GIVING NEW LIFE TO RECYCLING POLICY

State proposals include setting new recycling goals in statute, adding plastics to ‘extended producer responsibility’ laws, and investing in new markets for reused products.

A survey by The Recycling Partnership found that 85 percent of Americans strongly support recycling, and a majority increasingly prefer sustainable products and are willing to pay more for them. However, many obstacles (some long-standing, some newer) stand in the way of getting recycling rates up in states across the country. “[The U.S.] recycling system currently faces a number of challenges, including confusion about what materials can be recycled, [a] recycling infrastructure that has not kept pace with today’s diverse and changing waste stream, reduced markets for recycled materials, and varying methodologies to measure recycling system performance,” according to the U.S. EPA’s latest National Recycling Strategy. One way to address these challenges, and move in the direction of more recycling and less landfilling, is state policy.

“We have an embarrassingly low recycling rate,” Michigan Rep. Gary Howell, chair of the state House Natural Resources and Outdoor Recreation Committee, says about his home state. “We are the state that exemplifies clean water, and the last thing we want to do is encourage more landfilling.” Yet he worries that Michigan has been doing just that, as evidenced not only by the state’s recycling performance but by it being home to other jurisdictions’ trash. “Twenty-five percent of garbage landfilled comes from out of state, the vast majority from Canada,” Howell says. He is part of an ongoing legislative effort in Michigan to jump-start the use of recycling, composting and other alternatives to landfills. Recent bills and new laws in other Midwestern states reflect similar goals (see examples on page 6). Outside the region, some legislatures have passed first-in-the-nation measures related to plastics, expanded producer responsibility and recycled content. Here is an overview of the “state of recycling” and what may lie ahead, starting with recent activity in Michigan.

‘LANDFILLS SHOULD BE THE FALLBACK’

In Michigan, in-state estimates have placed their recycling rate at about 18 percent. A bipartisan package of bills (passed by the House last year, not yet acted on in the Senate) sets a goal of getting that rate to 30 percent by 2029 and, ultimately, to 45 percent. To get there, HB 4454-HB 4461 call for a series of new actions:
- state assistance for Michigan counties to rewrite their waste plans to include recycling
- larger pay-for-performance bonuses for recycling
- expanded producer responsibility

Comparably high rates.

Plastics, textiles and aluminum?

Paper and paperboard?

Paper and paperboard? Much lower (see table).

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Recycling conserves natural resources, saves energy and strengthens American manufacturing.
In Midwest, states taking varying approaches on regulation of the cannabinoid delta-8

by Jon Davis (jdavis@csg.org)

In early February, traffic in and out of Canada via the Ambassador Bridge came to a stop, marking the second such closure in the last two years. The first time was because of COVID-19-related border closures by the U.S. and Canadian governments. This year, the cause was a series of blockades led by the so-called “Freedom Convoy,” individuals rallying against Canada’s vaccine requirements for truckers as well as some of the country’s pandemic-related regulations and restrictions.

In all, three border crossings were shut down: the Ambassador Bridge that connects Michigan (Detroit) and Ontario (Windsor); a land crossing in Manitoba (Emerson) and North Dakota (Pembina); and a land crossing in Alberta (Coutts) and Montana (Sweet Grass).

For every day of the blockade, Canadian officials estimate, more than $500 million in trade (Canadian dollars) between the two countries was disrupted (see map). According to the Detroit News, the highly integrated North American automotive industry alone suffered losses of up to $988 million (U.S. dollars).

Beyond the auto industry, the blockades had a potentially large effect on employment. In the Detroit-Windsor area, in health care alone, at least 1,500 Canadians work in Michigan. With staff already stretched due to COVID-19, a prolonged closure could have been dangerous for hospitals in both countries.
Agriculture & Natural Resources

One federal aid application holds key to college financial aid; states try to get more students to complete it

**Spread of African Swine Fever**

In 2020, Iowa State University researchers estimated that a U.S. outbreak of African swine fever would cost the nation’s pork industry $50 billion over 10 years. The economic impact would be felt greatest in the Midwest, home to seven of the nation’s top 10 pork sales (Iowa, Minnesota, Illinois, Indiana, Nebraska, Ohio and Kansas.)

In Manitoba, hogs are the province’s third most important commodity, valued at more than $1 billion.

“It’s about being ready,” Eichler says. “Over the last several years we have used our experience with other pig diseases . . . to educate drivers, owners, employees and plant workers about how important biosecurity is.”

Most recently, Manitoba has prioritized two projects: one aimed at eradicating diseases spread by invasive pigs, and a second to improve disease surveillance at high-traffic facilities.

What if an outbreak does occur in Canada? One step being taken now is to limit the economic effects by creating different “zones” within the country, says Maurice Bouvier, whose duties as Manitoba’s assistant deputy minister of agriculture include market access and resiliency. “So if there is an outbreak, only a portion of the country loses market access,” he says. The province also is developing plans to handle the animals should mass euthanasia be necessary, including identifying sites for carcass disposal.

Midwestern states have been working on proactive responses to African swine fever as well.

The Iowa Department of Agriculture teamed up with state industry groups and the U.S. Department of Agriculture for a mock exercise that tested the state’s response plans in areas such as detection, containment, eradication, and cleaning and disinfection.

As a result, state officials found areas in need of improvement — for example, encouraging livestock trucks to be washed as soon as empty as well as recognizing that employees who raise livestock at home need to be provided additional protective gear and biosecurity education.

**Spread of Highly Pathogenic Avian Influenza in Early 2022: Numbers from 11-State Midwest (as of April 5)**

<table>
<thead>
<tr>
<th># of Flocks Depopulated due to Confirmed Cases</th>
<th># of Birds Depopulated in Flock</th>
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Iowa leads the nation in hog sales, and Minnesota ranks third, according to the most recent U.S. Census of Agriculture.

Researchers at universities in those two states (Iowa State and the University of Minnesota) have helped develop the Secure Pork Supply Plan. It includes a strategy for limiting the movement of animals and animal products if swine fever or foot and mouth disease are ever found in North America.

Purdue University researchers, meanwhile, are working on rapid field detection tests for African swine fever. They also have developed an online test for farmers to conduct risk assessments of their operations.

