
Session Begins January 13; Pre-filing Bills Began November 15, 2019

“During the period which begins on November 15 of each calendar year and ends on the Friday before the second Monday in January of the following calendar year, bills and resolutions considered for introduction in the General Assembly may be prefiled with the Secretary of the Senate and the Clerk of the House as authorized in this Code section. Such measures may be so prefiled with the Secretary of the Senate by any one or more Senators who will be eligible to consider the measure when introduced. Such measures may be so prefiled with the Clerk of the House by any one or more Representatives who will be eligible to consider the measure when introduced. The pre-filing of a measure shall not constitute the official introduction of a bill or resolution, and a bill or resolution may be officially introduced only during a legislative session.”

O.C.G.A. § 28-1-17(b), Enacted by Ga. L. 1994

Georgia law, O.C.G.A. §28-1-17 authorizes pre-filing bills, but specifies that the pre-filed bill’s author is not bound to officially introduce it. Also, the law states that pre-filed bills that are officially introduced may or may not be assigned to committees – House bills go into House committees, Senate bills into Senate committees.

Committee chairmen have the prerogative to consider or ignore any piece of legislation. However, legislation debated and passed by a committee is eligible for a House or Senate floor vote. Bills and resolutions that remain in committee are held into the second year of a two-year term, where they may be passed, defeated, or, finally, left to die in committee.

2020 is the second year of the current two-year legislative term. Last month’s newsletter reminded readers of four selected bills¹ left in committee in 2019 and alive for action in 2020.

Pre-filed: H.B. 747² Biological Sex ID Determines Athlete’s Sports Team, provides:

- (a) No high school receiving public funding shall participate in, sponsor, or provide coaching staff for interscholastic athletic events that permit or allow a biological male to participate in athletic events that are exclusively for females. [Effect: Biological ID required for sport teams.]
- (b) No Georgia local government shall utilize/permit/allow any athletic facility, stadium, field, structure, or other property owned or controlled by local government to be used for athletic competitions in which a person who is not a biological male is allowed to participate in events conducted exclusively for males or a person who is not a biological female is allowed to participate in events conducted exclusively for females. [Biological ID is honored.]
- (c) No facility, stadium, field, structure, or other property owned or controlled by Georgia, its offices, agencies, departments, authorities, bureaus, boards, commissions, public corporations or other entity shall be used for or allowed to be used for athletic competitions wherein a person who is not a biological male is allowed to participate in athletic events conducted exclusively for males or any person who is not a biological female is allowed participate in athletic events conducted exclusively for females.[Biological ID is honored.]

ACTION – Support H.B. 747. When introduced and assigned to committee, contact information will be provided.

¹ H.B. 426 Enhances Penalties for Hate Crimes (Oppose, House passed it March 7th; now in Senate Judiciary Com., 404 463-1314); S.B. 104 Parental Consent to Withdraw Minor Life Support (Support, Senate passed it March 5th, now in House Judiciary Com., 404 656--5125); H.B. 53 Student & Educator Faith Protection (Support, in House Education Com., 404 656-5943); H.B. 580 Prohibit Conversion Therapy (Oppose, in House Regulated Ind. Com., 404 463-3793)

² The changes in (a), (b), & (c) shall not apply to athletic events allowing both biological males and biological females.

Tutorial: Power in the General Assembly

The contact numbers to be provided for legislation officially introduced will be based on the power structure of the General Assembly as outlined in O.C.G.A. 28-1-17. Paragraph (b) that authorizes pre-filed legislation is quoted at the top of the previous page.

However, paragraph (a) gives the House Speaker and President of the Senate immense power and latitude to handle officially introduced legislation. They may choose as follows:

(a)(2) *Allows but does not require* a presiding officer to put officially introduced legislation into a committee. Meaning, a presiding officer may stop a bill by failing to put it in committee.

(a)(3) *Allows but does not require* standing committees to, actually, consider legislation assigned to their committees. Meaning, a chairman or committee may choose to ignore a bill.

