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## Knock, knock, who's there? Rocky! Rocky who? Rocky Mountain High!

The Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) report of August 2014 should be required reading for legislators, officials, and other Georgians considering marijuana as a medical treatment. Within its 166 pages are enough warnings of harmful results to put a permanent pause on the possibility of changing the Drug Enforcement Administration classification of marijuana as a Schedule I drug (a) with a high potential for abuse, (b) no accepted medical treatment in the U.S., and (c) insufficient safety under medical supervision.

After the return of CNN Chief Medical Correspondent Dr. Sanjay Gupta from his year-long global fact-finding tour, he began work on a documentary entitled, "Weed," a collection of interviews with medical leaders, experts, growers and patients. Simultaneously, he published his article, "Why I changed my mind on weed," which was updated August 8, 2013.

At the end of that report, Dr. Gupta said, "Citizens in 20 states and the District of Columbia have now voted to approve marijuana for medical applications, and more states will be making that choice soon. As for Dr. Roger Engeberg<sup>1</sup>, who wrote that letter in 1970, he passed away 16 years ago. I wonder what he would think if he were alive today." Indeed!

**News Flash!** Findings from the Weed Report should be compared to RMHIDTA facts reported in the "The Legalization of Marijuana in Colorado, The Impact." See selected excerpts below.

*Timeline:* 2006-2008 was Colorado's early medical marijuana era; in 2009 it expanded into the commercialization of medical marijuana; and recreational marijuana was legalized in 2013.

- From 1995-2013 marijuana THC potency rose to an average of 12.33 percent, up from 3.96.
- In 2012, of Colorado youths age 12-17, 10.47 percent were considered current users, compared to 7.55 percent nationally, which is 39 percent higher than the national average.
- In 2012, of college age students 18-25 years of age, 26.81 percent were current marijuana users compared to 18.89 percent nationally, which is 42 percent higher than the national.
- In 2012, of adults age 26 and over, 7.63 percent were considered current marijuana users, compared to 5.05 percent nationally, which is 51 percent higher than the national average.
- In 2013, of Denver adults arrested, 48.4 percent tested positive for marijuana, a 16 percent increase from 2008.
- Hospitalizations related to marijuana increased 82 percent from 2008 to 2013.
- The number of pets poisoned from eating marijuana increased four-fold in the past 6 years.
- Over the last nine years, the top three drugs involved in treatment admissions were alcohol, marijuana and amphetamines.

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<sup>1</sup> The August 14, 1970 letter of Dr. Roger O. Engeberg, U.S. Assistant Secretary of Health, recommended that the marijuana plant be classified as a Schedule 1 substance. Dr. Gupta attempted to render that classification outdated.

## ***Another Marijuana Bill Passes Georgia Senate***

### ***S.B. 185 Clinical Trials of Cannabidiol (Marijuana) Passed the Senate 54-1, on Day 30***

On March 2<sup>nd</sup> Senator Lindsey Tippins (R) introduced S.B. 185 that zipped through the Health and Human Services Committee and passed the Senate 54-1 eleven days later.

**S.B. 185** gives the Board of Regents of the University System of Georgia responsibility for developing, implementing, and administering cannabidiol product research for persons under age 18, if they have medication-resistant epilepsies. Although age 18 is specified throughout the bill, page six, line 175 identifies a “patient” as a person under age 21, who is under the care of a pediatric neurologist. Those conflicting ages render unclear the cut-off age for treatment.

The Board of Regents would be authorized to designate a supplier of standardized and tested cannabidiol or cannabidiol-containing products and collaborate with that supplier to develop a clinical trial protocol to study the products in the treatment of medication-resistant epilepsies in individuals under age 18. Trials could be conducted at one or more locations in Georgia.

S.B. 185 authorizes a five-year research program for voluntary patients, who must have been Georgia residents for 24 months before entering the program or they are under age two and have resided in Georgia since birth.

Participants in the program will be provided certificates to prove they may legally possess, distribute, sell, purchase, administer, and use cannabidiol or cannabidiol-containing products. Fees for participation in the program will be established by the Board of Regents.