**Spread of Avian Influenza**

For poultry producers in the Midwest, all eyes recently have been on the spread in early 2022 of highly pathogenic avian influenza, or HPAI.

Seven years ago, HPAI forced the depopulation of 5.1 million birds (the majority of which were in the Midwest) and the temporary closure of key U.S. poultry markets. Since then, efforts have been made to improve compensation plans for U.S. producers impacted by an HPAI outbreak, as well as to upgrade euthanasia and disposal procedures.

Regardless of the species, state and provincial response plans for disease outbreaks tend to have several common strategies: biosecurity procedures to protect non-infected animals (isolation, cleanliness of living spaces, restrictions on access, etc.); whole herd (or flock) depopulation; and the use of large containment or protection zones.

**Avian Influenza Detection Tests for African Swine Fever**

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PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES FOCUS OF NEW STUDY OF ALL 50 STATES

Illinois, Iowa and Ohio are among 12 states nationwide whose public health preparedness for disaster and disease improved from 2020 to 2021, according to the nonprofit, nonpartisan Trust for America’s Health. To evaluate each state’s public health system, the organization used 10 different indicators of preparedness. For example:

• Does the state have plans in place to expand health care capacity, and can its public health laboratories accommodate a weeks-long surge in testing needs?
• What percentage of the state’s population is served by a comprehensive local public health system, one that is able to assess community health needs, develop evidence-based policies and ensure access to necessary services for all residents?
• Did the size of the state’s public health budget increase or decrease compared to the previous year?
• How well do hospitals perform on measures of patient safety, and is the state nationally accredited in the areas of public health and emergency management?

Using these and other indicators — such as access to a safe water supply, vaccination rates for the seasonal flu and participation in an interstate compact on nurse licensure — the Trust for America’s Health placed five Midwestern states in the “high tier of readiness” (see map).

The “Ready or Not: Protecting the Public’s Health from Diseases, Disasters, and Bioterrorism” study is released every year. In part, this year’s edition highlighted lessons from the COVID-19 pandemic. The Trust for America’s Health says those lessons include investing more in public health and addressing inequities that left some individuals at a heightened risk of death and serious illness.

ELECTIONS PERFORMANCE INDEX: MIDWESTERN STATES LED IMPROVEMENTS FROM 2016 TO 2020

Iowa, Michigan, Minnesota, Nebraska, North Dakota and Wisconsin have among the best-administered elections in the nation, according to a national evaluation released in March by the Massachusetts Institute of Technology’s Election Data and Science Lab. The MIT performance index is based on the last seven election cycles and relies on 19 different indicators.

Minnesota ranks second in the nation due to factors such as high rates of voter registration (92 percent in 2020) and voter turnout (80 percent in 2020), a statutory requirement on post-election audits, limited problems with voter registration and absentee ballots, and relatively short waiting times for in-person voters.

Iowa, which ranked third in the nation, also scored higher than the national average on most of these same performance indicators. And compared to other states, Iowa has a smaller percentage of mail and absentee ballots not being returned for counting, a smaller share of unreturned military and overseas ballots, and fewer mail and absentee ballots being rejected.

Despite the unique, pandemic-related circumstances of 2020, the data for the most recent U.S. election cycle show that states improved their administration of elections, according to the MIT researchers. Forty-five states’ index scores improved from 2016, four Midwestern states moved up in the Elections Performance Index’s ranking of states: Iowa, Kansas, Michigan and Nebraska.

South Dakota ranks lowest among the 11 Midwestern states in the MIT evaluation. Among the reasons: the unavailability of online voter registration, a lack of state participation in the Electronic Registration Information Centers, and no requirements for post-election audits.

IOWA SWITCHING TO FLAT INCOME TAX SYSTEM, JOINING THREE OTHER STATES IN MIDWEST

In 2026, Iowa will join three other states in the Midwest (Indiana, Ohio and Michigan) with a flat individual income tax rate. The phased-in plan was part of a larger tax-cutting bill passed by the Legislature and signed by Gov. Kim Reynolds in March. Under HF 2317, the state’s flat tax rate will be 3.9 percent.

Iowa has been one of seven Midwestern states with a graduated income tax structure; its top rate this year, 8.53 percent, applies to incomes above $78,435. Another change in Iowa’s HF 2317 exempts retirement income from state taxation. Combined, these two changes will cost the state an estimated $211 million in tax relief.

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SASKATCHEWAN LOOKING TO BECOME ‘DESTINATION OF CHOICE’ FOR MORE INTERNATIONAL STUDENTS

As part of a broader, long-term economic growth strategy, Saskatchewan has launched several new initiatives to make the province a hub for international education.

To attract students from other countries, the province is hiring and training people to build relations with global recruitment agents who work in the post-secondary sector. It also is supporting initiatives that build the capacity of Saskatchewan’s colleges and universities to offer attractive programs for international students. Additionally, under a new ambassador program, Saskatchewan students studying abroad will learn ways of promoting the province, while foreign students in Saskatchewan will be exposed to new academic and cultural experiences that build their appreciation of the province.

“International education is a major contributor to the Saskatchewan economy, and this strategy will help position the province as a destination of choice for international students,” Advanced Education Minister Gene Makowsky says. Strengthening international relations is a central part of “Saskatchewan’s Growth Plan,” the province’s blueprint for economic prosperity.

