

Issue: AZ Preemption and Public Health

## Preemption is Hazardous to Your Health: The Corporate Assault on Public Health in Arizona

“Many state legislatures have enacted or are considering legislation with the potential to reverse years of public health progress and halt local leadership and innovation for years to come. Municipalities around the country are increasingly unable to address acute public health issues that will have lasting consequences for the health of communities.”

—*American Journal of Public Health*<sup>1</sup>

Preemption: “The simultaneous expansion in power of a higher level of government and reduction in power of a lower level of government.”

—*Centers for Disease Control preemption brief*<sup>2</sup>

### Introduction

On May 4, 2020, the day before President Trump was to arrive in Phoenix to tour a mask factory, Governor Ducey made an announcement: because of Arizona’s success in beating back the threat of COVID-19, he would accelerate the reopening of the state.<sup>3</sup> Taking a cue from the president (who declined to wear a mask on his factory tour), Ducey put no mask-wearing mandate or other health or safety enforcement measures in place.<sup>4</sup>

This put Arizona’s mayors and other local officials in a bind. Ducey’s March 30<sup>th</sup> stay-at-home order specifically prohibited local governments from acting independently.<sup>5</sup> Further impeding local action was Arizona’s punitive 2016 blanket preemption law, which triggers the withholding of state revenue-sharing funds if a local order or regulation is deemed in conflict with state law.<sup>6</sup> With no mask-wearing mandate coming from Governor Ducey, there could be none forthcoming from any local official either.

The disastrous result of Governor Ducey’s lax, preemptive approach is well known. Within weeks of reopening the state in mid-May, the number of COVID-19 cases began to soar.<sup>7,8</sup> At one point Arizona’s COVID-19 infection rate exceeded that of any other state, or indeed of any *country* in the world.<sup>9</sup> At the end of June, as hospital beds and ICUs neared capacity, Arizona became the first state in the nation’s history to activate crisis protocols for its hospitals to guide decisions about who gets treatment and who does not.<sup>10</sup> By that time, Governor Ducey had conceded the mask issue, giving local officials the authority to mandate mask wearing (though nothing else) to slow the spread of COVID-19.<sup>11</sup>

While these events have demonstrated the potentially lethal consequences of preempting local action, COVID-19 is only the most recent and high-profile public health matter for which preemption is a concern. States across the country are using preemption to enact one-size-fits-all policies that prohibit their cities, towns, and counties from adopting stronger (or different) protections for their people than those set at the state level.<sup>12</sup> As a result, preemption is impacting public health in areas ranging from nutrition to fire safety to e-cigarettes.<sup>13</sup> Prominent nonpartisan organizations such as the National Academy of Medicine and the Centers for Disease Control and Prevention recognize preemption as an obstacle to public health and advocate against it.<sup>14, 15</sup>

How did preemption become a matter of public health? An article in the *Journal of Public Health Management Practice* explains. “Progress in public health policy innovation often starts at the local level and spreads to state and federal laws. In many cases, these local policies seek to improve community health in a way that may impact business interests, such as taxes on unhealthy products or restrictions on harmful business practices. As a result, some businesses have used their relative political strength at the federal and state levels to stop public health policymaking at the outset, by lobbying Congress and state legislatures to enact preemptive laws.”<sup>16</sup>

These business interests have found eager collaborators in, and are major funders of, conservative groups such as the American Legislative Exchange Committee (ALEC) and, in Arizona, the Goldwater Institute.<sup>17, 18</sup> Together, they draft model legislation that benefits the corporate bottom line. This legislation gets matched with member legislators (who are lavished with family vacations and campaign fundraising opportunities) for sponsorship in state legislatures.<sup>19</sup> Despite their extreme secrecy, ALEC has been tied to a number of preemption bills in states nationwide.<sup>20</sup>

In Arizona, 12 state senators, 26 state representatives, and Governor Ducey all have known ties to ALEC. All are Republican.<sup>21</sup>

Republican dominance of Arizona’s state government, particularly since 2009 when the party regained trifecta control, has enabled the extensive enactment of preemption laws.<sup>22</sup> These laws pertain not only to matters of public health but to a wide range of areas including affordable housing, dark money, and the environment (including preemption of local plastic bag bans).<sup>23, 24, 25</sup>

Local governments are closest to the people they serve and know best how to address specific community needs. Preemption prevents them from doing so, to the benefit of corporate and other special interests.

