Overwhelmed by overdoses

The rise in drug-related deaths has states still searching for a mix of strategies to properly address the public health crisis

by Laura Kliewer (lkliewer@csg.org)

F ew if any U.S. states have been hit harder than Ohio by the crushing rise in drug use, abuse and overdose deaths.

That state’s rate of overdose deaths was second in the nation in 2017: 46.5 per 100,000. Behind those numbers, too, are tragic stories that have personally touched many Ohio legislators — and helped lead their ongoing search for policy solutions.

“For multiple years, multiple general assemblies, it has been a legislative priority,” says Ohio Sen. Jay Hottinger, a member of the General Assembly since 1995.

“If you wrote just a paragraph on each bill, it would be about 17 or 18 pages.”

He was a sponsor of one of Ohio’s most recently passed bills — last year’s SB 119, known as Daniel’s law in honor of a young Ohio man who died from an opioid overdose after years of fighting addiction.

Daniel Weidle had found success in his fight through the use of naltrexone (one of the medications federally approved for treatment of opioid-use disorder), but after losing his provider, Daniel got turned down several times in trying to refill his prescription.

Ohio’s new law grants authority to pharmacists to dispense or administer a five-day emergency supply of naltrexone without a prescription, if they can verify the patient already has been on the drug.

The goal of SB 119: preventing tragic stories like Daniel’s.

For Hottinger, too, Ohio’s ongoing fight against drug addiction has become a personal and professional passion for him. His wife’s father became addicted to heroin after being prescribed opioid painkillers for a job injury.

“He was very successful,” Sen. Hottinger says. “He worked for his family, his father’s construction company, that built the 7-Elevens in the central Ohio area. He drove a Corvette and had a pilot’s license and had his own plane.”

Then he hurt his shoulder on the job, got addicted to the pain medications prescribed to him, and eventually got hooked on heroin.

“You hear of people that lose everything; that was true of my future father-in-law,” Hottinger recalls. “He lost the family relationship; he never got to see his grandson. He battled homelessness. … I met him two times before he died, and both were at methadone clinics.

“That story is personal to me, but that is a story we hear a lot.”

No. 1 cause of injury death

Since 2011, drug overdose deaths have been the leading cause of injury death in the United States, and they now far exceed deaths from suicide, car crashes and firearms. There were more than 70,000 fatal drug overdoses in 2017, the highest level ever recorded.

Controlled prescription drugs are responsible for the most drug-involved deaths, according to the U.S. Drug Enforcement Agency, and are the second most commonly abused substance (behind marijuana).

Most individuals who report misuse of prescription pain relievers, the DEA notes, cite physical pain as the most common reason for abuse; these misused pain relievers are most frequently obtained from a friend or relative.

Opioids of all kinds — controlled prescription drugs, illegal synthetic opioids or heroin — account for about two-thirds of the nation’s overdose deaths. In the 11-state Midwest, they were behind 82 percent of these deaths in 2017.

Drug overdose rates in Midwest, 2017: Deaths per 100,000 residents (age-adjusted)

Source: Centers for Disease Control and Prevention

Trends in leading causes of U.S. injury deaths


Drug poisoning: 63,632 +265.4%
Suicide: 44,905 +53.2%
Motor vehicle crash: 40,327 –6.9%
Firearms-related: 38,658 +34.9%
Homicide: 19,362 +15.5%

Higher than U.S. rate of 21.7 per 100,000
Lower than U.S. rate of 21.7 per 100,000

States are trying to curb the rise in drug abuse and deaths through a mix of strategies — for example, investing more in treatment programs, experimenting with a treatment delivery system known as “hub and spoke,” and better monitoring the habits of prescribers and prescription drug users.
Economic Development

End to ‘border wars’? Policy proposals reflect concerns about tax-incentive programs

In Kansas City’s metropolitan area, there is a long history of businesses crossing the Kansas-Missouri border — lured by one of the two states’ tax breaks and financial incentives. “It’s a zero-sum game when incentives are given to move a company just a few miles from where it was,” says Rep. Kristey Williams, a member of the Kansas House Commerce, Labor and Economic Development Committee. “Essentially, taxpayers lose.”

Could this traditional type of interstate competition be replaced by an interstate collaboration, or cease-fire?

Smaller- and large-scale ideas were being proposed in the nation’s state legislatures in early 2019, including a bill known as the “border war bill” in Missouri. Passed by the state Senate in late February, SB 182 would prohibit state incentives from being offered to companies located in four Kansas border counties. Kansas would have to adopt a comparable ban for SB 182 to take effect.

According to Missouri Sen. Mike Cierpot, the bill’s sponsor, the two states have “spent over $335 million in recent years to bring more accountability to existing tax-incentive programs — for example, requiring more transparency, legislative oversight and review, and data-driven analysis of the impact of subsidies.

In Kansas, with the introduction of HB 2006, Rep. Williams is hoping to bring her state more in line with other states that have added these types of evaluation criteria and requirements. “We will better be able to identify if the investments we are making are actually bringing a return back to Kansas,” she says.

HB 2006 would require:
• a database (searchable by geographic location, recipient and program type) of all incentives from programs that provide $50,000 or more in annual claims; and
• an analysis by Kansas’ legislative auditors that evaluates each state incentive, including an estimate of the economic and fiscal impacts as well as a calculation of the return on investment vs. the cost of the program.

Midwest-Canada Relations

Industry groups: End ‘tit-for-tat’ tariffs and return to ‘zero-tariff North American trade’

From the pork products that come from Kansas to the soaps made in Ohio, the specter of retaliatory tariffs looms large among the Midwest’s economic sectors that rely on trade with Canada and Mexico. Many of the affected industry groups continued in early 2019 to try to get their voices heard among U.S. trade leaders. One of their latest outreach efforts: A letter signed by a diverse group of more than 40 organizations — including the National Corn Growers Association, the U.S. Chamber of Commerce, the National Pork Producers Council and the Association of Equipment Manufacturers — urging a return to “zero-tariff North American trade.”

Some observers have predicted that the Trump administration will lift some of the tariffs it began to impose on steel (25 percent) and aluminum (10 percent) in 2018. As of early March, though, that had not happened.

Without this change, retaliatory tariffs from Canada and Mexico will continue, while adoption of the new U.S.-Mexico-Canada Agreement (USMCA) becomes less likely. In February, after meeting with high-level officials from Canada and Mexico, U.S. Sen. Chuck Grassley of Iowa, chair of the Senate Finance Committee, said he doubted those two countries would OK the USMCA without a change in tariff policy.

