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CANNABIS CULTIVATION IN THE PEACH STATE: NECESSARY NEXT STEP TOWARD LEGALIZATION

BY ASHLEY LAND

During the 2015 Georgia state legislative session, legislators passed Haleigh's Hope Act, legalizing the use of medicinal cannabis, specifically a low tetrahydrocannabinol (THC) cannabidiol (CBD) oil produced using the cannabis plant, for a limited number of Georgia citizens with specific medical conditions.[i] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn1) However, this new law was missing a crucial element needed to make Georgia's medical cannabis program truly effective and beneficial for the Georgia citizens it was created for: the law does not allow for in-state cultivation of marijuana or manufacturing of the cannabis oil prescribed to Georgia patients.[ii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn2)

The state legislator, Representative Allen Peake, who spearheaded the effort to legalize medical marijuana in Georgia, did so because he was inspired by several Georgia families who had been forced to become medical refugees.[iii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn3) Medical marijuana refugees are known by that title because they are families who have uprooted themselves from their home states and moved to other states to partake in the legal medical marijuana treatments offered there.[iv] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn4) At the time Peake became involved with the cause, at least seventeen Georgia families had moved to Colorado seeking legal cannabis oil treatment.[v] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn5) A couple of years before limited medical marijuana use was legalized in Georgia, Peake met the family of Haleigh Cox, who were in the process of moving from Peake's district in Georgia to Colorado to seek treatment for Haleigh, who suffered from severe seizures.[vi] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn6) Peake met four-year-old Haleigh and her family and decided it was time for change in Georgia which led to the two-year long fight for medical marijuana legalization in Georgia.[vii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn7) When the bill was ultimately passed, the Cox family happily moved back to Georgia.[viii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn8) However,

although the Cox family and others like them can now possess cannabis oil and legally give it to their children, they must get the cannabis oil from Colorado and other far away states which have allowed for in-state cultivation of marijuana.



By not allowing for in-state growth in Georgia, the state is encouraging the Georgia patients, who have been legally prescribed medical cannabis oil, to break federal law by crossing state lines to obtain legal medical marijuana and bring it home to Georgia. One Georgia family explained that each time their child, Ava Wilson, who before using cannabis oil treatments used to suffer up to 100 seizures a day, runs out of her prescription of twenty fluid ounces, someone in the family must go to Colorado to bring back her next batch of medicine.[ix] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn9) Every few months someone must travel to Colorado, drive to the distributor, pick up the medicine, and risk arrest the entire journey back to their home in Georgia.[x] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn10) The estimated half a million Georgia citizens who suffer from one of the eight approved conditions, Cancer, Amyotrophic Lateral Sclerosis (ALS), Seizure Disorders, Multiple Sclerosis, Crohn's Disease, Mitochondrial Disease, Parkinson's Disease or Sickle Cell Disease,[xi] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn11) will also have to cross state lines to obtain the medication they are legally able to consume in their home state.

Legislation was introduced during the 2015 Georgia legislative session, which would have created strictly regulated in-state cultivation of cannabis in the state of Georgia.[xii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn12) Although the proposition had the support of over one hundred state legislators; the next step of in-state growth did not have the support of Georgia's governor.[xiii] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn13) Governor Nathan Deal, along with Georgia law enforcement, have vocalized their opposition to in-state cannabis cultivation.[xiv] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn14) Without Deal's support, any in-state grow proposal would need a veto-proof super-majority vote in the state legislature to become law.[xv] (file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_edn15)

The fears of a slippery slope situation, in which Georgia ends up permitting recreational marijuana use or that in-state cultivation cannot be controlled, should not prevent Georgia citizens from accessing the medication they have been legally permitted to use. The battle for in-state cannabis cultivation will no doubt continue again in Atlanta this legislative session. For the benefit of Georgia citizens in need, the Governor and others like him, who are wary of this next step, need to see that in-state cannabis cultivation is a logical necessity for Georgia's medicinal cannabis users and make the requisite change in law.

