



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON SENATE BILL 10

Thank you Mr. Chairman, and committee members for this hearing today on Senate Bill 10.

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.

Senate Bill 10 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. Position 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.



ROBERT W. WIRCH
STATE SENATOR TWENTY-SECOND DISTRICT

DATE: January 31, 2017

TO: Senate Committee on Judiciary and Public Safety
Senator Wanggaard, Chair
Senator Testin
Senator Stroebel
Senator Risser
Senator Taylor

RE: Support for Senate Bill 10

Thank you Senator Wanggaard for holding a public hearing on Senate Bill 10 (SB 10). In 2011, I was approached by Sally Schaeffer, whose daughter Lydia had a seizure disorder. Sally was running out of treatment options available to help her daughter. It is my understanding with seizure disorders a treatment may work or provide some relief for a period of time and then simply stop working or not achieve the same results. Sally is a force: she was able to get Legislators on both sides of the aisle to listen to Lydia's story and share with them that cannabidiol (CBD) oil has been shown to be helpful to treat seizures and other disorders. I researched CBD oil and agreed to coauthor legislation that would allow it to be used as treatment for seizure disorders. Over a year after Sally approached me, as some of you know, one of my young family members was diagnosed with a seizure disorder when he was just a few months old. At the time, we didn't know if the doctors could find a treatment that would help. Since his diagnosis, his parents have tried every medicine recommended by his doctors. The treatment costs are expensive and many have severe side effects. There has been one medication they have been unable to try, CBD oil. Over the past several years in trying to help individuals access CBD oil in Wisconsin, we have heard success stories from across the United States on the effectiveness of this drug.

Over the past three legislative sessions, Senator Wanggaard and I, along with Representative Scott Krug and former Representative Rob Kahl, have worked to try and give families and individuals the option of trying CBD oil to combat serious illness.

In 2014, the Legislature passed Assembly Bill 726 (Act 267) which was designed to allow a physician or pharmacy to dispense CBD oil to individuals with seizure disorders. However, following the bill becoming law, we came to learn that CBD oil was unobtainable for patients and families.

In 2016, Assembly Bill 228 (AB 228) passed in the Assembly; it specified that CBD oil was not a Schedule I drug in Wisconsin and therefore possession and use of it without a prescription was not a criminal act in the state. The bill was designed to give families the peace of mind that if they used or possessed CBD oil they would not be breaking state or local laws. Unfortunately, because of bureaucratic maneuvering, AB 228 was not brought to the floor of the Senate for a vote before the end of the legislative session.

While we all understand the hurdles surrounding CBD oil and federal law, we in Wisconsin can stand up and make a real difference for families across our state. Once again, I thank the Committee for the opportunity to share my testimony, my personal story, and my support for SB 10.