President Trump began imposing these tariffs on national security grounds, saying the U.S. needed to save its steel and aluminum industry. Canadian and Mexican firms have been hurt by these tariffs, as have some U.S. companies — namely those that buy foreign steel and aluminum for the manufacture of their products.

Canada and Mexico responded to the U.S. actions with tariffs of their own.

In January 2019, Purdue University’s Department of Agricultural Economics found that retaliatory tariffs on agriculture are expected to cost this U.S. sector about $1.8 billion annually. That far outweighs any benefits from the USMCA. Pork and corn, key exports for the Midwest’s farm economy, are among the U.S. farm products being targeted for retaliation.

Half of all U.S. manufacturing jobs, meanwhile, depend on trade in some way. Last summer, in its analysis of the impact of retaliatory tariffs, the U.S. Chamber of Commerce concluded that a mix of this region’s manufacturing and agricultural industries would be most impacted by “escalating tit-for-tat trade actions” (see table).
Agriculture & Natural Resources

Mix of funding, policy ideas in Minnesota reflect rising concerns about chronic wasting disease

Chronic wasting disease already is a problem in the 24 states (including all but Indiana and Ohio in the Midwest) and two Canadian provinces where it has been detected in free-ranging deer, elk or moose.

This year in Minnesota, though, legislators have been exploring just how much bigger the problem could become — if the disease continues to spread and/or if it is transmitted to humans.

"It has the potential to change hunting as we know it," Minnesota Rep. Rick Hansen says. "As a hunter, I am concerned about field processing and consumption of deer, and other hunters should be too."

No human is known to have gotten ill from eating venison from a CWD deer, but that might not always be the case, a state expert warned lawmakers at a legislative hearing earlier this year in Minnesota.

"It is probable that human cases of CWD associated with the consumption of contaminated meat will be documented in the years ahead," Michael Osterholm, director of the University of Minnesota’s Center for Infectious Disease Research and Policy, said at the hearing. He added that "it is possible that the number of human cases will be substantial and will not be isolated events."

Early in 2019, Minnesota’s governor and legislators were proposing a more aggressive response to CWD.

Gov. Tim Walz wants to invest $4.57 million during the next biennium, and then $1.1 million annually in subsequent years, to enhance the state’s surveillance of CWD, response and enforcement activities, and outreach to landowners. His proposal came in the wake of news that the disease appeared to be spreading in Minnesota; it was found for the first time in a wild deer outside of the state’s southeastern region.

Along with Walz’s funding request, the Legislature is considering a number of bills that, if passed, would make Minnesota a test site for CWD control. These measures would appropriate new general-fund dollars (rather than relying solely on hunting fees) to the fight against the disease — for example, investing in research that leads to on-site tests and early detection. Some lawmakers also want to require double fencing of farmed deer and the depopulation of farmed herds at facilities where the disease has been found.

No actions to date have been shown to eliminate CWD in free-ranging wildlife, but the Association of Fish & Wildlife Agencies has identified best-management practices. Many of these practices are in place in parts of the Midwest. For example:

- Illinois has an extensive surveillance program to examine hunter-harvested deer and elk.
- Wisconsin has an “Adopt-a-Dumpster” program to promote the safe disposal of deer carcasses.
- Minnesota prohibits the import of whole deer carcasses from anywhere in North America.
- Wisconsin depopulated at least four herds of captive deer at farms with CWD in 2018, while other facilities were quarantined. (Prior to 2013, Wisconsin depopulated all facilities where CWD was detected.)
- Minnesota holds special hunts to reduce the density of animals in CWD areas.

Last year, the Midwestern Legislative Conference passed a resolution supporting congressional legislation on research and funding for CWD. Bills are once again under consideration this year in the U.S. Congress.

Though federal funding on CWD is currently lacking, the U.S. Department of Agriculture does have a voluntary Herd Certification Program, which encourages the owners of farmed deer to comply with standards such as fencing, individual animal IDs, and the testing of animals over the age of 12 months that die for any reason. All Midwestern states participate in this program.

Health & Human Services

States regulating insurers’ use of ‘step therapy’ to ensure patients get access to the drugs they need

Can health insurance companies dictate what medications you use? Yes, if they use a “step therapy” protocol.

Step therapy (also known as “fail first”) requires a patient to begin treatment with the most cost-effective drug therapy, progressing to more expensive or risky treatments only if necessary. The idea, as with other kinds of prior authorizations — pre-approval to prescribe a specific drug or treatment — is cost control.

"Requiring prior authorization in a drug benefit can effectively help avoid inappropriate drug use and promote the use of evidence-based drug therapy," the American Academy of Managed Care Pharmacy said in a 2012 paper, adding it “can minimize overall medical costs.”

Five Midwestern states — Illinois, Indiana, Iowa, Minnesota and Ohio — have laws regulating insurers’ use of step therapy, spelling out when patients are exempt and providing a window (usually 72 hours) for companies to grant or deny exemption requests (if no reply is given, the exception is then granted).

Similar legislation has been introduced this year in Kansas (HB 2129 and SB 93), North Dakota (HB 1469 and SB 2290) and Wisconsin (AB 24 and SB 26). These laws and bills typically allow for exemptions if:

- the required step-therapy drug is deemed to be medically inappropriate or inadvisable;
- the patient has tried the required prescription drug, and the doctor submits evidence of failure or intolerance; or
- the patient’s medical condition is already stable on the prescription drug that he or she is taking.

Angie Thies, the National Psoriasis Foundation’s state government relations manager for the central region, recommends exemptions for two other types of circumstances: 1) when a prescription drug under step therapy is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen; or 2) if the required drug is not in the best interest of the patient, based on medical necessity.

Wisconsin’s AB 24 has all five of these exemptions. Rep. John Nygren says enshrining these exemptions in state law “provides transparency to a confusing process for patients and doctors” and enhances the doctor-patient relationship.

He became aware of step therapy, and the need to occasionally override it, via his work with Wisconsin’s opioid task force. But he doesn’t propose step therapy overall.

“I do think there’s a value; it can be a cost control measure, and cost control has to be a part of the health care conversation,” he says.
5G is coming: How is the Midwest preparing for this potential quantum leap in cellular communication?

