

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 25, 2021

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:08 a.m.

SJR 101 **Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs.**

Senator Grow identified the following agencies and organizations who submitted written testimony in support of **SJR 101** (see Attachment A):

- Meridian Anti-Drug Coalition
- Retired Law Enforcement Officers of Idaho
- Idaho Hospital Association
- Idaho Medical Association
- Idaho Farm Bureau Federation
- Idaho's Law Enforcement Agencies
- Community Coalitions of Idaho
- Idahoans for Healthy Kids and Communities

Senator Grow elaborated on the following purposes of **SJR 101**:

- Protects and preserves Idaho by continuing to keep illegal drugs out of the State;
- Ensures the health and safety of children, families, and communities;
- Promotes safe evidence-based health care;
- Protects Idahoans from big government;
- Abates drug legalization thus reducing costs for regulation, for government health care, and for criminal justice spending;
- Protects Idaho values and the Idaho way of life;
- Protects against out-of-state interests that influence State policies and government.

Senator Grow noted that in drafting the bill, attention was given to code that is in effect, and exceptions were made to the proposed amendment to allow for common

carriers and the transporting of controlled substances, the use of peyote for religious sacramental purposes of the tribes, clinical investigations for the Federal Drug Administration (FDA), and the "right to try" allowing terminally ill patients to try any drug that might be helpful in maintaining life. He added that further attention will be given to the impact on law enforcement, and consideration of hemp and cannabidiol (CBD) oil by the Legislature.

Senator Grow pointed out three prerequisites relative to the use of psychoactive drugs: 1) they are permitted by the state of Idaho based on authorization of the FDA; 2) they are lawfully prescribed; and 3) they are lawfully dispensed. **Senator Grow** shared information regarding the costs incurred by the state if drugs are legalized, as opposed to the lesser amount gained in taxes. He also noted that many of the groups promoting the legalization of drugs are from out of state and stand to gain large amounts of money at the State's expense.

Senator Grow informed the Committee of statistics revealing the negative effects on the people of Colorado after marijuana was legalized, including increases in black market marijuana, violent crimes, infant poisonings, school dropouts, highway deaths, industrial accidents, emergency medical treatments, suicides, psychological problems, and homelessness. He pointed out that his research yielded no category that has shown an improvement.

DISCUSSION:

Senator Burgoyne inquired why the people and future legislatures should not have the right to act on public policy of the State. **Senator Grow** replied that voter choice is important. He pointed out that if this bill passes the Legislature, it will go to the voters on a ballot initiative with three choices as follows:

- Do you want medical marijuana?
- Do you want recreational marijuana?
- Do you want to keep Idaho drug free?

Senator Burgoyne asked why the power of the initiative and the power of the legislature to set public policy should be taken away from the people and the legislatures of the future. **Senator Grow** stated that a future legislature could reverse this change and again refer it to the people.

Senator Burgoyne continued expressing concerns that this bill would make all hemp illegal, even if it met the federal standard of .03 percent of tetrahydrocannabinol (THC), and that Idaho would never be able to legalize hemp. **Senator Grow** emphasized that **SJR 101** and the hemp legislation being developed are compatible, and he trusted that both bills will pass during this session.

Senator Stennett asked that these changes not be put in statute before changing the Idaho constitution. **Senator Grow** explained that the statutes currently prohibit that procedure. He indicated that **SJR 101** considers recreational and medical marijuana, and gives the public an opportunity to decide at the voting booth.

Senator Stennett asserted that people in chronic pain or terminal illness have the right to have medication choices. She asked Senator Grow to point out where the bill allows for those people to have that choice. **Senator Grow** indicated page 2, line 11, which refers to the Right to Try Act. **Senator Stennett** perceived that the Right to Try Act refers to terminal patients, so this bill would prohibit others to be part of a clinical trial. **Senator Grow** advised that **SJR 101** maintains the status quo of FDA-approved drugs allowed by the State of Idaho, being prescribed by real doctors, and being dispensed by real pharmacists.

