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Preemption: What is it? Why should Nevada repeal it?

Preemption: What is it?

Preemption is a provision in state law that *eliminates* the power of local governments to regulate tobacco. The state doesn't do this for *any other* product or industry.

Why should Nevada repeal preemption?

AB 96 honors the vote Nevadans cast in November

In Clark County, 57% of voters and in Washoe County, 59% of voters said: **YES**, the local health department should be able to adopt laws stricter than the state's laws regulating tobacco. Repeal preemption.

Over 67% of voters in Clark and Washoe Counties supported laws that would prohibit smoking in places frequented by children. Enact tougher laws.

Preemption goes against the fundamental principals of good government.

State governments typically set *minimum* standards and allow local governments to tailor regulations to best fit their own communities. Local governments are allowed to adopt more stringent regulations on outdoor air quality than the EPA. But preemption means that they *cannot* adopt more stringent regulations on indoor air quality. This doesn't make sense. Local governments are in the best position to regulate tobacco to protect their citizen's health.

Local governments are in the best position to keep tobacco out of kids' hands. Local government attempts to regulate tobacco have largely been in the youth access arena. The Clark County School Board tried to adopt a "Smoke-Free Schools" policy, but couldn't thanks to preemption.

Most smokers want to quit. Let's help them.

The policy making process also helps support those smokers who want to quit. Sixty-five percent of smokers in Nevada report that they'd like to quit. Increased public awareness campaigns and more stringent local regulations have been proven to be extremely effective in helping smokers to quit in other communities.

Nevada Tobacco Prevention Coalition

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ASSEMBLY JUDICIARY

DATE: 3/18/03 ROOM: 3138 EXHIBIT N

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