



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON SENATE BILL 290

August 14, 2019

Thank you members of the Committee on Judiciary and Public Safety for hearing Senate Bill 290 (SB 290) today.

Current law prohibits individuals from selling, possessing, using, or transporting any container into which tear gas or any similar substance can be used or placed for use to cause bodily discomfort, panic, or damage to property. In 1993, Wisconsin Act 91 (Act 91) was enacted which exempted pepper spray from this ban so it could be used as a form of self-defense.

Since Act 91, Wisconsin's statutes have not been updated and do not reflect technological innovations in safety preparedness. Significant strides have been made in non-lethal weaponry, including the development of gel-form chlorobenzalmalononitrile, or "CS gel".

CS gel contains a chemical component found in tear gas, but produces similar effects as pepper spray against an attacker. Unlike pepper spray however, CS gel can be directed at a target. Residue from deployment of pepper spray can linger in the air and therefore impede or harm first responders and others in the immediate area. The gel's ability to target specific individuals is especially beneficial for enclosed environments like hospitals or schools.

Senate Bill 290 provides an exemption for CS gel similar to the existing exemption for pepper spray. This bill is a common sense statutory fix that provides responsible weapon holders with the option to wield non-lethal weapons to protect themselves in dangerous situations that they may face while on the job or at home.

I urge you to support SB 290. Thank you for your consideration.

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August 14th, 2019

Chairman Wanggaard and Senate Judiciary and Public Safety Committee Members,

Thank you for holding a Public Hearing on SB 290 related to pepper spray and CS gel substances.

CS gel is a unique technology which can be utilized by individuals to protect themselves and others from violence. Unlike Pepper Spray which atomizes in the air and can unintentionally injure others in the area, CS gel is a direct stream of gel toward an attacker which reduces the spread to bystanders and subdues the attacker. Additionally, CS gel has an antidote which can be applied to the individual at any time, making this a safer alternative to pepper spray.

CS gel has many applications and could be utilized by individuals in the home setting, workplace, or schools.

This bill creates an exemption for CS gel similar to the pepper spray exemption. We need to ensure that our state statutes are updated to allow for this type of technology. The Pepper Spray statutes were put in place in the early 1990s and we have not made substantive changes in almost 30 years.

We should be supporting efforts like this to provide individuals with safe options to protect themselves and loved ones.

I am encouraged by the overwhelming bi-partisan support that we have for SB 290 and I want to thank my colleagues who have worked together to bring this legislation to the committee today.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.

TESTIMONY FOR AUGUST 14th HEARING

Testimony of Joe Anderson
Co-Founder, Reflex Protect
August 14, 2019

Thank you, Mr. Chairman, for the opportunity to appear before you and share some information on Senate Bill 290. Thank you also to members of this committee for taking time out of your busy day to learn more about this matter.

My name is Joe Anderson, and I am a co-founder of the Montana-based company Reflex Protect. We make self-defense products like this spray (**hold up product**) that right now can be used by law enforcement in Wisconsin, but it can't be used by regular citizens. So you know, the product I have in my hand is just a practice training unit with water in it, and it will not be deployed.

We support the legislation in front of you today, and I am delighted to see that it has bipartisan backing as it shows that members of both parties are committed to helping keep citizens safe.

Current Wisconsin law relating to CS gel products is ambiguous. While it is legal for corrections officials and law enforcement to possess and use CS gel products, state statutes are unclear on its possession by the general public, which is presently preventing certain self-defense innovations using CS gel products from being sold to consumers in Wisconsin.

CS is not a gas, but a powder that when mixed with certain benign solvents becomes a gel, similar to pepper spray gels or foams, except it is virtually colorless, odorless, and self-dissipating, essentially eliminating cross-contamination and collateral damage.

The proposed legislation would provide Wisconsinites with additional personal security options by broadening the definition of “pepper spray” to include new CS gel technologies. This proposed bill will eliminate the ambiguity of current state law and will specifically state that CS gel products will be classified as types of pepper sprays and would be legally available to purchase by adults over the age of 18.

We are a for-profit company, but our entire team is driven by a passion for saving lives and preventing injuries due to violence. Our products were developed with healthcare facilities in mind, and as such are well suited for other workplaces, schools and public areas where traditional pepper spray products could cross-contaminate nearby bystanders or inhibit law enforcement response. Our mission at Reflex Protect is to provide safe, simple, and effective non-lethal self-defense products and training as viable options to help nurses, teachers, and others have an effective and practical way to protect themselves.

The technology is easy and intuitive to use, highly accurate, and quickly and effectively disables assailants. Presidia Gel, our specialized CS gel formula, sticks to the skin with little to no

side-splatter and self-dissipates in about 15 minutes if not sooner cleaned up. In general, CS gel products cause less collateral damage, and there is a known antidote. Right now, more than 40 states allow CS gel purchase by citizens. We are now able to ship our products to many of Wisconsin's neighbors including Illinois, Indiana, Iowa, Michigan, and Minnesota. SB 290 would allow Wisconsin to join the list where CS gel products can protect citizens and home and work.

Mr. Chairman and members of the committee, I would be remiss if I didn't reference and acknowledge the senseless tragedies earlier this month in Texas and Ohio. I don't want anyone to think that the change in law we're suggesting would necessarily have altered the outcomes of those tragic incidents that were perpetrated by monsters. Nonetheless, recent technology advances have provided us with an opportunity to do a better job at giving citizens another tool to help protect themselves.

Law enforcement and Safety Preparedness training courses have long taught citizens that may encounter an active shooter to run, hide or fight. If the first two options are not available, the proposed change in state law would help Wisconsinites fight back, defending themselves in accordance with recently revised best practices in safety preparedness.

It saddens me that the news is constantly filled with stories on violent incidents and mass murders. I have my own personal connection as I worked at a large corporate law firm in

California that was the site of a mass murder in 1993. I lost friends and colleagues that terrible day. In the years since, I have grappled with how we can protect the citizens of this country in mass shootings that have become all too routine. Thanks to new and emerging technologies, we have new options.

My co-founder, Steve Mangold, and I come from differing political points of view, but we found common ground immediately when it came to the provision of a non-lethal way to prevent injuries and save lives. Reflex Protect technology provides that non-lethal alternative through our use of CS gel. By passing this public safety legislation, the state of Wisconsin will open itself to this and other new innovations using CS gel.

Again, thank you for your time and attention to this important issue. This bill can have a positive impact across the State of Wisconsin. I encourage your positive consideration of this proposal. I hope this information is helpful, and I would be happy to answer any questions you might have.