According to the Canadian Bureau for International Education, more than $300,000 international students were in Canada in 2020. More than half of them came from two countries: India (34 percent of the total) and China (22 percent). The most popular destination is Ontario, which hosts close to half of Canada’s international students. About 2 percent of the international students were in Saskatchewan. In the United States, Illinois, Ohio, Michigan and Indiana are among the top state destinations for college students from other countries, according to the Institute of International Education.
A taxonomic review of 100 years ago, Nebraska and Colorado ratified an interstate compact to divide up the waters of the South Platte River, which flows from Park County in Colorado (southwest of Denver) to the Platte River in Nebraska. Under the South Platte River Compact, Nebraska gets a minimal flow of 120 cubic feet per second (CFS) from April 1 to Oct. 15, as measured at a gauging station near Julesburg, Colo., just south of the state line. The compact also allows Nebraska to build a canal within Colorado to divert up to 500 CFS from the river between Oct. 16 and March 31 for use in Nebraska. In his January State of the State address, Nebraska Gov. Pete Ricketts invoked that right, citing Colorado’s own plans for the river due to population growth in its Front Range region. Ricketts’ proposal: construct a $300 million canal from the river in Colorado to a new storage basin in Perkins County, Neb. The governor turned to Sen. Mike Hilgers, speaker of the unicameral Legislature, to help lead efforts on LB 101S, a bill authorizing the Nebraska Department of Natural Resources to build and operate the Perkins County Canal, as well as use eminent domain for land acquisition in both states. (A separate bill allocates $53.5 million in cash reserves to work on the project in the next fiscal year.) “When he asked me to carry it, there was a lot of urgency because of the growth in the Front Range,” Hilgers says. “Given what projects have been announced in Colorado, the concern is that if we don’t exercise our water rights now, we’ll lose them.” That’s an alarm Ricketts sounded again almost six weeks after his State of the State speech. In late February, the governor cited the final report of a water storage study of the South Platte basin. Such a study is mandated under Colorado law. While acknowledging Nebraska’s water rights from April 1 to Oct. 15, Ricketts said, the study omitted mention of any such rights during non-irrigation season. Hilgers also pointed to a recently introduced Colorado bill calling for the state to prioritize water projects in the South Platte basin. “Colorado’s leaders believe that ‘possession is nine-tenths of the law.’ I am concerned that even though Nebraska has clear entitlements to South Platte River water under the terms of the compact, it will be difficult for us to claim what we are owed once municipalities in Colorado become reliant on the water,” Ricketts wrote. Nebraska and Colorado entered the South Platte River Compact in 1923 and ’25, respectively, and Congress certified it in 1926, according to The Council of State Governments’ National Center for Intestate Compacts. This agreement regulates the states’ use and share of water in both the river, which flows from near Denver north into Nebraska where it joins the North Platte River to form the Platte River; and Lodgepole Creek, a South Platte tributary. “We must take action now to protect this water from being taken,” Ricketts wrote. “Our ag producers rely on it for irrigation. Communities along the Platte River use it for drinking water. The water is critical to power generation in Nebraska, and our natural habitats along the Platte depend on these water flows.” The South Platte basin is already home to 70 percent of Colorado’s 5.8 million people — a population that the South Platte Basin Implementation Plan predicts will grow between 42 percent and 70 percent by 2050. To handle that growth, the plan calls for $9.8 billion to be invested in 282 water storage, irrigation, recreation, environmental and aquifer recharging projects. In comparison, Ricketts said the $500 million he wants for the Perkins County Canal “is a bargain.” OTHER USES FOR WATER Water policy has received considerable attention by Ricketts and Nebraska legislators in 2022. In advance of this year’s legislative session, for example, a specially formed legislative committee explored ideas for new projects that increase recreational opportunities and reduce flooding. “We were trying to do something transformational for the state,” Hilgers says. The committee’s ideas, endorsed by Ricketts, included investing in a 4,000-acre reservoir between the cities of Lincoln and Omaha, expanding marinas and boat access, and addressing flooding along the Platte River and its tributaries. Kansas Sen. Carolyn McGinn has chosen water policy as the focus of her Midwestern Legislative Conference Chair’s Initiative for 2022. A series of articles will appear in Stateline Midwest this year in support of this initiative. A former social worker, Illinois Rep. Lindsay LaFontio advocates for affordable and accessible health care in her legislative work. This year, she is sponsoring HB 3845, which would require Illinois insurance providers to cover medically necessary treatments for genetic, rare, unknown or unnamed, and unique conditions, including Ehlers-Danlos syndrome and altered drug metabolism. Though this specific kind of law would be a first of its kind for the Midwest, several states have implemented laws that can improve insurance coverage for those with rare diseases. The National Organization for Rare Diseases publishes an annual report card that evaluates how states serve people with rare diseases. The advocacy group focuses on these policy areas: • expanding financial eligibility for Medicaid, • covering treatment-based medical nutrition, • funding research on new treatments, • covering out-of-pocket costs for prescription drugs, • protecting coverage for patients in state Medicaid programs and state-regulated insurance, • creating rare disease advisory councils, and • putting controls on insurers’ use of step therapy. Step therapy has come under legislative scrutiny in recent years. Used by insurers to control health care costs, it sometimes requires patients to take one or more alternative medications before being allowed to access the drug prescribed by a provider. Rare-disease advocates have called for reforming the practice. An Iowa law from 2017 (HF 233) allows an insured person to get an override exception when coverage of a prescription drug for treatment of a medical condition is restricted by a step-therapy protocol. This exception must be approved by a health care carrier, health benefit plan or utilization review organization upon showing that specified circumstances apply. South Dakota (SB 155 of 2020) and Wisconsin (SB 26 of 2019) are among the other Midwestern states that have adopted regulations on step therapy in recent years. For rare diseases such as phenylketonuria, or PKU, medical nutrition — food formulated under the supervision of a physician and intended for dietary management of a disease — is required to prevent disability, allow for proper growth and provide correct caloric intake. However, insurance does not often cover medical nutrition because the U.S. Food and Drug Administration does not regulate it as a drug and insurers often view it as an elective treatment. Some states, though, have rules to ensure that medical nutrition is covered by insurance. In Minnesota, private insurers are required to cover special dietary treatment for PKU, and state-funded insurance programs cover “medical foods” so long as certain criteria are met. Much work remains to identify and address barriers to proper treatment and care for those living with rare diseases. One overarching strategy for states is to form advisory councils or commissions that develop ideas for new laws or regulatory reforms based on the most up-to-date information and science. Several states — including Illinois, Minnesota and Ohio — have formed these councils. As of March, bills to create rare-disease advisory councils were pending in Michigan (HB 4654) and Wisconsin (SB 689). Question of the Month response by Mitch Arvidson (marvidson@csg.org), a program manager for CSG Midwest, which provides individualized research assistance to legislators, legislative staff and other government officials. This section highlights a research question received by CSG Midwest. Inquiries can be sent to csginfo@csg.org.
management plans and standards in a way that increases recycling and composting in local communities; • an expansion of residential recycling services; • an update of state requirements for landfill, recycling and composting facilities; and • the use of money in Michigan’s Solid Waste Management Fund (supported by fees leveled on landfills, composting and waste processing facilities) to develop new recycling markets.

