

# News From The States

# EVENING WRAP

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By [Sean Scully](#)

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Happy almost Super Tuesday, everyone. Let's see what's in the news for this most super of Mondays.



## The Big Takeaway

**Just about everyone agrees that drug abuse is a bad thing and we should try to prevent it.** But things quickly fall apart over one key question: is it primarily a criminal justice problem or a health care problem? Either way, it presents a political problem.



*A volunteer registered nurse treats skin wounds caused by xylazine at the Savage Sisters community outreach storefront in Philadelphia.*

*(Photo by Matt Rourke/The Associated Press)*

**On the law enforcement side of things, many states are increasing penalties for the distribution of a once-obscure animal tranquilizer known as xylazine, [Stateline reports](#).** The cheap and easily accessible substance has been increasingly showing up in street drugs nationwide, an affordable way for drug dealers to increase the potency of their products at a modest cost.

Unfortunately, the substance has gruesome side effects, including skin lesions that can lead to infections and even require amputation of limbs. Opioid reversal drugs don't work on xylazine either, making it difficult to save people experiencing an overdose.

A number of states, including Florida, Ohio, Pennsylvania and West Virginia, have already defined xylazine as a controlled substance, regulating the storage and use of the drug and making unauthorized distribution a crime, Stateline reports.

Others, including Indiana, New York, South Carolina, South Dakota, Virginia and Wisconsin, are considering similar measures, along with authorizing the use of test strips so users can know if the substance has been cut into their drugs.

But addiction experts worry that the get-tough approach on xylazine won't work much better than it did on previous high-profile drug epidemics, from marijuana to crack to fentanyl.

“Scheduling drugs and making things illegal has never had any meaningful effect ... on people actually ingesting drugs or the amount of drugs showing up in the drug supply,” said Colin Miller, the community liaison and social/clinical research specialist at the University of North Carolina Street Drug Analysis Lab. “Xylazine is just like the latest in a long line of these examples.”

Danielle German, an associate professor at the Johns Hopkins Bloomberg School of Public Health, said harsh criminalization can actually undermine efforts to get users into treatment.

“That increased perception of penalty — we’ve seen over and over and over again that that’s what pushes people away from the resources that we most want them to be able to access,” German said.

And some drug experts worry that the hysteria over xylazine, like the public safety frenzies over older drugs, may simply divert attention from emerging new threats in the drug supply.

“Because we hyper-focused on fentanyl for so long, the criminal drug market responded with a more lethal and potent substance to adulterate and then dominate the supply,” said Sarah Laurel, the founder and executive director of Savage Sisters Recovery, a Philadelphia nonprofit that offers free services to people experiencing homelessness and substance use.



*Sara Barger, executive manager and policy liaison for 4D Recovery, visits with Mitch Wright, 31, in a recovery house in Gresham, Oregon on Thursday, Feb. 22, 2024.*

*(Photo by Ben Botkin/Oregon Capital Chronicle)*

**On the other end of the spectrum, Oregon has been approaching drug addiction largely as a health care issue.**

The state has about 500 recovery houses, [the Oregon Capital Chronicle reports](#). These are half-way houses for people in recovery – they no longer require the kind of intensive treatment that in-patient facilities provide, but they're not quite stable enough to live entirely on their own.

The houses provide a drug-free, supportive environment while people get their lives back in order.

"It's like a war zone out there," said Andrew Early, 35, who is recovering from a fentanyl addiction and lives in one such house. "Every day, I drive down the street and see people getting high. So it's definitely nice to have a safe spot to come back to."

These houses can help hundreds of people at a time, which seems like good news until you realize that there are thousands of Oregonians who need this kind of support, advocates say.

"Some people have no choice but to go back to the environment that ultimately could have contributed to their addiction in the first place," said Adrian Burris, 33, director of operations for 4D Recovery, who himself spent four years in a recovery house before he felt strong enough to strike out on his own again.

Oregon officials are trying to expand the network of such houses.

"Lawmakers hope to help this session by allocating \$18 million through [Senate Bill 1530](#), which would fund new recovery houses and expand those that exist, opening up another 500 to 600 beds for people throughout the state," the Capital Chronicle said.



*Clovis, New Mexico is one of six local governments in the state that enacted ordinances making access to abortion services more difficult.*

*(Photo by Patrick Lohmann/Source New Mexico)*

**In another form of the health care vs. criminal law fight, abortion rights advocates say Texas activists have been quietly lobbying local officials in New Mexico to enact laws that would restrict the state’s otherwise protected abortion access, [reports Source New Mexico](#).**

“Emails show former Texas Solicitor General Jonathan Mitchell and Mark Lee Dickson, founder of the ‘Sanctuary Cities for the Unborn’ initiative, succeeded in influencing local governments in rural parts of the state — despite warnings and hesitation from local officials,” Source New Mexico writes.