## Arizona’s 2016 Blanket Preemption Law

Arizona has an overarching, or blanket, preemption law that applies to all policy domains, including public health. Senate Bill 1487, enacted in 2016, handed incredible power to individual state legislators and to the attorney general. This law:

1. Enables any single member of the state legislature to compel the state attorney general to investigate whether a local government’s ordinance or official action conflicts with state law, and
2. Causes the withholding of state revenue-sharing funds that would otherwise have been distributed to the locality if the attorney general, at his sole discretion, finds a violation and the local government refuses to come into compliance.<sup>26</sup>

The chilling effect of this law cannot be overstated. State-shared funds count for a large part of cities’ revenue, in some cases more than half.<sup>27</sup> The threat hanging over cities of having these funds withheld results in local officials avoiding taking action that has even a remote chance of triggering the law, just as the Republicans who put this law in place intended.

This blanket preemption legislation had ten sponsors, all Republican. Except for four Republican representatives who sided with Democrats, it passed both chambers of the legislature along party lines before Governor Ducey signed it into law.<sup>28</sup>

Two examples of public health concerns, both involving Tucson, demonstrate the effectiveness of the threat posed by this law:

- As one of Arizona's nineteen charter cities, Tucson has the right under the Arizona Constitution to create laws governing matters of local concern.<sup>29</sup> In 2005, with the goal of keeping guns off the streets, Tucson enacted an ordinance mandating that confiscated guns be destroyed.<sup>30</sup> However, revisions to state law made in 2013 required that cities sell confiscated weapons. Following the passage of the 2016 blanket preemption law, a Republican state legislator asked Attorney General Brnovich to investigate Tucson's confiscated gun ordinance. Tucson sued the state in return. In 2017, the Arizona Supreme Court settled the matter. Siding with the state, the court found that the disposition of firearms is of statewide, not just local, concern, effectively narrowing the scope of charter rule across Arizona. On this basis, although Tucson's gun confiscation ordinance predated the 2013 state law regarding the disposition of guns, it found Tucson's ordinance to be in violation of the state law.<sup>31</sup> Under threat of losing \$115 million in state revenue sharing funds, Tucson repealed the ordinance.<sup>32, 33</sup>
- To prevent the spread of COVID-19, Tucson's mayor, Regina Romero, considered mandating mask-wearing in March. But with more than a fifth of Tucson's \$566 million budget coming from the state, and at the city attorney's urging, she decided it was too big a risk. "There's a real threat with money involved," she said.<sup>34</sup>

## Preemption Laws Specific to Public Health

In addition to the broadly chilling effect caused by blanket preemption, Arizona has explicit preemption laws pertaining to specific policy areas. This section discusses such laws that impact public health.

### Health Insurance

Uninsured Americans avoid going to the doctor even when sick, leading to worse health outcomes and potentially crippling bills when they finally seek treatment. With COVID-19, not seeking care could mean not being diagnosed and possibly spreading the disease to others, further exacerbating the crisis.

Even though the Affordable Care Act of 2010 (ACA) has increased the percentage of Americans with health insurance, Republicans have been working hard to dismantle it.<sup>35</sup> One particular target has been the ACA's employer mandate, which requires employers above a certain size to provide insurance to their employees or face penalties.<sup>36, 37</sup>

In Arizona, 12 state legislators, all Republican, sponsored 2018 House Bill 1247 to ensure that if the ACA's employer mandate is ever repealed, local governments would not be able to reinstate it.<sup>38</sup> This preemption legislation passed both chambers of the state legislature along strict party lines and was signed into law by Governor Ducey.<sup>39</sup>

### Fire Sprinklers

Arizona's 2011 fire sprinkler preemption law prohibits local governments from mandating the use of fire sprinklers in detached single-family and two-family residences. The contempt for public health of this law and the insidiousness of how it came to be is explained in a 2013 article in the *American Journal of Public Health*:

“Home fires account for 85% of fire deaths in the United States, the majority in 1- or 2-family homes lacking fire sprinklers. Since 1978, however, a grassroots movement has successfully promoted more than 360 local ordinances mandating sprinklers in all new residential construction, including 1- and 2-family homes. The homebuilding industry has responded by seeking state preemption of local authority, a strategy previously used by other industries concerned about protecting their profits.”<sup>40</sup>

