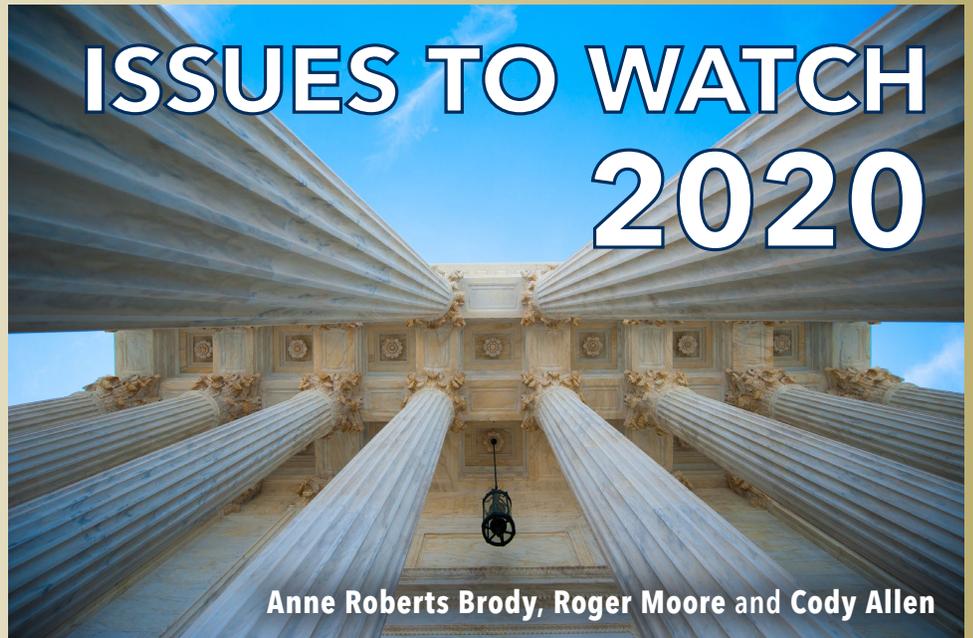


**Southern
Office of
The Council
of State
Governments**

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**Meat Labeling • Funding Broadband Expansion • Mental Health in Rural Communities • Distracted Driving
Autonomous Transportation • Commercial Trucking • Lead Testing of School Drinking Water
Student Access to Medical Marijuana • Teacher Shortages • Electric Vehicles • Renewable Natural Gas
Flood Mitigation • Artificial Intelligence, Blockchain and Cybersecurity • Public Pension Stress Testing
2020 Census • Vaping and Electronic Cigarettes • Prescription Drug Importation • Certificate of Need**

As the 2020 legislative cycle approaches, legislators across the South are preparing and prefiling legislation to address emerging and relevant policy issues in their states. With its regional focus, the **Southern Legislative Conference (SLC)** is uniquely positioned to identify and research current and emerging policy issues and trends. This report was prepared by **Anne Roberts Brody**, policy and program manager, and **Roger Moore** and **Cody Allen**, policy analysts, and provides a sampling of issues and trends that are anticipated to emerge during the 2020 legislative term. State actions referenced in this report may represent appropriate policy options for Southern lawmakers to consider and, as such, may include bills or policies originating outside the SLC region.

Current and emerging trends under the purview of the SLC's six standing committees, which are relevant to policymakers across the South, have been identified. The **Agriculture and Rural Development** preview discusses meat labeling, funding for rural broadband expansion and efforts to address mental health in rural communities, while the **Economic Development, Transportation and Cultural Affairs** preview considers distracted driving laws and the regulation of

autonomous transportation, as well as a brief discussion of an innovation in commercial trucking corridors. In **Education** policy, lead testing of school drinking water, regulating student use of medical marijuana and efforts to reverse teacher shortages are trends to watch for the 2020 legislative term, while infrastructure development for electric vehicles, renewable natural gas and flood mitigation efforts are important emerging issues in the **Energy and Environment** area. The **Fiscal Affairs and Government Operations** section discusses emerging technologies, public pension stress testing and state efforts to assist with the 2020 decennial census, and the **Human Services and Public Safety** preview examines vaping and electronic cigarette restrictions, as well as certificate of need reform and prescription drug importation plans.

Additional information about these or other issues that may be addressed in 2020 are available by contacting the SLC. Staff are available throughout the year to provide expert assistance on various policy issues important to state legislatures and, when needed, can leverage the organization's resources to provide additional support for both legislators and staff.

