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## All Health Care Is Local: Exploring the Roles of Cities and States in Health Care Delivery and Reform Keynote #1

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# ALL HEALTH CARE IS LOCAL: EXPLORING THE ROLES OF CITIES AND STATES IN HEALTH CARE DELIVERY AND REFORM

KEYNOTE SPEAKER: REPRESENTATIVE JEREMY FAISON  
[edited for reading]

FEBRUARY 9, 2018

**Rep. Jeremy Faison:** Good morning. It's good to be with you guys. I'm Jeremy Faison and I do get to represent the most beautiful part of the whole state of Tennessee. I often tell people if God actually lived in Tennessee, He would live where I live. All of you have heard of the Gatlinburg area. I live just deeper in the mountains than Gatlinburg. I represent Cobb County, Green County, Jefferson County, and it's an amazing place. If you've never been there, come on over. Spend your money in my district. You'll have fun when you come there.

So, this morning I'm going to talk to you about the legal justification for Tennessee to expand cannabis for certain sick Tennesseans. You're looking at a guy who was elected as a conservative. I came down the wave of President Obama's midterm election and I was able to defeat a Democrat and I'm a pro-gun guy, pro-life guy—'Merica, freedom, that's kind of who I am. I lead worship at my church—active with that. But I support this plant called cannabis and it's an enigma to a lot of my colleagues.

My colleague right here. I think he was shocked at 4 years ago when I came out and said, "hey, we need to do something with this plant as it relates to Tennessee." It kind of shocked because no Republican has ever been that stupid. All of a sudden, this redneck from East Tennessee said, "hey, there's something in pot." And a lot of people were like, "Yeah, Jeremy, Fox County has been growing it for years. It's been the number one cash crop for years in Tennessee, so we get it."

But you know, what I found out is there's actually some huge benefits and so this healthcare law symposium, we can talk [about]

a lot of different things, and I'm on the healthcare committee, the sub and the full, and we could talk about a lot of different laws. I just thought maybe you would like to hear a perspective of how I got where I got and what brought me to the position that I'm willing to go out there in the Bible Belt as a Christian and say, "hey, this is the right thing to do, it's the right thing for Tennessee, and this is the right thing for sick people."

Martin Luther King, rightly said one time from jail, "a just law is a man-made code that squares with the moral law of God. An unjust law is a code that is out of harmony with the moral law."<sup>1</sup> There are times that we as legislators in Nashville, or in DC, get it wrong. The truth is, we probably get it wrong more than we get it right. There are times that we have passed unjust laws and I believe there is a right time to disobey an unjust law. I believe I can prove to you if I had enough time that a prohibition on the cannabis plant was an unjust law from the beginning.

You say, "well, Jeremy, how can you say that?" Well, when we study the cannabis law or canvas and get deep into it and I've traced the use of the hemp plant and the marijuana plant back to around 3000 BC. Historians tell us—and I'm a little bit nervous speaking to attorneys because they are all phenomenally more intelligent than I am. I killed bugs for a living and I'm probably not a very bright guy compared to y'all, so it takes a lot more studying for me to speak to y'all than it probably would for y'all to speak to me, so I'm a little bit nervous about that, but... So I've done an immense amount of research and if you go back to the Assyrian nation, the Assyrians are some of the first organized people group that we could find that had an organized government and we can find them somewhere in the neighborhood of 2500 to 3000 BC.<sup>2</sup> So we're looking at 5,000 years of history. Okay. So when you go back to them and trace it forward from the Assyrians, around 3000 BC, trace the court come all the way up to the 20th century, 1930s. Every government, every organized people group in the world in the history of the world used the cannabis plant for industrial purposes and for medicinal purposes.<sup>3</sup> That Asian side of our planet did phenomenal things with it. You follow that all the way up for 5,000 years, come to the 20th century and all of a sudden we had this thing

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<sup>1</sup> Martin Luther King Jr., Letter From Birmingham Jail 6 (American Friends Services Committee eds., 1963).