1 What is 5G and how does it work?

5G is shorthand for the “fifth generation” of cellular communications technology. Boosters say it’s a potential world-changing leap up from current 4G systems because it will theoretically be up to 100 times faster, with higher data capacity and lower latency (delays) in transmission. The website “How-To Geek” describes in detail how 5G networks will do this:

“Small cells” — miniature base stations placed about every 820 feet throughout dense urban areas — will transmit and receive at the same time, on the same frequency, using millimeter waves broadcast at frequencies between 30 and 300 Giga Hertz (GHz) that were previously only used for communication between satellites and radar systems. They’ll require dozens of antennas on each station so they can talk to multiple wireless devices at once rather than quickly switching between them; and “beamforming,” which directs a wireless signal in a beam pointing at the device in use rather than beaming the signal in every direction, which reduces interference for other devices.

2 When will 5G be up and running?

Verizon launched 5G service for homes (not cell phones) last year in four cities, including Indianapolis. Also in 2018, cell phone companies announced plans to roll out their 5G networks starting this year (AT&T, T-Mobile and Sprint), which means widespread 5G service won’t be available until 2020 at the earliest. Of course, you’ll have to replace your 4G devices with new, 5G ones; the Consumer Technology Association estimates that by 2022, more than 75 percent of smartphones in the U.S. will be 5G devices.

3 Which states have laws or are considering bills to regulate 5G infrastructure?

More base stations in denser networks means that each service provider must install their 5G networks where they can. Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota and Ohio have already enacted small cell legislation that streamlines regulations to facilitate the deployment of 5G small cells. Nebraska legislators introduced LB 184 (the Small Wireless Facilities Act) in January. While all 5G infrastructure-related laws and legislation are unique to their states, they do embody common elements, including:

• caps on the costs and fees local governments may charge cellular providers for permits to locate or co-locate small cells on utility poles,
• streamlining the application process to access public rights-of-way (where the small cells are located), and
• streamlining the timeline for consideration and processing of those applications.

Kansas’ HB 2131 of the 2015-16 session was one of the first small-cell-related laws in the country. It lets companies build and operate wireless support structures on public rights-of-way and enter into lease agreements with local governments for access to public land with lease terms of at least 10 years. The law also caps fees for co-location permits at $500, and caps fees for building new wireless support structures. In 2017, Iowa legislators approved SF 431, which limits local governments’ ability to prohibit or restrict small-cell deployments and prevents them from requiring wireless providers to get land use permits for putting base stations on public rights-of-way or government-owned utility poles. It also gave local governments 60 days to respond to applications for permits for co-locating wireless facilities, and specified that any application not answered within that window is deemed granted.

Sen. Jake Chapman, chair of the Iowa Senate’s Commerce Committee (which sponsored the bill), says municipalities pushed back against some provisions but didn’t oppose. “I think they wanted to protect their turf, but they understood that this is something their residents will want or need,” he adds.

In 2018, similar laws were enacted in Illinois (SB 1451), Indiana (HB 1050), Michigan (SB 637) and Ohio (HB 478). Legislation failed in Nebraska (LB 389) and Wisconsin (AB 348 and SB 425). Illinois’ law exempts any municipality with a population of 1 million or more people (Chicago) from its limitations.

4 What’s happening at the federal level?

The Federal Communications Commission at the end of September issued a ruling restricting cities’ abilities to regulate 5G facilities. Like state laws, the new rules give municipalities deadlines to approve or reject the installation of 5G equipment and limit how much cities can charge wireless firms for the privilege of putting their hardware in public rights of way.

A previous order issued in March 2018 exempted small cells from environmental and historical reviews because they’re not “major federal actions” or “federal undertakings,” under the National Historic Preservation Act or National Environmental Policy Act. It also removed a requirement for Environmental Assessments “solely due to the location of a proposed facility in a floodplain” under certain conditions.

No 5G-specific legislation has been introduced yet in the current Congress. In the previous Congress:

• S. 3157, introduced by South Dakota Sen. John Thune, would have restricted states’ and local governments’ abilities to regulate small cell placement. It did not advance.
• S. 88, introduced in January 2017 by Nebraska Sen. Deb Fischer, would have created a working group to identify policies that would inhibit development of the “Internet of Things” — the network of devices, appliances, vehicles and other items that are capable of collecting and sharing data. It passed the Senate in August of that year but died in the House of Representatives.

Article written by Jon Davis, CSG Midwest policy analyst. He can be reached at jadavis@csg.org.
Three Midwest governors call for increases in gas tax

by Tim Anderson (tanderson@csg.org)

Two of the Midwest’s newly elected governors — one Democrat, one Republican — shared a similar message to legislatures in their first-ever State of the State addresses: It’s time to invest more in our transportation and water infrastructures. Michigan Gov. Gretchen Whitmer and Ohio Gov. Mike DeWine called for raising the gas tax to fix their respective states’ roads and bridges. A third new governor in the region, Minnesota’s Tim Walz, proposed an increase as well in his first budget address.

DeWine referred to his proposed 18-cent-per-gallon hike — which would raise an estimated $1.2 billion a year — as a “minimalist, conservative approach . . . the absolute bare minimum we need to protect our families and our economy.”

“If you think the roads are bad now — you have not seen anything yet,” DeWine, a Republican, warned legislators about inaction. “While the local governments have been suffering for some time with a lack of resources for roads, state roads are just now entering the period where the revenues for them are going to drop dramatically.”

Whitmer, a Democrat, made the slogan “Fix the Damn Roads” a central part of her 2018 run for governor. She now is seeking to phase in a 45-cent-per-gallon increase in the gas tax between now and 2020.

“By one estimate, the vehicle damage from our roads costs the average motorist $562 a year in repairs,” she said to legislators. “We’re paying a road tax that doesn’t even fix the damn roads.”

Gov. Walz made a similar case about how Minnesota’s “crumbling infrastructure” was costing motorists money in lost time and car damage, while also putting them at risk. The Democratic governor wants to raise the gas tax by 20 cents per gallon.

Since 2013, five Midwestern states have raised their gas tax: Indiana, Iowa, Michigan, Nebraska and South Dakota.

According to Whitmer, Michigan’s “failing infrastructure” is one of two crises that policymakers must address (the other, she said, is fixing the education system to address a gap in the availability of skilled workers). Along with roads, she wants to invest more state dollars in drinking water — for example, projects that remove lead service lines and provide clean, filtered drinking water in school buildings.

In Ohio, DeWine is proposing a new H2-Ohio Fund.

