

What is the Supremacy Clause?

It is found in Article 6, Section 2 of the Constitution. It establishes the United States Constitution, federal statutes, and treaties as the supreme law of the land. Why does this matter to the states?

States have 'police powers' under the Tenth Amendment. This Amendment allows states to regulate the health, safety, and general welfare of their state. A state is also free to pass a law that the federal government has not passed. However, if the federal government has passed a law regulating a particular activity or area, then the state must not '*take away*' from the law.

Example: Let's suppose that the federal government passed a law stating that hamburgers must be cooked to the temperature of 150 degrees. This is now controlling on every state. A state may pass a law requiring that hamburgers must be cooked to the temperature of 151 degrees because a state may add to the federal law. The state **would not** be allowed to pass a law requiring that hamburgers are cooked to the temperature of 149 degrees because this '*takes away*' from the federal law.