The homebuilding industry prevailed; Arizona was one of 13 states to enact laws between 2009 and 2011 preventing local governments from having authority over the use of residential fire sprinklers.<sup>41</sup> Arizona’s bill passed while the city of Chandler was weighing a change to its building code that would have mandated the use of fire sprinklers.<sup>42</sup> This preemption legislation (2011 HB 2153) had 18 sponsors, all Republican.<sup>43</sup>

## Nutrition

To fight the rising incidence of obesity and obesity-related disease across the United States, grassroots efforts have focused on implementing change at the local level to improve nutrition. Fast food and sugary drinks have been two targets of this strategy. These efforts have faced powerful opposing forces, however, with the result that nutrition-related preemption laws have been enacted in Arizona and other states.<sup>44</sup>

With COVID-19 there is new cause for concern. Recent research has linked obesity to more severe COVID-19 infection and a greater risk of death from this disease.<sup>45</sup>

## Soda Taxes

“Excess consumption of added sugars, especially from sugary drinks, poses a grave health threat to children and adolescents, disproportionately affecting children of minority and low-income communities.”

—*American Academy of Pediatrics and American Heart Association*<sup>46</sup>

Starting in 2014, a handful of cities across the country began imposing taxes on sugary drinks as a way to discourage their consumption.<sup>47</sup> Despite the well-documented dangers to public health of excess soda consumption, the American Beverage Association has spent tens of millions of dollars fighting these efforts.<sup>48, 49</sup>

A poll taken in 2017 showed that 59% of Arizonans would favor a \$0.02-per-ounce statewide soda tax if the money went to fund schools. At the time, no Arizona local government had imposed a soda tax, and there was no citizen initiative or statewide legislation proposing such a tax.<sup>50, 51</sup> But state Representative Tom Shope (R-LD8), a family grocery store owner in Coolidge, became concerned that cities might consider imposing one. He was approached by the soda industry to sponsor preemption legislation that would address this mutual concern.<sup>52</sup>

This legislation, 2018 House Bill 2484, does not explicitly ban local taxes on soda. It cleverly keeps local governments from imposing taxes on unhealthy products such as soda by requiring that any taxes or fees imposed on one type of food item be applied uniformly to all food items, making such taxation unworkable. This bill passed unanimously in the state senate and on a bipartisan basis in the house.<sup>53</sup>

The power of “Big Soda” to sway even Democrats cannot be overstated. Their coercive tactics in California led this bluest of blue states to preempt cities and counties that do not already have a soda tax from implementing one until 2031.<sup>54</sup> The soda industry has also gotten soda tax preemption put in place in Michigan and Washington state.<sup>55</sup> Not surprisingly, the American Beverage Association’s PAC falls in the top 10 percent of campaign contributors in the nation.<sup>56</sup> Big Soda will be undermining public health for years to come.

### Toys in Fast Food

In 2010, when parts of Northern California banned the use of toys in marketing unhealthy meals to children, Arizona state legislators took notice, as did ALEC and related industry groups. With public-health advocates working to replicate these so-called “Happy Meal bans” elsewhere in the country, the Arizona Restaurant Association, working with the National Restaurant Association and ALEC, wrote legislation to preempt Arizona’s local governments from regulating such restaurant marketing.<sup>57</sup>

Though “Happy Meal bans” are pro-health, they come uncomfortably close to the line of government overreach for some legislators, Democrats included.<sup>58</sup> The Arizona legislation (2011 HB 2490) had bipartisan, though far-from unanimous, support before being signed into law. It preempts local governments from regulating not just the use of toys in restaurant marketing to children, but of all “consumer incentive items,” whose definition was copied word-for-word from ALEC’s model legislation.<sup>59, 60</sup>

### Firearms

In case there was any doubt that firearms are a matter of public health, consider that from 2014 through the end of July 2020, there were 25 mass shootings, 99 murder-suicide incidents, and 4 mass murders in Arizona alone. In this same timeframe, 268 Arizona children and teenagers (through age seventeen) were killed or injured by guns.<sup>61</sup>

