







washingtonbreathes.org

Preemption in Washington's Commercial Tobacco Laws



Washington is one of only 5 states that broadly preempt most local commercial tobacco policies.

Local Governments Cannot Regulate Sales or Promotions of Cigarettes, E-Cigarettes, and Other Tobacco Products

-  **No local licensing of tobacco retailers.**
-  **No local restrictions on numbers or locations of smoke shops or vape shops.**
-  **No local restrictions on tobacco advertising, signs, or promotions.**
-  **No local laws prohibiting products designed to appeal to youth.**

RCW 70.155.130 and RCW 70.345.210

Local Governments Can Regulate Smoking and Vaping in Public, with Some Limitations

-  **Local laws can restrict smoking in outdoor public places, like parks and playfields.**
-  **Local laws can prohibit vaping in indoor public places.**
-  **Local laws can restrict vaping in outdoor public places "where children congregate".**

RCW 70.160 and RCW 70.345.210

WHAT IS PREEMPTION?

Preemption occurs when a "higher" level of government eliminates or reduces the authority of a "lower" level to legislate in a certain area.

State laws can preempt local laws in several different ways. Preemption can be **Express**, meaning the state law specifically says what is not allowed. Or it can be **Implied**, meaning that the law's language is interpreted as blocking local laws.

Within express preemption, two common forms are floor and ceiling preemption.

Floor Preemption: State law sets minimum standards and expressly allows local governments to pass stronger laws.

Ceiling Preemption: State law expressly prohibits local laws from having different requirements.

Tribes are sovereign nations with inherent powers and a government-to-government relationship with the state.

Washington's commercial tobacco laws do not apply on Tribal lands.



More information is on our website.



Washington Breathes is a statewide coalition working to eliminate the harms of commercial tobacco use. This fact sheet was developed by the Policy Workgroup and approved by the Steering Committee.

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