



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 49

Thank you Mr. Chairman, and committee members for this hearing today on Assembly Bill 49.

Three years ago, the Wisconsin Legislature overwhelmingly passed Lydia's Law, a law which allowed doctors and pharmacists to dispense cannabidiol, or CBD oil, and set up a mechanism for the state to help make CBD oil available in Wisconsin. For many people, CBD Oil has the ability to stop seizures, especially in young children.

Unfortunately, despite the Legislature's best intentions, we have found that Lydia's Law has been ineffective. The fault for lies primarily with the federal government. Because CBD is designated by the federal government as a Schedule I (One) drug, there are many regulatory hurdles that must be met to dispense or prescribe CBD Oil.

Among these hurdles is the requirement that a doctor or hospital must participate in a federal drug trial to use CBD. Unfortunately, due to bureaucratic red tape with these trials, and frankly, a lot of misinformation about CBD oil, those that need this potentially life-changing medicine are unable to obtain it legally in Wisconsin.

Assembly Bill 49 addresses this issue by allowing an individual to possess CBD Oil without a psychoactive effect as long as a doctor has certified that the CBD is being used to treat a medical condition. That means that the state will not prosecute parents or children for having CBD in his or her possession as long as a doctor has signed off.

The bill also positions Wisconsin to rapidly make CBD available if it is rescheduled from its Schedule I status. If the federal government reschedules CBD, the state must follow suit within 30 days. Lydia's Law created an apparatus to make CBD available in the event that CBD is rescheduled. Lydia's Law means that Wisconsin will be able to quickly adapt to the eventual legalization of CBD at the federal level. This provision should also put the issue to bed for the foreseeable future in Wisconsin.

Because there is a lot of misinformation and misunderstandings about CBD, I find it necessary to also explain what the bill does not do.

- This bill does not legalize recreational or medicinal marijuana.
- This bill does not allow for the manufacture of CBD Oil in Wisconsin.
- This bill does not allow for the growing, cultivation or sale of marijuana

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- This bill does not allow for the sale of marijuana or CBD Oil in Wisconsin
- This bill does not allow Native American tribes to grow marijuana, make marijuana extract, or CBD Oil.

This bill does two things only:

1. Allow a person to possess CBD in Wisconsin if a doctor has certified that it is being used for a medical condition.
2. Positions Wisconsin to take advantage of the eventual rescheduling of CBD Oil.

Let me be clear, there are federal hurdles that must be overcome to make CBD widely available in Wisconsin and nationwide. However, those are federal issues, not state ones. We are working with Speaker Ryan to address this at the federal level. I'm pleased to report that both Wisconsin Senators and I believe all of our Representatives support those federal efforts.

You will hear in a few moments the heartbreaking stories from families seeking to use CBD to treat their child's illness. How they long for a night's sleep without worry that their child will stop breathing at a moment's notice. You will hear that for many families, CBD has worked, and given them hope that their child will be able to live a normal life. I want you to listen carefully to their stories. Hear their voices full of passion, desperation, hope, and even fear.

By supporting this bill, we can reward their passion, ease their desperation, give them hope, and end their fear. All we need to do is hear them, and let them possess this life saving medicine without fear of arrest.

Thank you for your attention, and I'll be happy to answer any questions.



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Almost three years to this day, we held the first hearing in the Capitol on changing the state law in regards to CBD (cannabidiol) Oil. The bill, AB726, was introduced by former Representative Robb Kahl and myself, along with Senator Wirch. At the time of introduction we had very few co-sponsors. I was the chair of this committee and several current members, here today, were with us then as 200+ people came to testify or learn about the use of a treatment for seizure disorders that was highly effective but also illegal in WI.

As we heard from family after family (some who are here again today) we were hard pressed as committee members to come up with a reason that the State of WI shouldn't become a better partner in helping children and their families access a treatment that actually works. AB726 took a good first step but was mostly ineffective on a policy front. However, it was highly effective in raising awareness that we should do even better still. Last session we tried again. AB228 sailed through the Assembly but the bill died on the last day of the Senate session and again we failed.

Today, Sen. Wanggaard and I are here to speak on AB49. This bill now has 60 co-sponsors in the Assembly and the Senate due to the efforts of the past. The bill passed in the State Senate last week on a 31-1 vote. It is time to get an effective CBD Oil bill across the finish line.

Our bill today expands on the past efforts to make the choice of using CBD Oil a decision that is made between a doctor and a family. In my opinion, the state should not play a role in deciding which treatments a family could, should, or will access to treat a child with a severe need. This bill makes sure that with a doctor's certification families can live without fear of prosecution if they possess CBD oil with a non psycho-active amount of THC. The bill expands the definition of which ailments CBD can be certified. Previously we limited the bill to seizure disorders, this bill expands that definition to a medical condition.

You see, the extract we are talking about, CBD Oil, does contain THC, but is an amount that will not generate a buzz of any kind. The oil we are talking about will not have people going out and seeking it to get high. This oil as demonstrated by those who testified in 2014 and by CNN's ongoing series by Dr. Sanjay Gupta has significant medicinal value.