<sup>2</sup> See generally *Assyria, Ancient Kingdom, Mesopotamia*, ENCYCLOPEDIA BRITANNICA (Dec. 2017), <https://www.britannica.com/place/Assyria>.

<sup>3</sup> See Antonio Waldo Zuardi, *History of Cannabis as a Medicine: A Review*, REVISTA BRASILEIRA DE PSIQUIATRIA VOL. 28 NO. 2 (June 2006), <http://www.scielo.br/pdf/rbp/v28n2/29785.pdf>.

called the industrial revolution, and we have this massive thing called corporate greed. I know none of you good liberals have ever heard of that term. You don't know what I'm talking about, do you?

They weren't going by legislation. They were able to buy competition out. One of the things that our government was founded on is to stop the ruling class. Do you know what I mean when I say the ruling class? That's the view of the top, being able to dominate the legislative process and buy what they want. And when the ruling class buys what they want, they're able to sequester the ones who are actually doing the work. So Henry Ford, first car, the shell of his car—and you can find a YouTube video of them hitting it with an axe—made from hemp fibers.<sup>4</sup>

There was huge problems with that because the cotton industry didn't like it. Our first flag that was sewn by Betsy Ross was sewn with hemp fibers.<sup>5</sup> All of the drafts of our Declaration of Independence were written on cannabis paper—hemp paper.<sup>6</sup>

So in the industrial revolution you find out there's all this competition going on and there's people, corporate guys realized, “hey, we need to put a stop to this because you can grow an acre of hemp with no pesticides.” So the DuPont was ticked. They won't be able to sell their pesticides and herbicides. Right? You can grow an acre of that—the guys who were making paper, realized, “hey man, if we can grow trees and we can make paper with no competition from people who can make paper out of hemp...” So we were able to get it defeated. And there's a guy named Anslinger who was extremely racist, a so and so horrible human being, and he would tell Congress—he, his position was created because he failed with prohibition when they realized it was a disaster. So immediately when Anslinger failed with prohibition, he turned to this thing called marijuana--and he would tell Congress because we were extremely racist society at that time, he would tell Congress, listen, the black men are giving the white women this plant and making them smoke

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<sup>4</sup> Nejat Akay, *Henry Ford's 'plastic hemp car' from 1941*, YOUTUBE (Dec. 7, 2012), <https://www.youtube.com/watch?v=srgE6Tzi3Lg>.

<sup>5</sup> According to hemp advocate Michael Bowman, Betsy Ross's flag was made of hemp. Emily Heil, *Hemp flag to fly high over the capitol building*, WASH. POST (July. 2013), [https://www.washingtonpost.com/blogs/in-the-loop/post/hemp-flag-to-fly-high-over-capitol-building/2013/07/02/ac69c120-e264-11e2-aef3-339619eab080\\_blog.html?utm\\_term=.27a391130a1c](https://www.washingtonpost.com/blogs/in-the-loop/post/hemp-flag-to-fly-high-over-capitol-building/2013/07/02/ac69c120-e264-11e2-aef3-339619eab080_blog.html?utm_term=.27a391130a1c).

<sup>6</sup> *Declaration of Independence Paper*, Thomas Jefferson Encyclopedia, <https://www.monticello.org/site/jefferson/declaration-independence-paper> (last visited July 27, 2018).

it so they can have them and take the white women from them.<sup>7</sup> He told them that in Congress.

So we bought this lie, hook, line, and sinker. We said, "this plant's the devil, regardless of whether God put it on there or not. And regardless of what we used it for 5,000 years, this must be the devil." And we have believed these silly lies for eighty-two years now. And you've heard of reefer madness,<sup>8</sup> all of y'all that are a child of the sixties? You know what I'm talking about? Definitely you—if you've got gray hair, you know what I'm talking about.

