

# Growing Role of US States on Population Health

Jennifer Karas Montez, PhD

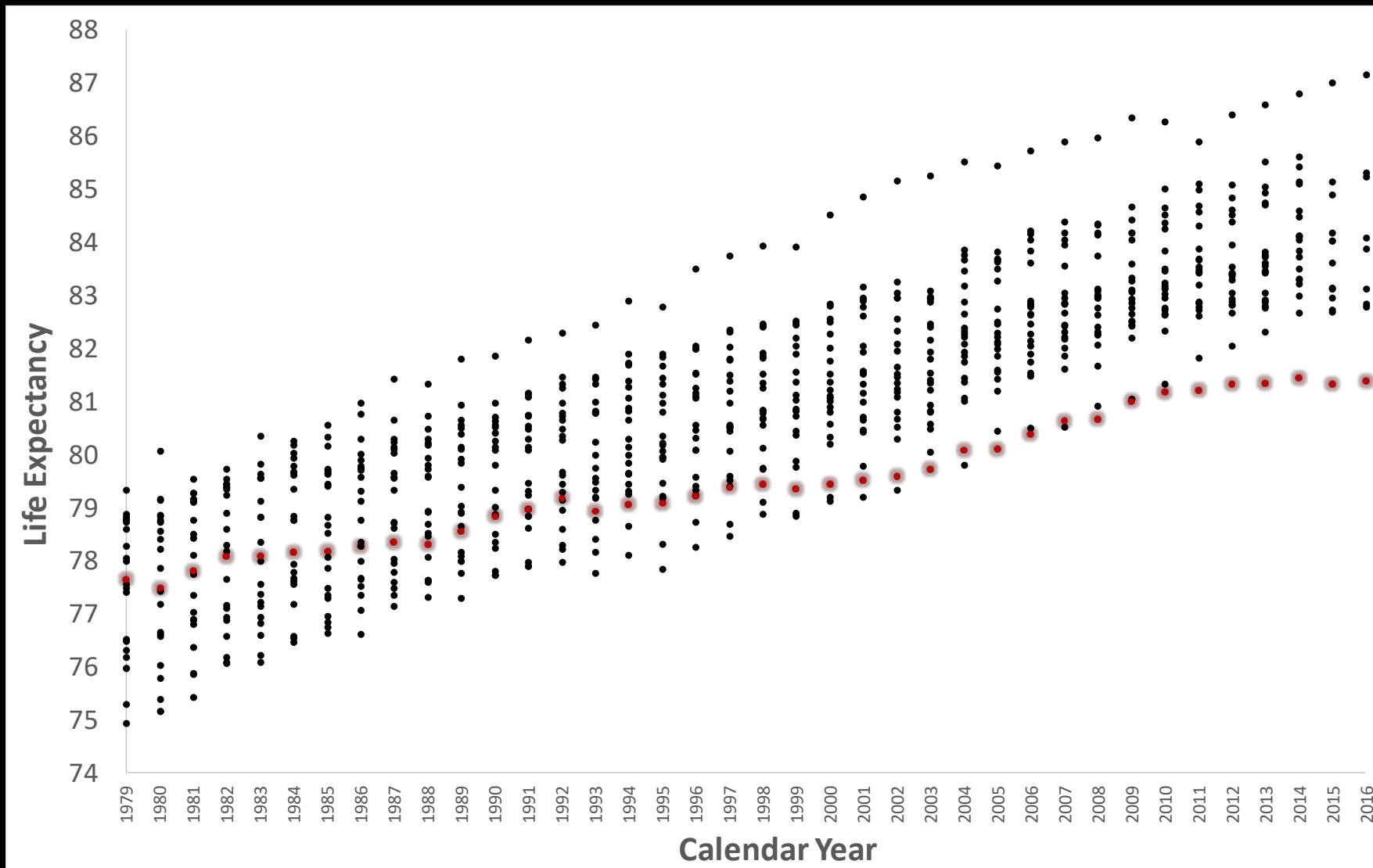
*Professor of Sociology  
and*

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Syracuse University*

December 4, 2019

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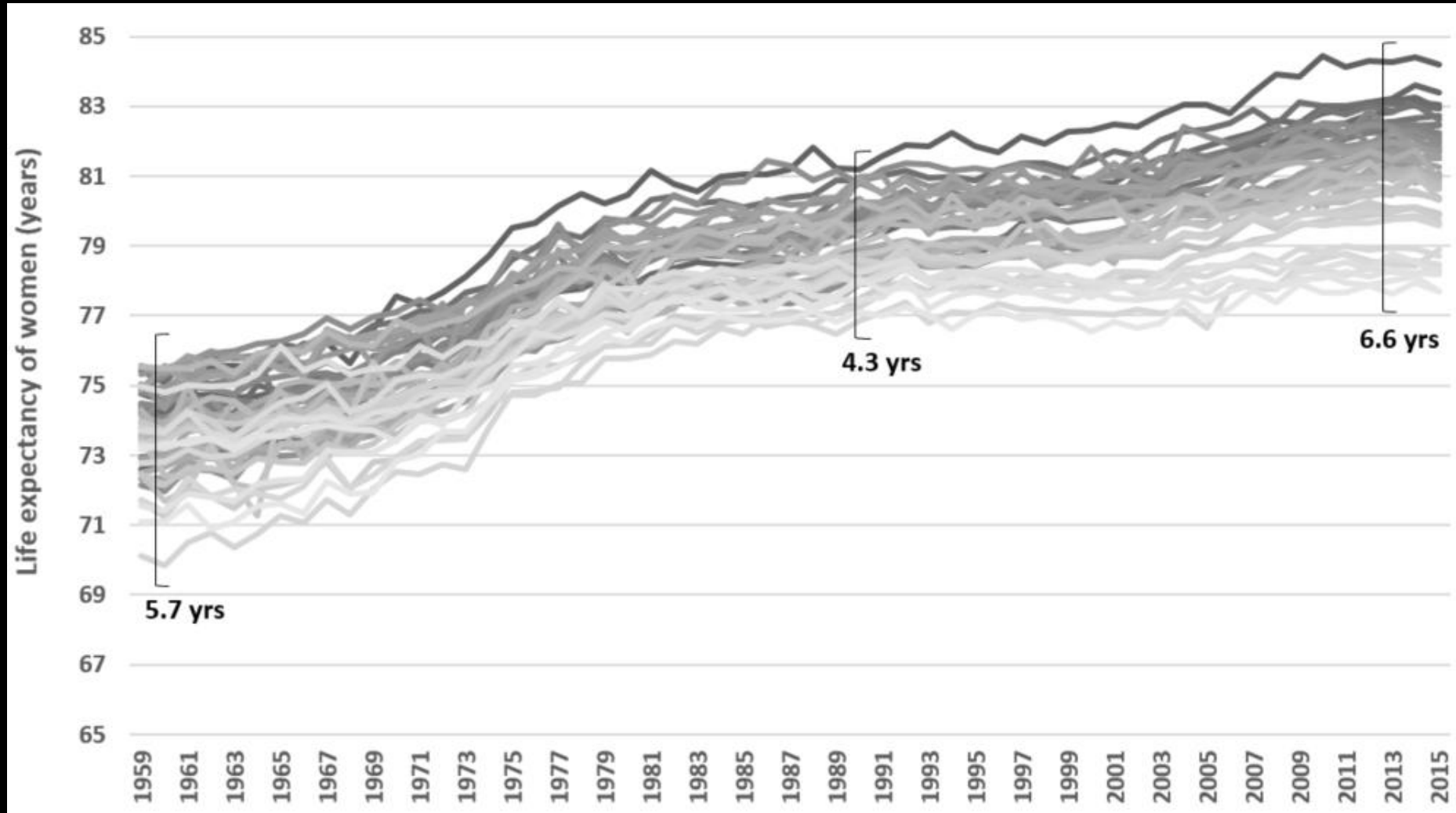
# Female LE at Birth in 22 High-income Countries