Guns are also exceptionally lethal when it comes to suicide—from 2007 to 2014, 90% of gun suicide attempts in the U.S. resulted in death.<sup>62</sup> In 2018, 802 Arizonans committed suicide with a gun, making Arizona’s firearm suicide rate nearly 50% higher than that of the U.S. overall.<sup>63</sup>

Arizona has the 6th weakest gun laws of all fifty states.<sup>64</sup> As enumerated by the Giffords Law Center To Prevent Gun Violence, Arizona has no universal background checks, no requirement for concealed carry permitting, no licensing of gun dealers, no ban on assault weapons, no restrictions on bulk firearm purchases, no waiting period to buy a gun, and no regulation of ammunition sales.<sup>65</sup>

Furthermore, with few exceptions, Arizona’s local governments are preempted from enacting their own regulations to address specific gun-related problems in their communities. This is spelled out in two statutes, A.R.S. § 13-3108 and § 13-3118. A.R.S. § 13-3108, for example, broadly bans local governments from enacting firearms laws more prohibitive than state law.<sup>66</sup>

There have been numerous bills that continue to expand gun rights in Arizona while further tying the hands of local officials. For example, 2010 HB 2543 expanded preemption that previously related only to the “transportation, possession, carrying, sale, transfer...or use of firearms or ammunition” to add the “purchase, acquisition, gift, devise, storage, licensing, registration, discharge” of firearms or ammunition.<sup>67</sup> This legislation had 14 sponsors, all Republican.<sup>68</sup>

Thanks to the National Rifle Association (working with ALEC), not just Arizona, but nearly all states have preemption laws prohibiting local governments from regulating firearms.<sup>69, 70</sup>

A specific firearms-related topic—the Arizona Supreme Court’s ruling on Tucson’s right to destroy confiscated guns—is discussed in the previous section Arizona’s 2016 Blanket Preemption Law.

## Knives

As an article in Mother Jones (“Move Over, NRA. Meet the Knife Lobby.”) states, “Arizonans are now free to stroll down the sidewalk with anything from keychain pocketknives to samurai swords.”<sup>71</sup>

And there’s nothing local officials can do about it.

In 2010, after passing firearm preemption, Arizona soon had the distinction of becoming the first state in the nation to enact knife law preemption.<sup>72</sup> Modeled after Arizona’s firearms law (A.R.S. § 13-3108), this law allows *the open or concealed carry of knives of any type or length* by persons aged 21 or older (except on school grounds or at polling places on election day), preempts local governments from enacting their own knife laws, and voids any existing local ordinances that are more restrictive than state law.<sup>73</sup>

The Arizona Association of Chiefs of Police opposed the bill. Arguing that local officials know best how to protect the safety of their communities, an association representative concluded, “Control needs to remain where the impact will be felt, that is at the local level.”<sup>74</sup>

This legislation (2010 SB 1153) had twenty sponsors, all Republican, and was pushed by the advocacy group Knife Rights (an Arizona non-profit), which saw Arizona as a starting point for a nationwide knife-law-preemption campaign.<sup>75, 76, 77</sup> Knife Rights claims to have led a total of 13 states to enact such laws.<sup>78</sup>

Thanks to the work of Knife Rights together with Arizona Republicans, Knife Up, a magazine for knife enthusiasts, gushes, “If you live in Arizona, you are in luck. Arizona has the best knife laws of all 50 states.”<sup>79</sup>

## Failed Attempts at Public-Health-Related Preemption

While preemption laws have been enacted at an alarming rate in Arizona, this section outlines two attempts by Arizona Republicans to preempt local authority over public health issues that failed, fortunately for Arizonans.

### Paid Sick Leave

The COVID-19 crisis has laid bare the need for paid sick leave. Without it, workers staying home to reduce the disease’s spread are placed in financial peril. They are also incentivized to return to work too soon, putting coworkers and their families at risk.