Senator Anthon summarized his understanding of the bill as follows: Under the proposed amendment, doctors could prescribe test drugs, or even medical marijuana were it to become legal in Idaho, as long as the drug is prescribed,

dispensed, and administered by a doctor. Under these conditions it would still be allowed in Idaho. **Senator Grow** concurred.

Senator Winder advised that there would probably be some opposition, especially relating to CBD oil with less than .03 THC. **Senator Grow** asserted that there is nothing in the bill that would prevent CBD oil being approved. **Senator Winder** inquired about a Colorado study regarding costs versus revenue. **Senator Grow** replied the Colorado study was done from the time of legalization of marijuana until 2019. He related that the revenue for the State of Colorado was far less than the growing costs incurred for prisons, criminal proceedings, substance abuse, juvenile facilities, and treatment programs. Discussion continued relating to the costs of obtaining FDA approval of drugs that are currently illegal, and the unlikely event of marijuana being approved by the FDA. **Senator Grow** stated that the FDA needed to be the agency for approval as the expenditure would be too large for the State to provide the clinical trials. He asserted that there is nothing to prevent the FDA from doing clinical trials on marijuana, so it is possible that it could be approved. (See Attachments A and B.)

TESTIMONY: **Chairwoman Lodge** outlined the process for testifying.

The following individuals offered testimony in support of **SJR 101**:

- Dr. Reed Lofgran
- Dr. Joe Williams
- Jaimie Parry
- Reverend Bill Roscoe
- Jeff Lavey
- Doug and Paula Devina represented by Richard Thomas
- Kendell Nagy
- Wayne Hammon
- Keith Graves
- Kimberly Dugan and Heidi Reese represented by Richard Thomas
- Braden Jensen
- Brian Whitlock
- Kim Wickstrum
- Heidi Hill
- Craig Campbell
- Sheriff Kieran Donahue

Those testifying in favor of **SJR 101** expressed concerns such as protecting young people from early exposure to illegal drugs; allowing time to conduct proper studies and trials to assess the risks and benefits of the drugs in question; and prohibiting the manufacture, distribution, and use of illegal drugs. Those testifying gave additional reasons they support the bill dealt with addiction, which frequently leads to homelessness; mental and physical health; change in brain chemistry; and an increased rate of depression, anxiety, psychosis, and suicide, especially among Idaho youth. Some who testified said they felt legalizing marijuana would send the message that marijuana is not dangerous even though it is a gateway drug to more dangerous drugs. Passage of the bill would reduce the burden on law enforcement by allowing some time to get better control of the current illegal drug situation, including children selling drugs to children at school, drug cartels' presence in

Idaho, and Idaho being a conduit across the northwest for drug distribution. They also emphasized the importance of having the bill voted on by the people, and the fact that it could be amended in the future if needed.

The following offered testimony in opposition to **SJR 101**:

- Casey and Margie Baker
- Jeremy Kitzhaber
- Megan Romaro
- Monica McKinney
- Dr. Dan Zuckerman
- Daniel Potter
- William James Esbensen III
- Anthony Martin

Those testifying in opposition to **SJR 101** stated that amending the Idaho Constitution could not be accomplished by this process. They noted that passage of the bill would incorporate the FDA into the Idaho Constitution and infringe on the rights of Idaho citizens to make their own choices. Some testifying against the bill asserted that it would put Idahoans' health at risk by denying them medical marijuana, which alleviates extreme pain and replaces opioids with its myriad of negative side effects. It was pointed out that if **SJR 101** passes, Idaho veterans, even through the Veterans' Hospital, would not be able to get medical marijuana as it would be illegal. In addition, those who testified against the bill surmised that the right to try would also be unavailable. It was purported that additional revenue would come into Idaho rather than going to Oregon and Washington. They asserted that people would make proper use of marijuana if it were on the open market or were available..

Chairwoman Lodge announced that consideration of **SJR 101** will continue on Wednesday with Senator Grow 's closing statement. She stated that the testimony already received will be used but that there will be no more testimony heard.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 11:04 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Carol Cornwall, Assistant Secretary