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## The "Fat Bill" is Back

*Questions: Who's responsible for a child's health – the school or parents?*

*If H.B. 229 passes, what happens to students who are judged "fat?"*

*Will teachers or social workers enter homes and condemn the family diet?*

*Will students be graded on their eating habits or body fat index?*

*Who decides the criteria for "out of shape" and how will penalties be administered?*

**Background.** The "fat bill" died last session, but it's back. Last year the Senate introduced it February 22, 2008 and passed it seven days later. The House killed it in April. So, why a fat bill? With no scheduled time for play, children are not as lean as past generations. What to do? Recess and playgrounds would be best, but educators want the law – the SHAPE Act, S.B. 506 dubbed the "fat bill" – that was defeated last year. But it's been introduced again this session.

**Last year's fat bill** would have required local schools to conduct fat-finding body mass index testing on each student in grades 4 through 12 twice per school year. Then, every year report the student fat-index to the governor. To accomplish that, a new position would have been created in the Department of Education to monitor the "voluntary" project, but schools that did not comply with this "voluntary" program would be designated "unhealthy school zones."

**H.B. 229, this year's fat bill**, was changed a little to get it passed. The changes: no position is created to monitor schools; assessments would be once each year, not twice; and start-up would be in three years, compared to last year's bill that kicked in within six months had it passed.

This year's version requires students to (a) receive the State Board of Education's prescribed instruction in physical education (Exercise is good.), during which (b) each student would be given an annual fitness assessment (What happens to kids labeled "fat?"). The SBOE would (c) coordinate health and physical education/fitness requirements, (d) provide standards of best practices and benchmarks, and (e) annually collect fitness reports from school systems.

Reports to the governor must include the compliance status of each school, as well as each school system. Reward programs for schools "attaining certain levels of health status" could include cash, other incentives, and recognition. How would non-compliant schools be treated? Would they be labeled "unhealthy school zones" and publicized as such on the SBOE web site?

*Last year's bill* went into the Health and Human Services Committee where it was changed and defeated on the House floor. *This year's H.B. 229* is in the House Education Committee whose chairman introduced it and is likely to get it passed from his committee. However, it's highly intrusive! It invades student/home/family privacy. Measuring fat is not the school's business!

**ACTION – Oppose.** Contact Education Committee Representatives Coleman, Ch., 404 656-9210; Millar, 656-5064; Benton & Keown & Nix & Setzler, 656-0177; Ashe, 656-0116; Austin, 656-0287; Battles & Morgan, 656-0109; Carter & Thomas, 656-0325; Casas & Reese & Sellier & Talton, 656-0254; Dickson & Houston & Coach Williams, 656-0202; Everson & Peake, 656-0188; Floyd, 656-0314; Holt, 656-0152; Jan Jones, 656-5024; Jordan, 656-0116; Kaiser, 656-0265; Lindsey, 463-2247; Massey Reece, 656-7859; Maxwell, 656-5143; Mayo, 656-6372; Taylor, 656-0220; and Teilhet, 656-0298.

## ***S.B.101 Limits Liability for Drugs and Medical Devices***

**S.B. 101** might be identified as the “Buyer Pays for Bad Effects” legislation. It protects the Food and Drug Administration, manufacturer and seller of certain drugs and medical devices but should be carefully debated and amended to assure consumer protection from unknown adverse effects that surface in the future, but are not listed on the labeling.

S.B. 101 states, “A manufacturer or seller shall be immune from civil liability for any claim based on strict liability for a defect in the design of a drug or device if the drug or device was approved for safety and efficacy by the FDA at the time the drug or device left the control of the manufacturer or seller.” [Note the failure to protect consumers against unanticipated adverse effects.]

The important point for debate in this bill is the immunity it provides if “labeling was in compliance with the FDA’s applicable standards at the time the drug or device left the control of the manufacturer or seller.” [Note: no consumer protection for drugs sold without adequate research.]

**ACTION – Oppose.** Contact Special Judiciary Committee Senators Wiles, Ch., 404 657-0406; Adelman, 463-1376; Judson Hill, 656-0150; Cowser, 463-1366; Harp, 463-3931; Ramsey, 463-2598; Reed, 463-1379; Tarver, 656-0340; Thompson, 463-1318; and Weber, 463-2260.