Thanks to Proposition 206, Arizona has required businesses to provide paid sick leave to their employees since 2017.<sup>80</sup> The road to paid sick leave in Arizona was a torturous one, however—a battle between progressive cities and towns trying to provide workers with a living wage and benefits and the Republican-controlled state government seeking to preempt local authority over such matters. A brief chronology is as follows:

- 2006: By a nearly 2-to-1 margin, voters pass Proposition 202, the “Arizona Minimum Wage Act,” raising the state minimum wage and giving cities and towns the right to enact local wage and benefits ordinances.<sup>81</sup>
- 2013: HB 2280, partisan legislation with the intent of preempting local governments from setting the minimum wage or other benefits above those stipulated by the state, is signed into law.<sup>82</sup>
- 2015: The Maricopa County Superior Court rules that this new law violates Arizona’s Voter Protection Act of 1998, which dictates that the state cannot go against the will of the people by changing or repealing laws created by citizen initiative, except by a 3/4 vote of the legislature.<sup>83, 84</sup>
- 2015: The Tempe City Council considers requiring businesses to provide paid sick leave to their employees.<sup>85</sup>
- January 2016: Despite the 2015 court ruling, in his “State of the State” speech, Governor Ducey threatens to withhold state funds from any Arizona city or town that attempts to make the minimum wage or employment benefits more generous than state requirements.<sup>86</sup>
- February 2016: With significant funds at risk, the Tempe City Council drops its push for paid sick leave.<sup>87</sup>
- Spring 2016: Republican House Bill 2579, preempting local governments from regulating nonwage employee benefits, passes the house and senate along strict party lines. This is another partisan attempt at an end-run against Prop 202. The legislation is enacted in May.<sup>88</sup>
- November 2016: Voters approve Proposition 206, the “Healthy Working Families Initiative,” raising the minimum wage statewide and mandating paid sick leave.<sup>89</sup>
- March 2017: The Arizona Supreme Court unanimously rejects an argument by the Arizona Chamber of Commerce and Industry—with support from the Goldwater Institute—that Proposition 206 is unconstitutional.<sup>90, 91</sup>
- July 1, 2017: Proposition 206 makes paid sick leave the law in Arizona.<sup>92</sup>
- February 2019: The 2016 preemption law (HB 2579) is ruled unconstitutional by the Arizona Court of Appeals for violating the will of voters, as reflected in Proposition 202, regarding the setting of local minimum wages and nonwage benefits.<sup>93</sup>

Propositions 202 and 206 prevailed against multiple assaults. But Republicans are not taking this defeat lying down. At the time of the 2017 court ruling, Governor Ducey responded, “The Supreme Court has spoken. We’re going to follow the law.”<sup>94</sup> However, having failed to achieve their goal with preemption or through the courts, Republicans are now waging war on the citizen initiative process itself. By legislating new restrictive requirements on these initiatives, they have been making it increasingly difficult for Arizonans to get measures on the ballot. This attack on citizens’ rights is patently anti-democracy.<sup>95</sup> (For more information see the Local Majority Report, [Attack on Democracy: Republicans Suppress Voting and Silence Citizens](#)).

## Vaping/Smoking

Who would have guessed that Big Tobacco wants to raise the smoking and vaping age to 21? By piggybacking on the national public health campaign “Tobacco 21,” this is just what these companies would have legislators believe. What they really want, however, is weak enforcement of tobacco and vaping restrictions and, at the same time, to prevent cities, towns, and counties from further regulating their products.<sup>96</sup> To achieve these ends, starting in 2019, they have been working with state legislators nationwide to push through model legislation.<sup>97</sup>

In Arizona, Juul Labs (the leading e-cigarette company), Altria (a major tobacco company and part owner of Juul), and an association of Arizona vape shops teamed up with state Representative John Allen (R-LD15) to introduce 2019 Senate Bill 1147.<sup>98, 99</sup> (Not surprisingly, Allen is ALEC’s Arizona state

chair and a member of ALEC's board of directors.<sup>100</sup>) This legislation would have made it illegal to sell tobacco or vaping products to anyone under 21, but only as a minor offense. Even more alarming was the preemption clause prohibiting local governments from further regulating the sale and marketing of tobacco and other nicotine and vapor products.<sup>101</sup> Fortunately, this legislation died in committee in the House after passing in the Senate along party lines (one Republican sided with Democrats).<sup>102</sup>

## Conclusion

“It’s important for other states to learn from us. This wasn’t bad luck. It was avoidable. Don’t let this happen to you. You look back at the past few months and we’re an example of what not to do.”

—*Will Humble, director of the Arizona Public Health Association, addressing Arizona’s response to the COVID-19 crisis*<sup>103</sup>

“It’s fine to be pro-business, but you have to be pro-citizen first.”