So we bought this lie hook, line, and sinker. And what I'm telling you today, as Martin Luther King said, a just law squares with the moral law. There was nothing immoral about the use of this plant from the beginning. So we had to bring all type of lies and motions to get Congress to buy this idea and put this plant as a schedule one drug. Now the whole notion—do y'all know what I mean when I say schedule one, what that means? There is absolutely zero benefit to society.<sup>9</sup> This is going to blow your mind. Some of you won't believe me and you're going to go home and look it up and say man, that hillbilly was right. Cocaine is a schedule two.<sup>10</sup> Is there an anesthesiologist in here? I don't see any. Anesthesiologists use cocaine today in the hospitals.<sup>11</sup> There's cocaine being legally used today. We bought this stupid lie so good that we were able to get congress to put marijuana as a schedule one and we still use cocaine as a schedule two. That's how stupid we got. I mean this is like double down, special kind of stupid what we're doing right?

So first of all the justification of what I'm doing, the justification starts with one thing. First of all, it was prevalent and commonplace in society for 5,000 years that we can trace humankind and nothing was bad. Once you have a track record—are all of y'all out of school, are there any students in here? So we find out, you'll find out that case law is as good as legislative law

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<sup>7</sup> See Laura Smith, *How a racist hate-monger masterminded America's War on Drugs*, TIMELINE (Feb. 2018), <https://timeline.com/harry-anslinger-racist-war-on-drugs-prison-industrial-complex-fb5cbc281189>.

<sup>8</sup> *Reefer Madness* (Motion Picture Ventures 1972).

<sup>9</sup> Schedule 1 drugs have no accepted medical use in the United States. 21 U.S.C. § 812(b)(1)(B); Marijuana is a schedule 1 drug. § 812(c)(Schedule 1)(c)(10). See also *Drug Scheduling*, Drug Enforcement Agency, <https://www.dea.gov/druginfo/ds.shtml> (last visited July, 27, 2018).

<sup>10</sup> 21 U.S.C. § 812(c)(Schedule II)(4).

<sup>11</sup> Cocaine acts as a local anesthetic by blocking conduction of nerve impulses. Jay W. Marks, MD and Omudhome Ogbu, PharmD, *Cocaine Hydrochloride*, MEDICINE NET, [https://www.medicinenet.com/cocaine\\_hydrochloride-topical/article.htm](https://www.medicinenet.com/cocaine_hydrochloride-topical/article.htm) (last visited July 9, 2018).

that I pass. You understand what I'm saying? Case law—a judge will look back on case law and then will decide what happened in a case, and that case is as powerful or is as pertinent as the law that I passed in Nashville. So when we have 5,000 years of a record of what we're doing and our first four presidents are using this plant and said, hey, this is the right thing to do... maybe we shouldn't have done that in the first place.

The next justification of what I'm doing is: America is there. Have you heard of Quinnipiac University? Quinnipiac is one of the most sought-after polls,<sup>12</sup> if you're into politics at all. People pay attention when Quinnipiac releases a poll, they're like, "okay, who's ahead, who's behind what do they need to do, what are the people thinking? In January 11th of this year, Quinnipiac released a poll. It's a beautiful poll, you should read all kinds of neat stuff in it. Interesting thing that was in it: January 11th of this year, 91 percent of the general public voters in America say the cannabis plant ought to be available to sick people.<sup>13</sup> When you see that poll, and I want to remind our colleagues that are against it in office, who's the boss? See, the way our government is set up is that we're not the boss. We are not the ruling class. Y'all are the boss. The people who are paying the bill, and when you find out that Quinnipiac University has released a poll, ninety-one percent, it says, people often have access to this plant and we're still wondering why we should do this. That poll also says, only six percent of the population of the US shouldn't, and then two percent haven't made their mind up. That two percent will never make up their mind, but the truth is we should listen to that 91...if 91 percent of Americans agree on something... My God, that might be a good idea to think what they're doing. You can't get 91 percent on anything in this world. We couldn't probably get 91 percent agreement. Well, y'all are pretty...attorneys, so maybe ninety one percent of agreement. It's rare to find 91 percent. Right? So that's the second thing.