If the bills become law, they would mark a sharp turn in the state’s approach to handling waste, says Kerren O’Brien, executive director of the Michigan Recycling Coalition. “The current law is about assuring that every county in Michigan has the capacity to dispose of 100 percent of its waste,” she says. Without any dedicated funding for solid-waste planning, O’Brien adds, counties’ plans are only getting updated when a landfill wants to add capacity.

According to Howell, the legislative package was developed over several years, with input from a broad array of stakeholders — landfills, municipalities, farm bureaus, manufacturers, anyone who possibly has a connection.” “We’re taking a broad approach, taking into account recycling and composting,” Howell says. “Landfills should be the fallback.”

Under the House-passed bills, a mix of state grants, loans and other assistance would be used to develop recycling markets, expand local services, and help counties improve their solid-waste plans. This money going to materials-management planning, local recycling programs and market development of recyclables.

‘TRUE CIRCULARITY’ AND THE IMPACT OF STATE POLICY

While the U.S. EPA provides an estimated national recycling rate (it is 32 percent), comparisons between states have not been readily available, in part because jurisdictions use varying methods for determining their rates. But earlier this year, Euonía, an environmental-focused consultancy firm, released what it says is the “first-of-its-kind state-by-state comparable assessment of recycling rates.” (The Ball Corporation, a recycling-based company, provided funding support.)

The study focused on the reuse of common containers and packaging materials. It compared each state using a specific definition/criterion for recycling: when recycled materials are actually incorporated into new products.

According to Euonía, this should be viewed as the “real recycling rate,” as opposed to how many materials are being collected or sorted for recycling. By using the actual material reprocessed into new products as the point of measurement, Euonía says, the recycling rate is more representative of a material’s true circularity, and accounts for material losses at the sorting and processing stages.

Two Midwestern states, Iowa and Minnesota, rank among the top-performing states (see page 7 map). The same study also highlights some of the region’s state recycling policies. For example:

- Wisconsin bans a number of items from landfills and ensures residents have access to curbside recycling and packaging materials. It compared each state using a specific definition/criterion for recycling: when recycled materials are actually incorporated into new products.

- Minnesota sets recycling goals and requirements for local governments, while commercial businesses in that state must recycle at least three types of materials (from a list that includes glass, metal, plastic, paper and food waste). State-level funding and technical assistance help Minnesota’s local governments and businesses meet these goals and requirements.

The Eunonía study notes that across the country, higher state recycling rates often coincide with certain policies: bans on materials entering landfills, higher costs for landfill disposal, data reporting requirements for municipalities, widespread curbside recycling, and the use of deposit return systems, or DRS.

OVERVIEW OF ‘BOTTLE BILLS’ IN MIDWEST

The most familiar type of DRS is a “bottle bill,” a state law that requires refundable deposits on certain beverage containers. Iowa and Michigan are among the 10 U.S. states with such laws in place. (Every Canadian province has a bottle bill as well.)

About the Iowa law

Iowa’s bottle bill was enacted in 1978 as a litter-reduction measure. Consumers are charged 5 cents for each carbonated and alcoholic beverage that is sold in glass, plastic or metal bottles or cans. They receive a 5-cent refund when returning the container to a store or redemption center.

Participating retailers and redemption centers receive that amount back, plus an extra cent as a handling fee, from the distributors who pick up the recyclables. The recycling rate in Iowa of these containers is currently around 71 percent, substantially higher than the national average.

Efforts have been made over the years to change Iowa’s law to increase the list of containers eligible for redemption. For example, non-carbonated water and sports drinks are not covered, though they now make up over half of the beverage container purchases in the state. These efforts have not been successful.

The 1-cent handling fee also hasn’t changed.

But as part of this year’s SB 2378, a bill passed by the Senate in March, the handling fee for redemption centers would increase from 1 cent to 3 cents. Supporters of the bill hope that a payment increase will prop up existing redemption centers and spur the opening of new ones. Another provision in the bill allows Iowa retailers, such as grocery stores and convenience stores, to opt out of taking back empty bottles and cans beginning in July of 2023.

RECYCLING AND THE STATES: EXAMPLES OF RECENTLY ENACTED LAWS AND LEGISLATIVE PROPOSALS IN MIDWEST

In Illinois, counties are responsible for having a recycling program within their broader waste-management plans. However, multi-family buildings are often not included in these local programs. Under SB 1676, introduced in 2021, all apartment buildings with four or more rental units would have recycling receptacles for use by residents.

In 2019, the legislature passed HB 1226, a $4 million waste diversion pilot project will be established in Marion County, home to Indiana’s largest city, Indianapolis. Among the new law’s goals: prevent the unnecessary disposal or incineration of items with valuable, recyclable materials; develop new recycling markets; and increase the supply of raw materials needed by Indiana industries.

As part of an eight-bill legislative package passed by the House last year (HB 4454-HB 4461), Michigan would establish recycling goals in state statute: 30 percent by 2029 and, ultimately, 45 percent. To reach these goals, the state would invest in grants and loans that establish new recycling markets, revise counties’ waste management programs, and expand the reach of existing local recycling initiatives.

According to the Product Stewardship Institute, Minnesota is one of six Midwestern states (see map on page 7) that have an “extended producer responsibility” law of some kind. These states put the responsibility (financial or otherwise) on manufacturers to recycle or safely dispose of their products. Minnesota law currently covers electronics, mercury thermometers and paint. EPR bills have been introduced this biennium to add carpet (HF 1426/ SF 1171) and mattresses (HF 2361/SF 1761) to the list of products in Minnesota.

* Recycling industry is defined as firms in the private sector involved in the processing and brokerage of recycled metals, plastics, rubbers, paper, textiles, glass and electronics.

** Source: Institute of Scrap Recycling Industries

STORY CONTINUED ON NEXT PAGE

> CONTINUED FROM PAGE 1

STATES HAVE MANY OPTIONS TO ENCOURAGE MORE PRODUCT RECYCLING, LESS USE OF LANDFILLS

> COVER STORY

<table>
<thead>
<tr>
<th>State</th>
<th># of facilities</th>
<th># of jobs (direct and indirect)</th>
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Cover STORY

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President of Illinois' Stewardship Institute.

As part of legislation recently proposed in Illinois, a $1 million fund was created to help local police crack down on illegal bottle returns on beverages that were not subject to the 10-cent deposit.