The cities of Clovis and Hobbs started the trend in 2022 and 2023, enacting local ordinances saying residents could not violate the Comstock Act, a largely forgotten federal law from 1873 that if read literally would prevent the interstate transport or sale of abortion medication. They were later joined by two more cities and two rural counties.

The emails, uncovered by a legal nonprofit called Democracy Forward and verified by Source New Mexico, show that the Texas advocates were offering model legislation and free legal support to local officials.

Hobbs Mayor Ed Cobb denied there was anything improper, saying they get outside lobbying and advice all the time on possible legislation.

“That doesn’t necessarily mean that we copy and paste it, but it’s not prohibited,” Cobb said.

New Mexico’s Democratic Attorney General Raúl Torrez isn’t so sure about that. He has sued the local governments, asking courts not just to overturn the ordinances, but also to rule that abortion access is guaranteed under the state constitution, not just state law.

Abortion rights activists worry that the Texas players are setting a legal trap in New Mexico.

Jonathan Mitchell and other leaders of the “Sanctuary Cities for the Unborn” movement have been open in their desire for a test case to get the Supreme Court to affirm that the Comstock Act, which has languished unenforced for decades but remains on the books, supersedes any state law guaranteeing abortion rights.

“That is the end game here,” said Joe Gaeta, director of oversight and engagement at Democracy Forward and one of the attorneys who originally obtained the records.



*Katie and Millie Scheid testified in a state Senate committee in favor of a bill to pay parental caregivers of children with intellectual and developmental disabilities.*

*(Photo courtesy of Katie Scheid)*

**Washington state, meanwhile, is raising a different kind of health care question:** How to support the families of children with severe mental or physical disabilities, [the Washington State Standard reports](#).

State law allows Medicaid to pay for care for children who need help like bathing, dressing, or taking medication and other health care. The problem is that the law specifically excludes parents and legal guardians from payment until the child turns 18.

With the staggering expense of in-home care and a chronic shortage of professional care workers, parents are forced to make difficult choices, such as giving up their careers, to make sure their children are taken care of.

“It’s really taxing on our family and for all the families like mine in the exact same situation,” said Katie Scheid, whose daughter Millie was diagnosed with severe cerebral palsy, needing round-the-clock care and experiencing up to 50 seizures per day.

The fix is relatively simple, families say: Change the law to allow parents to get paid for their time, just like professional caregivers. Scheid was among about 500 parents who urged the legislature to [support such a bill](#) this session.

But with the legislature winding down, the idea appears dead for this year. Lawmakers mostly appeared to be worried about the possible cost of the change. Legislative analysts estimated that the cost could eventually rise to as much as \$95 million for every two-year budget cycle.

State health officials say the system is already struggling to meet the needs of existing programs and adding the pressure of administering a parental payment system would require even more staff and expense.

Parents say that's just a copout, pointing out that the state estimates that parents are unable to use as many as 1.4 million hours of paid care annually because of a shortage of qualified workers. That means the state should already be prepared to handle those potential costs.

"If thousands of qualified caregivers showed up on the doorsteps of all of these families tomorrow, the state would need to find a way to pay for them," parent Adrienne Stuart of Tacoma said.

### **Caring for Our Health**

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- [With medical debt burdening millions, a financial regulator steps in to help](#)
- [Air quality in Arizona is already bad, but Republicans want to end most vehicle emissions testing](#)
- ['A failure of the system': Over 700 people have died on probation in Maine since 2013](#)



**State of Our Democracy**





*Nope, no sign of insurrection from here. Move along, folks.  
(Photo by Chase Woodruff/Colorado Newsline)*

**Just a day ahead of Super Tuesday, the U.S. Supreme Court said former President Donald Trump can remain on Colorado’s ballot, [reports Colorado Newsline](#).**

“Because the Constitution makes Congress, rather than the States, responsible for enforcing Section 3 (of the 14th Amendment) against federal officeholders and candidates, we reverse” the state supreme court decision striking him from the ballot, the unanimous, unsigned decision said.

The Colorado court had ruled that Trump’s support for the Jan. 6 riot at the capitol, on top of a sprawling conspiracy to overturn the results of the 2020 election in key states, counted as participating in an insurrection. A group of Colorado Republicans brought the case, arguing that he was covered by the provision in the 14th Amendment that prevented rebellious office holders who had supported the Confederacy in the Civil War from holding future federal office.

Although the U.S. Supreme Court was unanimous in its decision, it was far from unified in how its decision should be interpreted.

Five of the six conservative jurists argued that the insurrection clause should only be enforced pursuant to some kind of enabling legislation passed by Congress. Lawmakers have never passed a mechanism to specify how that part of the 14th Amendment should be enforced.

