issuespecific-preemption-guides/preemption-of-broadband-internet>



III *Ecosystem Wins*

“Winning” is not solely defined by the ability of advocates to pass, stop, or challenge legislation. Power, capacity building, and education and organizing campaigns are about more than policy - they are opportunities to ensure those most impacted by abuses of preemption are at the forefront of the fight, build sustainable and transformative coalitions, and ensure we are focused on the long-term effort to create a more equitable and just society by dismantling historic and current systems of oppression that exclude and harm BIPOC, LGBTQ+ people, women, immigrants, and workers.

Campaigns to combat abusive preemption and strengthen local democracy often take years to bear fruit. Such efforts can be dependent on forces outside of advocates’ control, such as the political makeup of the state legislature and the governor’s office. Yet even in the face of a political climate that supports abusive preemption, advocates still have tools available to them. In the following section we review strategies that broaden our definition of success, including coalition building, building the long-term case for the importance of structural reform, and advancing the national narrative around preemption.

Lessons & Recommendations

- Creative and unusual partnerships via state cross-movement coalitions are imperative to fight back against abusive preemption and tell a broader, more powerful story about what is at stake.
- Building home rule reform campaigns and designing creative policy campaigns to support ongoing education and organizing activities are critical ways we can sustain our work; move the needle on our issues; and lay the groundwork for long-term, transformative structural reforms.
- Leveraging communications and messaging best practices is a critical component of creating the public imperative for reform. We must move past the dry, technical nature of preemption as a policy tool to articulate the dangerous consequences for our democracy and our communities.

A. Coalitions to Fight Abusive Preemption

Local leaders know their communities best, and our approach to supporting coalitions centers that local expertise in everything we do. Pennsylvania offers numerous examples of how our approach to cross-movement collaboration creates the conditions for coalitions representing diverse constituencies and perspectives to come together with a shared purpose of fighting abusive preemption and advancing home rule reform.

Pennsylvania: Unique Partnerships

In Pennsylvania, advocates, organizers, and grassroots organizations have built a coalitional infrastructure of nearly 74 organizations within the past seven years. Coalition members represent a diverse set of constituencies and issues, including worker rights, environmental protections, civil rights, public health, and more. Sustained and facilitated by the leadership of the Clean Air Council and the American Heart Association, the coalition has transformed into a state hub in both the fight against abusive preemption and in support of home rule reform.

In 2022, the anti-abusive preemption coalition was able to motivate then-Governor Wolf to veto SB 275, a bill that would have banned localities from combating climate change by preventing them from adopting local bans on natural gas. To help secure the veto, the coalition engaged in phone-banking, met with legislative representatives and their staff, and communicated about the bill on social media. Governor Wolf's decision to veto the bill was a notable victory for the coalition - especially considering that states are increasingly passing measures to ban local natural gas bans. In 2023, 15 states passed measures banning local natural gas bans - through the fueling of the Pennsylvania anti-abusive preemption coalition, advocates prevented this from happening in Pennsylvania.

In November 2022, the Pennsylvania American Public Health Association (APHA) affiliate, in collaboration with the Clean Air Council (CAC) and American Heart Association (AHA), held a statewide convening to inform local public health organizations and agencies about preemption trends and policy initiatives intersecting with abusive preemption trends in the wake of the COVID-19 pandemic. The planning committee

consisted of LSSC, CAC, AHA and the PA APHA affiliate, and LSSC served as the convening facilitators.

The Pennsylvania coalition demonstrates a high level of functionality through organizing and advocacy, has shown great success in mobilizing community partners, and also demonstrates successful adjustment to the policy landscape. As the political landscape has adjusted to favor advocates against abusive preemption, the Pennsylvania coalition has transformed their focus to not only combating abusive preemption but also simultaneously building power through advocating for home rule reform.

In December 2023 and March 2024, in partnership with LSSC, the Pennsylvania coalition hosted two small regional sessions to engage prospective partners, expand the network of organizations, build deeper cross-movement collaboration, and enhance public education surrounding home rule reform and efforts to empower marginalized community members. These convenings were complemented by further commitment to expand home rule reform efforts within the coalition by inviting other organizations to assist in leading the organizing work, namely the Latino Connection Foundation.

Fostering Cross-Movement Collaboration

A key element of success within the preemption ecosystem is alignment around a framework of identifying policy issues and understanding how those issues impact our communities. Our State Campaigns Team facilitates this framework by fostering and supporting cross-movement collaboration. In these spaces, we are able to listen and engage directly with local leaders and advocates through inclusive coalitions. We're also able to provide crucial campaign support such as educational content, workshops, and trainings.

This has been sustained largely in partnership and collaboration with various partners, leaders, and organizations through public education events, convenings, and organizing spaces. These include convenings with organizations focused on issues ranging from advancing democracy to protecting reproductive rights to safeguarding public health.

B. Home Rule Reform

Advocates fighting against abusive preemption are also looking at long-term strategies for structural reform to guarantee that local governments have the authority to make local decisions locally. Known as “home rule,” this legal principle is essential to ensuring that state and local governments can work together effectively.