Anne Roberts Brody

MEAT LABELING

From the Impossible Burger to lab-grown meat, engineered and plant-based products are growing in popularity across the country. In 2018, sales of plant-based meat substitutes increased to \$1.5 billion, up 22 percent from the previous year. With this trend comes a host of labeling issues. In 2018, Missouri became the first state to enact legislation pertaining to the labeling of agricultural goods as meat or meat product when the goods are not derived from harvested livestock or poultry. In 2019, similar legislation was introduced or enacted in several Southern states, a trend that likely will continue in the 2020 legislative session.

FUNDING BROADBAND EXPANSION

Access to reliable, high-speed internet is vital to almost every aspect of the nation's economy. Often compared to the electrification of rural America, the push to expand broadband access has gained momentum across the South. In recent years, Southern states have sought to identify funding mechanisms to encourage the expansion

of broadband in rural and underserved areas. These can include the establishment of grant programs, provision of loans to local governments in unserved and underserved areas, and tax incentives or exemptions for broadband construction projects.

MENTAL HEALTH IN RURAL COMMUNITIES

According to the U.S. Centers for Disease Control and Prevention, suicides among farmers are 1.5 times higher than the national average. Experts warn that rising farm debt, limited access to mental health resources, harvests impacted by extreme weather, and a long-running trade war with China all are contributing to significant stress among farm and agricultural workers. As Southern states seek to reverse this alarming trend, funding for cooperative extension service programming aimed at increasing awareness of rural stress issues and warning signs; identifying ways to communicate and cope with stress; and accessing local resources and support systems, such as those created by the University of Arkansas System Division of Agriculture in 2019, may be an appropriate focus for legislation.

	Issue	State	Legislation / Year / Description
State Legislation	MEAT LABELING	Alabama	House Bill 518 (2019): Bans products containing cultured animal tissue and not derived directly from an animal from being labeled a meat.
		Kentucky	House Bill 311 (2019): Prohibits products containing cultured animal tissue derived from in vitro animal cell cultures outside of the organism from which it originated from being labeled as meat or a meat product.
		Oklahoma	Senate Bill 392 (2019): Prohibits the representation of a product as meat if the product is not derived from harvested livestock or poultry; plant-based items are not prohibited, provided the packaging displays that the product is plant based.
		South Carolina	House Bill 4245 (2019): Makes it a misdemeanor to advertise, sell, label, or misrepresent as "meat" or "clean meat" any cell-cultured product; does not apply to plant-based meat substitutes.
	BROADBAND FUNDING	Missouri	House Bill 1872 (2018): Establishes the state's Rural Broadband Development Fund.
		Tennessee	Senate Bill 1215 (2017): Provides \$45 million in state funding over three years to encourage deployment in unserved areas.
		North Carolina	Senate Bill 99 (2018): Creates the Growing Rural Economies with Access to Technology (GREAT) Program.
RURAL MENTAL HEALTH	Washington	House Bill 2671 (2018): Creates a task force on behavioral health and suicide prevention in the agriculture industry and directs the state Department of Health to establish a pilot program to provide free counseling and suicide prevention resources to individuals in the agriculture industry.	

Roger Moore

DISTRACTED DRIVING

Efforts to mitigate distracted driving by banning hand-held electronic devices for all drivers will continue in 2020. Three states in the South – Georgia, Tennessee and West Virginia – already have enacted hand-held device bans, and several others have introduced similar legislation during recent legislative sessions. Fourteen of the 15 Southern states ban texting while driving.

The proposed and enacted legislation prohibits drivers from holding cell phones and other electronic devices while driving but allows hands-free use. Lawmakers across the region have indicated they will continue working on distracted driving legislation in 2020. Proponents contend more is needed to curb dangerous practices that lead to frequent and, often, deadly accidents.

AUTONOMOUS TRANSPORTATION

Advanced technology for autonomous vehicle transportation continues to evolve and become more accessible, both for personal and commercial travel. However, in many cases, existing laws and structures need to be modernized to reflect the swift advancements in technology. State governments have begun this process, enacting

policies that address safety, regulatory and operational concerns related to intelligent transportation systems, connected vehicle technology, driver assistance improvements and fully autonomous vehicles.

