



**John Bel Edwards**  
Governor

# State of Louisiana

OFFICE OF THE GOVERNOR  
DRUG POLICY

**Dr. Chaunda Mitchell**  
Director, Drug Policy &  
Executive Director,  
Diversity and Inclusion

**Kristy Miller**  
Project Director

## DRUG POLICY BOARD October 10, 2019; 10:00 AM - 12:00 PM

### MINUTES

#### **Call to Order**

Dr. Chaunda Mitchell, Director of the Governor's Office of Drug Policy and Chair of the Drug Policy Board, called the meeting to order at 10:12 am.

#### **Welcome and Introductions**

Chaunda asked everyone to introduce themselves. After that, she announced that there were 12 members present which means that we have a quorum.

Then, as a point of privilege, Chaunda announced that October was proclaimed as Substance Abuse Awareness Month by the Governor. She read the proclamation and then gave a hard copy to Dr. Janice Petersen, LA Department of Health representative, for promotion. She also announced that the week of October 23-31 was proclaimed Red Ribbon Week by the Governor. Kristy Miller, Project Director for the Governor's Office of Drug Policy, offered to email copies of the proclamations to anyone who wanted them.

#### **Old Business**

##### *A. Review and approve minutes*

Chaunda reminded everyone that the minutes were emailed prior to the meeting. She stated that there were minutes from the April meeting and also documentation that the July meeting was cancelled due to a declaration of emergency by the Governor. She explained that the documentation about the July meeting was required by public meetings law. Chaunda asked everyone to make a final review of the minutes and then requested a motion to approve. Judge Jules Edwards, District Court Judge representative, made a motion to approve. Commissioner Juana Lombard, Alcohol and Tobacco Control representative, seconded the motion. There was a unanimous vote for approval. No dissents and no abstentions.

#### **New Business**

##### *A. Discussion about emerging drug issue*

The Office of Drug Policy received a request for information from Judge Edwards regarding whether there is a state toxicologist who can tell us if a person is using more than the therapeutic amount of THC? This issue is of particular concern to judges who have offenders on probation and the offenders cannot use drugs as a condition of probation. However, some offenders may be taking medical marijuana so they could legitimately have some levels of THC in their systems.

Because this is a complex and complicated question that involves multiple entities, Kristy thought it would be best to address it in a Drug Policy Board meeting. Rebecca Nugent, LSP

Crime Lab representative, explained the abilities of the LSP Crime Lab and other labs in the state to quantify amounts of THC. She explained, however, that it is impossible to determine if the THC came from therapeutic marijuana or another form of marijuana. Malcolm Broussard, Board of Pharmacy representative, explained that state regulations now allow for multiple formulations of THC as long as they are within the recommended amounts for various conditions so there is no one approved level of therapeutic cannabis. Dr. Vincent Culotta, LA State Board of Medical Examiners representative, explained that physicians have more discretion now to recommend multiple doses of therapeutic marijuana per day, depending upon the condition, which further complicates the issue. After much discussion, it was determined that there is no easy answer for judges as to whether there is a maximum level of allowable therapeutic cannabis a parolee could have in his/her system. Judge Edwards suggested that the Drug Policy Board and/or stakeholder agencies consider a training for judges about marijuana and Louisiana's medical marijuana program. Alberto DePuy, Attorney General's Office representative, suggested that it also include district attorneys.

The topic of vaping was also brought up as an emerging issue. Dr. Joseph Kanter, Physician representative, stated that the LA Office of Public Health has issued a Public Health Advisory about the dangers of vaping. Further, OPH is tracking all 20 confirmed cases of vaping-related illnesses and deaths. While the vast majority are related to unregulated pods that contain THC, some are from cases in which the patient reported using nicotine only. Commissioner Lombard stated that ATC has issued an Emergency Rule on vaping products related to the sales of unregulated pods.