“We cannot continue to live from water crisis to water crisis,” he said, referencing problems such as Lake Erie’s pollution problem from excess nutrients. “And this fund will give us the ability to plan and develop long-lasting solutions.”

In Illinois, newly elected Gov. J.B. Pritzker focused on strategies to fix an overall structural budget deficit of $3 billion per year and to meet the state’s pension liabilities. “It took decades to get us into this mess,” he said. “It will take at least several years to get us out of it.

He called for a variety of revenue-enhancing measures: legalize recreational marijuana and sports betting; impose an assessment on managed-care insurers; and raise tax rates on incomes of more than $250,000. (Illinois currently has a flat income tax.)

This article is the second of a two-part series highlighting proposals from this year’s State of the State addresses. The January edition of Stateline Midwest highlighted policy ideas from the governors of Indiana, Iowa, Kansas, Nebraska, North Dakota, South Dakota and South Dakota. It can be viewed at csgmidwest.org.

QUESTION OF THE MONTH

QUESTION: How does the pay of the Midwest’s elected constitutional officers compare to the rest of the country?

In January, Illinois Gov. J.B. Pritzker signed SB 3531, allowing him to raise the pay of his cabinet and agency directors an extra 15 percent. Pritzker says the legislation was needed to compete with the private sector and draw more talented individuals into his new administration.

Can the same be said about elected officials? Do Midwestern states offer salaries that are competitive to the rest of the country? Unsurprisingly, states with larger populations generally pay their elected officials — limited in this discussion to the “constitutional” officers (usually, but not always, positions such as governor, lieutenant governor, secretary of state, attorney general and treasurer) — higher than states with smaller populations.

According to the 2018 edition of The Book of the States, the Midwest’s highest paid officer, the governor, receives $177,412 in the nation and the fourth-highest-paid secretary of state ($156,541). (Neither Pritzker nor his predecessor in office, Bruce Rauner, took the salary given to the governor.)

There are also some surprises in the data. North Dakota, the region’s least populous state, has the highest-paid attorney general ($157,009, seventh-highest nationwide). Its secretary of state is the fourth-highest-paid in the region ($105,770), but only the 25th in the country. Only one other position in the region ranked in the top 10 nationally for pay — Illinois’ attorney general, at $156,541 (eighth among the 50 states).

Pay rates for elected officials are most often set by the state’s constitution or in statute.

Some positions have salaries that automatically adjust in line with inflation, such as the governor of Kentucky, whose salary increased from $45,000 in 1979 to $153,970 in 2013, before being reduced in following years.

Under Minnesota law, the Legislature decides the governor’s salary; pay for other constitutional officers is then set at a percentage of that salary. For example, the attorney general receives 95 percent of the governor’s salary. He or she is the state’s second-highest paid, with $85,100.

Looking beyond high-ranking elected officials to total state payrolls for all full-time employees (FTEs), the trend again closely follows state populations: Michigan, Illinois, and Ohio have the highest payrolls in the region at $795 million, $683 million and $671 million, respectively; Nebraska, North Dakota, and South Dakota have the lowest payrolls at $128 million, $90 million, and $63 million, respectively.

Question of the Month response by Mitch Arvidson, CSG Midwest policy analyst. He can be reached at marvidson@csg.org. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csig.org or 630.925.1922.
New prescribing rules, drug courts part of Ohio’s response to opioid crisis

According to the National Institute on Drug Abuse, of those who began abusing opioids in the 2000s, 75 percent reported that their first opioid was a prescription drug. These legally prescribed drugs also are a common gateway to heroin: Nearly 80 percent of heroin users reported using prescription opioids prior to use of this illicit drug. States have tried to tackle this epidemic in a variety of ways, from enacting legislation to limit the supply of opioid painkillers prescribed by doctors to increasing treatment opportunities.

Ohio’s myriad responses in recent years, as well as legislative proposals in that state still under consideration, provide a window into what states have done, or can do, to turn around the disturbing trends in drug use and abuse.

Ohio’s legislative response to date

One of Ohio’s first responses to its rising drug problem came in 2011, with the passage of a bill (HB 93) that helped eliminate “pill mills” — large-volume prescribing operations (a pain management clinic, for example) that dispensed narcotics without a legitimate medical purpose.

With that law in place, Ohio has mandated licensure of pain-management clinics, authorized the state medical board to establish rules on when a physician should review the state’s prescription opioid reporting database, severely restricted in-office dispensation of controlled substances, and restricted some Medicaid beneficiaries to specific providers in order to better monitor their use of prescription drugs (known as a “lock-in program”).

Three years later, legislators took on the problem of “doctor shopping”: when patients visit multiple doctors to either obtain prescriptions for drugs to take more than the prescribed amount, or to sell them illegally. This new law (HB 341) began requiring prescribers to look up and document the patient’s last 12 months of prescriptions — through the state’s automated prescription drug database — before they could initially prescribe an opioid analgesic or a benzodiazepine. The legislation also mandated that prescribers make periodic requests for patient information from the state’s automated database if any course of treatment continued for more than 90 days.

Death toll from opioids in 2017

<table>
<thead>
<tr>
<th>State</th>
<th># of opioid overdose deaths</th>
<th>Change in # of deaths from 2016</th>
<th>% of all drug overdose deaths due to opioids</th>
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<tbody>
<tr>
<td>Illinois</td>
<td>2,202</td>
<td>+12%</td>
<td>79%</td>
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<tr>
<td>Indiana</td>
<td>1,176</td>
<td>+49%</td>
<td>63%</td>
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<tr>
<td>Iowa</td>
<td>206</td>
<td>+11%</td>
<td>60%</td>
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<td>75%</td>
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<td>422</td>
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Source: Ohio’s data is from the Ohio Department of Health, and the American Medical Association’s data is from a survey conducted in 2016.

“Hub and spoke,’ other state strategies help connect patients to evidence-based treatment

Many Americans in need of substance-use treat- ment do not receive it, and even when they do, the services that they get are often not specialized or comprehensive enough. Beth Connolly, director of The Pew Charitable Trusts’ Substance Use Prevention and Treatment Initiative, says a mix of state policies can greatly improve access to evidence-based treatment.

According to Connolly, the “gold standard” of care for opioid-use disorder is to provide patients with behavioral-health services along with three federally approved treatment medications: methadone, buprenorphine and naltrexone. In recent years, she says, a system known as “hub and spoke” — pioneered in Vermont — has shown great promise in improving the availability of medication-assisted treatment and the level of care that each patient needs.