Now I'm going to switch gears for a minute. Have you ever heard of the intent of the law? When the senator and myself pass law and we're in committee, often the chair of the committee or somebody who's intelligent on the committee would say, what is your intent? Because law is funny sometimes and when you get into litigation, some of y'all might, I guess the vast majority of attorneys don't ever actually litigate, but some of you will end up litigating

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<sup>12</sup> Quinnipiac University Poll, <https://poll.qu.edu/> (last visited July 9, 2018).

<sup>13</sup> Dreamers Should Stay, American Voters Say 8-1, Quinnipiac University National Poll Finds; Do Not Enforce Federal Pot Laws, U.S. Voters Say 3-1, Quinnipiac University Poll, (Jan. 11, 2018) [https://poll.qu.edu/images/polling/us/us01112018\\_ubn985.pdf/](https://poll.qu.edu/images/polling/us/us01112018_ubn985.pdf/).

and one day you're going to be in this law suit. You're going to be defending somebody and the written law can at times look gray and difficult and you want to present your case to the judge and so you are going to go back and listen and look for the intent of the law that the legislator said on record. Now we have a thing called the journal. Everything that's said in committee and everything that's said on the House floor or the Senate floor is recorded and you, as attorneys, some of y'all have probably done this. Y'all have gone and found the journal, found that video, and you listened very intently for the intent of the law. Even if the law might be a little bit gray and you struggled trying to understand what it is. You want to know exactly the guy who wrote the law, what his intent was. So in 2014, we've got this Senator, Roy Roth, and another senator, Blumenauer. In 2014, remember I'm giving you justifications, legally, of why I'm doing what I'm doing. It's called the Rohrabacher-Blumenauer amendment and the federal appropriations act that they amended it in 2014 to benefit me and a lot of other states.<sup>14</sup> I had just passed my original cannabis oil bill, old bill for a little girl named Josie Mathis<sup>15</sup> in Greene County, Tennessee, and I didn't want the federal government coming after us.

And so several other states had been doing stuff. We petitioned. I called Senator Lamar Alexander and said, please make sure this amendment goes on to the federal appropriations act. Here's what the amendment says. None of the funds made available in this act to the Department of Justice may be used with respect to the states of Alabama, Alaska, Arizona, it goes on to include Tennessee, to prevent such states from implementing their own state laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Very few people in America realize that that has been in our federal appropriations act since 2014. Now I'm going to (probably shouldn't do this) but I'm going to tell you anyway. Our wonderful people in the US Senate and the US House. They take great pains and pay lots of money and do a lot. They fight hard to never actually take a stand on something. Have you noticed? In the last 20 years, they really do big fat bagel.

I mean, it's an amazing thing to see them actually vote on something of substance. Why? So what I've been told, it's like

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<sup>14</sup> *Federal marijuana protections safe for now with stopgap spending bill*, THE CANNABIST (Dec. 7, 2017), <https://www.thecannabist.co/2017/12/07/federal-budget-medical-marijuana-rohrabacher-blumenauer/94177/>.

<sup>15</sup> 2014 Tenn. Pub. Acts 936.

winning the lottery. Once you get into Congress or once you get to the US Senate and I would love to tell you that's just the Democrats that do that, but unfortunately, I can't tell you that it's the Republicans, it's the Democrats, it's the whole lot of them. They're all consumed with keeping their seat there. It's like they will almost sell their mom or their first born just to be able to retain that position because you're kind of like a god. There is only 435 in the house and there's 330,000,000 here. I mean, it's an elite club. And if you make it to the US Senate, oh my God. You get asked to sit on these boards and they fly you all over the world, have elaborate thanks for you because you're a board member. Have you ever noticed that a guy can go in Congress making a governor's salary \$180,000 and after a few years he's worth \$20 million? I mean, something is an issue here and by the way, this happens, Democrat and Republican alike, so often people say, Jeremy, why hasn't Congress taken this from Schedule One to Schedule Two or just given it to the states? Well, they don't want to answer to their voters. The reason that you never see anything of substance come from DC or whatever you do see that comes from DC is so watered down that it tries to please everybody. And the truth is, you know, you cannot please everybody. You have to stand on what you believe is right and you go for that. And unfortunately, they try to milquetoast it down so much that when they finally do have to answer to their voters that it's really not much that they have to answer about. So these guys in Congress have never wanted to go back to their voters and say, we did this when it comes to cannabis.