This bill today does not clear all of the federal hurdles that remain in effect. However, ongoing discussions in Congress lead me to believe that change in Washington may remove some barriers in the future. We have included a provision that requires any change in the classification of CBD Oil at the federal level be matched within 30 days at the state level.

You will hear from families today who have gone through enormous effort, cost, time, money, travel and more to fight for effective changes to state law to help (if even just a little) make their kids' lives a little bit better. You will stories of loved ones lost while fighting this battle. I urge you, members of the committee, don't make that struggle go any longer.

Testimony in Support of Assembly Bill 49

Assembly Committee on Children and Families

Good afternoon and thank you for taking the time to listen to my testimony. I cannot attend today's hearing but I would like to express my support for the passage of Assembly Bill 49 so an individual may possess CBD oil to treat a medical condition not just a seizure disorder.

I have stage IV cancer which means cancer has spread elsewhere in the body. My cancer has spread to my spine and ribs. I live with a terminal disease of which there is no cure. I have undergone 4 separate radiation treatments to my spine and ribs to help alleviate my pain and also had a lengthy spinal fusion surgery to prevent my spine from collapsing from the cancer tumors and rendering me paralyzed. I also take cancer fighting drugs to slow my progression. I live with pain every moment of every day and I very seldom take a prescribed opioid medication because of the side effects. The potential medical benefits of CBD oil for people living with cancer include pain relief, improved sleep, reduced nausea, anti-inflammatory and anti-convulsant effects, as reported by the National Cancer Institute. I personally know of a number of cancer patients in states where it is legal, who have completely stopped taking opioids and now take CBD oil without THC. They have experienced major pain relief and sleep. CBD oil without the psychoactive ingredient THC, is an appealing option for patients seeing relief without taking an opioid. There have been some misconceptions about CBD oil and we need to establish a growing awareness of CBD as a potential therapeutic health aid.

So I ask you today to consider those of us with a medical condition as determined by a physician, to be able to obtain CBD oil. We all want quality of life and to be able to live without constant pain. CBD oil may just provide that for us.

Thank you for your consideration.

Linda Cook

Plover, WI 54467

To: Committee on Judiciary and Public Safety
From Meghan and Jennifer Bertram

Dear Committee members,

Meghan will be turning 21 this may and aging out of school. Her future is uncertain, where she will get services, and what her life will look like as her parents get older and pass away. She depends on others to help her stay as healthy as she can, for her care, education for everything.

She began with a few seizures in 1999 which turned into about 20, then 100's then thousands in a month. We were pretty naive back then thinking... we take a medication and it will stop them. Well it didn't.

Meghan have been on 16 medications over the almost 2 decades-currently she is on 4. All of them come with side effects(lethargy, weight loss, severe agitation, tremors, drooling, incontinence, loss of hair, severe constipation. That little girl that we once had is forever changed by the seizures, meds into someone that we had to get to know over the decades. IT HAS CHANGED ALL OF US FOREVER! Behavior comes hand in hand with Epilepsy and meghan is no exception. She has gone through severe aggression to others, to her self, and its all so hard to watch and deal with. It is also very hard to teach others to work with your young adult. You depend on others to care for your young adult. Meghan subsequently lost her speech in 2002 and lost much more over the years. We have done EVERYTHING for Epilepsy. Drugs, Ketogenic Diet, VNS, Supplementation and even Brain surgery in 2003. She lost her whole left side after that surgery and she got about 80% back but the seizures still continued. For our family- we have nothing else to try.

I'm sorry that we cannot be here in person today. Meghan has missed alot of school due to her Epilepsy this year. We are in the final stretch of her high school. She will be out in June. So we are working very hard to get as many skills as we can before she exits in June. We are working on getting her transitioned to day programs,(Wisconsin Independent Life College-Autism specific college in waukesha), YMCA service related programs, work experiences(Wisconsin athletic club) and reading at Arrowhead. She has an 1:1 aide since she requires one to help her maneuver in our world- the environment, safety component, seizures, decison making, working doing basic job tasks and taking care of basic needs. All of these challenges are due to her uncontrolled Epilepsy.

We have been working on this bill for some 3 years now. We feel Wisconsin needs to get this done. Its way over due and people should be able to try it and feel protected. When Meghan was interviewed last month she spelled out "GET THIS DONE". Many of us are tired, discouraged and are taking care of our kids trying to keep them alive even though we know that sudep(sudden unexplained death in epilepsy) is real and could take them any night.

We hope that this is the year that Wisconsin will join the many other states that have passed this legislation to allow families the opportunity to try CBD oil and see if it will help their loved one. We are smart people. We have to titrate medications, we have to give emergency medications when our kids wont' stop having seizures, some of us have

to do CPR when they stop breathing. We know that all of this is an experiment and one we would like a chance to try.