The three more liberal justices issued their own opinion, calling the conservative justices conclusions “as inadequately supported as they are gratuitous.”

“Today, the majority goes beyond the necessities of this case to limit how Section 3 can bar an oathbreaking insurrectionist from becoming President,” the liberal justices wrote. “Although we agree that Colorado cannot enforce Section 3, we protest the majority’s effort to use this case to define the limits of federal enforcement of that provision.”

The court did not rule on one key claim by the Trump team, that the president was not specifically mentioned in a list as “officers of the United States” in the amendment (as are, say, U.S. senators), therefore the president doesn’t count as an officer of the United States. That contention was widely derided by legal experts, because it would effectively make the president of the United States the only federal official with permission to attempt to overthrow his own government.



*Republican presidential candidate Nikki Haley spoke to a crowd of a couple hundred supporters on March 3 in Portland, Maine.*

*(Photo by Emma Davis/Maine Morning Star)*

**In other election news, Republican Nikki Haley spent the weekend making her pitch to GOP voters in several Super Tuesday states.** She has been ramping up her attacks on Trump in recent weeks, arguing that he is unstable and chaotic. She even went as far as to [back off her earlier promise](#) to support the eventual Republican nominee, no matter who that may be.

“It’s not normal under Joe Biden to have these wars around the world,” Haley said at an appearance in Maine, [the Maine Morning Star reports](#). “It’s not normal for Donald Trump to go side with a dictator over our allies ... we’ve got to get to where we’re at a place that we can get things done again.”

At an appearance earlier in North Carolina, Haley sounded like a Republican of a long-forgotten era (you know, like the 2010s) calling for robust foreign engagement, with the U.S. firmly in the lead of the free world.

“This is about preventing war,” Haley said, [NC Newsline reports](#). Our allies “need to have the equipment and ammunition to win so that we don’t have to go to war. This is the part they don’t want you to know. Securing the border is priority number one, period. But if we just helped Ukraine and Israel, that’s only five percent of our defense budget. If we helped Ukraine, Israel and secured the border that’s less than 20% of Biden’s green subsidies. So don’t let them lie to you and say that you have to choose.”



*Former President Donald Trump speaks during a campaign event at Greensboro Coliseum in North Carolina.*

(Photo by Alex Wong/Getty Images)

## **Trump too was busy over the weekend.**

In a rival rally in North Carolina, he painted a bleak picture of America, [Newsline writes](#).

“The speech, in Trump’s trademark rambling and improvisational style, painted a portrait of an America that has in three years under Biden become an economically devastated, crime-ridden hellscape overrun with murderous ‘illegal alien animals’ and ‘monsters,’” Newsline reports.

Multiple studies show Trump’s claims are wrong and that immigrants are less likely to commit violent crimes than people born here. One from the [National Academy of Sciences](#) analyzed data from the Texas Department of Public safety that showed U.S. citizens are twice as likely to be arrested on allegations of violence as people who are in the country illegally.

In an appearance in Virginia’s capital, he leaned into his harsh rhetoric on immigration, promising the “largest domestic deportation operation in American history,” [the Virginia Mercury reports](#).

“We now have a new category of crime, you know what it’s called? It’s called migrant crime. And this category is turning out to be worse than any crime we’ve ever had in our country,” Trump said. “I was going to call it Biden migrant crime. But if you do that it’s too long. It doesn’t work.”

## **How super is Super Tuesday? Pretty super.**

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- [Legislature winds down](#)
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- [\(North Dakota\) Copies of deleted attorney general emails discovered](#)

## Economy

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- [Hearing on recall of 60,000 Missouri marijuana products set to begin](#)

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## Environment

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- [\(South Dakota\) Opposition to pipeline could derail landowner protections, House leader warns](#)
- [Bipartisan Tennessee bill would bring recycling to all homes, paid for by private business](#)



## One Last Thing



*I told you, leave me out of this.  
(National Park Service photo)*

**You may remember some weeks ago when we brought you [news that hunters in Minnesota were blaming wolves](#) for the steep decline in the annual deer harvest, an assertion that wildlife experts dismissed.**

Well, the long predicted “deerocalypse,” which the hunters warned about, didn’t materialize, [the Minnesota Reformer reports](#).

True, the number of deer harvested by hunters in 2023 was down 8% from the previous year, state officials say. But that seems to have been driven not by declining numbers of deer, but from declining numbers of hunters (who, presumably, are also not being eaten by wolves in large numbers).

The Reformer reports that the success rate for hunters remained the same between the two years, with 32% of hunters coming back with an animal. Even in the state’s northeast region, where hunters complained most about wolves, the success rate was down just 3%.

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