



# Preemption

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- Preemption occurs when a state prevents local jurisdictions from enacting laws that differ from and/or are more stringent than state law. (Pennsylvania Department of Health, [www.health.state.pa.us](http://www.health.state.pa.us))
- In Pennsylvania, a number of tobacco control laws contain preemption, including clean indoor air and youth access laws.
- The Pennsylvania Clean Indoor Air Act, which went into effect September 11, 2008, includes a preemption clause that prohibits any local ordinances in the Commonwealth from passing a clean indoor air law that is more restrictive than the Pennsylvania Clean Indoor Air Act.
- According to Americans for Non-Smokers' Rights, 11 states currently have preemption of smoke-free air laws, while one, Michigan, has a partial preemption law that only applies to bars and restaurants. ([www.no-smoke.org](http://www.no-smoke.org))