Georgia insight

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"She hath done what she could."
Mark 14:8a

Did You Know? Georgia's Organ Donor Law changed in 2008

Have you renewed your Georgia driver's license since July 1, 2008?
Do you know why you weren't asked whether you wanted to be an organ donor?
Pre 7-1-08: Donors must opt-in. After 7-1-08: If you don't opt-out, your organs may be taken.

Background. Before S.B. 405 passed in April 2008, Georgia law authorized driver's licenses to be issued at half price for all applicants who agreed to donate their organs at death.

That was an opt-in process. Meaning, organs would *not* be harvested, *unless* the individual left word that organs *could* be harvested. But the 20-page 2008 bill revised the original law, *making it an opt-out process*. That put everyone in the precarious position of being presumptive donors at death, whether or not they had known they must opt-out to keep their bodies intact.

In August 2008, I reported the change in the organ donor law. Since then, when I address a group anywhere, I ask them to raise their hands if they know the organ donor law had changed. No hands are raised, because no one knows – including legislators. Why don't they know? It passed hurriedly at the end of the 2008 session and was never publicized. Officials issuing drivers' licenses, simply, quit asking applicants whether they wanted to become organ donors.

When that change in the law took effect July 1, 2008, *it became an opt-out plan, authorizing the harvesting of body parts, unless the decedent leaves definite documentation refusing to be a donor. Also, the decedent may indicate the refusal orally, but two adults must witness it.* That's true of drivers and non-drivers. Absent a refusal document, written or verbal, other entities – family member, friend, funeral director, crematorium – may allow organs to be harvested.

The Remedy

H.B. 1235, introduced February 18, 2010 by Representative Bobby Reese, would return the organ donor Act to the original process – *opt-in instead of opt-out*. Although current law passed as a 20-page bill, it can be fixed with the following not-so-simple sentence:

"An absence of any indication by an individual of an intention to make an anatomical gift shall constitute a refusal to make an anatomical gift of such individual's body or part."

The above sentence protects against presumption by default. It's legalese for "you can't have my organs unless I say you can," even if I don't leave a refusal document or fail to tell someone to keep my body intact or am oblivious to the possibility that my organs could be harvested.

ACTION – Support. The list is long, so call your representative, if listed, and several others.
Health & Human Services Representatives Cooper, Ch., 404 656-5069; Rynders, 656-7855; Holt, 656-0152; Butler, 656-0188; Byrd, 656-0298; Cheokas, 656-0325; Collins, 656-0188; Dempsey, 656-0213; Dobbs, 656-7859; Dodson, 656-0325; Drenner, 656-0202; Fullerton, 656-0127; Gordon, 656-0287; Graves, 656-0109; Harden, 656-0177; Hembree, 656-5154; Henson, 656-7859; Howard, 656-6372; Hudson, 656-7859; Jones, 656-0323; Kaiser, 656-0265; Keown, 656-0177; Kidd, 656-0325; Loudermilk, 656-0152; Lunsford, 656-0213; Maddox, 656-0152; Millar, 656-5064; Mitchell, 656-0116; Morgan. 656-0109; Mosby, 656-0287; Parsons, 656-9198; Purcell, 656-0188; Randall, 656-0109; Rogers, 463-2247; Sellier, 656-0254; Sims, 656-0213; Stephens, 656-0117; Stephenson, 656-0126; and Wilkinson, 463-8143.

February 26, 2010

Will Georgia Authorize End-of-Life Starvation & Dehydration in H.B. 999 …

"Euthanasia: the act or practice of killing individuals (as persons or domestic animals) that are hopelessly sick or injured for the sake of mercy."
– Webster's New Collegiate Dictionary

Patients whose physician signs a portable medical order (PMO) could suffer death by starvation or dehydration, without pain-killing medications. When Representative Ed Lindsey introduced **H.B. 999** January 28th, it was presented as a simple bill authorizing physicians to write a PMO that would follow patients from home, to hospital, rehab, nursing home and provide instructions to the end-of-life attendant. The PMO could be written at the patient's bedside, with no witness present, and would be signed only by the doctor and the patient.

That PMO would be a legal order, sufficient to authorize a physician, health care professional, or emergency medical technician (EMT) to withhold life-sustaining procedures and would be valid in any medical facility providing treatment to the patient.

PMOs would authorize the withholding of life-sustaining procedures defined in the original bill as hydration, nutrition and pain medication, but somewhat modified in the revised bill. It clearly states that a "candidate" for withholding life-sustaining procedures may be denied food and water, although a completely different medical condition may be taking his life.

Life-sustaining procedures include medications, machines (oxygen?), or other medical procedures or interventions that could keep a terminally ill or permanently unconscious patient alive, but could not cure him. Life-sustaining procedures that could be withdrawn include water, nourishment, pain-killing medication or procedures necessary to alleviate pain.

Medical professionals that follow the directions of a PMO could not be held liable for adverse effects of withholding treatment, although the adverse effect may be the death of the patient.