The “hubs” are specialized opioid treatment centers that prescribe the three drugs and provide intensive, specialized care to stabilize patients. The “spokes” — office-based treatment — help patients manage their addiction. Referrals and transfers go both ways (from spoke to hub, and hub to spoke), based on the patient’s needs. This model is similar to an approach already used to manage chronic diseases.

Vermont created five hub-and-spoke regions, and within three years, two of the regions eliminated treatment waiting lists altogether. Another two regions significantly decreased waiting lists. Prior to implementation, the waiting list for an opioid treatment program was almost two years.

In the Midwest, recent examples of strategies to eliminate barriers to care include:

- **Indiana**: HB 1007 (2018), which increased the number of opioid treatment programs (from 49 to 58) overseen by the state’s Division of Mental Health and Addiction.

- **Illinois**: SB 1707 (2018), which prohibits the use of prior authorization and “step therapy” by insurers for federally approved medications to treat substance use disorders. The goal of the law is to ensure that patients get the medication they need for treatment — without any delay.

“We know that when someone is ready for treatment and is asking for and seeking treatment, that is when we need to engage them,” Connolly says. With that in mind, states have been reviewing potential barriers in their Medicaid programs. Last fall, Minnesota announced that its Medicaid program would remove prior authorization requirements for anti-addiction medications, and Michigan’s HB 4403 (from 2017) codified coverage for medically necessary treatment for opioid abuse.

Connolly also suggests that states address the shortage of trained treatment providers and expand the scope of services among certain health professionals. In 2016, the U.S. Congress passed legislation to allow nurse practitioners and physicians’ assistants to apply for a federal license to prescribe buprenorphine. However, state-level restrictions can still stand in the way.

“This is really important, especially in rural areas where perhaps (licensed opioid treatment) is not available for folks seeking treatment. … We know if you have to drive a considerable distance to seek treatment, you may not do so,” she says.
In 2017, Ohio expanded access to medication-assisted treatment programs (HB 49), including the creation of a specialized drug court program. According to the National Drug Court Resource Center, Ohio now has 72 drug-treatment court programs for adults, the most of any Midwestern state.

An alternative sentencing option, drug courts target offenders with drug dependency problems. Treatment, monitoring, graduated sanctions and incentives are overseen by a multidisciplinary team. Drug courts have been shown to reduce recidivism and lower costs.

Nationwide, the number of drug courts has doubled over the past decade and-a-half. Like many other states, too, the Ohio legislature has passed laws allowing pharmacists to provide naloxone (the opioid-overdose reversal drug) without a prescription, providing immunity for minor drug offenses when individuals report a drug overdose (known as Good Samaritan laws), and requiring parental consent before opioids can be prescribed.

Possible future actions in Ohio

En. Hottinger still believes more can be done in Ohio on the policy side.

As originally introduced, for example, Daniel’s Law (SB 119) would have limited the duration of a doctor’s initial prescription for opioid painkillers to three days — a limit that would be consistent with U.S. Centers for Disease Control and Prevention guidelines. (Only three states have set a three-day limit: Florida, Kentucky and Tennessee.)

Ohio Rep. Jim Butler agrees that this type of prescription limit would help, as would a number of other efforts. He has been working on a bill that would add prevention and long-term treatment options, and combine them with increased drug enforcement.

“It’s a complex problem, and there really needs to be a comprehensive solution,” Butler says. He notes the success rate for treatment is usually less than 10 percent, and people can relapse seven or eight times.

“It takes a long time for the brain to heal,” he says. “When you go to 30, 60 or 90 days of treat- ment, you may successfully have detoxed and have great support, but your brain hasn’t had time to heal. Also, drug dealers target rehab facilities. We need to create centers that offer long-term treatment for those who need it.”

Not everyone needs long-term treatment, Butler adds, but scientific studies show that after long-term abstinence from drugs (18 to 36 months), a person’s brain heals and the potential for relapse goes down 90 percent. He wants state policies that allow certain individuals to get up to three years of treatment. Butler also believes low-level drug offenders should have their criminal records sealed if they go into treatment, and businesses should be incentivized by the state to hire people in recovery.

Lastly, Butler would like to see stiffer penalties for drug dealers.

“In our state, armed robbery is a second-degree felony and heroin selling is a fifth-degree felony,” he says. “We need to make penalties much more strict. We need to take these people who are so hurting our families and children off the street and put them in prison where they belong.”

Two state policies to fight prescription drug abuse

1. Better monitor activity through statewide, and interstate, drug databases

Every state in the Midwest now has an electronic database that tracks prescriptions of controlled substances. And with the exception of Nebraska, every state in this region also is part of PMP InterConnect, which allows data on prescriptions to be shared across state lines.

One goal of these prescription drug monitoring programs, or PDMPS, is to identify and stop, “doctor shopping,” when individuals seek prescriptions from multiple physicians. But PDMPs also can inform clinical practices — by tracking and improving prescribing behaviors among health professionals, for example, or identifying high-risk patients. For example, Illinois, Kansas, Ohio and Wisconsin have “prescriber report cards” that summarize a provider’s prescribing history and compare it to the average prescriber in his or her health specialty.

Iowa was the last Midwestern state to authorize a PDMP with last year’s signing of HB 2377. The law requires doctors to register for and use the PDMP. It also establishes criteria for recognizing patients at high risk for abuse and addiction, requires electronic prescribing, and allows licensing boards to evaluate penalties for healthcare providers who overprescribe.

Though all Midwestern states now have a PDMP, the rules and laws governing these databases vary — for example, if and when drug prescribers and dispensers must check the database, and which drugs prompt a check. The maps below highlight some of the significant policy variations among the states.

Types of drugs monitored by state prescription drug monitoring databases (as of August 2018)*

Mandatory use of state prescription drug monitoring databases before prescribing, dispensing medications (as of January 2019)*

Examples of state laws that limit duration of opioid prescriptions

A more recent related state trend is the limiting of prescriptions for painkillers. In 2016, Massachusetts became the first state to enact such limits.

The U.S. Centers for Disease Control and Prevention has guidelines for treatment of acute pain with opioids. The CDC cautions that opioids should not be “first-line therapy” — these drugs should be considered only if expected benefits for both pain and function are anticipated to outweigh risks. If opioids are prescribed, the CDC recommends a three-day or less prescription at the lowest effective dose of immediate-release opioids. Any more than seven days “will rarely be needed,” the CDC says.

