



**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**  
Assistant Director

**DRUG POLICY BOARD**  
**October 14, 2021; 10:00 AM - 12:00 PM**  
**Virtual Meeting held on Zoom**

## 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 10:03 am.

### **Welcome and Introductions**

Chaunda welcomed everyone. For the sake of time, Chaunda asked Kristy, Assistant Director of the Office of Drug Policy, to introduce Voting and Of-Counsel members while stakeholders and members of the public were encouraged to type their names in the chat window to denote their attendance. After introductions, she announced that there were 15 members present so quorum was achieved. A list of all members and stakeholders who attended the virtual meeting is included at the end of this document.

### **Old Business**

*Review and approve minutes from previous meeting*

Chaunda asked everyone to refer to the minutes that were emailed prior to the meeting. Kristy put the minutes up on the screen. Chaunda acknowledged the comprehensiveness of the minutes and then asked if there were any edits or amendments to be made. Hearing none, Warren Montgomery, LA District Attorneys Association Representative, made a motion to approve the minutes. Rebecca Chaisson, LA State Police Representative, seconded the motion. Vote by voice was made. All who were present agreed with the motion. None disagreed. None abstained.

### **New Business**

A. *Presentation: Resolution to oppose marijuana legalization*

Chaunda stated that a member, Warren Montgomery representing the LA District Attorneys Association, made a request to add an item to the agenda for this meeting. His item is presented as a *Resolution to Oppose the Legalization of Marijuana for Recreational Use in Louisiana*. Warren expressed that legislative actions attempted over the past several years, particularly earlier in 2021, he felt it was necessary for the premier legislatively-created board designated to provide guidance to the Governor should take a position on this issue. In that spirit, Warren read through the entire Resolution,

pausing after each “Whereas” to query whether there were questions or comments from the voting members. No members offered questions or comments during the reading of the Resolution.

After Warren completed the reading of the Resolution, he motioned that a floor discussion be held for voting members only first. The motion was seconded by Rebecca and the floor was opened for comments and questions. Several members made general statements in agreement with the data and information provided in the resolution. Malcolm Broussard, Board of Pharmacy Representative, referenced the “Therefore, Be it Resolved” section, and asked that all references to opposing the legalization of marijuana have the word “recreational” added before marijuana so it would be 100% clear that the DPB was not talking about medical marijuana or marijuana decriminalization as these three issues can be conflated and could cause distraction. Warren responded that his Resolution was specific to recreational marijuana and would be happy to accept any edits that would make the members more amenable to it. With his approval, a motion was made by Malcolm to accept these technical edits. The motion was seconded by Shannon Dirmann, LA Sheriffs Association Representative, and a vote was taken. With unanimous “yea” votes, the technical edits were adopted on the spot. A second and third call for comments and questions from voting members was called. None responded.

Then, the floor was open for comments, questions, and discussion from interested stakeholders and members of the public. None were offered. A second and third call was made with no response. The floor discussion was then closed.

At that time, Warren signaled that he would like to hear a vote to adopt the Resolution so he made a motion for that. The motion was seconded by Shannon. As the Chair, Chaunda clarified that this vote would be “to support the *Resolution to Oppose the Legalization of Marijuana for Recreational Use in Louisiana*” so a “yea” vote would be in support of the entire Resolution and the actions described therein while a “nay” vote would be in opposition to the Resolution and its recommended actions.

A roll call vote was held. At that time, 15 voting members were present (virtually). In response to the roll call vote, 6 members voted “Yea”, 8 members voted “Abstain”, and 0 members voted “Nay.” One member had to submit his vote by email because his audio was not working (the email documentation of this vote is included as an addendum to these minutes).

Only 14 votes were cast because the Chair of the DPB only votes to break tied votes. DPB by-laws state that a majority of members present is required for an action to be approved. Since 8 members did not vote “Yea”, which constituted a majority at the time of the vote, the motion did not carry. A breakdown of votes by membership group recorded is provided below.