In recent legislative sessions, several Southern states have created autonomous vehicle pilot programs; established which agencies are responsible for regulating autonomous vehicle testing and deployment; and authorized commercial platooning, which occurs when two or more trucks in a convoy are linked using connectivity technology and assisted-driving systems.

COMMERCIAL TRUCKING

The Georgia Department of Transportation (GDOT) currently is planning a pilot program in the Atlanta metro region, the first of its kind in the nation, to build dedicated lanes for commercial vehicles along one of the busiest trucking corridors in the United States. The project, which GDOT anticipates may reduce delays in the pilot area by 40 percent, will allow commercial trucks to travel in barrier-separated lanes, potentially reducing congestion and increasing driver safety. If successful, the project could be expanded in Georgia and replicated in other states in the future.

	Issue	State	Legislation / Year / Description
State Legislation	DISTRACTED DRIVING	Florida	House Bill 107 (2019): Elevates texting and driving violations to primary offenses.
		Tennessee	House Bill 164 (2019): Prohibits all drivers from holding or physically supporting a phone while driving. Violators are fined up to \$50 for the first offense and up to \$100 for subsequent offenses. <i>Related: Georgia House Bill 673 (2018) and West Virginia Senate Bill 211 (2012)</i>
	AUTONOMOUS TRANSPORTATION	Arkansas	House Bill 1561 (2019): Authorizes the State Highway Commission to adopt rules allowing Arkansas companies to submit plans for assisted-driving and autonomous vehicle pilot programs. <i>Related: Florida House Bill 311 (2019)</i>
		Kentucky	Senate Bill 116 (2018): Authorizes commercial platooning, defined as two individual commercial vehicles traveling in a unified manner at electronically coordinated speeds at following distances that ordinarily would not be allowed. <i>Related: Alabama Senate Bill 125 (2018), Georgia House Bill 472 (2017), North Carolina House Bill 716 (2017) and Tennessee Senate Bill 676 (2017)</i>
		Oklahoma	Senate Bill 365 (2019): Mandates that state law supersedes local ordinances that prohibit, restrict or regulate autonomous vehicle testing and operation.

Cody Allen

LEAD TESTING OF SCHOOL DRINKING WATER

According to a 2018 report by the United States Government Accountability Office, an estimated 13 million public elementary and secondary students attended schools with elevated levels of lead in the drinking water. Recent research has shown that school-aged children are more vulnerable to elevated lead levels in drinking water, which can impair their ability to learn. Only three Southern states have adopted statutory lead testing policies for school drinking water. Requiring local water utilities to conduct the testing at public schools that are constructed prior to a specified date, saving state and local funds for remediation and repair, may be an appropriate policy consideration.

STUDENT ACCESS TO MEDICAL MARIJUANA

Six SLC member states—Arkansas, Florida, Louisiana, Missouri, Oklahoma and West Virginia—have legalized medical marijuana. Many of these laws are silent on how student use should be governed. Some states delegate rulemaking to local school boards or districts,

while others prohibit it completely or require parents and guardians administer the medication on school grounds.

Drawing from existing statutory guidelines governing the administration of and accounting for other medications, crafting policies that ensure access to medical marijuana by qualified minor patients, or authorized caregivers; identifying how it will be received, accounted for and stored; declaring who will be authorized to administer it; and establishing a process to prevent access to it by unauthorized parties may be appropriate policy options.

TEACHER SHORTAGES

In response to nationwide teacher protests and walkouts in 2018, several SLC member states raised teacher pay. Although teacher compensation has increased throughout most of the region, many states still are facing teacher shortages, especially in rural and low-income districts as well as in certain subject areas. Lawmakers have explored several solutions to address this area of growing concern and attract more qualified educators to the profession.