Indiana, Michigan, Minnesota, Nebraska and Ohio are among the states that have enacted opioid prescription limits (see table). Exceptions to these limits are typi-

ial provided for patients with cancer or for palliative care or medication-assisted treatment for a substance abuse disorder.

STATELINE MIDWEST   MARCH 2019
Iowa Rep. Todd Prichard

‘Integrity,’ ‘teamwork’ and ‘purpose’: New House minority leader brings lessons and values from military service to work in Legislature

by Ilene Grossman (igrossman@csg.org)

long before he came to the Iowa House, via a special-election victory in 2013, Todd Prichard was learning valuable lessons that would serve him well in an elected position that demands cooperation, teamwork and trust.

The Iowa native has been in the military for 23 years, and has been deployed overseas multiple times during that time — to Kuwait, as a rifle platoon leader in the U.S. Army during Operation Desert Spring; to Egypt, as part of an international peacekeeping force with the Iowa Army National Guard; and then to Iraq, as company commander in the guard's infantry battalion.

“The military teaches teamwork,” says Prichard, now a lieutenant colonel in the Army Reserve. “Military leadership teaches people to collaborate, getting groups of people to work together for a common purpose.”

He has a similar task in his new role as House minority leader, leading a caucus with members who represent “different parts of the state” and who have “very different perspectives,” Prichard says.

He grew up in the eastern Iowa town of Davenport, where his parents owned a carpet-cleaning business and his father was involved in local politics.

While attending the University of Iowa as an undergraduate student, Prichard joined the Army ROTC — as a way to serve his country and help pay for college.

Following his graduation, Prichard became a commissioned officer in the U.S. Army. He later returned home, joined the Iowa Army National Guard, graduated from law school, opened his own practice in the small town of Charles City, and then served as an assistant county attorney. When a legislative seat opened up in his rural district in northeast Iowa, Prichard decided to enter elective politics for the first time. He won that special election in 2013 by a 10-point margin; he ran unopposed this past year.

In a recent interview with CSG Midwest, Iowa’s new House minority leader discussed his views on leadership, the rewards and frustrations of legislating, and his goals for the state. Here are excerpts.

Q: What made you decide to run for leader of your caucus?
A: When the position opened up, I had worked with people from all parts of our caucus, and with people across the aisle in a bipartisan way. I think my colleagues recognized that as a strength. We need to do better as a party in more rural parts of the state, and I think that as a rural Democrat, I have that perspective.

Q: What do you view as some of the qualities and characteristics of an effective leader?
A: First and foremost are integrity and honesty. Your word is your bond, and people need to be able to rely on what you say. It is also important to understand other people’s perspectives. Even if you disagree, you should understand that they have legitimate concerns, which should be respected when you draft or consider legislation.

Q: What are some of the greatest rewards and frustrations you have had from being a legislator?
A: The greatest reward is when people from my district, or even from around the state, bring an issue or problem to me, or to the Legislature, and then we’re able to use the power of the Legislature to help them solve that problem. The most frustrating thing is when you run up against those partisan walls, when you know there is a better solution and you can’t get beyond the old way of thinking. When a good idea dies, whether because of partisanship or just inertia, that is frustrating.

Q: Since joining the House in 2013, what are some of the bills that you have been most proud of sponsoring?
A: In my first year, I wanted to provide funding to veterans in the state who had suffered brain injuries. I got legislation passed that opened up the Iowa Veterans Trust Fund for that type of treatment. I also worked on legislation, which passed last year, that dealt with “lunch shaming.” Some schools in Iowa publicly called out children who had delinquent lunch accounts or forced children to discard their meals if they couldn’t pay. Finally, I am working on a bill this year (SF 86) called Logan’s Law, which was named after a constituent, a teenager who died in an ATV accident. The bill would include an option for applicants for hunting and fishing licenses to become organ donors.

Q: What do you see as the biggest challenge for Iowa over the next 15 to 20 years?
A: Our biggest challenge, but it is also an opportunity, is to foster growth in rural Iowa. That will require us to make investments in education, job training and business development, and to make sure those investments have impact in rural communities like mine.

Bio-sketch of House Minority Leader Todd Prichard

- chosen minority leader in late 2018; first elected to House in 2013
- lieutenant colonel in U.S. Army Reserve
- military service in the U.S. Army and Iowa Army National Guard, with deployments that included a tour of duty in Iraq
- attorney with undergraduate and law degrees from the University of Iowa
- he and his wife, Ann, have three children

“My focus is to find what motivates people to serve, what their passion is for being in public office ... and then give them opportunities to work in those areas.”
Seeking a way to better deliver IT

Information technology is essential to serving and protecting our state’s citizens; fully integrating these services has several potential benefits

by North Dakota Rep. Corey Mock (cromock@nd.gov)

As elected officials, we inherently understand that how services are provided is as important as what services are provided by government.

Myriad agencies oversee programs and initiatives designed to do everything from securely transmitting electronic health information, registering motor vehicles, and applying for hunting and fishing licenses to submitting workforce safety and insurance claims — along with dozens of other important functions.

Information technology underpins virtually every government service.

In the digital, highly connected world we live in, our ability to efficiently and effectively harness technology to serve the citizens we represent is arguably one of the most important factors in policymaking. And how we structure government to enable the use of technology is foundational to that.

With that in mind, North Dakota’s Information Technology Department has proposed a unification effort to ensure that our state’s technology platforms, system and processes, as well as our IT professionals, are aligned toward common goals and priorities.

This unification proposal involves integrating approximately 145 individuals across 17 cabinet agencies with 345 legacy IT staff.

Our North Dakota legislature is currently weighing the benefits and costs of several options, including the status quo, pilot projects of varying sizes, and full unification.

Reduce IT risks, optimize opportunities

There are many reasons to consider this significant realignment, and the growing cybersecurity threat is just one reason the North Dakota Legislature has put unified IT services on the table this legislative session.

The safety and protection of data is a top priority for our state and the citizens we serve. In today’s world, security is critically necessary, calling for a uniform approach to ensure the most comprehensive coverage. Currently, more than 400 different entities across the state are each responsible for their own cybersecurity strategies — clearly a challenge that puts us in the crosshairs of would-be cybercriminals. Additionally, as demand for new systems, websites, applications and other technology services explodes, the need for common approaches and standardization is amplified.

Emerging technologies such as artificial intelligence and machine learning also represent tremendous opportunities to enhance services.

Unifying the people, processes and priorities that affect us as policymakers and citizens is no small endeavor, but it is an important step to creating a 21st-century, citizen-centric government.