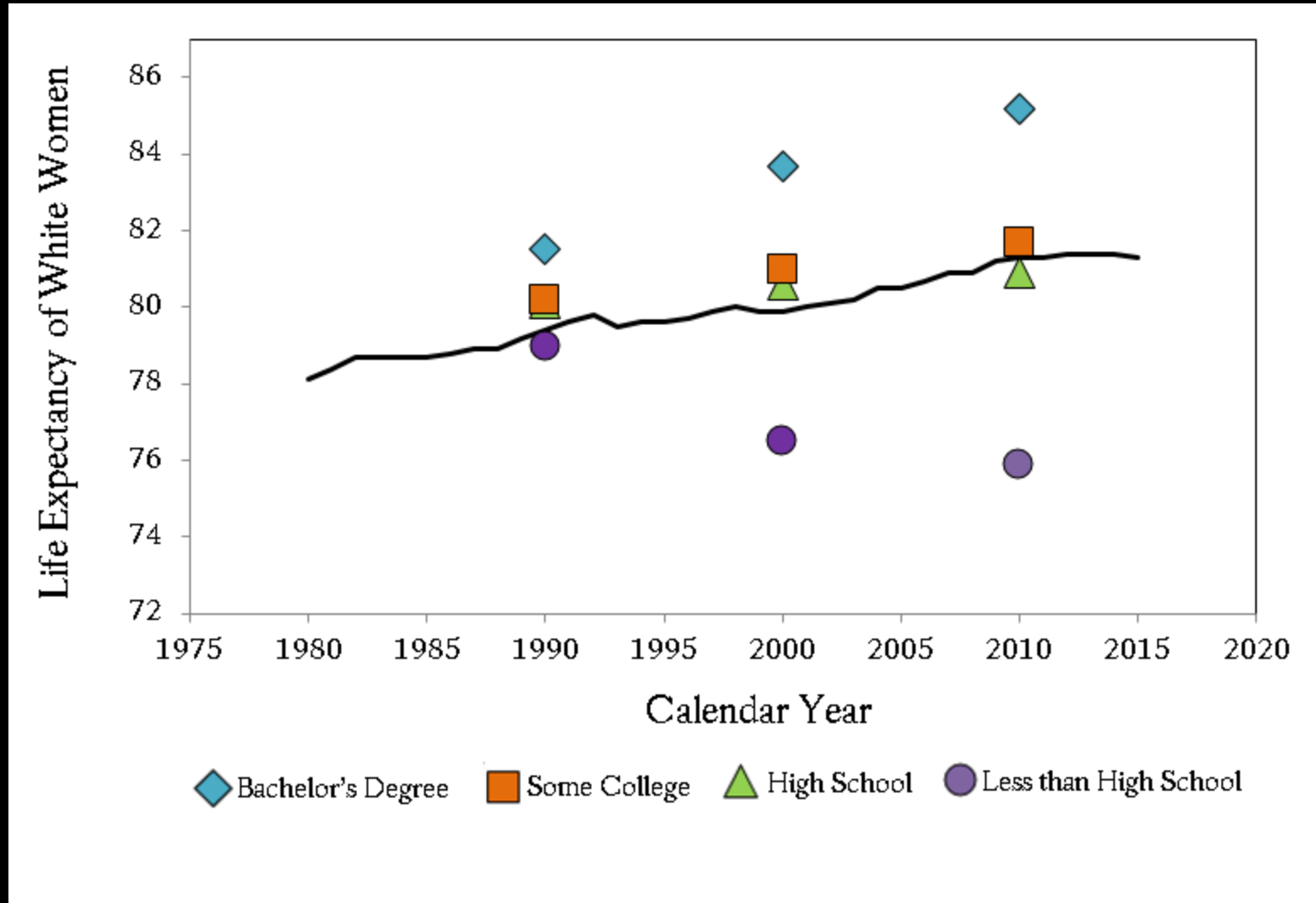
Source: Human Mortality Database.

Countries include Australia, Austria, Belgium, Canada, Denmark, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, UK, US, West Germany.

