

# A Session Like No Other

## An Overview of 2021's Unprecedented Wave of State Preemption Bills

Republican-led state legislatures unleashed a wave of preemption bills blocking, removing, or penalizing local authority in 2021 – a direct response to the pandemic, the growing movement for racial justice, and the presidential election.

Since 2011, conservatives have moved aggressively to limit local lawmaking, weaken local democracy, and block local policies intended to advance economic and racial equity. But this year's torrent of preemption measures are markedly different – more pointedly political and racist in nature. This year's state legislative session highlights clearly how preemption is part of the scaffolding of structural racism in America, and how – like voter suppression and gerrymandering – it's used to maintain white supremacy across our institutions and keep BIPOC, women, LGBTQ people, and workers in low-wage jobs from gaining power.

The Local Solutions Support Center's (LSSC) report "A Session Like No Other" explores 2021 legislative activity in more detail, but here's a by-the-numbers look at this year's most troubling preemption trends:

- **LSSC tracked over 400 preemption bills** this legislative session – more than two times the number of bills tracked during the 2019 session (the last full year of session prior to the pandemic.)
- **More than 70 of those bills** came from Florida and Texas alone.

### Advancing racially targeted & anti-transgender measures

- **27 states** have introduced measures that ban or make it difficult for school curricula to examine racism in American history through adoption of critical race theory or other resources, like the 1619 Project. **Eight states** have enacted these measures into law.
- **34 states** have introduced **more than 80 bills** that aim to criminalize protest to varying degrees. While they don't always include explicit preemption per se, they do undermine how local governments can manage protests within their communities. The most notorious of these measures is **HB1 in Florida**, which not only sets harsh new penalties for protestors, but also cordons off police budgets from local oversight.
- **27 states** advanced discriminatory anti-transgender bills that ban trans youth from participating in school sports. **Seven states** enacted these dangerous bans into law, and an eighth state – South Dakota – achieved the same outcome through executive order.
- States like **Iowa** and **Montana** moved to make it harder for localities to protect access to affordable housing. This was a dangerous step to take during the pandemic and ensuing economic and eviction crises.

### Increasing state interference in local government operations

- In the wake of last year's growing movement for racial justice, **four states – Georgia, Florida, Missouri, and Texas** – enacted local budget control measures that undermine, ban, or punish municipalities that seek to reallocate or reduce funding for local police departments.
- **Ten states** have passed laws limiting public health authority. This trend emerged as a response to the pandemic, and often included bans on mask mandates or limitations on public gatherings during the height of COVID.
- Following the 2020 presidential election, **47 states** introduced **more than 360 bills** that restrict voting access. These measures typically disproportionately impact people of color, particularly Black voters. As of June 2021, **17 states** enacted **28 different measures** that restrict the right to vote.

### Blocking local efforts to address climate change

- In 2021, **15 states** enacted bans on natural gas bans. This trend was a direct response to many localities encouraging all-electric buildings and local bans on natural gas hookups, as a means of addressing climate change and reducing greenhouse gas emissions. **Nineteen states in total** now prohibit localities from enacting local bans on natural gas hookups in new buildings.

To read the entire report, please visit  
[www.supportdemocracy.org/ASessionLikeNoOther](http://www.supportdemocracy.org/ASessionLikeNoOther)