As legislators, we must weigh short-term costs against possible long-term benefits.

Estimates show that in four years, we may realize a 17 percent to 22 percent improvement in efficiency due to a smarter alignment of resources. But we must also consider growing pains that come with staff and process restructuring.

Creating a common culture of customer service is also an intentional aspect of this proposal. Rather than uprooting employees who serve individual agencies, the intent is to better support business needs by better connecting agency leaders and decision-makers to help advise, collaborate and plan for IT investments.

Change is inevitably uncomfortable. If North Dakota moves forward with this ambitious endeavor, it will be because we decided any short-term discomfort is a modest price to pay for gains in efficiency, security and overall customer service.

View investments with ‘tech-tinted lens’

Regardless of the actions we take this session, reviewing IT strategies, challenging assumptions and considering bold initiatives force us to view all capital and operational investments — at least in part — through a tech-tinted lens.

In my roles as a member of the House Appropriations Committee, chairman of the Information Technology Committee, and member of the State Information Technology Advisory Committee, as well as being a business owner, I understand that the services we provide have an impact on every citizen and business.

Recognizing the massive technological changes happening in virtually every industry means we also must find the best ways — policy-wise and organizationally — to meet changing needs and expectations now and in the future.

North Dakota Rep. Corey Mock was first elected to the House in 2008 and served as minority leader from 2015 to 2018. He is a 2011 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD).

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of the Council of State Governments or the Midwestern Legislative Conference. Responses to any First Person article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
July meeting of region’s legislators will offer 4 days of learning, collaboration

Midwestern Legislative Conference to meet July 21-24 in Chicago, with sessions planned on education, jobs, criminal justice, agriculture, health care and more

This summer, the Midwest’s largest city is hosting the largest meeting of the region’s state and provincial legislators, who will have the chance to learn from each other and policy experts over four days in a welcoming, nonpartisan setting.

Sessions on a wide array of topics will be a part of the 74th Annual Meeting of the Midwestern Legislative Conference. Some of that programming will come from the MLC’s six inter-state policy committees on agriculture, criminal justice and public safety, economic development, education, health care and Midwest-Canada relations.

In addition, larger plenary sessions will be held on how states can promote civic engagement (as part of the MLC chair’s initiative of Illinois Sen. Elgie Sims), prepare people for employment success in the Midwest’s future economy, and improve their criminal justice systems. Lawmakers also will have the chance to participate in a roundtable discussion on fiscal trends and related issues.

Is there a specific topic that you would like included on this year’s agenda?

If so, please contact CSG Midwest’s Tim Anderson (tanderson@csg.org) and let him know you would like to lead a Breakfast Table Topic discussion. These informal, roundtable discussions give lawmakers the opportunity to share policy ideas in a more informal setting.

Along with these sessions, the MLC Annual Meeting will include featured speakers such as Pulitzer Prize-winning historian and author Jon Meacham and Equal Justice Initiative executive director Bryan Stevenson. Special evening events will be held at the Adler Planetarium and Shedd Aquarium, and separate daytime programming will be available for the adult and youth guests of attendees.

Please visit csgmidwest.org for more information.

Five CSG policy academies being planned for legislators

Starting in June, The Council of State Governments will hold a series of policy academies this year that provide legislators and other leaders with customized training and a “deeper dig” on some of the big policy issues facing states.

To learn how to participate, please call (800) 800-1910 or contact CSG’s Jessica Clay: jclay@csg.org. Agendas for each of the policy academies will be posted at csg.org. Here is the policy academy schedule for 2019.

• June 19-21 — “State Medicaid Programs 101”
• Sept. 10-12 — “Forecast for Legislative Leaders”
• Dec. 4-7 — “Growing Green: Marijuana Policy in the States”
• Dec. 4-7 — “Tech States and the Race to 5G”
• Dec. 4-7 — “The Energy Landscape”

The policy academy on Medicaid will be held in Washington, D.C. The “deeper digs” on marijuana policy, 5G technology and energy will be held in Puerto Rico in conjunction with the year’s CSG National Conference. The location of the September meeting for legislative leaders has not yet been determined.

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MLC affiliate members.
Legislators have until April 10 to seek BILLD fellowship; here are four reasons to apply

The Council of State Governments’ Midwestern Legislative Conference (MLC) invites legislators in their first four years of service to consider participating in one of its most successful and highly acclaimed programs.

Each year, the MLC awards fellowships to 37 select legislators in the Midwestern states and provinces to take part in the Bowhay Institute for Legislative Leadership Development, or BILLD.

These fellowships are awarded on a competitive, nonpartisan basis by the MLC’s BILLD Steering Committee — a bipartisan group of legislators from each state in the region. This committee is led by Nebraska Sen. Sara Howard (chair) and Minnesota Rep. Laurie Halverson and Iowa Sen. Amy Sinclair (co-vice chairs).

Applications, which are due by April 10, are available at csgmidwest.org.

The 25th annual Bowhay Institute will be held Aug. 9-13 in Minneapolis. The intensive five-day program is conducted by the MLC in partnership with the Center for the Study of Politics and Governance at the University of Minnesota’s Humphrey School of Public Affairs. Here are four reasons to consider applying for a 2019 fellowship.

1. **Develop and hone leadership skills**

   Through a series of interactive workshops with professional development experts, scholars and legislative leaders, participants develop and hone the skills they need to be effective legislators and legislative leaders. The institute’s leadership training courses help legislators identify their strengths, as well as the areas in which they need support.

   Workshops are also conducted on strategic thinking, dealing with the media, communications and speech-making, negotiation, civil discourse, and time and focus management.

   Many graduates of the BILLD program have gone on to hold top leadership positions in their respective state legislatures. Others are now serving in the U.S. Congress.

2. **Master key policies in state government**

   By focusing on the most important issues facing state policymakers today, scholars from the University of Minnesota, as well as outside experts, provide a context for effectively analyzing policies and programs, evaluating information, and communicating with constituents and colleagues.

   Recent workshops have been conducted on issues such as infrastructure, policy responses to changes and programs, evaluating information, and communicating with constituents and colleagues.

3. **Strengthen the legislative institution**

   By examining the historical context of the role of state legislatures in the nation’s larger governance system, BILLD Fellows develop a better understanding of the institution in which they serve. This knowledge helps participants become better advocates for and guardians of the role of the lawmaking branch of government.

