

# NATIONAL REVIEW

## Too Many Laws, Too Much Regulation

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Amid the many crucial issues facing this country, lawmakers in some 30 states turned last month to a matter of grave national import: regulating fantasy sports betting. Depending on the state, lawmakers variously seek to ban the popular pastime, to permit it, or to impose regulations such as age restrictions, licensing requirements, and registration fees. All of which raises the obvious question: Why is any of this the government's business?

One of the complaints that the Founding Fathers leveled against King George III in the Declaration of Independence was that "He has erected a Multitude of New Offices, and sent hither Swarms of Officers to harass our people, and eat out their Substance." This country was founded on the idea that, under most circumstances, government ought to leave us alone.

But today one just has to look around to realize that government, at every level — federal, state, and local — is, with increasing regularity, inserting itself into every aspect of our lives. Whether it's our bedroom, our wallet, our medicine cabinet, or our refrigerator, there seems no area of our life that lawmakers don't believe it is their business to regulate according to their morals, judgment, preferences, or whims.

It is becoming increasingly difficult to do anything without first receiving some form of permission from one government authority or another. According to both the Brookings Institution and the president's Council of Economic Advisers, roughly 30 percent of the workforce is covered by some form of occupational licensing, from florists to funeral attendants, from tree trimmers to make-up artists.

We are all familiar with the stories about cities and towns that have shut down children's lemonade stands for lack of a business permit. But did you know that more than 50 cities actually prohibit you from giving food for free to the homeless? This includes such liberal bastions as Atlanta, Baltimore, Los Angeles, Philadelphia, and Seattle.

We've also heard much about former New York mayor Michael Bloomberg's efforts to ban or regulate large sodas, salt, and trans fats. But New York City is not alone in telling us what we should eat. San Francisco, for instance, has outlawed McDonald's Happy Meals. New York City, which doesn't much like Happy Meals either, is considering regulations setting standards for fat, sodium, and calories, and requiring that Happy Meals include a serving of fruit, vegetable, or whole grains.

Food seems to be a particular obsession for lawmakers. The constant tinkering with school lunches can perhaps be justified, since public schools are government run. But what are we to make of the fact that 19 states ban the sale of raw milk? California actually deploys official “food confiscation teams” to raid the homes of people found to have purchased illicit milk. Even the federal government gets in on that one, making it illegal to sell raw milk across state lines. Want more? Arkansas, Virginia, West Virginia, and Tennessee have joined Berkeley, Calif., in levying special taxes on sodas. North Carolina bans the sale of rare hamburgers.

E-cigarettes and “vaping” are the latest fad to draw the attention of legislative busybodies. New Mexico is just one of the states that are considering legislation to restrict or ban smokeless smoking. Congress too is thinking of weighing in. The authorities don’t want us to smoke (even non-cigarettes), or to drink, either. Twenty-seven states have banned powdered alcohol, and Senator Chuck Schumer of New York introduced legislation last year to ban it at the federal level (fortunately, that bill didn’t get anywhere). Tanning and tattoos are other “vices” that have come in for special levels of government scrutiny and regulation.

But let’s not assume that it is just the Left that wants the state to inject itself into our personal lives. Conservatives have been all too willing to legislate their moral preferences, especially when it comes to sexual behavior. How else can you read the fact that Alabama outlaws sex toys? In Michigan, the state senate has just passed legislation making oral sex, even among married heterosexual couples, a felony. Some New Hampshire legislators are busy trying to prohibit topless sunbathing on the state’s beaches. And Montana lawmakers recently considered a proposal to ban yoga pants, under the state’s indecency laws. A handful of states still prohibit the sale of alcohol on Sundays.

The nanny state is no respecter of party lines.

Too many lawmakers, and too many voters, subscribe to the adage, “There ought to be a law.” That which is good should be mandatory; that which is bad should be banned.

But, as Ronald Reagan once said, “Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.” That’s worth keeping in mind the next time we think about granting the government more power to regulate our lives. And it is worth remembering the next time some politician promises that he will get some law passed because it is for our own good.

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