

The Opiate Epidemic Continues to Impact the Legalization of Cannabis Because Tennessee Legislators Fear Another Addiction Crisis and Being Seen as Soft on Crime

As an advocate for health care issues affecting physicians and patients in Tennessee, I submit that with few exceptions States with high opiate death rates and republican controlled legislatures will resist decriminalization and legalization of cannabis. Though legalization will continue to be a trend nationwide, my state of Tennessee will resist legalization due to the public perception of marijuana use, religious conservatism, physician and provider lack of understanding and strong commitment to the current enforcement strategies.

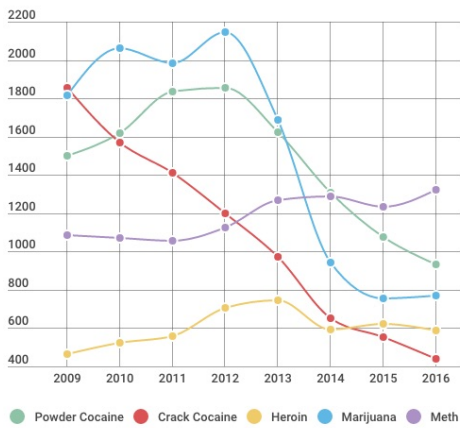
Tennessee has reeled from one addiction crisis to another. Methamphetamine addiction hit the state extremely hard and the state still struggles, in the rural counties. This was followed by the additional current crisis in opiate addiction. Because the opiate crisis has crossed traditional racial economic barriers the legislatures have not passed laws to arrests users for possession instead “pill mills” are targeted as a public health crisis. The legislators for the state of Tennessee have been heavy handed in addressing the opiate crisis. For the first time they are treating this as a public health crisis and have elicited the help of the TMA and academic physician community to develop policy to limiting access and exposure to opiates.¹ Physicians can no longer routinely prescribe more than 3 days of opiates except under specifically defined circumstances such as major surgery or trauma. Many legislators also blame physicians for the current opiate crisis and their current attitudes are a backlash to physicians advocating for better pain management over the past decades through enacting bills such as the intractable pain act. The Intractable Pain Act was repealed in 2015.²

Law and Order and current politics

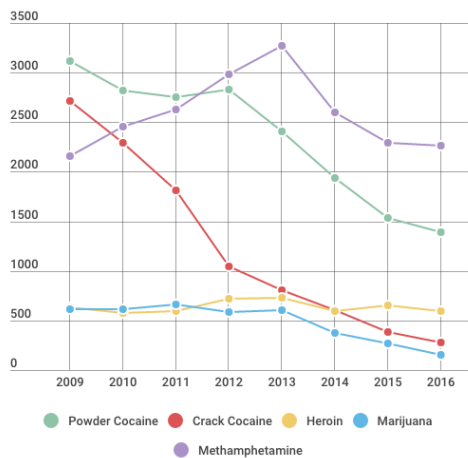
Cannabis is still seen as having no medicinal value by the majority of physicians and legislators in Tennessee. They see continued prosecution of marijuana and drug related offenses as part of the get tough on crime philosophized by current Republican leadership. A recent visit by then Attorney General Jeff Sessions to Memphis highlighted this attitude. The zeal at which they prosecute cannabis and other street level drug crimes is undaunted by evidence of disproportionate impact. Methamphetamine or “Crystal Meth” is the only other drug prosecuted with equal zeal. Mandatory minimal sentences continue to trend upward for methamphetamine as the state continues to grapple with a methamphetamine crisis.

Tennessee is not alone, there were more than 1.5 million drug arrests in the U.S. in 2016. The vast majority, more than 80 percent, were for possession only.⁴ Tennessee has some of the highest incarceration rates in the country. We have the 11th highest combined state and local incarceration rate with Tennessee being in the top 10 for drug-related arrest.³ Despite a national decrease in mandatory sentencing for Marijuana, there remains a large population of disproportionately people of color incarcerated for drug related crimes. Those released felons are stripped of their voting rights and therefore have leverage to mandate change.

Five-Year Mandatory Minimums by Drug Type, 2009-2016



10-Year Mandatory Minimums by Drug Type, 2009-2016



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Recent attempts by Democratic officials in Shelby County to decriminalize cannabis possession were soundly rebuffed by the supermajority Republican state legislature.⁵ The fact that Democrats represent mainly urban districts and our legislature is over represented by rural

constituents feeds into the perception that cannabis use is an urban problem and tied to the increased crime in our cities.

The TMA (Tennessee Medical Association) has the unique opportunity to provide support to the legislature. The full endorsement by the TMA would go a long way toward legalization, however its membership will require education. Educational opportunities for cannabis science and therapeutics in Tennessee are currently being developed.

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https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2ahUKEwidkIHH1dPkaAhUD-6wKHR4xARgQFjACegQICxAG&url=https%3A%2F%2Fwww.tnmed.org%2FTMA%2FMember_Resources%2FOpioid_Resource_Center&usg=AOvVaw19cm9rAa26rkkQDrN6S8aB

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Tennessee Senate repeals Intractable Pain Act; next stop, the House
NICK SHEPHERD • MAR 2, 2015 AT 9:08 AM
nshepherd@timesnews.net

³ **Federal Bureau of Investigation (FBI)**. Table 69: Arrests by State. *Crime in the U.S.* 1999-2017. Accessed from <https://ucr.fbi.gov/crime-in-the-u.s> on Jan 30, 2019.

⁴ Federal Bureau of Investigation, "Crime in the United States, 2015," (Washington, DC: U.S. Department of Justice, 2016).<https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/persons-arrested/persons-arrested>

⁵ Memphis lawmaker pitches marijuana decriminalization bill

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