—*Nathan Laufer, MD, former president of the Arizona Medical Association*<sup>104</sup>

Not just in Arizona, but nationwide, states are succumbing to massive, well-funded campaigns by powerful business interests and advocacy groups to preempt local regulation aimed at improving public health. Such groups referred to in this paper include the American Beverage Association, the American Restaurant Association, the National Association of Home Builders, Big Tobacco and “Big Vape” (Juil Labs, Altria, and others), the National Rifle Association, Knife Rights, and their affiliated groups in Arizona. These special interests often collaborate with conservative organizations such as ALEC and the Goldwater Institute to draft model legislation and be matched with Republican legislators who will sponsor it.

Is this really how Arizona’s legislative agenda should be set? Is this really who should be writing the laws?

On issues ranging from immigration to guns, Arizona has long fought encroachment by the federal government on state authority.<sup>105, 106</sup> Yet the Republican-controlled state government preempts its cities, towns, and counties from acting on behalf of their own people. Arizona’s notorious mismanagement of the COVID-19 crisis is only one example—a life and death example—of the harm due to preemption.

Where is this all headed? One prediction is the following: After a slew of preemption legislation was enacted in Arizona in 2016, including the extraordinarily punitive blanket preemption law, Phoenix Mayor Greg Stanton (now a state representative) said, “Moving forward, the No. 1 area where [the debate over state and local authority] is going to come to a clash is climate change. Cities are going to have to adopt aggressive policies on climate change. I do so under constant threat that they’re going to try to pre-empt us at the Legislature, in a body that has, arguably, a majority of climate deniers.”<sup>107</sup>

Let us hope Stanton is wrong. Among the many looming and dire threats of climate change will be its effect on public health, and Arizona will be impacted more than most other states.<sup>108</sup> The best, most urgent recourse for Arizonans is to elect Democrats to state office.