4. **Network with the best and brightest**

   As a BILLD Fellow, you will be joined by some of the most promising new legislators from across the region. You will have the chance to share your knowledge, learn from one another’s experiences, and forge relationships that will last long beyond your time in Minneapolis.

**25th Annual BILLD Program**

- **August 9-13, 2019**
- **Minneapolis, Minnesota**
- **BILLD Fellowships cover the cost of tuition, meals and lodging**
- **Each Fellow is eligible for a partial travel stipend to help offset the cost of transportation to and from Minneapolis**
- **Application Deadline: April 10, 2019**

**Master key policies in state government**

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**How to become a sponsor**

The Bowhay Institute is made possible by funding from corporate and foundation sponsors who believe in the importance of providing legislators with the tools necessary to improve their leadership and policymaking skills.

BILLD offers a range of sponsorship levels and widely recognizes its partners during the five-day Institute and through a variety of BILLD publications produced throughout the year.

Please visit csgmidwest.org for sponsorship information.

**Michigan Alumni Notes**

Michigan Rep. Christine Greig, BILLD class of 2015, was elected to serve as Democratic leader by her colleagues prior to the 2019 legislative session.

The Farmington Hills resident was first elected to the House in 2014. In her first term, Greig served as assistant floor leader and vice chair of the Progressive Women’s Caucus. She was House Democratic floor leader in 2017-’18, while also serving as a member of the Government Operations and House Fiscal Agency Governing committees. During her legislative service, Greig has worked on issues related to infrastructure, health care affordability, water quality and public education.


In February, Kansas Gov. Laura Kelly appointed former Rep. Melissa Rooker (BILLD class of 2015) executive director of the Kansas Children’s Cabinet and Trust Fund. The cabinet advises state leaders and oversees the early-childhood education programs and health care services funded by the state via its legal settlement with tobacco companies. Three other BILLD alumni are members of the Kansas Children’s Cabinet, as the result of being appointed by legislative leadership:

- Sen. Dinah Sykes (class of 2017)

Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at ltomaka@csg.org.
Two Midwest states set to define meat as only animal-based products

In early March, the North Dakota and South Dakota legislatures passed bills that aim to make a clear distinction between how animal-based meat and meat substitutes are labeled for consumers.

North Dakota’s HB 1400 defines “meat” as only edible flesh from an animal raised for human consumption. Cell-cultured “meats” would need to be clearly labeled as “cell-cultured protein food product.” They also “may not be packaged in the same, or deceptively similar, packaging as a meat food product.” Under South Dakota’s SB 68, a food product is “misbranded” if labeled in such a way “that intentionally misrepresents the product” as meat.

Both measures were awaiting gubernatorial signatures as of early March; they received overwhelming support in the North Dakota and South Dakota legislatures.

Missouri enacted the nation’s first law on “truthful meat labeling” in 2018. That law was the subject of a lawsuit filed by the American Civil Liberties Union and makers of plant-based meat substitutes. The suit was settled early this year, with details to be announced in March, the Missouri Post-Dispatch reported in February. Plaintiffs in the Missouri case claimed the state law was an unconstitutional violation of free speech and the Commerce Clause.

Minnesota study shows costs and benefits of lead pipe removal

A February study from the Minnesota Department of Health says removing lead from the state’s drinking water infrastructure would cost between $1.52 billion and $4.12 billion over 20 years — an investment that would yield benefits of between $4.24 billion and $8.47 billion.

Done with the University of Minnesota, the report, “Lead in Minnesota’s Water,” resulted from legislative action in 2017 ordering the department to determine the scope of lead exposure in water and the cost to eliminate it. It recommends a statewide inventory of lead pipes and a 20-year plan to remove them, along with public awareness campaigns and technical assistance to local communities.

In other Midwestern states, Michigan regulators are requiring water utilities to replace all lead pipes within 20 years at their expense starting in 2021. A Wisconsin law (SB 48 from 2017) lets municipalities and private utilities give financial assistance to private property owners to pay for lead pipe removal. A 2017 Illinois law (SB 550 from 2015) requires lead testing in all elementary schools, licensed day care centers, and in home and group care settings.

Illinois and Ohio also require community water systems to comprehensively inventory lead service lines, including privately owned ones.

Illinois adopts Midwest’s highest minimum wage, $15 an hour by 2025

Illinois has joined the growing number of Midwestern states to raise the minimum wage for workers. Six years from now, when SB 1 gets fully phased in, the wage floor for Illinois workers age 18 and older will be $15 an hour. That will be the highest minimum wage in the Midwest; four other U.S. states have adopted $15-an-hour laws.

According to the U.S. Department of Labor, as of the start of this year, six states in the region — Illinois ($9.25), Minnesota ($9.80), Nebraska ($9), Ohio ($8.55) and South Dakota ($9.10) — had minimum wages higher than the federal government’s ($7.25). Under the laws in Minnesota, Ohio and South Dakota, wages are adjusted automatically every year to account for changes in the cost of living.

In late 2018, with the passage of SB 1171, Michigan legislators eliminated their state’s inflationary adjustment while also increasing the minimum wage. The hourly rate rose to $9.45 in March and will increase to $12.05 by 2030.

Most states in the Midwest establish separate wage minimums for tipped workers; only Minnesota requires employers to pay these workers the full minimum wage. It’s also common for states to have lower minimum wages for younger workers.

Indiana ruling stands in case of private property vs. public trust doctrine

A legal dispute in Indiana over private property rights and the public trust doctrine ended in February when the U.S. Supreme Court chose not to hear the case.

In 2018, Indiana’s Supreme Court ruled that public use of the Lake Michigan shoreline extended to the lake’s “natural ordinary high water mark.” Some lakefront property owners argued that the “water’s edge” should instead be used as the legal dividing line. The Indiana justices disagreed: “At a minimum, walking below the natural [ordinary high water mark] along the shores of Lake Michigan is a protected public use.”

This year, Indiana lawmakers are considering legislation (SB 553) that would define other rights of the public to use the shoreline — for example, boating, fishing, swimming, bird watching and sunbathing. The bill would define in statute the “Lake Michigan shore” as public trust land that extends to the high water mark.

According to Wayne State University’s Great Lakes Law, Ohio and Michigan also have had important public trust cases over the past decade and a half. In 2011, the Ohio Supreme Court established the “natural shoreline” (where the water usually stands when free from disturbing causes) as the legal dividing line; in 2005, the Michigan Supreme Court set the line as the ordinary high water mark.