#### *B. PSC recommendations to DPB*

The Co-Chairs of the Prevention Systems Committee, Cathy Childers and Dr. Murrelle Harrison, presented a proposal to the Drug Policy Board. The proposal included three recommendations for the DPB members to consider. The first recommendation in the proposal requested that the Drug Policy Board agree to publicly oppose any legislative actions to legalize marijuana for recreational purposes. The second recommendation in the proposal requested that the Drug Policy Board oppose legislative action to establish THC per se limits for impaired driving. The third recommendation requested that the Drug Policy Board require the PSC to draft language for its consideration to differentiate between plant marijuana and marijuana concentrates in Louisiana's marijuana possession laws.

Due to the complex nature of the recommendations, the Drug Policy Board members decided to consider each recommendation separately. Regarding Recommendation 1, Cathy and Dr. Harrison asked Kristy to outline the rationale for prioritizing this recommendation first. Kristy explained that Chaunda is often asked about whether any of the various boards and commissions under her oversight have taken formal positions on drug policy issues, particularly when the issues are presented as legislative instruments during session. Kristy and Chaunda described various instances in which this occurred during the 2019 session alone. Thus, the PSC felt it would be advantageous for the Drug Policy Board to establish a position before the 2020 legislative session began. While some members expressed understanding and appreciation for this proactive approach, other members expressed a desire to refrain from setting a blanket position before seeing any specific bill language.

Judge Edwards expressed his strong support for the recommendation and suggested that the DPB made a decision quickly. Then, he made a motion to approve Recommendation #1. Alberto seconded the motion. Alfreda Bester, Department of Children and Family Services representative, stated that she not ready to vote on the recommendation. Further, she stated she is confused whether the recommendation encompasses medical marijuana, decriminalization of marijuana, or other similar actions. Dr. Kanter agreed that he did not want to

support the recommendation if it included opposing decriminalization. Further, Alfreda expressed concern that taking this position would inadvertently encourage the continued targeting of communities of color for enforcement. Dr. Kanter explained that he works in New Orleans where there are many people of color experiencing an array of public health problems and social injustices and would not want to see well-meaning support for a drug policy result in unintended further discrimination either.

Several members expressed unease at putting the recommendation to a vote at this meeting because they had not held conversations with their respective leadership to determine individual agency/organization policy stances on opposing marijuana legalization legislation. Rebecca stated that the Drug Policy Board has been discussing marijuana and its resulting legislative implications for some time now, and, thus, she made a passionate plea to begin having conversations with respective leadership after each Drug Policy Board meeting in the event that these kinds of proposals continue to be offered. As an agency representative who also serves on the PSC, Rebecca assured everyone that she expects the PSC to continue making policy recommendations. She concluded her statements by imploring everyone not to “kick the can down the road” by delaying a decision on the proposal.

Dr. Harrison told everyone that she has been assured by at least one legislator who authored multiple marijuana legalization bills in 2019 that he will continue to file bills on this topic. Because of that, Dr. Harrison fully expects our individual agencies and organizations as well as the collective group will be asked for their positions.

At this time, Judge Edwards made a substitute motion to withdraw his original motion. Alberto seconded the substitute motion. Dr. Petersen stated that she would prefer to see a vote on the original motion, but felt she would need to abstain because she had not discussed these recommendations with her leadership team prior to the meeting. Several additional members stated that they wanted to hear a vote on the original motion. Then, Judge Edwards recalled his substitute motion to withdraw the original motion which left the original motion to approve Recommendation #1 by the PSC to oppose all efforts to legalize marijuana for recreational purposes. Chaunda called for a vote. Three members voted yes, four members voted no, five members abstained. The motion failed.

Commissioner Lombard made a motion to hold a special meeting of the Drug Policy Board before the end of 2019 with the sole purpose of discussing the PSC’s three recommendations. Judge Edwards seconded the motion. Then, Dr. Kanter made a substitute motion to hold a special meeting of the Drug Policy Board before the end of 2019 with the sole purpose of discussing the PSC’s three recommendations, but also wanted the meeting to include research and other factual information presenting the pros and cons of marijuana legalization. Commissioner Lombard seconded the substitute motion. All members approved the motion. None opposed and none abstained.

With that, Chaunda and Kristy committed to polling the group for a good date and organizing a special meeting.