ACTION – Oppose. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Jacobs, 656-0152; Allison, 656-0177; Golick, 656-5943; Wilkinson, 656-8143; Bruce, 656-0314; Crawford, 656-0265;Dobbs, 656-7859; Hatfield, 656-7859; Lane, 656-5087; Lindsey, 656-5024; Maddox, 656-0109; McKillip, 656-0220; Nix, 656-0177; Oliver, 656-0265; O'Neal, 656-5103; Powell, 656-0177; Stephenson, 656-0126; Teilhet, 656-0568; and Weldon, 656-0152.

… Or Protect Life by Passing H.B. 1178?

H.B. 1178, introduced on February 11th by Representative Martin Scott, explicitly states:

"No person receiving health care shall be deprived of nourishment or hydration. Under no circumstances shall an attending physician deprive a person receiving health care of nourishment or hydration unless the attending physician determines that such deprivation is necessary as part of such person's medical treatment."

Then the bill defines nourishment and hydration as *"any form of caloric energy or fluids that the human body may draw upon to promote its normal chemical balance and system function. It shall not mean life-sustaining procedure or health care."* The remainder of H.B. 1178 outlines an advance directive health care form that includes treatment "in case of pregnancy."

ACTION – Support. The list is long, so call your representative, if listed, and several others.
Health & Human Services Representatives Cooper, Ch., 404 656-5069; Rynders, 656-7855; Holt, 656-0152; Butler, 656-0188; Byrd, 656-0298; Cheokas, 656-0325; Collins, 656-0188; Dempsey, 656-0213; Dobbs, 656-7859; Dodson, 656-0325; Drenner, 656-0202; Fullerton, 656-0127; Gordon, 656-0287; Graves, 656-0109; Harden, 656-0177; Hembree, 656-5154; Henson, 656-7859; Howard, 656-6372; Hudson, 656-7859; Jones, 656-0323; Kaiser, 656-0265; Keown, 656-0177; Kidd, 656-0325; Loudermilk, 656-0152; Lunsford, 656-0213; Maddox, 656-0152; Millar, 656-5064; Mitchell, 656-0116; Morgan. 656-0109; Mosby, 656-0287; Parsons, 656-9198; Purcell, 656-0188; Randall, 656-0109; Rogers, 463-2247; Sellier, 656-0254; Sims, 656-0213; Stephens, 656-0117; Stephenson, 656-0126; and Wilkinson, 463-8143.

Four-Percent Tax on Groceries

Added Burden for the Unemployed and Underpaid

H.B. 401 would reinstate taxes on groceries and beverages. In 1996 the state began removing the four-percent sales tax on eligible foods and beverages. "Eligible," meaning foods sold in stores, not food consumed in restaurants. That tax reduction phase-in began in halves – from October 1, 1996 through September 30, 1997, the first half was eliminated. By October 1, 1998, the state had eliminated its remaining tax on groceries. Since then, taxes on groceries vary from county-to-county, where local governments set county tax rates.

If H.B. 401 passes, shoppers would pay an additional four-percent on groceries and eligible beverages, wherever they're sold in Georgia. That would raise DeKalb County's tax on groceries to six-percent – two-percent for DeKalb county, four-percent for the state.

ACTION – Oppose. Call Ways and Means Committee Representatives O'Neal, Ch., 404 656-5103; Sims, 656-3947; Knight, 656-0152; Harbin, 463-2247; Abrams, 656-0220; Austin, 656-0287; Battles, 656-0109; Beasley-Teague, 656-0220; Black, 656-0287; Bryant, 656-0298; Fludd, 656-0314; Glanton, 656-0202; Graves, 656-0109; Houston, 463-2247; Martin, 463-2247; May, 656-5025; Meadows, 656-6831; Mills, 656-5099; Mosby, 656-0287; Parsons, 656-9198; Peake, 656-7146; Rice, 656-5912; Roberts, 656-7153; Austin Scott, 656-0188; Martin Scott, 656-0254; Ron Stephens, 656-5099; Mickey Stephens, 656-0117; Talton, 656-0254; Taylor, 656-0220; and Williams, 656-3904.

Horse Racing in Georgia

Compulsive gamblers never fear! Although legislators may legalize horse racing, they'll require a toll-free number for Gamblers Anonymous to be posted at gambling sites.

H.B. 1168 to establish a new state sponsored gambling plan was introduced by Representative Geisinger on February 17th, requiring no less than 150 live racing days per year – three for each of 50 weeks, allowing a two-week vacation. It creates a (a) Georgia Racing Commission, a (b) Georgia Breeders Fund, (c) pari-mutuel betting facilities in counties and municipalities, (d) empowers Georgia to enter a Live Horseracing Compact and (e) appoint a Compact Committee.

The **Racing Commission**'s nine members would be appointed by the governor and confirmed by the General Assembly. They would have a general office and 20 satellite locations for simulcasts. Their powers and duties would include whatever is necessary to establish and control horse racing, such as the issuance of their own rules and regulations to govern racing, as well as pari-mutuel betting at licensed satellite facilities where races are simulcast.

