



Local Option For Healthier Communities In Tennessee

Local governments have the right and responsibility to respond to the needs and concerns of their communities. Yet when it comes to reducing exposure to secondhand smoke, local communities are specifically preempted from taking action.

WHAT IS PREEMPTION?

Preemption is a legislative or judicial action in which a higher level of government (state or federal) strips lower levels of government of their authority over a specific subject matter, in this case tobacco regulation. Tennessee's preemption clause TN CODE ANN. §39-17-1551 (1994) prevents local governments from passing ordinances designed to protect the public from secondhand smoke.

WHY IS LOCAL OPTION IMPORTANT?

- It provides communities the opportunity to address issues by identifying solutions at the level of government closest to them. This ensures that any laws intended to protect and expand the ability to breathe smoke-free air meets the communities' needs and protects public health.
- The right and responsibility of local elected officials to protect the health and safety of their communities has been well-established. Local governments should certainly have the power to protect the rights of their citizens to breathe smoke-free air by eliminating smoking in workplaces and public places.
- The vast majority of states do not prevent local governments from passing smoke-free laws that are stronger than the state law.
- Over 4,500 local governments across the country have successfully passed policies protecting citizens from dangerous secondhand smoke.
- In an effort to stop local efforts to prevent and reduce the harmful effects of tobacco use, the tobacco industry has made preemption their top legislative goal for more than three decades.
- Preemption local authority has had a devastating effect on tobacco control efforts, and subsequently on public health of Tennessee's residents and workers.

TENNESSEE COMMUNITIES WANT LOCAL OPTION

Kingsport, Nashville, and Cookeville join a growing list of communities have asked the Tennessee General Assembly to grant them the authority to regulate smoking in public places. Local option to pass such policies should be fully restored, so that localities can decide how to address the needs and concerns of their citizens.