Under her proposed legislation, consumers would not have to pay a deposit fee for purchases of beverage containers made out of common recycled materials (aluminum, glass or certain plastics).

“We didn’t want to [detract] from what is already working,” says Murphy, noting the existence of many facilities and municipal programs across the state that recycle these materials.

Instead, consumers would pay a deposit fee when purchasing beverage containers not made out of those commonly recycled materials.

As also part of SB 3975, consumers could get a refund on all beverage containers of one gallon or under, regardless of whether they paid a deposit fee or not.

How would they get the refund? That is where the “producer responsibility” part of SB 3975 comes in.

Beverage distributors and importers would be required to be part of a nonprofit “producer responsibility organization” that establishes and maintains redemption centers for consumers — for example, the installation of reverse vending machines and use of drop-off sites at retail locations.

PRODUCER RESPONSIBILITY LAWS AND PLASTICS

This idea of “producer responsibility” is not new. Currently in the United States, there are close to 100 state laws, covering 17 different products, that meet the definition of “extended producer responsibility” or EPR, according to the Product Stewardship Institute.

With an EPR law, states place the responsibility of recycling and/or disposing of certain consumer products on producers, manufacturers and retailers (often through the creation of producer responsibility organizations, as envisioned in Illinois SB 3975).

In this region, six states — Illinois, Indiana, Iowa, Michigan, Minnesota and Wisconsin — have a total of 14 EPR laws that cover electronics products, rechargeable batteries, paint, mercury auto switches and/or mercury thermostats (see map on this page).

This year, bills introduced in Illinois and Minnesota would make producers responsible for the life cycle of a variety of other products: carpets, mattresses, paint, pharmaceuticals, solar panels and wind turbine blades.

“We use a method that starts with a basic model, and we work with each state to figure out what the state wants, then we bring in other stakeholders, including environmental groups, producers, etc.,” Scott Cassel, CEO of the Product Stewardship Institute, says about its work on EPR measures in various U.S. states.

“There is always producer funding [requirements included in the legislation], but the question is, how much will end up in the law? There is always some degree of producer management, and the question again is, how much gets incorporated into the law?" Last year, Maine became the first U.S. state with an EPR law that covers plastics and packaging materials (LD 1541); Oregon soon followed.

In Maine, producers of these products will pay into a fund that aims to increase the recycling of packaging materials by:

• reimbursing municipalities for recycling and waste-management costs,
• making new investments in the state’s recycling infrastructure, and
• raising awareness among residents about how to recycle.

Maine’s program will be operated by a stewardship organization (selected by the state Department of Environmental Protection).

Costs to fund this stewardship organization, as well as state oversight, will be funded through mandatory producer payments. Oregon’s Plastic Pollution and Recycling Modernization Act (SB 582) requires the producers of plastic packaging, paper and food service ware to join producer responsibility organizations.

These PROs will charge annual membership fees based on the environmental impacts of each product covered under the law. Oregon will establish a collection list to standardize recycled items across the state, and funding will go toward upgrading facilities to meet new performance standards.

These facilities will be required to obtain a state permit in order to receive recyclable materials from various communities. The PROs, meanwhile, must help raise awareness about the state’s recycling initiatives.

A notable part of both these states’ new EPR laws is the inclusion of plastics.

According to the U.S. EPA, in 2018 (the latest figures available), plastics were the second-largest item in landfills, comprising 18.5 percent of landfill volume, behind food waste, at 24 percent. And less than 9 percent of plastics are recycled, with more than 75 percent landfilled (see table on page 1).

The presence of plastics in the waste stream is particularly worrisome because they never decompose. Plastics break into smaller and smaller pieces, which can seep into water treatment plants and into tap water, and be eaten by fish and other wildlife that mistake them for food.

No Midwestern state has EPR laws similar to Oregon’s or Maine’s, though this year in Illinois, two bills were introduced (HB 4258 and SB 3953) to make the producers of most packaging responsible for the end life of their products.

CONSUMERS, COMPANIES ALIKE EMBRACE RECYCLING

Another policy option: require products to have a certain amount of recycled content. The states of Washington (SB 5022) and Connecticut (SB 928) passed such laws last year.

Even without such policies in place, some manufacturers have intentionally “designed for recycling.” This means more than just including recycled content, but also making products easier to recycle at the end of life.

For more than 30 years, the Institute of Scrap Recycling Industries has given an annual award to companies that “design for recycling.”

Danielle Verner, chief policy officer for the institute, says the idea is gaining greater traction.

“It is critical that manufacturers incorporate this design for recycling in their products,” she adds.

Meanwhile, more brand companies are making global commitments to move toward making their packaging out of recycled content, says Scott Mouw, senior director of strategy and research with The Recycling Partnership.

Polls show that vast majority of consumers want to recycle, too.

But Mouw notes that only 40 percent of U.S. households have “equitable access to recycling,” meaning they can recycle an item as easily as throwing it away.

State policy is one mechanism for changing numbers like this.

STATELINE MIDWEST | APRIL 2022
Lawmaker reflects on his decades-long career, and why he believes experience, perseverance and sacrificing credit are critical to success in the legislature

PROFILE: OHIO SENATE PRESIDENT PRO TEM JAY HOTTINGER

by Laura Tomaka (ltomaka@csg.org)

In his final year of college, Jay Hottinger got news about his hometown that turned out to be a final straw for him — as well as the beginning of a decades-long run in public service.

The news: A second jail facility was being placed in his Newark, Ohio, neighborhood, the continuation of what he saw as a long pattern of neglect and poor political representation hurting the place he loved.

"Everything always went into my end of town that the rest of the community didn't want," he recalls. "The jail went there, the impound went there, the wastewater treatment plant went there."

Hottinger's response: Run for City Council himself, even though he was only 21 at the time and would need to win as a Republican in a heavily Democratic ward.

"I knocked on a bunch of doors, registered over 300 voters, and sat on a lot of swings and a lot of living-room sofas, listening to people and telling them my ideas," he recalls.

"And I got elected."

It wasn't long before others took notice of Hottinger's improbable rise in local politics. The day after being re-elected to a second term, he was approached about pursuing a seat in the Ohio House.

Hottinger initially balked.