Commission members shall have been Georgia residents for at least three years prior to their appointment and must remain residents of this state. For each day or partial day in performance of their duties, they will receive the same per diem legislators are allowed. In legal matters, the attorney general would represent them, but the commission could issue subpoenas and enter into arrangements with foreign or domestic governments or governmental agencies that would enhance horse racing in Georgia.

The **Georgia Breeders Fund** would foster race-horse breeding in Georgia. Wherever pari-mutuel wagering is conducted, a sign must be posted showing a toll-free telephone number for "Gamblers Anonymous" or other organizations providing assistance to compulsive gamblers.

ACTION – Oppose. Call Non Civil Judiciary Representatives Golick, Ch., 404 656-5943; Hatfield, 656-0109; Levitas, 656-0202; Abdul-Salaam, 656-0325; Abrams; 656-0220; Bearden, 656-0287; Byrd, 656-0298; Cole, 651-7737; Collins, 656-0188; Cooper, 656-5069; Everson, 656-0188; Franklin, 656-0152; Knox, 656-0188; Lunsford, 656-0213; Mangham, 656-0127; Ramsey, 651-7737; Randall, 656-0109; Setzler, 656-0177; Stuckey Benfield, 656-7859; Thompson, 656-6377.

New Legal Territory! School-Issued Computer Webcams May Be In-Home Spies

If webcams can be remotely activated, can computer audio capabilities be remotely activated, as well?

15-year-old Blake Robbins, whose Harriton High School issued his laptop, was accused of "improper behavior at home" by a vice-principal exhibiting a webcam picture taken secretly at his home. His parents filed an injunction accusing the school district in Ardmore, Pennsylvania of spying on students and families, asking a judge to prohibit remote activation of webcams and prohibit a school recall of MacBooks before erasure of Blake's evidence. The computers were equipped with remote monitoring software or a built-in system that could be covertly activated.

ACTION – If school laptops with webcams can be remotely activated, black tape on the lens will prevent picture-taking.

Change in Bully Law is NOT Necessary

Current law affects every student equally, does not designate any group for special protection.

H.B. 927 introduced by Representative Mike Jacobs is one of two anti-bullying bills, currently, in Georgia's legislative process. It extends local schools' authority for detecting bullying to various places – on school vehicles, school bus stops, school functions or software accessed *via* computer, computer system, computer network or electronic technology of local school systems. It requires local boards to adopt policies allowing sixth through 12th grade students to be transferred to alternative schools if they're caught bullying three times in a school year.

By January 1, 2011, the Georgia Department of Education would be required to develop a model policy to be posted on its website. It would include a list of resources for anti-bullying training programs and materials for use in local school systems. Although H.B. 927 does not define anti-bullying programs, **H.B. 940** does and it's explained below.

ACTION – Oppose H.B 927. Call House Rules Committee Representatives Hembree, Ch., 404 656-5141; Mills, 656-5099; Bearden, 656-0287; Burkhalter, 656-7146; Coan, 656-6801; Ehrhart, 463-2247; Keen, 656-5052; Lane, 656-5115; Lunsford, 656-0213; Rice, 656-5912; Walker, 656-5146. Ask them to object to putting H.B. 927 on the House floor.

H.B. 940 is a culturally dangerous bill introduced by Representative Hugley after the suicide of an 11-year-old, reportedly, bullied about his sexual orientation or immigrant status. Whether or not he was bullied at school, "safe-school" activists are using his act to promote homosexuality.

Proponents of alternate lifestyles consistently list variant lifestyles in antibullying bills they introduce. Their last effort was rewritten and passed as the current bullying law. Their goal is to pass a law that provides special protection for sexual orientation, which includes lesbian, gay, bisexual, transgender or gender identity, such as transvestites (cross-dressers). The following paragraph in H.B. 940 reveals the current effort to give sexual orientation a protected status:

> *"[The term bullying] includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability…."*

ACTION – Oppose H.B. 940. Since the list is so long, call your own legislator if listed, plus several others. House Education Representatives Coleman, Ch., 404 656-9210; Millar, 656-5064; Benton, 656-0177; England, 463-2247; Ashe, 656-0116; Austin, 656-0287; Battles, 656-0109; Carter, 656-0202; Casas, 656-0254; Dickson, 656-0202; Everson, 656-0188; Floyd, 656-0314; Holt, 656-0152; Jordan, 656-0116; Kaiser, 656-0265; Keown, 656-0177; Lindsey, 656-5024; Massey Reece, 656-7859; Maxwell, 656-0152; Mayo, 656-6372; Morgan, 656-0109; Nix, 656-0177; Peake, 656-7146; Purcell, 656-0188; Reese, 656-0254; Sellier, 656-0254; Setzler, 656-0177; Kip Smith, 656-0213; Talton, 656-0254; Taylor, 656-0220; Teilhet, 656-0568; Thomas, 656-0325; and "Coach" Williams, 656-0202.

Georgia Insight is a conservative publication financed entirely by its recipients.