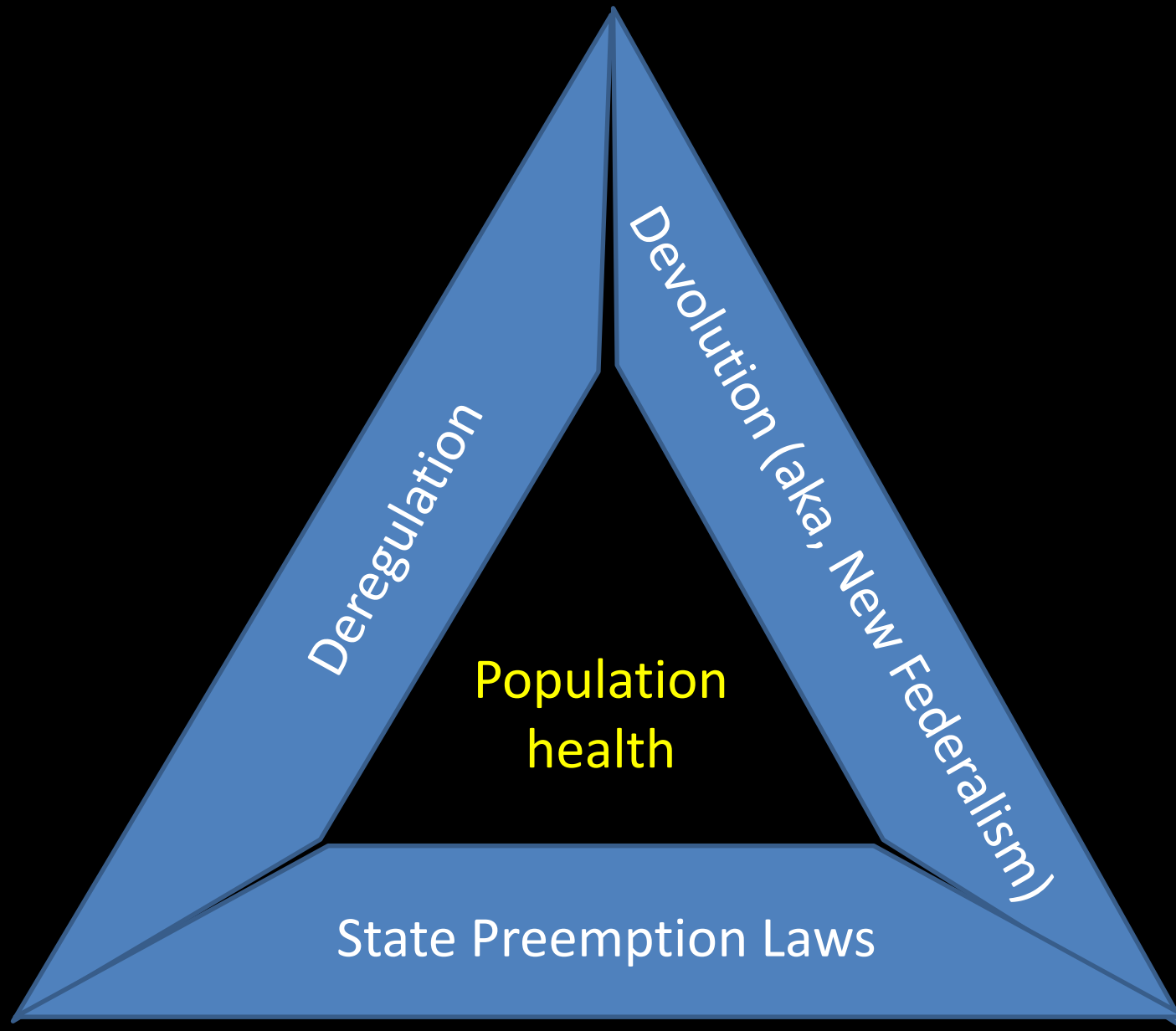
# U.S. Female LE at Birth by State



# U.S. Female LE at 25

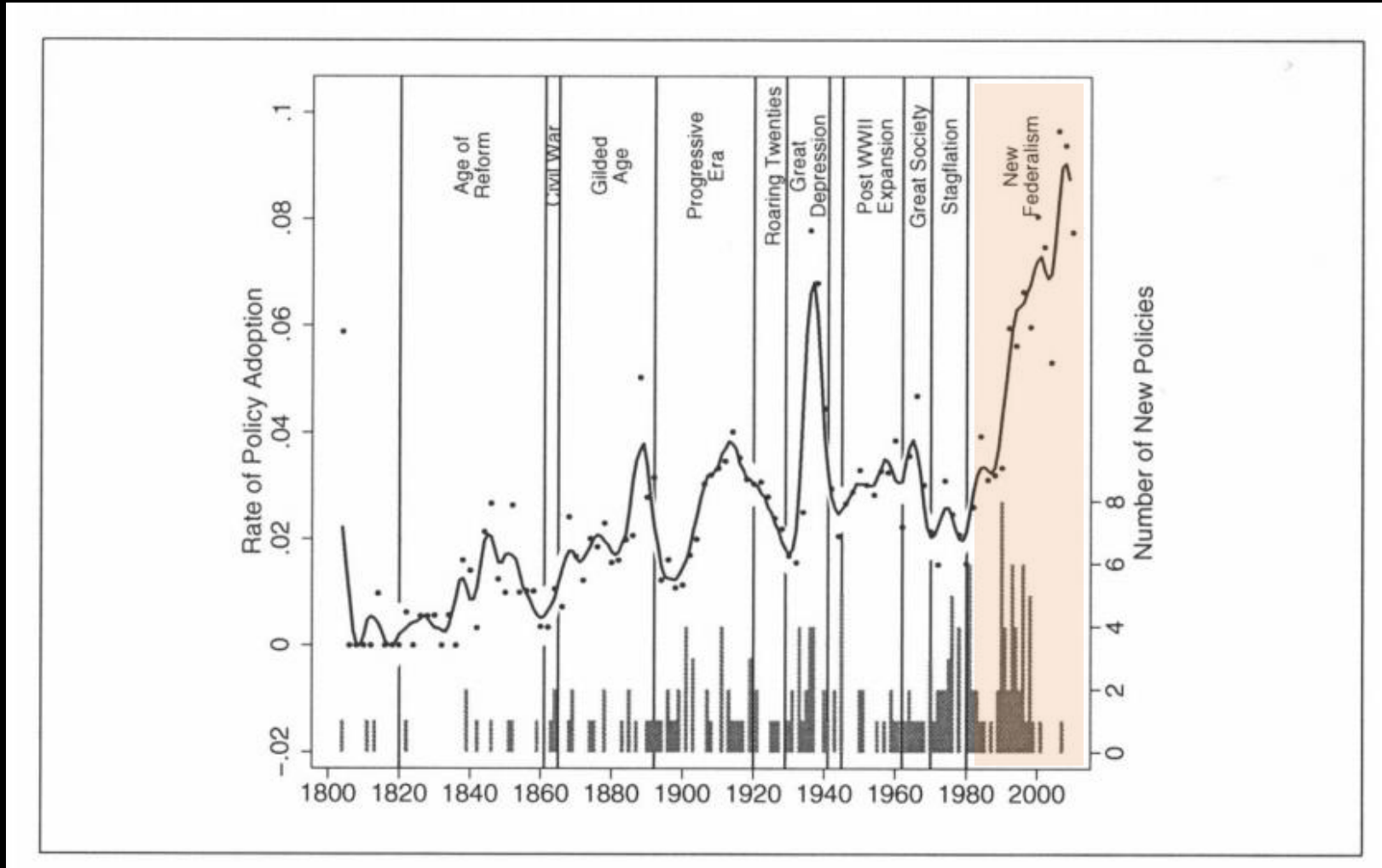


Source: Montez 2019, "Life Expectancy is Increasingly Tied to our Education Level," Lerner Center for Public Health Promotion, Syracuse University. Available at: <http://lernercenter.syr.edu/2019/03/05/professor-of-sociology-jennifer-karas-montez-publishes-data-brief-on-life-expectancy-ties-to-education-level/>



