



Preemption – Keeping Communities Back from Healthy Choices

The beverage industry and its allies are desperate to stop local measures designed to reduce consumption of soda and other sugary drinks precisely because these local measures are working so well. Soda consumption has been declining over the past years, but there has been an increase in other sugary drinks such as energy drinks, sports drinks and sweetened coffees and teas. People living in the U.S. consume about 34 pounds of added sugar every year just from sugary drinks. With a growing number of communities from coast to coast recognizing the health and economic benefits from strong health policy to reduce sugary drink consumption, the beverage industry is now resorting to backroom deals and underhanded efforts to preserve its profits.

- Over the past few years, the Big Beverage has followed the Big Tobacco playbook by convincing state legislatures to limit the authority of limit cities and counties to offer local voters the ability to pass policies that reduce sugary drink consumption. This action of limiting the power of lower forms of government is preemption, and can perpetuate health disparities and inequity and hurts local democracy.
- A beverage industry backed preemption law in California prevents voters and their local elected officials from enacting measures they feel are necessary to protect the health of their communities that would allow public investments in critical local programs.

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 equity.

What works for California is not always what works for other states. That is why local government exists—to create laws that most accurately reflect the unique views, values, and needs of the people who live there.

Good ideas often start locally. For example, local governments were the first to pass indoor smokefree laws, but the ability of local governments to pass these kinds of laws is now at risk. Use a local example if possible.

Proponents of states blocking local laws claim that a ‘patchwork’ of local laws throughout a state creates an unfair burden for businesses. But in reality, businesses are used to meeting different requirements under different local laws.

Once enacted, a law that limits local authority becomes cumbersome, rigid, difficult to repeal, and can negatively impact a state for decades.