Note the latitude provided above. The Speaker of the House and the President of the Senate may, single-handedly, squelch a bill or resolution by refusing to put it in committee. Likewise, a chairman of a committee may squelch a bill or resolution by not bringing it up in committee.

Pre-filed: S.B. 281 Georgia Firearms and Weapons Act changes the law as follows:

“16-11-122. No person shall have in his or her possession any sawed-off shotgun, sawed-off rifle, automatic or semi-automatic gun, large capacity magazine, dangerous weapon, or silencer except as provided in Code Section 16-11-24.” The underlined words are the proposed changes S.B. 281 would make in Georgia law. Those words occur on lines 68, 87-88, 92-93, 117, and 196 to amend multiple state laws. Lines 170-191 change laws that regulate gun show vendors.

ACTION – Oppose S.B. 281. When introduced and assigned to committee, contact information will be provided.

Pre-filed: H.B. 745 Dignity in Pregnancy and Childbirth Act “requires perinatal facilities in this state to implement evidence based *implicit bias* programs for health care professionals...”

Ballantine’s Law Dictionary does not include “implicit” but defines “implied” with this:

“Implied. Accepted as that which was intended though not stated expressly. Understood or suggested.” *Webster’s Collegiate Dictionary Eleventh Edition* includes “assumption” as a synonym for implicit. Meaning, assumption would override fact in facilities that treat pregnant women. H.B. 745 adds a new law, 31-2A-63, to explain an implicit bias program as follows:

Healthcare professionals would be forced to undergo an initial bias program and its refresher courses every year *for correction of* (a) unconscious biases and misinformation; (b) personal, interpersonal, institutional, structural, and cultural barriers to inclusion; (c) implicit biases in policies and practices; (d) adverse attitudes about minorities, racial, ethnic, religious, and gender identities; and (e) reproductive justice; (f) at every level and with no limitation.

Editorial conclusion: H.B. 745 would be to healthcare what hate crime laws are to criminal penalties – intrusion into the mind or psyche. It assumes that anyone with conservative, pro-life opinions must be re-programmed to “get their minds straight” or be banned from the industry.

ACTION – Oppose H.B. 745. When introduced and assigned to committee, contact information will be provided.

Pre-filed: H.B. 746 Women’s Right to Immediate Access authorizes any female seeking an abortion to refuse¹ to receive or review information about an unborn child, or view the fetal image or hear the fetal heartbeat before obtaining an abortion. Physicians would document the female’s refusal in writing and keep it on record at least three years.

ACTION – Oppose H.B. 746. When introduced and assigned to committee, contact information will be provided.

¹ Question: Are pregnant women currently forced to receive or review such materials?

Continued Push to Mainstream Marijuana

The U.S. Federal Comprehensive Drug Abuse Prevention and Control Act was developed in 1970 to, primarily, improve the development, distribution, and allocation of controlled medications. To accomplish that goal, certain medications were categorized into five different schedules *based on their potential for misuse*. Schedule I medications have the highest misuse potential. Schedule V medications have the lowest misuse potential.

Marijuana, heroin, LSD, ecstasy, methaqualone, and peyote are Schedule I substances. Only practitioners registered with the Drug Enforcement Agency (DEA) are permitted to prescribe Schedule I drugs because of their high potential for abuse. Since that potential has not diminished to this day, marijuana remains on the Federal Schedule I Controlled Substances list, regardless of state legalization.

Incidentally, a substance need not be *listed* as a controlled substance to be *treated* as a Schedule I substance for criminal prosecution, *if* the substance is intended for human consumption and is structurally or pharmacologically substantially similar to or is represented as being similar to a Schedule I or Schedule II substance and is not an approved medication in the U.S.

Also dangerous are Schedule II drugs that have a high potential for abuse, and possible severe dangerous psychological or physical dependence. Schedule II drugs include Vicodin, cocaine, methamphetamine, methadone, Demerol, oxycodone (OxyContin), fentanyl and Ritalin.