"I didn't run to make a career out of public service or because I saw the City Council as being a pathway to higher office," Hottinger says. "I ran because there were problems in my neighborhood and I wanted to solve those."

It wasn't until after doing homework on his would-be House opponent, and realizing the two differed on almost every important issue of the day, that Hottinger embarked on a successful campaign for state legislative office.

That was in 1994.

Hottinger has been a member of the Ohio General Assembly ever since, and is now set to retire as one of the legislature's longest-serving members. Over the years, he has bounced between the House and Senate, allowing him to continue public service in a state with the legislature's longest-serving members. And he's been a part of many big changes in during his decades-long tenure. And he's been a part of many big changes in

On the two priorities/themes that have shaped his legislative work...

A

One is my passion for helping at-risk youth, and the other is trying to create a climate for economic development. I don't believe that government creates jobs, but we can do a lot that improves the climate for the private sector and entrepreneurs. And we've had a lot of success there. … I've often said that the most pro-family thing you can do is help somebody get a job.

When the economic climate is strong and healthy, and Mom or Dad come home and they have a job, it solves a lot of other problems.

On the rise of Ohio's economy...

A

We have put ourselves in the strongest position in my three decades [in the legislature] in terms of our ability to attract industry. We are having a ton of industries starting to look at Ohio and reshore and locate here. … We have really diversified into the 21st century and into the new age of jobs. It's something that bodes well for Ohioans and for our future. I don't think the "Rust Belt" moniker or tag that we've had is fair. It was unfair 25 years ago, and it's certainly not fair today, …

On his district being chosen as the site of Intel's new semiconductor chip plant, and the role of state policy...

A

Intel will be the largest economic development project in Ohio's history, and it will be the largest economic development project in North America in 2022. That's right here in my district, and that's something I'm really proud of. … Seventeen years ago, I pushed for funding to widen a highway in my district from two lanes to four lanes, and right off that highway is where Intel just announced that they are building the largest chip manufacturing facility in the world. Ultimately, it's going to be a $100 billion investment over the course of the next 10 years. That wouldn't have happened if I wasn't successful in getting that highway widened.

On why experience matters in the legislature, and his message to newer lawmakers about the process...

A

I still work really hard, but I get more done today by accident than I got done 25 years ago [with a lot of effort]. The adage, "If you don't care who gets the credit, and you just want to get something done," applies. I've had dozens of bills signed into law, but I probably have had more success in other people's bills through the amendment process.

I think that's the message I would give to a younger and newer legislator, and certainly if you are in the minority. If you're willing to sacrifice some of the credit or having your name on the top line, work across the aisle, work with the other chamber, work through the amendment process. If, in the end, your goal is to get something done, there are lots of ways you can do it.

On term limits in state legislatures...

A

We put value in America on experience and expertise everywhere except in government. You want an experienced doctor, an experienced dentist, an experienced real estate agent. Ohio's all-funds budget is over $150 billion. Do you really want someone who is dealing with their first budget deciding how to appropriate $150 billion? When I worked on the bill to end the estate tax, it was difficult and took me seven or eight years before all the pieces were in place. With an eight-year term limit, trying to get some of the big things that we need to get done is a challenge.

On changes in the Ohio legislature since he first became a member...

A

There used to be a little bit more collegiality between the two parties. You see some of that today, but not like you did 20 or 25 years ago. I think it's harder for people to get out of the political mode and into the policy mode. It used to be back then that you ran a campaign, the campaign was over, you shook hands, and then everybody rolled up their sleeves and they went on to solving problems. It seems harder to do that today. It seems too often that we continue to be mired in the political. But one constant has been all the good people you meet serving our state and their communities.
Maternal mortality rates among rural Indiana mothers are four times higher than the national average.

By Indiana Rep. Rita Fleming (h77@iga.in.gov)

For more than 35 years, I have worked to improve the health of the people in my community. As a former registered nurse, nurse practitioner and retired obstetric practitioner, I've delivered more than 7,000 babies, cared for countless mothers, and witnessed wonderful outcomes and life-altering heartbreaks.

Experience as a health care provider, mother and grandmother reaffirms my belief in the fundamental role that mothers play in the health and quality of life of their children.

Now, as a legislator, I continue to advocate for improved maternal health. We have a long way to go. Recent reports have ranked our state with the third-highest maternal mortality rate in the country. Though this data collection was neither uniform nor comprehensive, it points to a problem in our health system that needs to be addressed.

One of the ongoing challenges in Indiana is access to care. For example, 33 of our 92 counties are considered “obstetric deserts,” meaning there is no obstetric ward in the entire county. This problem of access can lead to myriad negative maternal health outcomes: premature or low-birth-weight birth babies, increased maternal mortality, and a higher risk of postpartum depression and substance abuse.

It is no surprise, then, that maternal mortality rates among rural Indiana mothers are four times higher than the national average.

In response to this and other alarming statistics, Indiana passed a law in 2018 creating the Indiana Maternal Mortality Review Committee (MMRC). Its mission is to identify pregnancy-related deaths and make recommendations for policymakers, advocates and communities to improve maternal and infant health outcomes.

According to the MMRC’s most recent annual report, 86 percent of pregnancy-associated deaths among mothers occur in the postpartum period (38 percent of these occurring after six weeks postpartum), with substance abuse as the most common contributing factor.

Perhaps one of the most vital pieces of information that came out of this report: 90 percent of these deaths were preventable.

During my many years as a health care provider, all too often I encountered mothers who struggled with the health of their pregnancy due to substance abuse. I've witnessed women fall victim to addiction after opioids were prescribed for injuries; too often, such prescriptions lead people down a path of addiction that is nearly impossible to overcome, especially due to a lack of resources to address the problem.

And many women who struggle with addiction do not intend to become pregnant. In fact, in Indiana, 49 percent of all births are unintended. These women, scared and ashamed of their drug use, avoid seeking prenatal care.

According to the MMRC report, among women with pregnancy-associated deaths, 23.8 percent had no prenatal care and 28.6 percent had care only in the second or third trimesters of pregnancy. As health care providers, we know that early care during or even before pregnancy results in better outcomes for mothers and babies.

But as the MMRC report indicates, “These health conditions (substance use and mental health disorders) are among the most stigmatized conditions, and providers’ attitudes toward them impact the care received by the patient.”