So they sneak in this little amendment, but that little amendment has power for me and what I'm trying to do in Tennessee. I listen to the video of Senator [audio interference] of what his intent was. He says, Mr. Chairman, my intent in this is to protect these states who are pursuing medical marijuana for all these different purposes. That's the intent of what he's doing. Now, law enforcement—do we have law enforcement here today? They are freaked out about it because Congress has not actually passed a law to say we can do this. But in my opinion, and I think that time will tell, we don't have any case law yet because nobody's sued the state that's done this. You would think seriously the federal government would sue a state and stop a state, we have 30 states now doing this.<sup>16</sup> They haven't done that. They haven't done that because the Department of Justice's hands have been tied with the money that they've been given. In the federal appropriations act, Congress gives

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<sup>16</sup> Lopez, German, *Marijuana is legal for medical purposes in 30 states*, Vox (June 26, 2018), <https://www.vox.com/cards/marijuana-legalization/what-is-medical-marijuana>.



them money and tells them to act and bring justice to society. But oh, Department of Justice. While you're bringing justice to society, we're tying your hands when it comes to cannabis, so those are the reasons that I'm doing what I'm doing.

Do you want to hear some specifics of the bill and what I'm trying to do, because you might be litigating it one day. I want to introduce something called the Medical Cannabis Act Only and what I'm doing is I'm trying to bring oil-based products to the state of Tennessee.<sup>17</sup> There's one thing that I wanted more than anything but it, a lobbyist had been hired and this is my message from day one. I want the state of Tennessee to be able to grow cultivate, manufacturer, and produce cannabis products. I don't want our citizens to have to go to Colorado or Arizona or anyplace else to buy cannabis and the cool thing, if we get this, our product is regulated.

It's tested, it's proven and it's predictable. We know that's a good word for attorneys. It's predictable, right? We want that. So the sick Tennesseans that I know, I want them to be able to have something when they walk into a dispensary that is very predictable and they know they buy and they buy it in Memphis or if they buy it in mountain city, is predictable, it's tested and they know exactly what they're getting. We have thousands of Tennesseans that I've met all across the state who are using street weed right now to help their problems, which I would say it's probably safer than a lot of stuff the FDA has approved--and I could talk about the FDA for an hour.

They're the devil. Just think about how many pills they have approved that's killed people. Think about that for a minute. Talk about the ruling class.... These peckerwoods, they've approved pills we've taken off dozens of times in my forty-one years on this planet and they were paid to approve stuff and then we found that it kills a bunch of people. Just look at opium, my gosh... By the way, opiates have toxins in them.<sup>18</sup> So we're creating a cannabis advisory Commission of eleven members that are attorneys, doctors, patient advocates, they will oversee everything that this comes to.<sup>19</sup> You will be able to get a license to grow, get a license to manufacture, you can get a license to dispense. I have 14 qualifying conditions if

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<sup>17</sup> *TN State Rep. Jeremy Faison Outlines New Medicinal Marijuana Legislation*, Jeremy Faison Conservative, (Jan. 18, 2018), <https://www.jeremyfaison4tn.com/tn-state-rep-jeremy-faison-outlines-new-medical-marijuana-legislation/>.

<sup>18</sup> Knott, Laurence, MD, *Opiate Poisoning*, PATIENT, (Aug. 12, 2014), <https://patient.info/doctor/Opiate-Poisoning>.