### **Resolution vote breakdown**

- Attorney General's Ofc - Designee voted Yea
- House of Representatives – Appointee voted Yea
- Louisiana District Attorney’s Association – Appointee voted Yea
- Louisiana Sheriff’s Association – Appointee voted Yea
- Alcohol industry – Appointee voted Yea
- District Court Judge – Appointee voted Yea
- Dept of Education - Designee abstained
- Dept of Health; Designee abstained
- Dept of Public Safety & Corrections - Designee abstained
- LA State Police; Designee abstained
- LA Highway Safety Commission - Designee abstained

- LA National Guard - Designee abstained
- Board of Pharmacy - Designee abstained
- Indigent defender system – Appointee abstained
- Governor’s Office of Drug Policy - Designee did not register vote
- Commission on Law Enforcement - Designee was absent from meeting
- Office of Alcohol & Tobacco Control - Designee was absent from meeting
- Senate – Appointee was absent from meeting
- Physician representing the fields of drug treatment or prevention – Appointee was absent from meeting
- Dept of Children & Family Services - Seat is vacant
- Commission on Alcohol & Drug Abuse - Seat is vacant because Commission no longer exists
- Private organization – Seat is vacant
- Federal agency representing responsibilities in drug treatment or prevention – Seat is vacant

After the votes were cast, two members indicated that they registered abstention votes because they represent their Boards or Commissions on the DPB and their respective groups have not had the opportunity to consider the Resolution and take any action. As dutiful representatives of their respective groups, these individuals committed to place the Resolution on the Agendas for their respective upcoming meetings. Specifically, Malcolm stated that the Resolution will be placed on the agenda for his next Board of Pharmacy meeting on November 17<sup>th</sup>. Then, Lisa Freeman, LA Highway Safety Commission Representative, stated that her Commission is scheduled to meet in December and she will coordinate with the Commission’s Chair to put this item on the agenda as well. They could not guarantee action would be taken by their groups, but did ensure they would make the space for discussion and such. Both members committed to providing summaries of discussions and reporting any decisions made.

In closing, Warren indicated that he appreciated his colleagues’ consideration of the Resolution and, further, that those representing Boards and Commissions would be willing to put the item in front of their respective groups. He confirmed with the Chair that he reserves the right to bring the Resolution up for consideration and possible action again in the future. The Chair indicated that there is nothing in the DPB’s legislation or governing documents that would prohibit reconsideration.

Chaunda stated that she felt it was important to discuss a document that was sent out the Board at the same time as the Resolution which was titled *Information and Guidance to the Drug Policy Board Regarding the Establishment of Policy Positions*. Chaunda recognized that there are trends in policy making occurring across the country that may be troubling to members of the Drug Policy Board, or conversely, there may be issues the DPB wants to champion. Further, she recognized that, in doing so, employees of state agencies as well as state-sponsored boards and commissions may find themselves unsure of how to proceed given regulations against public policy lobbying, endorsing political candidates, and similar activities. Thus, using this Resolution as a catalyst, we sought advisement from the Executive Counsel’s office of the Governor’s office about appropriate actions that can be taken by these individuals and any latitude they may have in taking certain decision-making actions as a designee or appointee to the Drug Policy Board.

Chaunda asked Kristy to weigh in on the process we used to frame our question to the Executive Counsel’s office. Kristy explained that, while the Resolution was used as an example, our overarching questions to the Executive Counsel’s office focused on what latitude state employees have to contribute to the Board’s collective authority to implement its powers. Kristy noted that this was our response to provide the level of guidance and information to the members to allow them to take the most appropriate actions to serve the Board in the best possible manner.

Malcolm asked about the second to last sentence of the first paragraph of the introduction of the *Information and Guidance*, which read as follows, “As long as no bills are pending in the legislature, there does not appear to be a risk that a policy position could run afoul of this law.” His specific question was about the definition of the word “pending” and whether it would apply to prefiled bills or whether it only applies to bills that have been scheduled and are pending initial hearings. Kristy responded that she was not sure about this, but committed to seek out additional guidance from the Executive Counsel’s office.

*B. Discussion: Additional request to establish policy positions*

This agenda item was not addressed due to a lack of time.

*C. Discussion: 2022 meeting dates*

Kristy referenced a document sent out as part of the meeting packet which included recommended meeting dates for the 2022 calendar year. As a reminder, the Drug Policy Board meets quarterly in January, April, July, and October. Kristy committed to sending calendar notices for the first two meeting dates, but also asked members to respond if any recommended dates conflicted with already scheduled events.

In addition, members recommended holding a special meeting in March just prior to the start of the legislative session. Kristy identified three dates and committed to polling members to choose a special meeting date.