Pre-filed: H.R. 876 Remove Cannabis from Controlled Substance Act urges Congress to enact legislation to take marijuana off the list of controlled substances. If that happens, (a) millions of additional doctors could prescribe marijuana. (b) “Medical marijuana dispensaries and other marijuana related businesses could operate without the prospect of federal seizures, forfeitures, arrests, and other enforcement and prosecutorial action.” (c) Production, distribution, possession, or use of marijuana would be legal if allowed by state law. (d) Marijuana related businesses, licensees, and consumers would be immune from prosecution.

ACTION – Oppose. If legislation is officially introduced and assigned to committee, contacts will be provided.

Pre-filed: H.R. 875 Financing Options for Marijuana Businesses, Study Committee would create a House Study Committee to research marijuana’s benefits to the Georgia economy. The committee could recommend opening financial institutions to the marijuana industry, which, currently, may depend on cash transactions that may elude taxation.

H.R. 875 suggests that the committee explore funding options that might include, but not be limited to, low-interest loans to marijuana businesses owned by minorities, women, and veterans. A five-member committee of representatives appointed by the House Speaker could meet as often as necessary and report its findings no later than December 1, 2020. If legislation is recommended, bills and resolutions could be introduced in 2021.

ACTION – Oppose. If legislation is officially introduced and assigned to committee, contacts will be provided.

Pre-filed: S.B. 282 Designated Research Universities Enrollment relates to the University System of Georgia and designated research universities supported by tax money. Such facilities “shall ensure that at least 90- percent of early action admissions are offered to Georgia resident students.” This may be closely related to marijuana research.

ACTION – Support. If legislation is officially introduced and assigned to committee, contacts will be provided.

Schedule II Opioids

“Schedule II drugs, substances or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are: Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin.”

–Controlled Substance Act, 1970

Only practitioners registered with the federal Drug Enforcement Agency (DEA) are permitted to prescribe controlled substances. All prescriptions for Schedule II medications must be given to the pharmacist in a written form or transmitted by an approved computer system for electronic prescribing of controlled substances (EPCS).

The Centers for Medicare and Medicaid Services (CMS) uses an Over-utilization Monitoring System (OMS) as part of the Medicare Part D program to help identify patients at risk for over-use. Also in place is a national registry to indicate controlled substance allocation by patient.

Pre-filed: H.B. 744 Scott Hansen Act regulates prescriptions for Schedule II drugs as follows:

- Only 100 morphine milligram equivalents per day could be prescribed to patients.
- For chronic pain, a 30-day supply of an opioid could be prescribed.
- For acute pain, a seven-day supply within a seven-day period may be dispensed, unless the medication is labeled by the FDA to be dispensed only in a stock bottle that exceeds a seven-day supply. In that case, the amount dispensed may not exceed a 14-day supply.

Exceptions: Those limitations would not apply in the following circumstances:

- Pain associated with active and aftercare cancer treatment;
- Pain associated with a fracture or compound fracture;
- Post-operative pain management resulting from a surgical procedure;
- Palliative care for an advanced and progressive disease;
- Hospice care if terminally ill; or
- Medication assisted treatment for a substance abuse disorder; or
- In an emergency room setting, inpatient hospital setting, or long-term care facility; or
- In connection with a surgical procedure.

Penalties for violating this Code Section: \$250 per violation, up to \$5,000 per calendar year.

ACTION – Important. If it is officially introduced and assigned to committee, contacts will be provided.

Pre-filed: H.B. 743 Student Athlete Compensation for Use of Name, Image, or Likeness relates to the University System of Georgia colleges and universities managed by the Board of Regents, and “approved” independent or private colleges or universities in Georgia. If passed as is, postsecondary students in such schools could be compensated for the use of their name, image, or likeness without damaging their eligibility, scholarships, or financial aid. *H.B. 743 does not require or authorize* colleges or universities to compensate a student athlete for such use and *prohibits* such compensation of prospective student athletes.

ACTION – Food for debate. If it is officially introduced and assigned to committee, contacts will be provided.

Pre-filed: S.R. 538 Condemns Congress for impeachment of President Donald J. Trump and authorizes the Secretary of the Senate to make copies of S.R. 538 for public distribution.

ACTION – No action necessary, but Republican senators might appreciate an “Atta Boy!” from you!!!

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