IDEAS FOR LEGISLATIVE ACTION

What options do we as legislators have to reduce pregnancy-related deaths and improve maternal health? Here are some ideas.

- **Offer contraceptives at drug treatment centers** — In an effort to increase access, I proposed legislation in 2019 that would require drug treatment centers to offer (not mandate) contraceptives. Patients’ regular visits to these treatment centers are an ideal opportunity to provide preventive contraceptive care as part of a comprehensive health care model. This bill was never given a hearing.

- **Do more for people suffering from addiction** — Our maternal substance use problem is exacerbated by a flawed criminal justice system that fails to appropriately treat substance use disorder. The harmful cycle of arrest, incarceration, and release without treatment leads to public safety issues and a drain of valuable taxpayer dollars.

We can break this cycle by providing more resources to help those suffering from addiction.

Indiana took steps to address the opioid crisis in 2019 by passing legislation to expand the number of treatment centers and increase access by removing burdensome oversight of licensed social workers, mental health counselors and clinical addiction counselors.

- **Allow birth control access through pharmacies** — To obtain birth control, women must make an appointment with a provider and then wait to purchase it at a pharmacy — challenges for all women and nearly impossible for a woman in the grips of addiction. The solution is simple: make birth control more accessible to all for free or at a very low cost.

Over the past three years, I introduced legislation that would allow women to obtain oral or transdermal birth control (pills and patches), after careful screening, through a pharmacist.

With such a law in place, women in our rural areas, even those an hour away from a provider, could obtain reliable contraception at a local pharmacy.

Importantly, too, a pharmacist’s prescribing of contraceptives has been proven to be safe and effective; 16 states and the District of Columbia already allow it. Much to my disappointment, though, these bills have not received hearings, despite evidence showing that such increased access decreases abortions while improving maternal and infant outcomes.

- **Cover postpartum care through Medicaid** — The postpartum period is a time of maternal vulnerability, but 40 percent of women do not return for care after delivery. Thanks to a bipartisan legislative effort that aims to improve these numbers, we included in our budget an expansion of Medicaid to provide medical benefits to women for up to one year of postpartum care. This year, the General Assembly worked successfully to make this change permanent. (HB 1140).

BROADER HEALTH REFORMS

Moving forward, too, we must work toward comprehensive health care solutions. For example, effective policy would address our workforce shortage, an alarming trend that we are seeing across the country. In Indiana, we will need an additional 5,000 nurses by the year 2031.

We took steps this year by passing HB 1003, a measure that simplifies/eaases licensing requirements to increase the number of nurses entering the profession and practicing.

Another concern: a rise in the number of hospitals closing completely or shutting down their obstetric departments. (Sixteen Indiana hospitals have closed their obstetric wards in the last 20 years.)

Even with Hoosiers paying more than ever in health care costs and hospitals seeing increased revenues, facilities continue to close across the state. We should take a closer look at the reasons that profitable hospitals are choosing to close their doors to Hoosier women. Steps should also be taken to ensure that nonprofit hospitals are utilizing profits to expand care, not just pad profit margins.

Health care providers, meanwhile, must continue to be advocates for their patients. They are uniquely positionined to provide policymakers with thoughtful input on the real-world implications of policy. And we must also work toward providing comprehensive services to all patients, including mental health supports and preventive care to address the multiple factors that contribute to maternal deaths in our state.

These efforts will take time, research and bipartisan support in the Indiana legislature and across the country.

Rep. Rita Fleming was first elected to the Indiana House in 2018. She is a retired obstetric hospitalist.

SUBMISSIONS WELCOME

This page is designed to be a forum for legislation 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 630.921.922 or timanderson@cg.org
IOWA, CSG JUSTICE CENTER PARTNER ON BIPARTISAN, DATA-DRIVEN EFFORT TO EVALUATE PANDEMIC-RELATED CHANGES IN CRIMINAL JUSTICE SYSTEM

Have changes in policies and practices in response to the COVID-19 pandemic had a positive, negative or neutral impact on public safety in Iowa?

What new strategies have the potential of improving community supervision, reducing recidivism and prison admissions, and improving public safety?

These and other questions are being explored by the state of Iowa as part of a comprehensive review of its criminal justice system. As it has in other states, The Council of State Governments will help Iowa on its path to system improvements.

The CSG Justice Center is analyzing data with the Iowa Department of Corrections, while also facilitating focus groups or interviews with correctional stakeholders, victim advisory groups, law enforcement, and judicial groups. (The Midwestern Office of The Council of State Governments provides staff support to the MLC.)

NOMINATE ‘UP AND COMING’ LEADERS FOR 2022 CSG ‘20 UNDER 40’ AWARD PROGRAM

Nominations for The Council of State Governments’ annual “20 Under 40” award program, which provides special recognition for “up and coming” state officials under 40 years of age, are open. To be eligible, individuals must be elected or appointed officials from a U.S. state or territory who are providing exceptional engagement and leadership in their states or territories, and who are 40 or younger on Dec. 31.

Applications are due Aug. 1, and must include two letters of recommendation, a current resume, and answers to three questions. More information, along with nomination and application forms, is available at web.csg.org/20-40/.

Honorees from the Midwest in 2021 were:

- Kansas Rep. Ponka-We Victors-Cozad
- Nebraska Sen. Megan Hunt
- North Dakota Rep. Corey Mock

FOUR REASONS TO ATTEND THIS SUMMER’S FOUR-DAY MEETING FOR MIDWEST’S LEGISLATORS

1. SET TO KNOW, COLLABORATE WITH LEGISLATIVE COLLEAGUES

The Midwestern Legislative Conference is a nonpartisan association of state and provincial legislators from the region. For generations, the group’s Annual Meeting has fostered relationship building, collaboration and reciprocal learning among the Midwest’s legislators. This summer’s 76th Annual Meeting will carry on this tradition. It will be held July 10-13 in Wichita, Kan. Registration is available at csgmidwest.org and should be completed by June 6.

2. GAIN INSIGHTS FROM POLICY EXPERTS, FEATURED SPEAKERS

Over the course of four days, a wide range of policies will be covered. Through these sessions, legislators have the chance to interact with leading policy experts and one another. Several featured speakers also will be part of this year’s meeting, including acclaimed U.S. historian H.W. Brands. A professional development workshop for legislators will be held on the meeting’s final day. See agenda below.