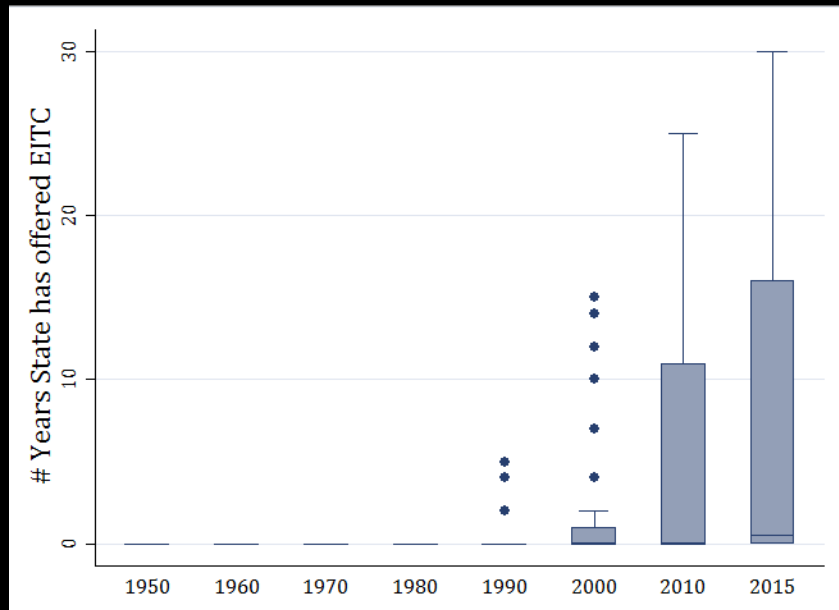
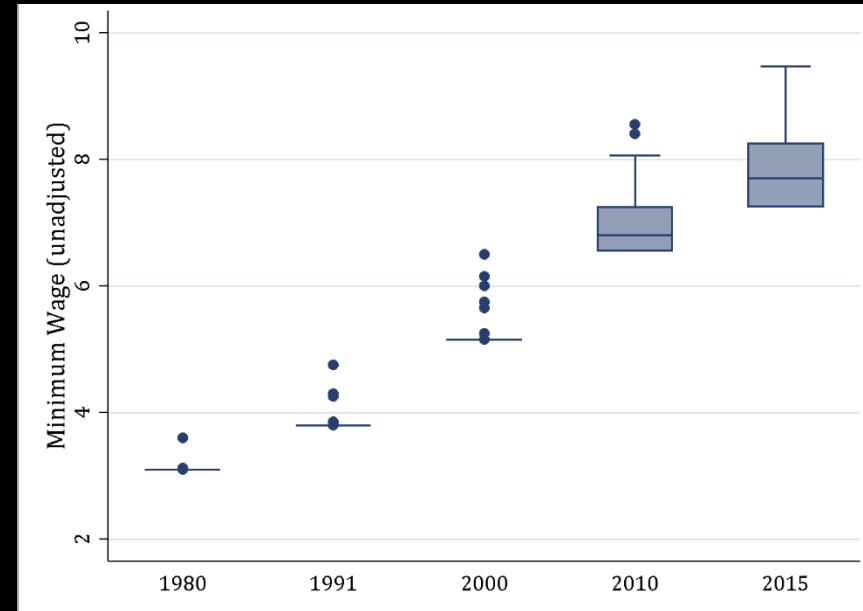
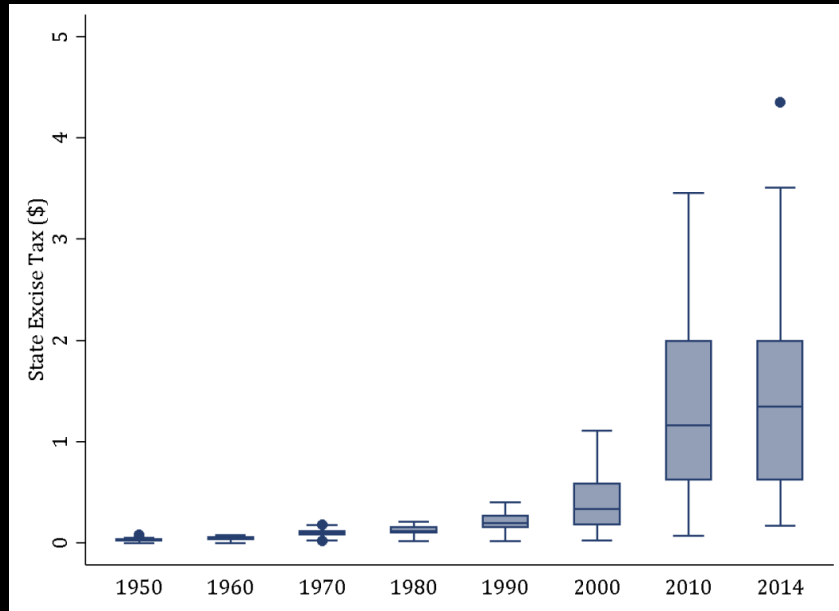
Source: Montez. 2017. "Deregulation, Devolution, and State Preemption Laws' Impact on US Mortality Trends." *American Journal of Public Health* 107(11):1749-1750.

“Compared to the 1970s, the policy regime under which an individual lives is increasingly determined by her **state** of residence.”  
(Grumbach 2018)



Source: Boehmke & Skinner. 2012. “State Policy Innovativeness Revisited.” *State Politics & Policy Quarterly* 12(3):303-329.

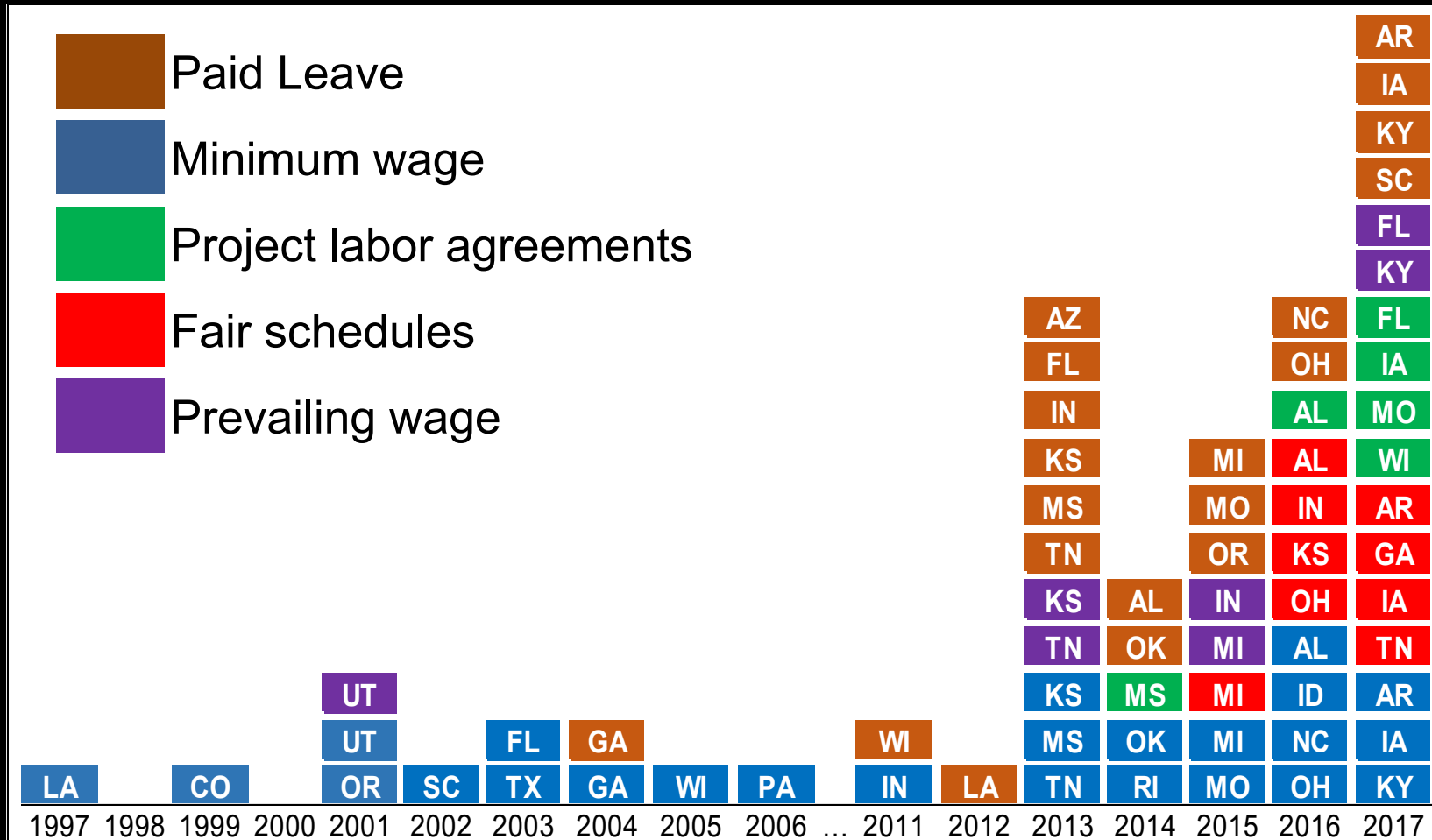
# Divergence in State Policies



By 2019...