Thank you for listening to our testimony and will consider what our family has gone through. When I talked to meghan about this hearing she spelled out "GET IT DONE!"

Jennifer and Meghan Bertram

Hartland, Wisconsin



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November 16, 2015

Dear Senators Alexander, Gardner, Hatch, and Wyden,

My name is Ralph Northam and I am the Lieutenant Governor of the Commonwealth of Virginia. I am also a pediatric neurologist and, in Virginia, the Lieutenant Governor is actually a part-time position, so I continue to see patients three to four days a week at Children's Hospital of the Kings Daughters in Norfolk.

As a pediatric neurologist, I see many children who suffer from neurological disorders such as epilepsy and endure intractable seizures on a regular basis. I have treated some of the children who are visiting with you and your colleagues to advocate for cannabidiol (CBD), and I urge you to listen to their stories, carefully consider the research and data, and keep an open mind.

As a policy maker, I understand the position that you are in. Fifteen states, including Virginia, have allowed access to CBD since March 2014, though the majority of these states are more conservative in their approach to public policy. You have the opportunity to exempt CBD from the legal restrictions applied to it as a Schedule I substance, while at the same time making sure that the Food and Drug Administration properly regulates it to make sure it's used safely and responsibly as a dietary supplement. It is important to remember that in the medical field, we routinely prescribe dozens upon dozens of medications that are derived from plants.

To put my own experience into further context, I graduated from the Virginia Military Institute and served as a doctor in the United States Army, where I treated soldiers during Desert Storm. As a State Senator, I sponsored legislation that banned smoking in restaurants. I do not approach this topic lightly and have given it serious consideration. You will find no stronger advocates for a policy than the children and parents that you will be meeting with. I have seen firsthand the positive effects CBD has had for these children, and I hope and pray that with your help they will be able to live better, healthier lives with less debilitating seizures and that their parents will be able to seek help for their sick child without fear of federal prosecution.

Please do not hesitate to reach out to me or my staff if you have any questions or would like to discuss this.

Sincerely,

A handwritten signature in black ink that reads 'Ralph S. Northam'.

Ralph S. Northam

January 30, 2017

Dear Senators,

I am writing to you as a constituent regarding Tetrahydrocannabinols and the use of cannabidiol that would allow for the legalization of CBD oil for the treatment of seizures. This oil is intentionally non-psychoactive with low levels of THC and has proven successful in stopping or drastically decreasing epileptic seizures in children. I am asking you to please consider thoroughly reviewing and supporting this bill as it moves forward in legislative session.

I am a parent Sherri Kroening, a devoted mother of a special needs child, Jake. Jake has suffered from Lennox Gastout Syndrome a severe form of Epilepsy for 20 years. Jake suffers from 30 or more seizures daily with weekly convulsive Tonic Clonic seizures. Lennox Gastout Syndrome causes cognitive impairment, developmental delay that is progressive and huge behavioral problems. We have never heard Jake's voice or seen him develop in 20 years. Instead we are taking care of 30 seizures a day and huge behavior problem due to his Epilepsy and the side effects of FDA medications. We are physically and emotional exhausted from the constant care that is demanded upon us. This syndrome takes time and effort by both parents 24 hours a day 7 days a week. Jake is at increased risk of Sudden Death of Epilepsy due to his uncontrollable seizures.

Jake's seizures-which pose a significant risk to Jake's ability to maintain and enhance his level of functionality-are now being treated with FDA approved seizure medications, which have not helped him. Jake has suffered more serious side effects from these FDA approved medications than the drugs ever helping his Epilepsy. Jake has tried over 17 seizures medications, vagus

nerve stimulator, and ketogenic diet to try and control his seizures with no success. Because of this, we have begun a tireless crusade to educate people and bring this bill forward in this legislative session for three years now. We are out of options for our Jake and this is his last hope on any type of quality of life to have CBD oil legal here in WI to help his horrific Epilepsy.

I urge you to vote in favor of this bill for the sake of the children that CBD oil has been shown to help. I cannot imagine a more urgent item for this legislative session than to see to it that these children and young adults can have legal access to something that can help them.

In closing, I would like to point out that seizures themselves pose a very serious risk to ones health and development from anyone suffering from Epilepsy. Please support Jake and give him a chance at quality of life and being able to be in his own community here in WI.

Sincerely,

Eric & Sherri Kroening

Colgate, WI 53017



1-30-17

We are asking that you please vote to amend Lydia's Law so that we may be able to easily and freely obtain and administer CBD oil to our son, Jacob, without any barriers.

Jacob has suffered from epilepsy for nearly his entire life. It is an extremely frightening and draining ailment, one which we would like to improve for him.

We also have been considerably affected by the number of children that were not given the chance to try the oil and are no longer here and never WILL get that chance. It is devastating and we would like this Bill amended in their honor.

Please do the right thing and help so very many... allow us and countless others to administer without barriers.

Respectfully,

Jen, Jeremy & Jacob Schultz

Waukesha, Wisconsin 53189