### *C. Proposal of 2020 meeting dates*

Chaunda asked everyone to refer to their packets to find the list of proposed meeting dates for 2020. She asked if anyone could identify any immediate concerns about the selected dates. Judge Edwards stated that he has a conflict with two dates and asked if it would be possible to recommend alternatives for those dates. No one objected so he suggested he would speak with Kristy after the meeting to make his recommendations. Kristy will then send out the revised dates.

*D. Highlights from the 2020 Louisiana Drug Threat Assessment*

Due to time constraints, we were not able to conduct a review of the 2020 Louisiana Drug Threat Assessment. The review was postponed until the first meeting of 2020.

**Other Business**

*A. Office of Drug Policy update*

Chaunda made a quick announcement that this is the last regularly scheduled meeting of the Drug Policy Board for 2019 and Governor Edwards' first term. Regardless of whether he is reelected, those seats on the Drug Policy Board appointed by the Governor will have to be reappointed. Thus, we will be reaching out before the end of the year to inquire whether those individuals would like to be recommended for reappointment.

*B. Agency updates*

No members had pressing agency updates.

*C. Resource document: New York Times article - *Reefer Madness or Pot Paradise? The Surprising Legacy of the Place Where Legal Weed Began**

Chaunda referred everyone to the New York Times article in their meeting packet.

**Upcoming Meetings**

Chaunda reminded everyone that the meetings listed on the agenda are open to all Drug Policy Board members, even if they are not designated to serve on these boards and commissions. There was one correction; the DWI Task Force meeting date is November 13, not November 12.

**Adjournment**

The presentation of content ended so Chaunda asked for a motion to adjourn. Judge Edwards made a motion to adjourn. Alberto seconded the motion. There were no objections so the meeting was adjourned at 12:04 PM.

**VOTING MEMBERS**

<b>Member Agency</b>	<b>Appointee/Designee</b>	<b>In Attendance</b>
Alcohol industry representative	Kody Thompson (for Buddy Schilling)	Yes
Attorney General's Office	Alberto DePuy	Yes
Board of Pharmacy	Malcolm Broussard	Yes
District Court Judge	Judge Jules Edwards	Yes
Federal agency with AOD ed/treatment/prev responsibilities	Vacant	--
Governor's Office of Drug Policy	Dr. Chaunda Mitchell	Yes
House member, Committee on Health and Welfare	Vacant	--
Louisiana Commission on Alcohol and Other Drug Abuse	Vacant	--
Louisiana Commission on Law Enforcement	Linda Gautier	No
Louisiana Department of Children and Family Services	Alfreda Tillman Bester	Yes
Louisiana Department of Education	Michael Comeaux	No
Louisiana Department of Health	Dr. Janice Petersen	Yes
Louisiana Department of Public Safety and Corrections	Dr. John Morrison	Yes
Louisiana District Attorneys Association	Warren Montgomery	No
Louisiana Highway Safety Commission	Lisa Freeman	Yes
Louisiana Office of Alcohol & Tobacco Control	Juana Lombard	Yes
Louisiana Public Defenders Board	Vacant	--
Louisiana Sheriffs' Association	Shannon Dirmann	No
Louisiana State Police	Rebecca Nugent	Yes
National Guard	Major Marshall Snowden	No
Physician	Dr. Joseph Kanter	Yes
Private organization involved in substance abuse prevention	Vacant	--
Senate member, Committee on Health and Welfare	Senator Yvonne Colomb	No

**OF-COUNSEL MEMBERS**

<b>Member Agency</b>	<b>Appointee/Designee</b>	<b>In Attendance</b>
LA State Board of Medical Examiners	Dr. Vincent Culotta	Yes
LA Department of Veteran's Affairs	Barry Robinson	No

**STAFF**

Kristy Miller, Governor's Office of Drug Policy

**GUESTS**

Dr. Leslie Freeman, LDH/Office of Behavioral Health  
 Cathy Childers, Louisiana Highway Safety Commission and Co-Chair of Prevention Systems Cmte  
 Dortha Cummins, Louisiana Highway Safety Commission  
 Mike Barron, Louisiana Highway Safety Commission  
 Paul Toups, Alcohol and Tobacco Commission  
 Dr. Murelle Harrison, Historically Black Colleges/Universities and Co-Chair of Prevention Systems Cmte  
 Amy Thomas, LA National Guard