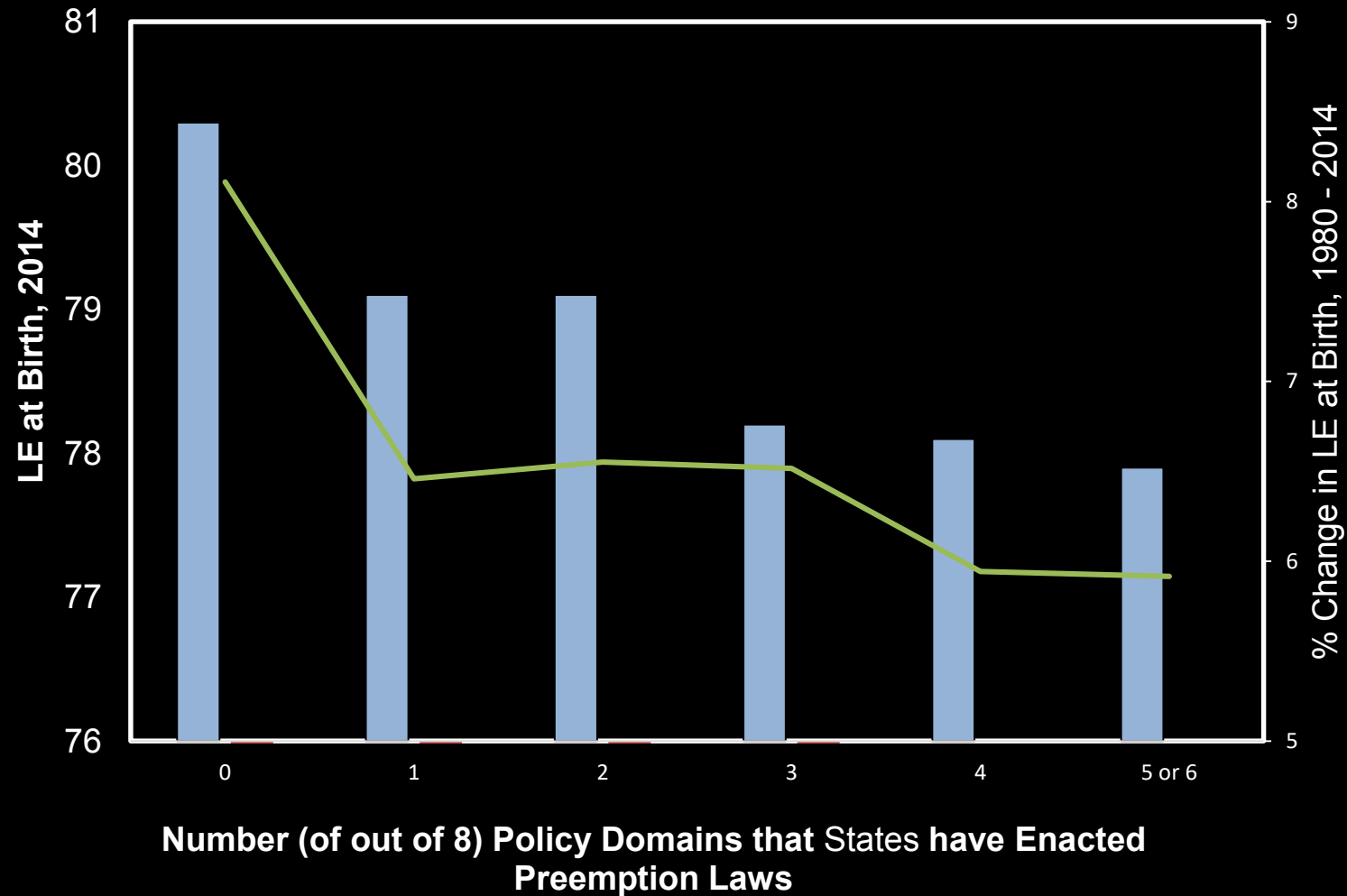
	Mississippi	New York
Cigarette tax	\$0.68	\$4.35
Minimum wage	\$7.25	\$11.10-\$15
EITC	No	Yes