<sup>19</sup> Jeremy Faison Conservative, *supra* note 17.

you're interested: HIV, hepatitis, ALS, PTSD, Alzheimer's disease, severe arthritis, inflammatory bowel disease, multiple sclerosis, Parkinson's, schizophrenia, a chronic, debilitating disease or medical condition with a confirmation diagnosis or treatment of such disease on the condition of approval that produces one or more of the following: cachexia, peripheral neuropathy, severe chronic pain, severe seizures and epilepsy, persistent muscle spasms...

And then we've also given the cannabis commission the ability to move forward. So my whole goal was, if I can pass this bill, is that cannabis never has to come back up in the Tennessee legislature because it's such a political situation. So I'm putting that this cannabis advisory commission has the ability to promulgate rules and that basically have immense amount of authority and they can do anything with this plan basically without ever having to come back to us. They wanted me to take a few questions before I stopped. Yes ma'am.

**Audience Member:** Regardless of the legal, ethical, medical whatever...what is the economic impact?

**Rep. Faison:** Good question. Met with fiscal review this week and we have a, a group of people that are paid to establish the value of every bill we file and historically they have killed bills or passed bills based on what the fiscal impact on the state of Tennessee.<sup>20</sup> Right now, the fiscal analysts have--and we went back and forth qualifying how many Tennesseans we found, 1.2 million Tennesseans who would qualify to buy a cannabis if my bill passed. What I'm being told right now is that we're looking somewhere in the tune of \$20 million. That might not sound like a lot, but at the end of the year, he and I are in a debate and we're fighting over a million dollars. Now, as the cannabis is established in Tennessee and the market is established, you're going to see that grows. And in Tennessee once people see they don't have to go anywhere else and can stay here, you're going to see that that's going to grow your, by my estimation, it's going to be \$500 million by the third year.

We've appropriated some money to law enforcement to actually go after drugs that are really dangerous but they're not interested in that. The truth is on law enforcement, guys, is that they make a dang fortune on civil asset forfeiture, if we're just being honest with each other, they don't fight this because they've got some

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<sup>20</sup> Fiscal Review Joint Committee, Tennessee General Assembly, <http://www.capitol.tn.gov/joint/committees/fiscal-review/> (last visited July 9, 2018).

moral high ground that they think cannabis is the devil. They know that this is a cash cow for them. They want to be able to stick people in prison; there's an enormous amount of money here. So they're always gonna fight it. We're just going to have to tell them that this is how it is. Yes sir?

**Audience Member:** [The question is unclear, but essentially asks whether this would just shift lobbyist focus and create a whole new group of problems].

**Rep. Faison:** So lobbyists don't really work on the commissions the way you would think. Lobbyists work on us. I chaired for about four years and one of these boards or commissions, and there's hundreds of them in Tennessee—lobbyists don't, they don't use their agenda that way. Lobbyists always come back to us as legislators, to put the torque on them. That, hasn't happened and I'm not saying it couldn't happen, but ultimately my goal would be to realize that this plant is relatively benign, as far as being dangerous, and that we ought to allow the people who need it to have access to it. So we're just taking baby steps and that's what happens in a lot of these states. They realize what they've done and they're freaking out at first. Then they realize, oh my gosh, it says sky's not falling and you'll find more freedom. We should just allow people to find their own destination—that's a novel idea. Yes, sir?

**Audience Member:** You told a lot of truth here today. Are you sure you're a conservative?

**Rep. Faison:** True conservatism is believing in personal accountability and freedom. It can get twisted and turned any way you want, but a true conservative believes that government has a very limited role in your life. We are not your daddy. And so I would take opposition to that—there's some in my party that have hijacked the term "conservative" and they turned it to...some would say we want to legislate from the Bible instead of legislate from the Constitution. That's not conservative if you legislate from the Bible. But I would also say on the liberal side that they have become consumed with government control of everything. A couple of months ago I went to JFK's new museum, Profiles in Courage, if he was alive today, he would be considered conservative. Everybody's got their own view, but a true conservative believes that the constitution stands alone and doesn't need to be monkeyed with, number one and number two that you deserve personal accountability and have the freedom to be. I thoroughly enjoyed it, God bless y'all.