Cannabidiol is defined as “an extract derived from any plant of the genus cannabis which contains cannabinoids and cannabidiols and has a purity of at least 95 percent or higher cannabidiol in combination with .3 percent or less of THC,” to be delivered to the patient in the form of a liquid, pill, transdermal patch, or injection, but NOT in a form for smoking.

To qualify for the program, a patient must have a written certificate dated and signed by a physician stating that the patient has been diagnosed with Lennox-Gastaut Syndrome, Dravet Syndrome (severe myoclonic epilepsy of infancy) or any other severe form of epilepsy or other seizures of unknown etiology that is not adequately treated by traditional medical therapies.

Individuals qualifying for such certificates would not be subject to arrest or prosecution for violating marijuana law. Agencies of state and local government could not initiate proceedings to remove a child from the home of a parent based solely upon the parent’s or a child’s or a legal guardian’s possession or administration of cannabidiol as authorized by S.B. 185.

**STATUS: S.B. 185 passed the Senate March 13<sup>th</sup>. Later that day, the House and Senate adjourned until March 18<sup>th</sup>. On or after the 18<sup>th</sup>, S.B. 185 will be assigned to a House committee. No contact numbers are available now.**

**S.B. 198** introduced March 4<sup>th</sup> by Senator Curt Thompson (D) contains 26 pages of detailed regulations for the retail sale of marijuana to anyone age 21 and older. A state licensing authority would grant a separate license for each phase of the marijuana retail business – cultivation, manufacture, distribution, sale, and testing. The licensing authority could suspend, fine, restrict, or revoke licenses for violating license requirements.

**ACTION – Oppose.** Contact Non-Civil Judiciary Committee Senators Stone, Ch., 404 463-1314; Ligon, Jr., V-Ch., 656-0045, Kennedy, Sec., 656-7454; Bethel, 463-1383; Crane, 656-6446; Fort\*, 656-5091; H. Hill, 463-2518; H. Jones II\*, 463-3042; McKoon, 463-3931; Parent\*, 656-5109. (\*Democrat)

## ***S.R. 287 & S.B. 133 Opportunity School District & OSD School Superintendent***

*“Each school system shall be under the management and control of a board of education, the members of which shall be elected as provided by law.”*

– The Constitution of the State of Georgia, Article VIII, Section V, Paragraph II

*“There shall be a State School Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner for the same term as that of the Governor.”*

– The Constitution of the State of Georgia, Article VIII, Section III, Paragraph 1

**S.B. 133** introduced February 19<sup>th</sup> by Senator Butch Miller (R), the governor’s floor leader from Gainesville, would establish within the Office of Student Achievement the Opportunity School District (OSD) that would be authorized “to assume the supervision, management, and operation of public elementary and secondary schools which have been determined to be failing pursuant to this article.” OSD is defined as “the state-wide district” and, as such, could assume control of 20 public elementary or secondary schools annually, up to a total of 100.

**OSD Superintendent:** The governor would appoint an OSD superintendent to serve as the OSD executive officer, whose salary the governor would set. An OSD superintendent (a) could waive certain State Board of Education rules, regulations, policies, and procedures; (b) could *not* waive federal, state, and local rules, regulations, court orders and laws; (c) could intervene and directly manage selected schools or share control with the local board of education via a contract; (d) could retain or reconstitute school councils; (d) could direct changes to the school; (e) could direct decisions of school principals; and (f) hire/fire school teachers and principals.

**Teachers:** “Any teacher ... who is not given the option to continue as an employee for the opportunity school shall remain an employee of the local board of education [that] may determine whether or not to continue the employment of any teacher who is not given the option to continue as an employee for the opportunity school, subject to [this Code Section].”

**Conclusion:** OSD would be controlled by the governor’s appointees. Schools and personnel of OSD schools would be controlled by OSD. An appointed state school superintendent would assume authority currently held by the elected state school superintendent, thereby reducing the authority of voters, as well as the duly elected state school superintendent.