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- <sup>1</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5425871/>
- <sup>2</sup> <https://www.cdc.gov/phlp/docs/preemption-issue-brief.pdf>
- <sup>3</sup> <https://www.azmirror.com/2020/05/04/ducey-oks-re-opening-for-salons-barbers-dine-in-restaurants/>
- <sup>4</sup> <https://www.nytimes.com/2020/07/03/us/virus-arizona.html>
- <sup>5</sup> <https://azgovernor.gov/file/34365/download?token=6YdWos-F>
- <sup>6</sup> <https://www.legiscan.com/AZ/text/SB1487/id/1374373>
- <sup>7</sup> <https://azgovernor.gov/file/34817/download?token=9X8aggcF>
- <sup>8</sup> <https://coronavirus.jhu.edu/data/new-cases-50-states/arizona>
- <sup>9</sup> <https://www.nytimes.com/2020/07/08/briefing/arizona-mary-trump-facebook-your-wednesday-briefing.html>
- <sup>10</sup> <https://www.azmirror.com/2020/07/03/as-covid-19-worsens-az-is-the-first-state-to-enact-crisis-care-standards/>
- <sup>11</sup> <https://azgovernor.gov/file/35048/download?token=ad-EoFB8>
- <sup>12</sup> The type of preemption referred to in this paper is technically known as “ceiling preemption.” With ceiling preemption, a state *caps* the standards that may be set in a particular policy area by local governments, prohibiting stronger rules. In contrast, to be supportive of public health, states should set *minimum* standards, allowing local governments to add further protections for their people. This is “floor preemption.” The National Academy of Medicine, in advocating for floor preemption (where preemption is appropriate) in areas of public health states: “Preemption should avoid language that hinders public health action.” <https://www.nap.edu/read/13268/chapter/13?term=preemption#275>
- <sup>13</sup> <https://grassrootschange.net/preemption-watch/#/map>
- <sup>14</sup> <https://www.cdc.gov/phlp/docs/preemption-issue-brief.pdf>
- <sup>15</sup> <https://www.nap.edu/read/13268/chapter/13?term=preemption#275>
- <sup>16</sup> [https://journals.lww.com/jphmp/Citation/2019/03000/Combating\\_and\\_Preventing\\_Preemption\\_\\_A\\_Strategi.c.l.aspx](https://journals.lww.com/jphmp/Citation/2019/03000/Combating_and_Preventing_Preemption__A_Strategi.c.l.aspx)
- <sup>17</sup> [https://www.alecexposed.org/wiki/ALEC\\_Exposed](https://www.alecexposed.org/wiki/ALEC_Exposed)
- <sup>18</sup> [https://www.sourcewatch.org/index.php/Goldwater\\_Institute](https://www.sourcewatch.org/index.php/Goldwater_Institute)
- <sup>19</sup> [https://www.alecexposed.org/wiki/What\\_is\\_ALEC](https://www.alecexposed.org/wiki/What_is_ALEC)
- <sup>20</sup> <https://www.alecexposed.org/wiki/Preemption>
- <sup>21</sup> [https://www.sourcewatch.org/index.php?title=Arizona\\_ALEC\\_Politicians](https://www.sourcewatch.org/index.php?title=Arizona_ALEC_Politicians)
- <sup>22</sup> “Trifecta control” is when one political party has a majority in both the state house and state senate and also holds the governor’s office. [https://ballotpedia.org/Party\\_control\\_of\\_Arizona\\_state\\_government](https://ballotpedia.org/Party_control_of_Arizona_state_government)
- <sup>23</sup> <https://legiscan.com/AZ/bill/SB1350/2016>
- <sup>24</sup> <https://legiscan.com/AZ/bill/HB2153/2018>
- <sup>25</sup> <https://legiscan.com/AZ/bill/HB2131/2016>
- <sup>26</sup> <https://www.legiscan.com/AZ/text/SB1487/id/1374373>
- <sup>27</sup> <https://www.azcentral.com/story/news/politics/legislature/2016/05/09/legislature-keeps-its-thumb-arizona-cities/83842924/>
- <sup>28</sup> <https://www.legiscan.com/AZ/bill/SB1487/2016>
- <sup>29</sup> <https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/13/2.htm>
- <sup>30</sup> [https://tucson.com/news/high-court-ruling-forces-tucson-to-stop-destroying-confiscated-turned-in-guns/article\\_47282e0c-35fb-59da-b180-1c6eb8f60f2e.html](https://tucson.com/news/high-court-ruling-forces-tucson-to-stop-destroying-confiscated-turned-in-guns/article_47282e0c-35fb-59da-b180-1c6eb8f60f2e.html)
- <sup>31</sup> <http://www.azcourts.gov/Portals/0/OpinionFiles/Supreme/2017/CV-16-0301-SA%20Opinion.pdf>
- <sup>32</sup> <https://www.governing.com/topics/public-justice-safety/tns-tuscon-arizona-supreme-court-guns-ruling.html>
- <sup>33</sup> <https://www.azcentral.com/story/news/local/arizona/2017/09/07/tucson-ends-policy-destroying-guns/643667001/>
- <sup>34</sup> [https://www.washingtonpost.com/health/how-arizona-lost-control-of-the-epidemic/2020/06/25/f692a5a8-b658-11ea-aca5-ebb63d27e1ff\\_story.html](https://www.washingtonpost.com/health/how-arizona-lost-control-of-the-epidemic/2020/06/25/f692a5a8-b658-11ea-aca5-ebb63d27e1ff_story.html)
- <sup>35</sup> <https://www.urban.org/sites/default/files/publication/86761/2001041-who-gained-health-insurance-coverage-under-the-aca-and-where-do-they-live.pdf>

- <sup>36</sup> <https://www.nytimes.com/interactive/2017/07/25/us/politics/senate-votes-repeal-obamacare.html>
- <sup>37</sup> <https://www.govinfo.gov/content/pkg/USCODE-2011-title26/pdf/USCODE-2011-title26-subtitleD-chap43-sec4980H.pdf>
- <sup>38</sup> <https://nancybarto.com/wordpress/contending-for-affordable-health-care/>
- <sup>39</sup> <https://legiscan.com/AZ/bill/SB1247/2018>
- <sup>40</sup> <https://ajph.aphapublications.org/doi/10.2105/AJPH.2013.301317>
- <sup>41</sup> <https://ajph.aphapublications.org/doi/10.2105/AJPH.2013.301317>
- <sup>42</sup> <https://www.cdc.gov/phlp/docs/preemption-issue-brief.pdf>
- <sup>43</sup> <https://legiscan.com/AZ/bill/HB2153/2011>
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