### **Food for Thought**

What happens when anecdotal accounts prove the label is out-dated, wrong or inadequate? Should a well-written label and warning of then-known side effects provide immunity from liability for newly uncovered adverse effects of medications, such as Ritalin and other mind-altering addictive drugs now widely prescribed for children? In addition to its highly addictive possibilities, Ritalin’s side effects indications include induced suicide and mania, which is mental or physical hyperactivity. Another mind-altering drug for students is the anti-depressant Luvox Eric Harris was taking before he participated in the rampage at Columbine High School. Gardasil is the latest drug being foisted on children without sufficient research to back up its claims. It’s promoted as a protection against cancer-causing strains of human papillomavirus (HPV) that might occur when infected females are about 48 years old, if the infection does not heal naturally or with medication before then. Only five years of research was done on females, all older than girls age 11, 12 or younger, now targeted for the drug. At least 17 states have legislation requiring, funding or providing the vaccinations or promoting acceptance of the three-shot series Merck & Co. is selling at a cost of \$120 per shot for a total of \$360, plus an unknown number of boosters before injected females reach their late 40s.

Since its FDA approval in 2006, Merck has distributed over 16 million doses in the U.S. for age 11, 12 or younger virgins. At a cost to tax payers of \$1-2 billion, government provides Gardasil to the nation’s poorest girls under 18, although it neither gives lifelong immunity nor reduces the need for routine Pap smears nor protects against more than 100 other HPV strains.

### **10,000 Documented Adverse Effects**

Since 2006 Gardasil has been linked to 20 deaths, 140 reported serious adverse reactions, 27 of which were life threatening and ten were spontaneous abortions. Such reports include 17-year-old Jessica Ericzon, an “all-American teenager,” who had pain in the back of her head, soreness in her joints, and fatigue after a second HPV vaccination. Following her third dose, the same pain recurred in the same spot in the back of her head and she died within a day. Another case: a 14-year-old girl collapsed unconscious onto the floor, foaming at the mouth, blood pressure plummeting to 60/40 and having “a 60-second grand mal seizure” with “pale clammy skin.”

## ***Proof of U.S. Citizenship Required for Voters***

**H.B. 139** introduced January 26, 2009 by Representative Roger Williams of District 4 requires applicants for voter registration to provide satisfactory evidence of U.S. citizenship. Proof of voter registration from another state or county will not be accepted as proof of U.S. citizenship. Applications without proof will be rejected, unless and until proof is received and verified by registrars who determine voter eligibility.

### **Citizenship may be proven by any of these documents:**

1. The applicant's Georgia driver's license or ID card number issued by the Department of Driver Services, *if the applicant provided satisfactory proof of U.S. citizenship.*
2. A legible photocopy of the applicant's birth certificate verifying U.S. citizenship;
3. A legible photocopy of certain pages of the applicant's U.S. passport or the passport, itself;
4. The applicant's U.S. naturalization document or its verifiable number;
5. Other proof as established by the federal Immigration Reform and Control Act of 1986;
6. Applicant's card number from the Bureau of Indian Affairs, tribal treaty or tribal enrollment;
7. Other proof established under rules and regulations of the State Election Board.

The Secretary of State will establish procedures to match data supplied by the applicant with data maintained by the Department of Driver Services, including the person's citizenship status.

**ACTION – Support.** Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Ralston, 656-0213; Jacobs, 656-0152; Golick, 656-5215; Wilkinson, 463-8143; Allison, 656-0177; Bruce, 656-0314; Dobbs, 656-7859; Hatfield, 656-0109; Lane, 656-5087; Lindsey, 463-2245; Maddox, 65-0109; McKillip, 656-0220; Oliver, 656-0265; O'Neal, 656-5103; Shipp, 656-6372; Stephenson, 656-0126; Teilhet, 656-0298; and Weldon, 656-0152.

## ***Only Georgia Voters May Distribute Georgia Voter Applications***

**H.B. 225** introduced January 30, 2009 by Representative Rynders of District 152 is a simple, no-nonsense bill to ensure the integrity of future elections. It would add the following sentence to the current law governing primaries and elections:

*“... [V]oter registration applications shall be distributed only by persons who are registered voters of this state and voter registration drives shall be conducted only by persons who are registered voters of this state.”*

**ACTION – Support.** Call Governmental Affairs Representatives Austin Scott, Ch., 404 656-5132; Meadows, 656-0298; O'Neal, 656-5103; Brooks, 656-6372; Butler, 463-2245; Chambers, 656-3949; Floyd, 656-0314; Hamilton, 656-0188; Hatfield, 656-0109; Morgan, 656-0109; Mosby, 656-0287; Oliver, 646-0265; Jay Powell, 656-0177; Alan Powell, 656-0202; and Ralston, 656-0213.