**Other Business**

*Office of Drug Policy updates*

Chaunda recognized Judge Scott Schlegel for his election to President of the Louisiana District Judges Association and, in addition, he has been named as a recipient of the recipient of the National Center for State Courts’ 26th Annual William H. Rehnquist Award for Judicial Excellence. The award represents one of the highest judicial honors in the country, and Schlegel is the first Louisiana judge to receive the recognition.

*Member agency updates*

Rebecca Chaisson: LA State Police Crime Lab has initiated an Emergency Rule through the LA Poison Control Center, directed by Dr. Mark Ryan, based off a toxicology of an overdose fatality. The counterfeit pills contained 8 individual compounds that are not known to have pending patents. The Emergency Rule placed these in Schedule I, if the Secretary of the LA Department of Health approves.

Dr. Janice Williams: Office of Behavioral Health is working on a HAN (Health Advisory Network) update about the ongoing dangers of fentanyl. Further, she wanted to recognize Red Ribbon Week and the DEA’s Prescription Drug Take Back Day Initiatives both of which occurred in October.

**Public Comments**

There were no public comments provided prior to the meeting. Upon calling for any comments from members of the public on the Zoom session, no comments were offered.

**Upcoming Meetings**

A list of upcoming meetings for all the board and commissions associated with the Office of Drug Policy was provided.

## Adjournment

Chaunda announced that there was no additional business to address. With that, Warren Montgomery made a motion to adjourn the meeting. Malcolm Broussard seconded the motion. By a live voice vote, all members approved the motion. The meeting was adjourned at 11:42 am.

## ADDENDUM

### Abstain Vote (UNCLASSIFIED)



Snowden, Marshall E (Shadow) Maj USAF NG LAANG (USA) <marshall.e.snowden.mil@army.mil>

Thu 10/14/2021, 10:46 AM

Kristy Miller (Governor) ↕

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## MEETING ATTENDEES

### VOTING MEMBERS

Member Agency	Appointee/Designee	In Attendance
Alcohol industry representative	Kody Thompson (proxy for Charles "Buddy" Schilling)	Yes
Attorney General's Office	Chris Alderman	Yes
Board of Pharmacy	Malcolm Broussard	Yes
District Court Judge	Melissa Carter (proxy for Scott Schlegel)	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	Representative Bob Owen	Yes
Louisiana Commission on Alcohol and Other Drug Abuse	Vacant/Commission no longer exists	--
Louisiana Commission on Law Enforcement	Linda Gautier	No
Louisiana Department of Children and Family Services	Vacant	--
Louisiana Department of Education	Michael Comeaux	Yes
Louisiana Department of Health	Dr. Janice Williams	Yes
Louisiana Department of Public Safety and Corrections	Blake LeBlanc	Yes
Louisiana District Attorneys Association	Warren Montgomery	Yes
Louisiana Highway Safety Commission	Lisa Freeman	Yes
Louisiana Office of Alcohol & Tobacco Control	Ernest Legier	No
Louisiana Public Defenders Board	Remy Starns	Yes
Louisiana Sheriffs' Association	Shannon Dirmann	Yes
Louisiana State Police	Rebecca Chaisson	Yes
National Guard	Major Marshall Snowden	Yes
Physician	Dr. Joseph Kanter	No
Private organization involved in substance abuse Prevention	Vacant	--
Senate member, Committee on Health and Welfare	Senator Gerald Boudreaux	No

### OF-COUNSEL MEMBERS

Member Agency	Appointee/Designee	In Attendance
LA State Board of Medical Examiners	Dr. Vincent Culotta	Yes
LA Department of Veteran's Affairs	Barry Robinson	No
Advisory Council on Heroin and Opioid Prevention and Education	Dr. Jim Hussey	Yes
Drug Enforcement Administration, NOLA Office	Brad Byerley	
Gulf Coast High Intensity Drug Trafficking Area	Don Petty	Yes

### STAFF

Kristy Miller, Governor's Office of Drug Policy

### GUESTS

MSgt Amy Thomas, LA National Guard  
 Cathy Childers, Louisiana Highway Safety Commission and Co-Chair of Prevention Systems Cmte  
 Leslie Freeman, LDH, Office of Behavioral Health  
 Sonia Armstrong, National Guard  
 Rachel Smith, LDAA  
 Shelley Edgerton, DOC  
 Jessica Bedwell, LHSC