[i]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref1)How to Legally Obtain Medical Marijuana Oil in Georgia, Georgia Cannabis,

<https://www.georgiacannabis.org/obtain-medical-marijuana/> (Last visited Sep. 18, 2016).

[ii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref2)
See id.

[iii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref3)
Jon Richards, *For Rep. Allen Peake, Medical Cannabis Is a Cause Worth Fighting For*, GeorgiaPol.com (Feb. 4, 2016), <https://www.georgiapol.com/2016/02/04/for-rep-allen-peake-medical-cannabis-is-a-cause-worth-fighting-for/>.

[iv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref4)
See generally Kyle Jaeger, *What I learned from Medical Marijuana Refugee Families*, ATTN: (Apr. 20, 2016), <http://www.attn.com/stories/7132/medical-marijuana-refugee-families-in-colorado> (general description of what it means to be a medical refugee).

[v]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref5)
Greg Bluestein, *Medical Marijuana is Now Legal in Georgia*, Atlanta Journal Constitution (Dec. 28, 2015), <http://politics.blog.ajc.com/2015/04/16/medical-marijuana-is-now-legal-in-georgia/>.

[vi]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref6)
Richards, *supra* note iii.

[vii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref7)
Id.

[viii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref8)
Id.

[ix]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref9)
Mary Logan Bikoff, *Medical Marijuana is Legal Now in Georgia. So How Do We Get it Here?*, Atlanta Magazine (Aug. 5, 2015), <http://www.atlantamagazine.com/great-reads/medical-marijuana-is-legal-now-in-georgia-so-how-do-we-get-it-here/>.

[x]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref10)
Id.

[xi]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref11)
Georgia Cannabis, *supra* note i.

[xii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref12)
James Bell, *Georgia Lawmakers Want Public Vote on In-State Marijuana Cultivation*, Georgia Care Project (Feb. 24, 2016), http://www.gacareproject.com/georgia-lawmakers-want-public-vote-on-in-state-marijuana-cultivation/vote_weed/.

[xiii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref13)
Maggie Lee, *Deal Says No to Growing Medical Marijuana in Georgia*, The Telegraph (Dec. 2, 2015), <http://www.macon.com/news/local/article47605290.html>.

[xiv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref14)
Georgia Law Enforcement Announces Opposition to In-State Marijuana Cultivation, Georgia Cannabis (Nov. 1, 2015), <https://www.georgiacannabis.org/georgia-law/law-enforcement-medical-marijuana/>.

[xv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Land%20Blog.docx#_ednref15)

Ga. CONST. art. III, § 5, ¶ XIII (d).

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Fuck Nathan Deal and pigs in ga. Legalize it period and stop getting rich off of pot smokers
no small city should have a militarized police fuckin bible thumpers

 **Deborah An Moore** 3 years ago · 0 Likes

I hope during this session that support will come from the farmers. They have to get small
business loans to maintain their farms during the drought season. The farmers can benefit
from the cultivation of marijuana.

 **Esther** 3 years ago · 0 Likes

I have cencar and i would like to have marijuana my chimo Dr woldnot give me were can i
get it legle in GA for pain and appetite i have 3 stage cancer pleece halp me

 **David Garrison** 3 years ago · 0 Likes

Call me @404.645.1004

 **Marion Sisk** 3 years ago · 0 Likes

Allen Peake, please add Fibromyalgia, cronic fatigue syndrome for use of medical marijuana.
I'm in cronic pain 24,7.Painpills don't help and are bad for you. Thankyou

 **David Garrison** 3 years ago · 0 Likes

As a card holding two time cancer survivor I want to say thanks to the many citizens and
elected officials who have learned, listened to, educated and acted for the conditioned
patients needs and right to medicine! I also want to add it's a very slippery slope for everyone
to recognize the legal ramifications of not providing in state product as deemed appropriate
by prescribing doctors. This is a major problem, legally, for the state. However, the
possibilities for help are real-the proof is everywhere & this state is ready (the citizens) for a
rare opportunity for state referendum if super-plurality doesn't happen and the governor
doesn't do what's right.

It's just that simple!

David Garrison

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