Although many states have limited forms of home rule, the law hasn’t been fundamentally updated in nearly 70 years. Home rule reform does not aim to exempt municipalities from state authority completely, but rather to afford municipalities a presumption against state preemption. In 2020, in partnership with the National League of Cities, LSSC developed Principles of Home Rule for the 21st Century, which includes a model constitutional home rule article.⁹⁸

Home Rule Reform Coalitions

Although no states have yet enacted contemporary home rule reform, LSSC has been working to support reform efforts in Michigan, Ohio, Pennsylvania, and Virginia. Additionally, we have met with grassroots leaders in Wisconsin, Missouri, and Arizona about their interest in home rule reform.

In Michigan and Pennsylvania, a broad coalition of organizations that have worked to combat abusive preemption are beginning to pivot to affirmative structural reform work. In Pennsylvania, LSSC and state coalition leads from the American Heart Association and the Clean Air Council convened a series of regional discussions as a prelude to a statewide gathering of advocates to begin to plan for a reform campaign. Similarly, advocates in Michigan have gathered to assess the landscape of preemption and begin to center broader reform in their work.

Lawmakers in Ohio have embraced preemption across a host of policy spaces, including flavored tobacco, gun control, and anti-LGBTQ+ bills, among others. Now, local officials from both sides of the aisle are beginning to speak out. The Ohio Mayors Alliance is leading an effort to highlight the need for home rule reform in the wake of increasingly aggressive preemption efforts in the state.⁹⁹ All of the mayors in the Alliance support HB 304 - legislation that would create a commission dedicated to discussing opportunities related to

home rule, and increasing collaboration between municipal and state leaders.¹⁰⁰

Virginia is one of the last states clinging to a strict adherence to Dillon’s Rule – meaning that local governments can only exercise authority explicitly delegated to them by the legislature. To make matters worse, the legislature at times will abuse preemption to undermine local authority even more. But advocates - led by SEIU - are working to jumpstart long-dormant efforts to advance home rule reform. SJR 18/HJR 24, which was introduced in 2024, would create a study commission to examine the impacts of Dillon’s Rule on communities across Virginia, and make recommendations for structural reform that can make cities, counties, and towns more responsive to their residents.¹⁰¹

These efforts are all in their earliest stages, but advocates and local leaders in a growing number of states are learning that as vital as it is to try to fight back against individual instances of abusive preemption, in the long run it is also critical to change the rules of a game that is stacked against local communities.

Trigger Ordinances

Another strategy for advancing progress at the local level is a “trigger ordinance”: a local law that would go into effect if and when a state preemption law is rescinded. One of the goals of a trigger ordinance is to help ordinary people understand the real-world impact of state-level preemption. If local ordinances have been passed on a specific topic, such as breaks during the workday, it creates an opportunity to talk more concretely about workers’ needs and what positive results will occur if state preemption is repealed.¹⁰²

Although a “trigger ordinance” is a policy, we include it in ecosystem wins because the policy adoption has a more direct connection to organizing and educational efforts than guaranteed policy impact.

St. Louis, Missouri, is an example of this approach. The City, in collaboration with the Missouri Workers’ Center and other community groups, introduced a set of trigger ordinances that go into effect if and when state preemption law is rescinded.¹⁰³ Two of these trigger ordinances concern work-related subjects: fair scheduling and rest breaks during the workday.

C. Advancing the Narrative Around Abusive Preemption

One of the main pillars of the LSSC approach to combating abusive preemption is creating the public imperative for reform. Preemption can be complicated and difficult to understand. By educating and engaging with local, state, and national media, we can help them communicate what abusive preemption is, how it's impacting local communities, and what can be done to address it.

LSSC takes a three-tiered approach to communications: (1) driving the national media narrative; (2) supporting state communications efforts; and (3) advancing communication best practices and supporting message development.

Driving the National Media Narrative

For the past several years, the LSSC Communications Team has engaged with reporters via one-on-one conversations and educational roundtables to help them better understand what abusive preemption is, and how it is part of a broader strategy to take power away from people and communities. Thanks to the Communications Team's efforts – and the commitment of LSSC spokespeople and partners – LSSC has helped secure a number of national stories that explain and place in context the rise in abusive preemption over the past decade and call attention to new trends in preemption.

A few examples of recent stories that LSSC has helped shape and secure include:

- [**Bloomberg:**](#) States Push Back Against Guaranteed Income with New Bans (2024)
- [**The American Prospect:**](#) Pre-Preemption: Conservative states have now taken to blocking liberal cities from even thinking about legislating on behalf of their residents (2024)
- [**Washington Post:**](#) Antagonisms flare as red states try to dictate how blue cities are run (2023)
- [**Bloomberg:**](#) Texas Wrests Power From Local Governments With Sweeping New Law (2023)
- [**CNN:**](#) How Crime Is Igniting New Conflicts Between Red States and Blue Cities (2023)
- [**The Intercept:**](#) 17 States Have Now Tried to Pass Bills That Strip Powers from Reform-Minded Prosecutors (2023)

“By educating and engaging with local, state, and national media, we can help them communicate what abusive preemption is, how it’s impacting local communities, and what can be done to address it.”