3. BRING THE FAMILY; ACTIVITIES SET FOR GUESTS OF ALL AGES

The family-friendly MLC Annual Meeting has daytime activities for the guests of attendees.

PRELIMINARY AGENDA FOR MLC ANNUAL MEETING

SATURDAY, JULY 9
5:30 to 8:30 p.m.
MLC Agriculture & Natural Resources Committee Site Visit

SUNDAY, JULY 10
9:30 to 11 a.m.
MLC Policy Committees
- Agriculture & Natural Resources
- Criminal Justice & Public Safety
- Fiscal Affairs
11:30 a.m. to 3 p.m.
MLC Executive Committee Meeting and Lunch
12 to 1:30 p.m.
MLC Policy Committees’ Lunch
3 to 4:30 p.m.
MLC Policy Committees
- Economic Development
- Education
- Health & Human Services
- Midwest Canada Relations
4:30 to 5 p.m.
Newcomers Orientation
5 to 6 p.m.
BILLD Alumni Reception (Invitation Only)
- Newcomers Reception
6 to 9:30 p.m.
Opening Night Reception at Botanica and Lighting Ceremony at Keeper of the Plains

MONDAY, JULY 11
7:30 to 8:45 a.m.
Breakfast
- Breakfast Table Topic Discussions
- BILLD Steering Committee Business Session and Breakfast
9 to 10:30 a.m.
Opening and Keynote Sessions
- Welcoming Remarks
- Keynote Address: “Socioeconomic, Cultural and Political Forces Shaping the Midwest and Its Communities,” Dante Chinn, founder of The American Communities Project
10:45 to 11:45 a.m.
MLC Policy Sessions
- Breakfast Policy Sessions
11:45 a.m. to 1:45 p.m.
Lunch (Invitation Only)

TUESDAY, JULY 12
7:30 to 8:45 a.m.
Breakfast
- Breakfast Table Topic Discussions
- BILLD Breakfast (Invitation Only)
- MLC Resolutions Committee Meeting
9 to 10:15 a.m.
MLC Chair’s Initiative Session on Water
10 a.m. to 12 p.m.
Future of Transportation Session on Water
10:30 to 11:45 a.m.
MLC Committee-Led Sessions
- Mental Health Courts as an Alternative to Incarceration
- Supply-Chain Crunch on Agriculture and Energy Sectors
- Outlook on Fiscal Conditions and Policies for the Midwest
- MLC Committee-Led Sessions
- How Smaller Firms Engage in the Canada-U.S. Supply Chain
- The STEAM Pipeline: How and Why to Create New Career Pathways in These Fields
5 to 6 p.m.
Contributors Reception (Invitation Only)
5:45 to 6:45 p.m.
Chicago 2023 Reception
7 to 10:30 p.m.
State Dinner

WEDNESDAY, JULY 13
8:30 to 10 a.m.
Breakfast and MLC Business Session
10 a.m. to 12 p.m.
Closing Session Professional Development Workshop

The Council of State Governments was founded in 1933 as a 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, suggested 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 representing 11 states (Wisconsin, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are MLC affiliate members.
Q & A WITH BILLD ALUMS: WHAT TOOLS AND APPROACHES DO YOU USE TO STAY CONNECTED TO CONSTITUENTS IN YOUR DISTRICT?

MICHIGAN REP. PADMA KUPPA | CLASS OF 2019

“My district is very diverse socio-economically, ethnically and more. We also have many immigrants and a broad cross section of people who don’t know what the state government actually does or how to engage with the different levels of government. An important strategy that has worked in engaging constituents is to have a strong presence in the community. I partner with many local organizations to hold roundtables and informational town halls, and I participate in many community events.

Our office also organizes events, and I hold coffee or office hours consistently, along with events focused on target demographics — for example, ‘lunch and learns’ at the senior center. Posting information on social media and sending email newsletters twice a month, as well as sending informational-themed mailers, are all supplemental activities that are key to constituent outreach. My legislative team and I also knock on doors to stay in touch, and we made check-in calls to elder constituents during the height of the pandemic.

I also make a more deliberate effort to stay plugged in to different constituent sectors — city council, school board and superintendents, police departments and other government employees, nonprofit leaders, educators, and so on. It helps not only in providing constituents information on what I am doing, but also in ensuring that my votes as a lawmaker are rooted in what the community needs and wants.”

NEBRASKA SEN. SUZANNE GEIST | CLASS OF 2018

“I am fortunate that I represent a smaller [geographic] district in Nebraska. My district is very close to the Capitol, and my constituents often show up at the Capitol. My constituents also recognize me when I am in the district, and they will often come up and share their concerns with me. I found that being out in my district and attending events that my constituents attend has helped me to stay in contact with them. I also receive many emails and phone calls. I work to respond to every inquiry.”

KANSAS SEN. RICK BILLINGER | CLASS OF 2012

“I am old school; I believe that the best way to stay connected with my constituents is to be available. I read all the emails that I receive, and I send personal replies. I return phone calls when a constituent calls. I represent 14 counties in northwest Kansas, so I send regular newsletters to the local newspapers and I also send those to anyone who would like a newsletter emailed directly to them.

When a person has a notable achievement, I have a tribute read in the Senate and then take an enrolled copy of the tribute to the person’s home or place of business. At various times throughout the year, I attend events in the local communities. I also attend town hall meetings and legislative coffees that are set up in the small towns for the purpose of letting community members hear the latest updates from the Legislature, while also allowing them to give input.

It is my strong belief that I am in the Kansas Senate to represent the people of my district. To do that, I must be available to hear from the people and interact with them so I can best represent their needs, and at the same time, they will better understand what is happening at their state Capitol.”

ILLINOIS REP. SONYA HARPER | CLASS OF 2017

“I have found it most useful to remain in contact with constituents by phone, email and social media. Also, using virtual meeting platforms has really increased the amount of participation. I get for meetings and events, as we are able to cast our net wider to reach different parts of the state — and not just my district.

I enjoy teaming up with other elected officials, organizations and advocates to discuss a specific issue. Bringing all involved parties to a particular issue helps us have a robust discussion, and that leads to a plethora of solutions and action plans. In order to ensure that I remain responsive, I am sure to keep track of action items and use my staff and volunteers to help with follow-up and next steps for every meeting or event.”