# Proliferation of State Preemption Laws, 1997-2017

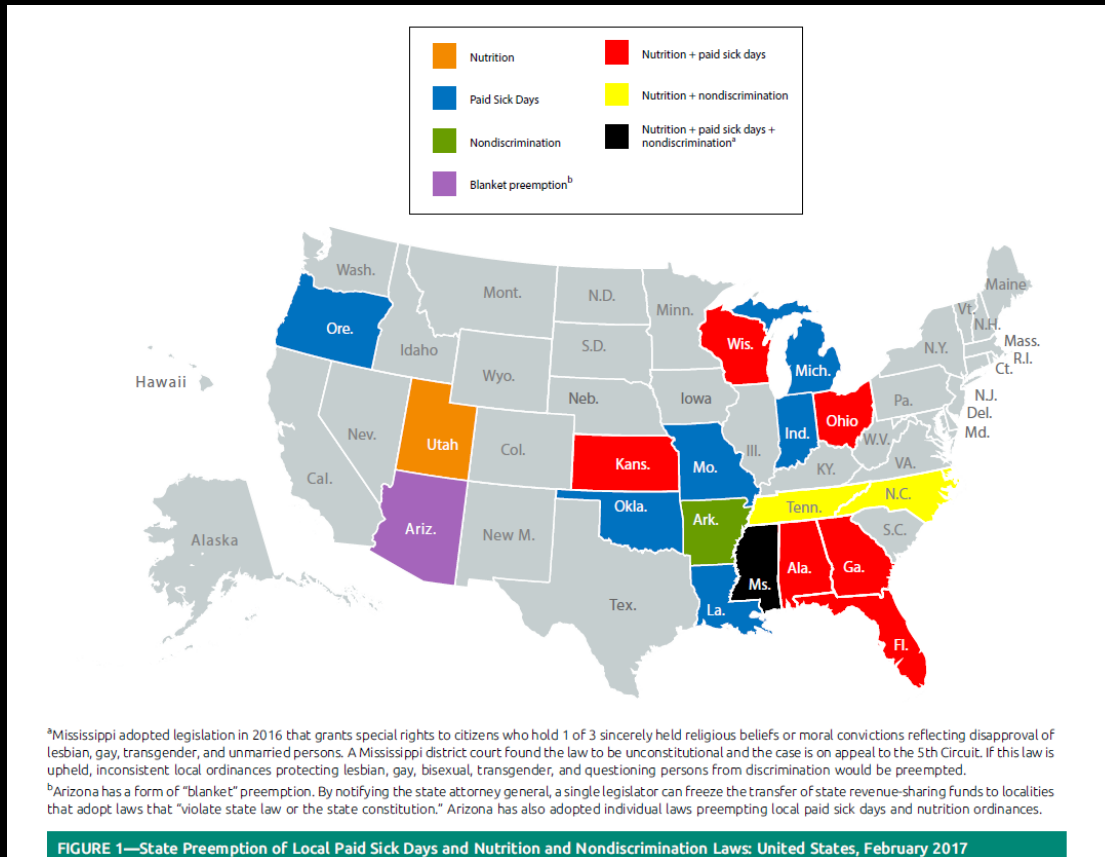




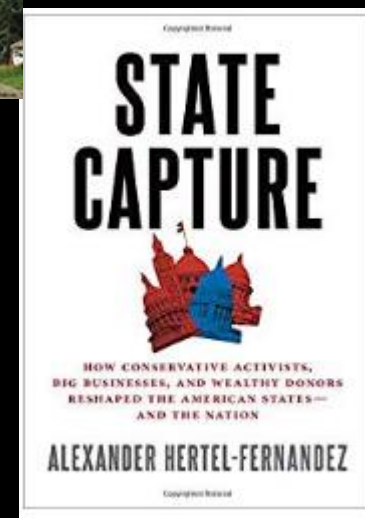
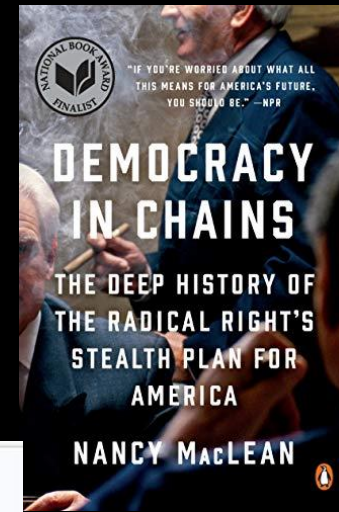
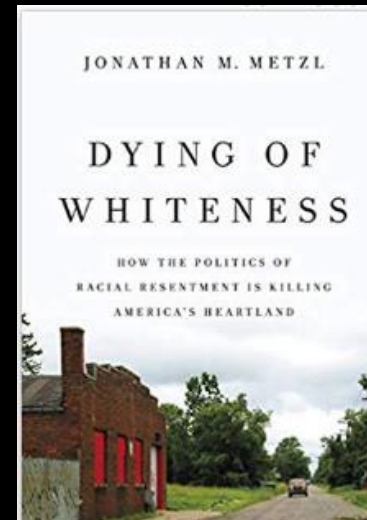
# US state preemption laws and life expectancy

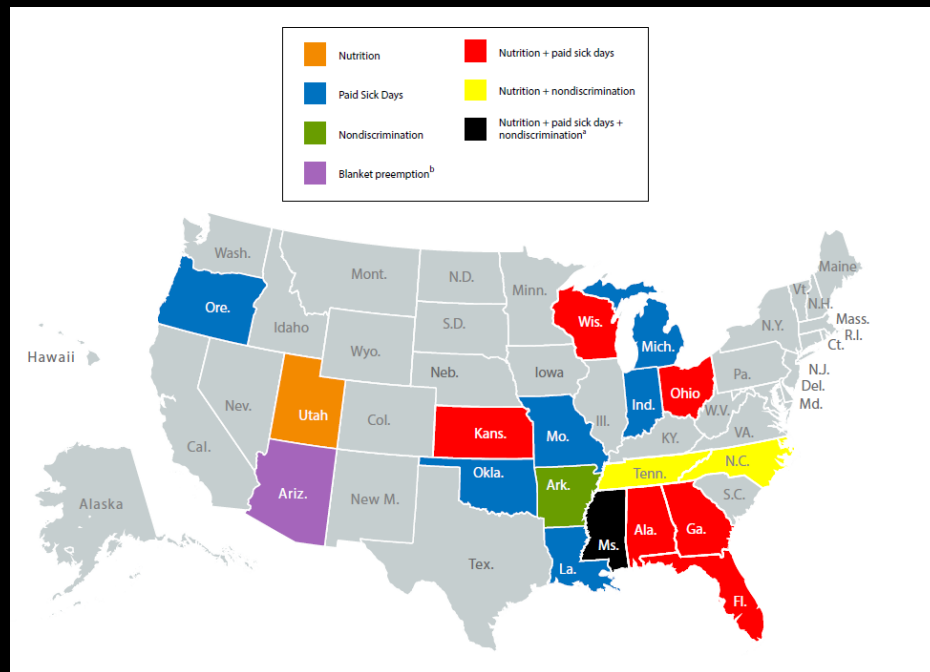


Source: Montez, 2018. "How state preemption laws prevent cities from taking steps to improve health and life expectancy" Scholars Strategy Network, Key Findings Brief. Available at: <http://www.scholarsstrategynetwork.org/brief/how-state-preemption-laws-prevent-cities-taking-steps-improve-health-and-life-expectancy>  
Notes: States with preemption laws in 0 of the 8 policy domains include CA, HI, IL, MA, NJ, NY; states with laws in 1 domain include CT, DE, ME, MN, MT, NE, NM, VT, WV, WY; states with laws in 2 domains include AK, CO, IA, KY, MD, ND, RI, TX, WA; states with laws in 3 domains include AR, ID, IN, NV, OH, OR, PA, SC, VA; states with laws in 4 domains include LA, MI, MS, MO, NH, SD, UT; states with laws in 5 domains include AL, AZ, GA, KS, NC, OK; states with laws in 6 domains include FL, TN, WI.

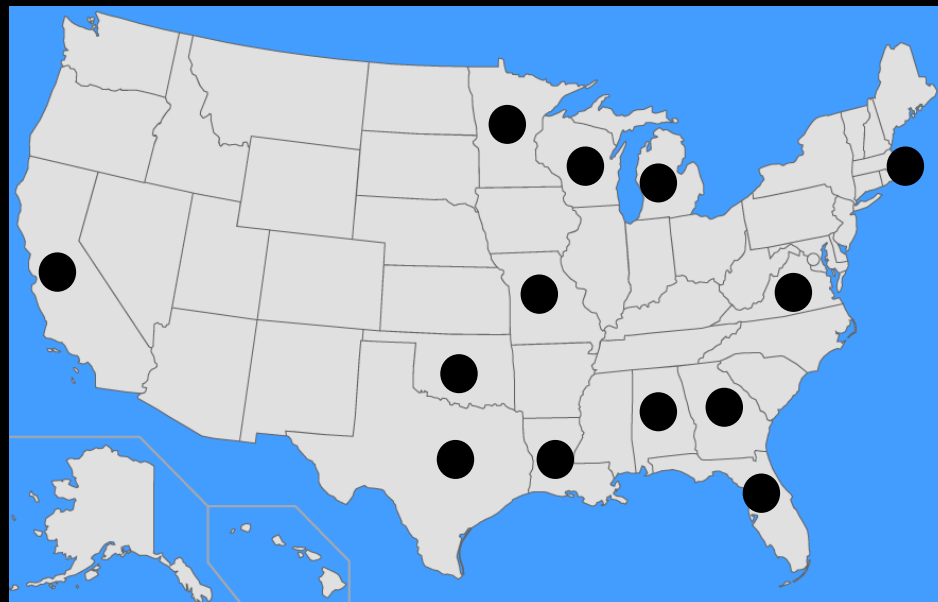


Pomeranz & Pertschuk. 2017. State preemption: a significant and quiet threat to public health in the United States. *American Journal of Public Health* 107(6):900-902





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Montez et al 2019 “Educational Disparities in Adult Mortality across U.S. States: How Do They Differ and Have They Changed Since the Mid-1980s?” *Demography* 56(2):621-644

# Local Initiatives, State Preemption, and Public Health

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Syracuse University

Supported by RWJF's "Policies for Action" (P4A) program



# Preempting a Patchwork

Examining State Efforts to Preempt Local Policies

December 4, 2019



Mark Treskon

# Project overview

Do local laws create a harmful “patchwork” of regulations?