State Legislation	Issue	State	Legislation / Year / Description
	LEAD TESTING	Louisiana	House Bill 633 (2018): Launches a pilot program prioritizing public schools built prior to 1986.
		Tennessee	Senate Bill 619 (2018): Establishes a mandatory program prioritizing public schools built prior to January 1, 1998; voluntary testing for public schools constructed on or after January 1, 1998.
		Virginia	Senate Bill 1359 (2017): Creates a mandatory program prioritizing public schools built prior to 1986.
	STUDENT ACCESS TO MEDICAL MARIJUANA	Colorado	House Bill 1286 (2018): Allows authorized school personnel to give medical marijuana to qualified students on campus, and provides guidance on accounting for and storing the marijuana when not in use.
		Florida	Senate Bill 720 (2020): Requires all public schools to allow a designated caregiver, or registered employee of a county health department, to provide, account for and administer a student's medical marijuana on school grounds.
		Illinois	Senate Bill 455 (2019): Allows school nurses or administrators— if authorized by a parent or legal guardian— to administer medical marijuana to registered students; allows students to self-administer under the supervision of a school nurse or administrator with parent or legal guardian approval.
	TEACHER SHORTAGES	Arkansas	Senate Bill 555 (2017): Increases stipend for nationally certified teachers in high-poverty schools and districts.
		Florida	Senate Bill 7070 (2019): Provides recruitment awards for new teachers who are subject experts in high-need areas.
		North Carolina	Senate Bill 257 (2017): Establishes a loan forgiveness and tuition assistance program to recruit high achieving students to become teachers in specified subject areas or in special education programs.
Senate Bill 399 (2019): Allows rehiring retired teachers in high-need areas, without negatively affecting their retirement benefits.			
Oklahoma		House Bill 3309 (2018): Creates a support, coaching and mentorship program for new teachers.	
Virginia	House Bill 1125 (2018): Allows licensing reciprocity for certified out-of-state teachers.		

Anne Roberts Brody

ELECTRIC VEHICLES

Nearly every major automaker has committed to developing electric vehicles (EVs), representing approximately \$300 billion in total investments over 10 years. The stock of EVs is expected to reach 7 million by 2025. As EV adoption increases, states are beginning to grapple with the myriad policy issues inherent in such shifts. In the 2020 legislative cycle, laying the groundwork for EV charging infrastructure and continuing discussions on the implications for traditional transportation infrastructure funding likely will emerge as focus areas.

RENEWABLE NATURAL GAS

According to the U.S. Environmental Protection Agency, agriculture accounted for 9 percent of the nation’s total greenhouse gas emissions in 2017. As the nation works to reduce these emissions, the agriculture sector is facing increasing pressure to reform. One trend that may facilitate this is the increasing use of renewable natural gas. Renewable natural gas is generated by capturing biowaste from dairies, farms, landfills and wastewater

treatment plants, which is converted into biogas and processed into biomethane, a “pipeline-ready” product. Analysts anticipate increased interest in incentives to encourage growth in this burgeoning sector.

FLOOD MITIGATION

In recent years, Southern states have been inundated by major flood events. Taken together, the impacts of these events can create significant and long-term strain on states’ economies, both in terms of tangible losses and damages, as well as lost productivity. A recent study by the National Institute of Building Sciences found that every dollar spent on disaster mitigation saves \$6 in future disaster costs. To address this, Southern states are beginning to take a more proactive approach to flood planning, pivoting from a recovery-oriented approach to one focused on resiliency and mitigation. One such example is South Carolina Executive Order 2018-50 (2018), which established the South Carolina Floodwater Commission, tasked with identifying and implementing short- and long-term recommendations to alleviate and mitigate flood impacts to the state.

	Issue	State	Legislation / Year / Description
State Legislation	ELECTRIC VEHICLES	North Carolina	House Bill 329 (2019): Exempts electric vehicle charging stations from public utility regulation. <i>Related: Missouri House Bill 355 (2019)</i>
		Virginia	House Bill 922 (2018): Authorizes localities, public universities and the Department of Conservation and Recreation to locate and operate fee-based charging stations and exempts the entities from public utility regulation.
		Iowa	House File 2256 (2018): Requires the state Department of Transportation to study the impact of EVs on transportation infrastructure funding.
	RENEWABLE NATURAL GAS	North Carolina	House Bill 589 (2017): Requires the state utility commission to adopt an expedited review process for swine and poultry waste energy projects of 2 MW or less.
		California	Senate Bill 1440 (2018): Requires the state Public Utilities Commission, in consultation with the State Air Resources Board, to consider adopting specific biomethane procurement targets.
	FLOOD MITIGATION	Texas	Senate Bill 339 (2019): Requires homeowners to disclose if their properties currently are covered by flood insurance, have experienced flooding due to a failure or breach of a reservoir or controlled emergency release of water from a reservoir, or if there has been previous water penetration into a structure on the property due to a natural flood event.
			Senate Bill 7 (2019): Leverages the state’s “rainy day fund” to provide grants and loans for flood control and mitigation projects.
		North Carolina	House Bill 200 (2019): Among other things, provides funds to strengthen the state’s resilience against future hurricanes.