**ACTION – Oppose.** This passed the Senate 38-17 on March 5<sup>th</sup> and is in the House Education Committee.

**Please contact House Education Committee Representatives** Coleman, Ch., 404 656-9210; Dudgeon, V-Ch., 656-0298; Benton, Sec., 463-3793; Belton, 656-0152; Beskin, 656-0254; Cantrell, 656-0202; Carter, 463-2248; Casas, 656-0254; Chandler, 656-0254; Clark, 656-0325; Dickerson\*, 656-0314; Dickson, 463-2246; Glanton\*, 657-1803; Howard\*, 656-6373; Jones, 656-5072; Kaiser, 656-0265; Maxwell, 656-5143; Mayo\*, 656-6372; Setzler, 656-7857; Stovall\*, 656-0314; Tanner, 656-0152; and Teasley, 656-5146. (\*denotes Democrat)

**S.R. 287**, introduced by Senator Butch Miller (R) February 19<sup>th</sup>, is a proposed constitutional amendment to (a) create an Opportunity School District and (b) allow the state to assume the supervision, management, and operation of public elementary and secondary schools deemed to be failing *through any governance model allowed by law.*

If S.R. 287 receives a two-thirds majority of votes in the House, as it did in the Senate, voters would decide the following question on the 2016 General Election Ballot:

*“Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?”*

**ACTION – Oppose.** This passed the Senate 38-17 on March 5<sup>th</sup> and is in the House Education Committee. Call House Education Committee Representatives listed above. This greatly reduces voters’ power over education.

## ***H.B. 310 Expands Government by Three New Agencies with Massive Power***

**H.B. 310**, introduced February 12<sup>th</sup> by Alan Representative Powell (R) of Hartwell and co-signed by the governor's House floor leaders Representatives Coomer, Nimmer, Rogers and Dickey, greatly expands government by creating three additional agencies – the Board of Community Supervision, the Department of Community Supervision, and the Governor's Office of Transition, Support, and Reentry. The three new agencies described below would be responsible for the following duties:

- Supervise adult and certain juvenile probationers and adult parolees
- Enact reforms recommended by the Georgia Council of Criminal Justice Reform
- Reassign responsibilities from current agencies to the Board of Community Supervision
- Transfer certain functions of probation and parole supervision to DCS
- Alter jurisdiction of Departments of Corrections, Juvenile Justice, Board of Pardons/Paroles
- Provide for commissioner, employees and rules/regulations/forms of DCS
- Transfer funding, personnel, equipment and facilities from current recipients to new agencies
- Provide for revocation, modification and tolling of sentences, as well as probation conditions
- Change first offender laws, retroactive first offender treatment, and filing of petitions
- Amend 15 Titles of Georgia Code: 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, 49
- Alter the Departments of Corrections, Juvenile Justice, and Board of Pardons & Parole

**New Agency:** Board of Community Supervision (BCS) would establish the general policy for the Department of Community Supervision and the Governor's Office of Transition, Support, and Reentry. The Board would consist of nine designated members – six from state agencies, plus a governor-appointed sheriff, mayor and county commissioner or county manager.

**New Agency:** The Department of Community Supervision would be primarily responsible for supervising certain defendants and the administration/enforcement of laws, rules and regulations relating to probation and parole. A commissioner of community supervision would be appointed by and serve at the pleasure of the governor, who would set the position salary. The position of commissioner shall be a separate and distinct position from any other position in state government and duties of the commissioner must be performed by the commissioner, who shall not perform the duties of any other officer of state government.

**New Agency:** The Governor's Office of Transition, Support, and Reentry would be created and assigned to DCS for administrative purposes only. H.B. 310, lines 321-325 state:

“The board [DCS] is authorized to do all things and take any action necessary to accomplish the legislative intent of the creation of the Governor's Office of Transition, Support, and Reentry, including, but not limited to, the promulgation of rules and regulations relative thereto. The board is authorized to solicit and accept gifts, grants, donations, property, both real and personal and services for the purpose of carrying out this article.”

**ACTION – Oppose.** Contact Public Safety Committee Senators Harper, Ch., 404 463-5263; Albers, 463-8055; Dugan, 656-7454; H. Jones\*, 463-3942; Seay\*, 656-5095; Watson, 656-7880; and M. Williams, 656-7127. (\*denotes Democrat.)

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