We examine multiple policy areas for:

- Use of the patchwork argument
- Plausibility of the patchwork argument:
  - A “policy frame” analysis
- Evidence for effects of a patchwork
- Opportunities for future research



# Two-Step Scan

## Initial Scan Only

- Firearms
- Inclusionary zoning
- Minimum wage
- Broadband
- Sanctuary Cities
- Tobacco Minimum age

## Deeper Scan

- Paid sick
- Rent control
- Plastic bags
- Anti-discrimination

# Paid Sick

Twenty-three states have passed preemption laws preventing localities from requiring employers to provide paid sick time

Preemption proponents have argued that different local regulations:

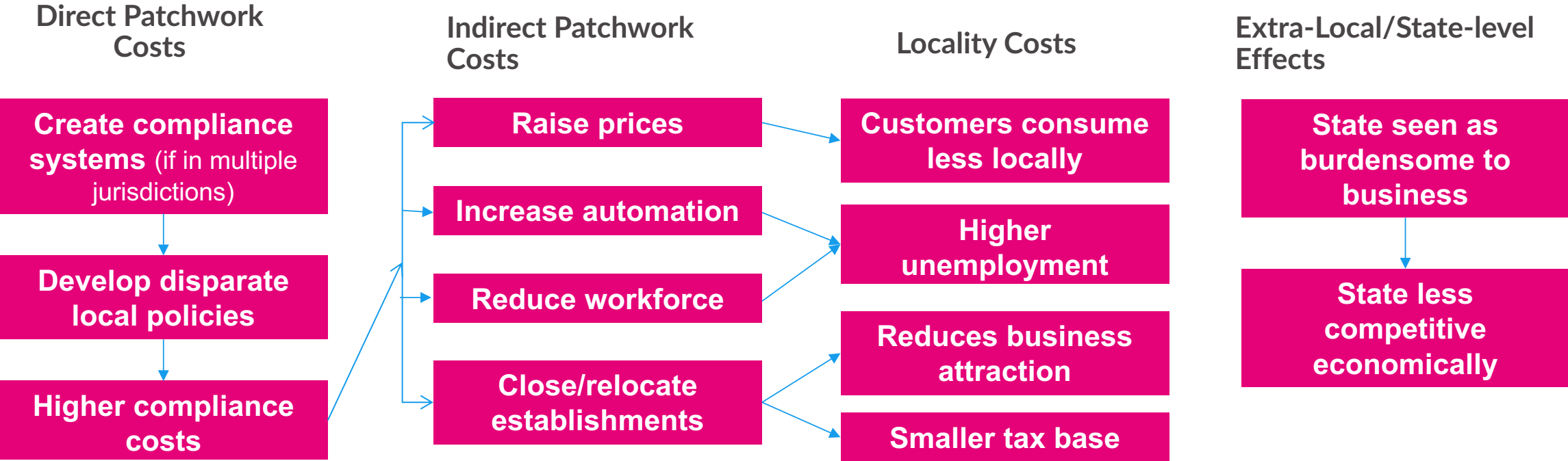
- Increased compliance costs, leading to
  - Higher prices
  - Pressure to reduce workforce costs
  - Less economic competitiveness

Employment regulation at the municipal level *“has created an inconsistent patchwork of regulations that make it difficult for cities to attract new businesses and create new jobs.”*

- director of government and public affairs for the San Antonio City Council



# Patchwork Policy Frame: Paid Sick's Supposed Costs



# Rent Control

All but 5 states (CA, MD, NJ, NY, OR) preempt local rent control. BUT potential repeals of state bans have brought national attention back to the issue.

Preemption proponents have argued that different local regulations:

- Create uncertainty for developers insofar as each city can freely modify rent caps at any time
- Complicate revenue projections on housing investments leading developers to move capital elsewhere
- Decrease new housing construction

*“Today, however, repealing Costa-Hawkins could create a haphazard patchwork of differing rent control rules in cities across the state. Moreover, the rules in each city could be subject to change at any point in the future, creating untold uncertainty for property owners, investors, lenders and developers.”*

– “The Case for Preserving Costa-Hawkins”, Kenneth Rosen.

# Plastic Bags

As of August 2019, 17 states have passed preemption laws to prevent local governments from banning various plastic items, and several others have introduced similar legislation ([cite](#)).

Preemption proponents have argued that different local regulations:

- harm retailers: adding complexity, especially for those operating in multiple jurisdictions
- confuse consumers: uneven pricing leading to less competitive businesses in affected communities

*“If we just continue on this path toward banning everything, you end up with a hodgepodge of local laws that don’t work for consumers, don’t work for businesses and miss the mark on the environment.”*

- Matt Seaholm, American Progressive Ban Alliance

# Anti-Discrimination

Three states – Tennessee, Arkansas, and North Carolina – have passed laws preempting the passage of local nondiscrimination ordinances.

Less active recently: business groups have often opposed these laws

Strong economic rhetoric: multiple named: “Intrastate Commerce Improvement Act”

Preemption proponents have argued that different local regulations lead to:

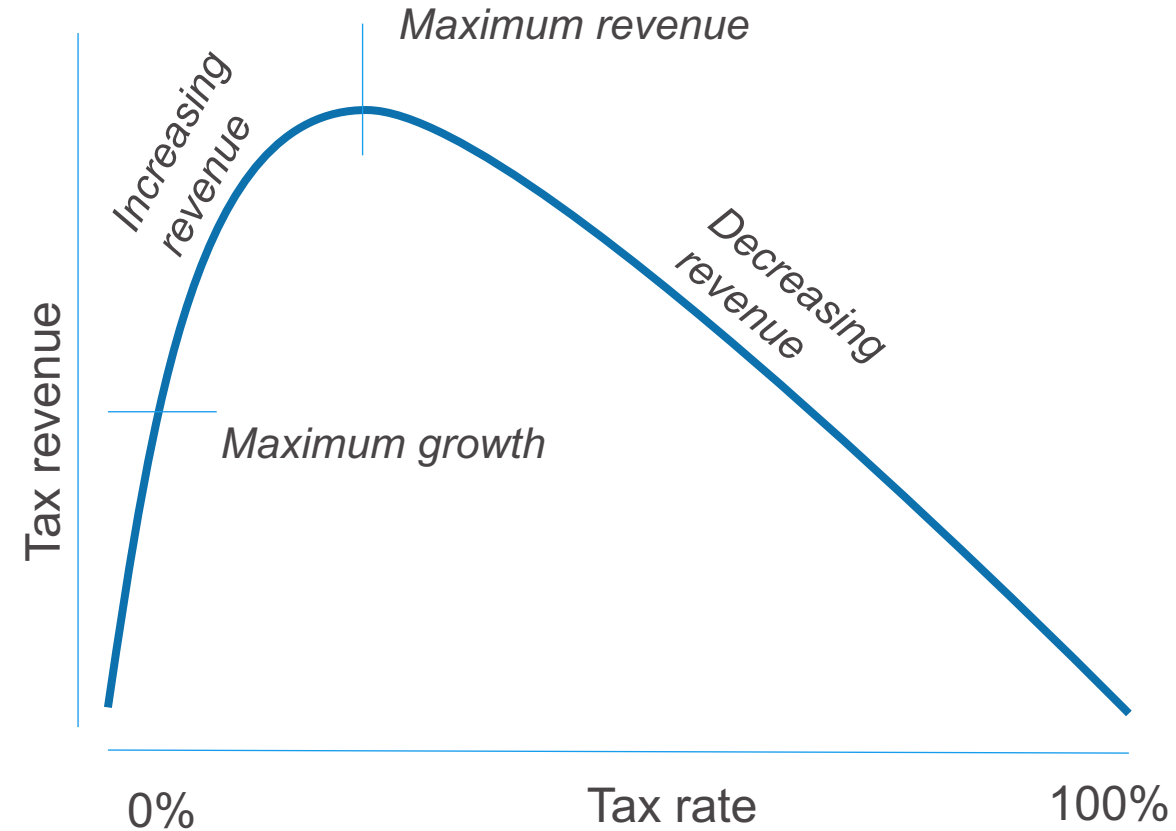
- Administrative compliance burden
- A worse economic climate

*Without Public Chapter 278, businesses desiring to contract with various local governments across the state would have been faced with trying to comply with a hodge-podge of different and sometimes inconsistent personnel policy requirements relating to discrimination. These local laws can hinder business growth, impair job creation, impede intrastate commerce, and result in increased costs to taxpayers.*

– During debate on Tennessee’s law

# Takeaways

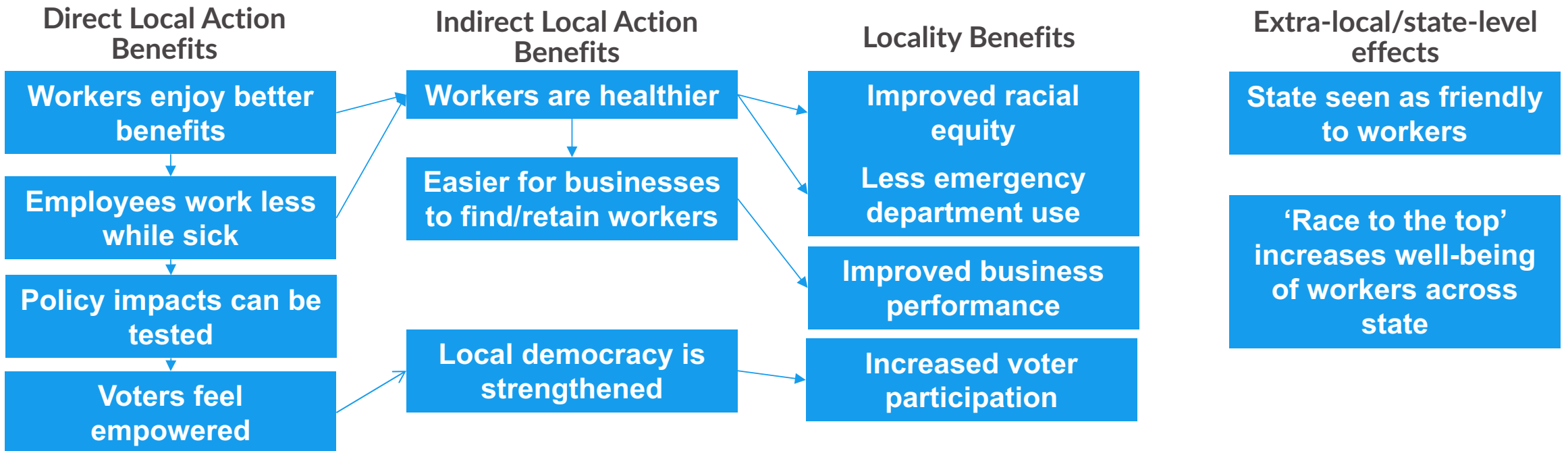
- Lessons from the Laffer Curve:
  - Perhaps the nub of something to investigate
  - BUT the 'harm' of a patchwork is rarely, if ever, quantified: it *seems* plausible, without being justified
- So who is actually harmed?
  - Businesses: Small, but more than one location
  - Employees: fewer hours, fewer jobs?
  - Consumers: may pay more
  - Government: enforcement costs, tax base loss (eventually...maybe)



# Considerations for the Field

- Interrogate, don't assume, the merits of the argument
- Ask for evidence
- Local / state relationship as to the state / federal relationship: the patchwork can 'scale up'
- A harmful patchwork or beneficial local tailoring?

## Local Paid Sick Days Policy Enactment



# Next Steps: Building a Research Agenda

- What research questions do we need to ask?
- What data do we need?
- Urban: doing a deeper dive on Paid Sick Laws



NYU

COLLEGE OF GLOBAL  
PUBLIC HEALTH

December 4, 2019

# LSSC: Preemption

Jennifer L. Pomeranz, JD, MPH



# Federalism

- Federal government
- State governments
  - Local governments



# The Institute of Medicine

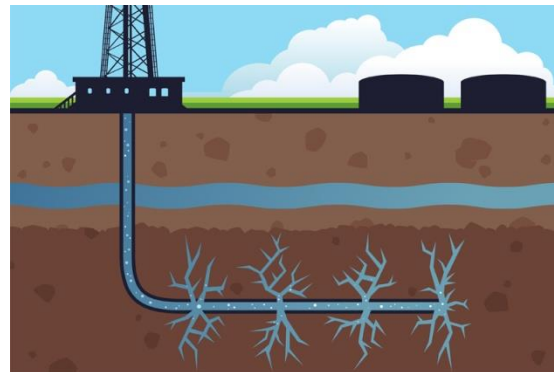
FEDERAL AND STATE ACTIONS, WHEREVER APPROPRIATE, **SHOULD SET MINIMUM STANDARDS** (FLOOR PREEMPTION) ALLOWING STATES AND LOCALITIES TO FURTHER PROTECT THE HEALTH AND SAFETY OF THEIR INHABITANTS. PREEMPTION SHOULD **AVOID LANGUAGE THAT HINDERS PUBLIC HEALTH ACTION.**

*For the Public's Health: Revitalizing Law and Policy to Meet New Challenges, Committee on Public Health Strategies to Improve Health, Institute of Medicine. June 21, 2011*



INSTITUTE OF MEDICINE  
OF THE NATIONAL ACADEMIES

# State Preemption To Block Public Health Policy



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- Add preemption to a non-relevant bill
- Propose and enact bills that preempt multiple non-related topics simultaneously
- Punitive preemption
- Preemption of litigation by providing industries immunity from lawsuit

THANK YOU!

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