Cody Allen

ARTIFICIAL INTELLIGENCE, BLOCKCHAIN AND CYBERSECURITY

State and local governments across the country have seen increased cyber threats and ransomware attacks devastate their operating systems and disrupt essential governmental functions. As states embrace emerging technologies and continue to create new uses for the most valuable resource they collect—data—in order to more efficiently provide services, they increasingly will be vulnerable to these threats. In recent legislative sessions, Southern lawmakers have explored emerging technology-related policy issues by studying the impacts of artificial intelligence on governmental efficiency, establishing regulations for the use of blockchain technology, and expanding government cybersecurity infrastructure and responses.

PUBLIC PENSION STRESS TESTING

In the wake of the 2008 financial crisis, many states have enacted pension reform and solvency efforts in order to be more prepared for future fiscal stressors. Economists across the country have begun to sound the alarm regarding recession risk, and the swelling wave of oncoming public retirees. As the risks increase, lawmakers may consider implementing mandated stress testing requirements for their public pension systems.

Statutory stress testing may be an appropriate policy option in response to this crisis. Lawmakers also may choose to specify the type and number of simulated testing scenarios that should occur. In states with statutory

testing, the board overseeing the respective retirement systems already fulfills all or portions of the mandated testing, resulting in negligible costs.

2020 CENSUS

The April 2020 decennial census will be vital to Southern states, which are poised to gain greater federal representation and increased funding. Currently, 12 SLC member states have taken executive and/or legislative action to create complete count committees, while three states—Alabama, Georgia and Virginia—have appropriated funds for census-related work. Meanwhile, lawmakers in Florida already have prefiled census-related legislation for the 2020 session. While there is time for states to act, local governments and other organizations are expected to lead complete count efforts in states that have not seen executive and/or legislative action adopted.

State Legislation		
PUBLIC PENSION STRESS TESTING		
State	Legislation	Fiscal Notes
Colorado	Senate Bill 200 (2018)	\$200,000 triennially
Connecticut	Senate Bill 1502 (2017)	\$50,000 annually
Hawaii	House Bill 1182 (2017)	\$12,500 annually
Indiana	Senate Bill 545 (2019)	n/a
Montana	House Bill 715 (2019)	n/a
New Jersey	Assembly Bill 4704 (2017)	n/a
Virginia	House Bill 1768 (2017)	n/a

State Legislation	Issue	State	Legislation / Year / Description	
	ARTIFICIAL INTELLIGENCE, BLOCKCHAIN AND CYBERSECURITY	Alabama		Senate Joint Resolution 71 (2019): Forms the Alabama Commission on Artificial Intelligence and Associated Technologies.
		Arkansas		House Bill 1944 (2019): Creates a statutory definition for blockchain technology.
		Florida		Senate Bill 1024 (2019): Establishes the Florida Blockchain Task Force. <i>Related: Kentucky House Resolution 171 (2019)</i>
		Louisiana		Senate Concurrent Resolution 123 (2019): Creates the Task Force on Cyber Incident and Response to test state and private entities' response and infrastructure against simulated cyber threats and attacks.
		Texas		House Bill 3834 (2019): Mandates cybersecurity training for certain state and local government employees.
				Senate Bill 64 (2019): Encourages state and local government agencies to use next generation technologies, including blockchain, cryptocurrency and artificial intelligence.
West Virginia		House Bill 2452 (2019): Establishes the West Virginia Cybersecurity Office within the state Office of Technology.		

Roger Moore

VAPING AND ELECTRONIC CIGARETTES

A spate of mysterious illnesses and deaths, along with uncertainty about the long-term health effects of vaping, have prompted many states to restrict the usage and distribution of electronic cigarette products, particularly among youth and young adults. In 2019, several states in the South passed such legislation. The enacted bills prohibit the sale and usage of electronic cigarette products to individuals under age 18 and, in the case of Arkansas, Virginia and Texas, under 21; eliminate indoor usage of electronic cigarettes; and ban electronic cigarette products on school premises. Further restrictions and regulations, such as placing excise taxes on electronic cigarette products and restricting the number of flavors available for purchase, could be the focus of state legislatures in 2020.

