

**PREEMPTION DOCTRINES**

*Preemption is the Supremacy Clause in operation*

*Preemption arises only where a state has legislated in an area where congress has also acted (or specifically declined to act)*

*Even when not preempted, a state law may be unconstitutional on other grounds. Consider the Dormant Com.Cl.*

*Only valid federal statutes can preempt*

*The federal statute can preclude all state laws on the subject or just those inconsistent w/ federal policies*