Supporting State Communications Efforts

While working with national media is a core component of our work, it's also critical that state and local reporters understand what's going on in their legislatures in regards to preemption, how these policy decisions impact residents, and how the actions in their states are part of a larger national trend. In recent years, LSSC and our allies have worked with state reporters to highlight how abusive preemption is showing up in specific states, which has resulted in stories including:

- [**The Beacon News:**](#) The Missouri Legislature Is Cutting Local Governments' Power to Pass Their Own Laws (2024)
- [**Tallahassee Democrat:**](#) With Florida Seen As Solidly Republican Red, Desantis And GOP Clamp Down on Blue Cities (2024)
- [**Florida Bulldog:**](#) Cities, counties brace for Tallahassee to escalate war on home rule for local issues next session (2023)
- [**Houston Landing:**](#) After fierce debate, Texas 'death star' law has yet to be used in Houston, other big cities (2023)

Elevating the voices of those most impacted by abusive preemption is central to LSSC's communications strategy. The LSSC team helps advocates in individual states write and place opinion pieces about the importance of local democracy and about how abusive preemption impacts their lives and/or the lives of their constituents. Recent opinion pieces that LSSC has helped frame and secure include:

- [**Miami Herald:**](#) Opinion: Florida took away tenant protections. Here's what elected officials can do about it (2024)
- [**Orlando Sentinel:**](#) Commentary: Attack on renter protection is another attack on local democracy (2023)
- [**South Florida Sun Sentinel:**](#) Opinion: Residents, not out-of-state businesses, should govern Florida cities (2022)

Messaging Tools

Preemption is a legislative tool with dangerous consequences for our democracy and our communities. Because the word “preemption” doesn’t convey the true dangers, translating the impact on local communities and residents into everyday language is key to successful education and alliance-building efforts. To that end, LSSC has invested in qualitative and quantitative research and developed messaging guides and other communications tools designed to help elected officials, policymakers, advocates and allies explain the concept and consequences of state interference to the public and the media.

On the [LSSC website](#) you can find messaging guides and toolkits; polling and focus group research; and issue-specific preemption guides. These resources were revised in 2022 following research with national, state, and local partners to ensure the ideas, perspectives, and needs of our grassroots partners were informing our work.

Our updated [message guidance](#) includes a framework for how to talk about abusive preemption; additional frames around corporate influence; preemption as a tool to take power away from BIPOC communities; and preemption as a threat to American democracy. Other organizations have developed messaging resources related to combatting preemption, including the American Heart Association’s [Preemption Toolkit](#)¹⁰⁴ and [ChangeLab Solutions’ Assessing & Addressing Preemption: A Toolkit for Local Policy Campaigns](#).¹⁰⁵

Local Action In Spite of Preemption

Local governments can still advance the rights of local workers and families even amidst state or local preemption. Local Progress has a guide on such actions – [How Local Governments Can Stand Up for Workers When States Try to Stand in Their Way](#)¹⁰⁶ – which includes strategies such as:

- Improving working conditions for the locality’s own public employees through increased wages, collective bargaining rights, paid leave, and more.
 - More than 100 localities have passed paid family or parental leave policies for their local government employees, including in heavily preempted states such as Texas.¹⁰⁷
- Improving job quality for government contractors, typically through procurement or contracting standards.
 - For example, in 2024, Phoenix passed an ordinance requiring employers to provide access to rest, shade, water, and air conditioning. The rule applies to city contractors and their subcontractors who work outdoors, including construction and airport workers.¹⁰⁸
- Using the licensing or permitting process to promote compliance with labor standards laws.
 - For example, in 2023, Boston passed an ordinance incorporating workplace safety requirements at the front end of the construction permitting process.¹⁰⁹
- Using tax and other incentives to promote improved working conditions or workplace safety laws, among private employers.
 - For example, in 2023, Tennessee created a two-year program where employers offering paid family leave may be eligible for a tax credit based on the amount of wages reimbursed to workers.¹¹⁰



IV Conclusion

There is hope. From the courts to the legislatures to new coalitions, communities are fighting back and making progress. Advocates in Texas are successfully challenging the state's Death Star preemption law in the courts; and in Ohio and Virginia, serious efforts are underway to advance home rule reform – resetting the relationship between state and local governments and making it more difficult to abuse preemption. Advocates from Florida to West Virginia have persuasive stories to tell about their campaigns to stop, limit, repeal, or litigate abusive preemption in their

state. These victories will not come overnight, but they provide an invaluable roadmap for how we can fight back against abusive preemption - and how we can win. As disability advocate Hellen Keller said “Alone we can do so little; together we can do so much.”

And through it all, LSSC is here to serve as a hub in amplifying, supporting, informing, and inspiring the work of state and local advocates, organizers, communities, and policymakers.

Endnotes

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