PRESCRIPTION DRUG IMPORTATION

In 2019, four states – Colorado, Florida, Maine and Vermont – passed prescription drug importation legislation. If approved by the U.S. Department of Health and Human Services, the programs will allow the importation of designated prescription drugs from foreign countries, potentially lowering costs for consumers. However, there remain many obstacles for states interested in enacting

drug importation programs, including receiving federal approval and developing comprehensive regulations to ensure safe and cost-effective drugs are available. As high prescription drug costs continue to draw attention at both the state and federal levels, other states likely will consider drug importation legislation in 2020.

CERTIFICATE OF NEED

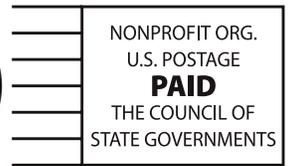
Certificate of need (CON) regulations were designed to ensure that new healthcare facilities are necessary in a particular area, under the assumption that excess capacity and redundancy in healthcare services leads to inflated costs. Healthcare providers must receive state approval to proceed with projects, such as building or expanding medical facilities or altering what services are available to patients at an existing facility.

In recent years, officials in many states have begun questioning the need for restrictive CON laws, arguing they limit the supply of healthcare and undermine access to important services. Every state in the South, except Texas, has CON laws to varying degrees. In 2019, Georgia and Florida both overhauled their CON programs. With healthcare costs and accessibility remaining important policy issues, states are expected to continue modifying their CON laws in the future.

	Issue	State	Legislation / Year / Description
State Legislation	VAPING AND ELECTRONIC CIGARETTES	Alabama	House Bill 41 (2019): Bans the sale of vaping devices to individuals under age 19.
		Florida	Senate Bill 7012 (2019): Bans indoor vaping at most establishments, passed following a voter-approved constitutional amendment.
		South Carolina	House Bill 3420 (2019): Prohibits individuals under 18 from using electronic cigarette products and bans all tobacco/nicotine products from schools and school-sponsored events.
		Texas	Senate Bill 21 (2019): Raises the legal smoking age to 21 years and older. The restrictions apply to cigarettes, as well as electronic cigarette products. <i>Related: Arkansas House Bill 1565 (2019) and Virginia House Bill 2748 (2019)</i>
	DRUG IMPORTS	Florida	House Bill 41 (2019): Creates the Canadian Prescription Drug Importation Program and International Prescription Drug Importation Program to import FDA-approved prescription drugs into the state. <i>Related: Colorado Senate Bill 5 (2019), Maine Legislative Document 1272 (2019) and Vermont House Bill 542 (2019)</i>
	CERTIFICATE OF NEED	Florida	House Bill 21 (2019): Eliminates CON requirements for general hospitals and tertiary services.
Georgia		House Bill 186 (2019): Among other things, changes which entities are allowed to protest an application to establish or expand hospital services. Under the law, only other healthcare facilities located within 35 miles that provide similar services can oppose CON approval.	



SOUTHERN LEGISLATIVE CONFERENCE



Southern Office of
The Council of State Governments
P.O. Box 98129
Atlanta, Georgia 30359

phone: (404) 633-1866
fax: (404) 633-4896
web: slcatlanta.org

Colleen Cousineau
Director, Southern Legislative Conference
Director, Southern Office of
The Council of State Governments

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Founded in 1933, **The Council of State Governments (CSG)** is our nation's only organization serving all three branches of state government. A regionally based organization, CSG fosters the exchange of insights and ideas to help state officials shape public policy. This offers unparalleled regional, national and international opportunities to network, develop leaders, collaborate and create problem-solving partnerships.

Opened in 1959 as the final regional office of CSG, the mission of the Southern Office is to promote and strengthen intergovernmental cooperation among its 15 member states, predominantly through the programs and services provided by its **Southern Legislative Conference (SLC)**. Legislative leadership, members and staff depend on the SLC to identify and analyze solutions for the most prevalent and unique

state government policy issues facing Southern states. Member outreach in state capitols, leadership development and staff exchange programs, meetings, domestic and international delegations, study tours, and policy fly-ins by the Southern Office support state policymakers and legislative staff in their work to build a stronger region.

Established in 1947, the SLC is a member-driven organization and serves as the **premier public policy forum for Southern state legislatures**. The SLC Annual Meeting and a broad array of similarly well-established and successful SLC programs — focusing on both existing and emerging state government innovations and solutions — provide policymakers diverse opportunities to interact with policy experts and share their knowledge with colleagues.