**Still No Action on S.R. 7.** This bill, outlined in the January 30<sup>th</sup> newsletter, remains in committee. The Association of Community Organizations for Reform Now (ACORN) is under investigation for fraudulent voter registrations in several states. This bill, simply, asks the IRS and Secretary of the Treasury to investigate ACORN, and remove its tax-exemption. These and other activities were uncovered prior to and during the 2008 Presidential Election:

*Eleven States* charged ACORN with submitting voter registrations containing false data.

*Nevada:* ACORN used names of dead people and 15 Dallas Cowboys on voter registrations.

*Ohio:* A man admitted signing 73 voter registrations in five-months for ACORN. (Was he paid?)

*Connecticut:* ACORN submitted a registration card with 7-year-old's name and false birth date.

**ACTION – Support.** Contact Rules Committee Senators Balfour, Ch., 656-0095; Hamrick, 656-0036; Seabaugh, 656-6446; Adelman, 463-1376; Butler, 656-0075; Hill, Jack, 656-5038; Hooks, 656-0065; Johnson, 656-5109; Moody, 463-8055; Pearson, 656-9221; Rogers, 463-1378; Shafer, 656-0048; Smith, 656-0034; Thomas, 656-6436; Tolleson, 656-0081; Unterman, 463-1368; and Williams, 656-0089.

## ***Sovereignty of the States***

*“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

– Amendments Nine & Ten to the *Constitution of the United States*

**Georgia** Representative Bobby Reese of House District 98 is working with the Office of Legislative Counsel to produce a state sovereignty resolution he will introduce as soon as it’s ready. The resolution based on the Tenth Amendment to the *Constitution of the United States* serves notice to the federal government that state sovereignty was and remains protected by the U.S. Constitution. Therefore, certain federal mandates on the State of Georgia must cease.

**ACTION – Support.** Until the bill is introduced with its number and committee assignment, please make leaders in the House aware that it’s coming and ask them to help pass it through the House. Contact House Speaker Glenn Richardson at 404 656-5020; Speaker Pro Tem Mark Burkhalter, 656 5072; and Majority Leader Jerry Keen, 656-5052.

### **Background**

The sovereignty of states, having been trampled by former administrations and Congress, is now imperiled by the current administration, as well. Therefore, states must reaffirm and defend sovereignty as granted by the *Constitution of the United States* and upheld in *New York v. United States* by the U.S. Supreme Court in 1992. That decision was a reminder that Congress may not simply commandeer legislative and regulatory processes of the states.

On February 6, 2009 a *WorldNetDaily* article named the eight states that introduced resolutions declaring sovereignty under the Ninth and Tenth Amendment to the United States Constitution. Those states are Arizona, Hawaii, Montana, Michigan, Missouri, New Hampshire, Oklahoma and Washington. Another 20 states are expected to do so – Alaska, Alabama, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Kansas, Nevada, Maine and Pennsylvania.

### **Their Reasons**

*Oklahoma* Republican State Senator Randy Brogdon said, “What we are trying to do is to get the U.S. Congress out of the state’s business.” *Montana* is disturbed about the regulation of firearms and *Michigan* opposes the embedding of personal information as required under the Western Hemisphere Travel Initiative and the Real ID Act. *Hawaii* wants to return to territorial self-governance, as it functioned prior to 1959 when it achieved statehood. *Washington* reminds the federal government of tons of federal mandates pushed on states, especially for education and welfare, citing the current stimulus package as a “perfect example.”

The *Arizona* resolution sponsor, Representative Judy Burgess said the federal government “has been trouncing on our constitutional rights. The real turning point for me was the Real ID act, which involved both a violation of the Fourth Amendment rights against the illegal searches and seizures and the Tenth Amendment” that could lead to new legislation aimed at confiscating weapons from citizens or encoding<sup>1</sup> ammunition. She insisted, “We are a sovereign state in Arizona, not a branch of the federal government, and we need to be treated as such.” *Many states* are disturbed at federal “unfunded mandates” for Medicare and Medicaid.

<sup>1</sup> **S.B. 12** prefiled in December and introduced in Georgia the first day of the session, requires all handgun ammunition to be encoded by January 1, 2012, when un-coded ammunition owned by private citizens or commercial entities will become illegal. S.B. 12 remains in the Senate Judiciary Committee. Call Senator Preston Smith at 404 463-4161 to comment.