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"We change laws."

February 16, 2015

Chairman Daniel Hawkins
House Standing Committee on Health and
Human Services
Kansas State Capitol
300 SW 10th St.
Topeka, Kansas 66612

Regarding: HB 2282
Position: Support

Dear Chairman Hawkins:

On behalf of the Marijuana Policy Project (MPP) – a non-profit organization that advocates for sensible and compassionate policies related to cannabis and medical hemp – I am writing to support HB 2282. We thank Rep. John Wilson for sponsoring this important legislation, which would provide relief to victims of dangerous seizure conditions.

Purpose

House Bill (HB) 2282 would establish a regulatory framework for a system to provide seizure patients access to products containing cannabidiol, or CBD — one of several active ingredients contained in the plant *Cannabis sativa* L. Unlike comprehensive medical marijuana programs, this system would be limited to forms of the plant that are low in THC (the psychoactive ingredient), but high in CBD. While CBD has no psychoactive effect, thousands of patients across the U.S. have found it helps reduce the severity and frequency of seizures.

There are important differences between this approach and those used in states with broad medical marijuana programs. Aside from the fact that the products are limited to high-CBD, low THC amounts (capped at 3%), this bill would establish a relatively small state program. Business activity would be modest. Where often there are several different types of businesses which need to be licensed and supervised, this bill establishes just two types of business: those entities that cultivate, process, and provide CBD products, and independent testing labs to ensure products are safe. Patients may not grow their own medical hemp plants under this system.

Further, the products made available here contain little value on the illicit market. While security is an important component of the proposed regulations, diversion into the underground market is not the concern it might be in those states with broader programs.

Currently, 11 states have established laws that also try to implement regulated access to CBD products, including Alabama, Florida, Iowa, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Utah, and Wisconsin. Unfortunately, nearly every one of them has created a system that is unworkable. This bill borrows heavily from the one system we do believe is functional — Missouri's — and implements important additional features that are a part of many successful and well-regulated programs in states with comprehensive laws. We believe this bill represents the state-of-the-art when it comes to CBD regulation.

Seizure Conditions in the United States

This bill is designed to help victims of seizure conditions. Seizures are caused by abnormal electrical activity in the nervous system, sometimes described as an electrical storm in the brain.¹ As a result, a person's body shakes rapidly and uncontrollably as his or her muscles contract and relax repeatedly. Common symptoms include blackout periods, twitching and jerking limbs, drooling or frothing at the mouth, eye movements, grunting and snorting, loss of bladder or bowel control, sudden and uncontrolled falling, and teeth clenching.²

There are many different kinds of seizures, and causes vary widely. They can include abnormal levels of sodium or glucose in the blood, brain infection, brain injury or tumors, heart disease, Phenylketonuria (PKU), which can cause seizures in infants, and many other causes. Sometimes no cause can be identified. These are called idiopathic seizures, usually seen in children and young adults, but they can occur at any age. If seizures repeatedly continue after the underlying problem is treated, the condition is called epilepsy.³

Over two million people in the U.S. have some form of epilepsy, and there are about 150,000 new cases of seizure disorders including epilepsy diagnosed each year. One in 26 people in the United States will develop epilepsy at some point in their lifetime.⁴ About one-third of people with epilepsy live with uncontrollable seizures because standard available forms of treatment do not work for them,⁵ and it is for this group that products containing CBD show a great deal of promise.

Epilepsy affects more than 300,000 children under the age of 15 — and more than 90,000 young people have seizures that cannot be adequately treated, and children and adolescents are more likely to have epilepsy of unknown or genetic origin.⁶ Seizures are extremely dangerous, can be life-threatening, and affect every part of a person's life.⁷ For parents of children with seizure conditions, the stress can be overwhelming.⁸

Thousands of patients across the country successfully use products containing CBD to help alleviate the severity and the frequency of seizures. Unfortunately this treatment is not currently available in Kansas and some residents have had to relocate to other states for treatment. HB 2282 provides a solution.

Many with seizure conditions find relief though CBD products

As mentioned, about one in three patients with seizure conditions find that existing medical options do not help. CBD's positive effects on individuals with seizure conditions have recently become headline news as more seriously ill patients and parents of children with seizure conditions seek

¹ University Of California, Berkeley, "Researchers Create Model Of Brain's Electrical Storm During A Seizure," *Science Daily*, March 1, 2005. <http://www.sciencedaily.com/releases/2005/02/050224122911.htm>

² U.S. National Library of Medicine, National Institutes of Health National Institutes of Health, MedlinePlus, <http://www.nlm.nih.gov/medlineplus/ency/article/003200.htm>

³ *Id.*

⁴ Patricia O. Shafer, RN, MN, "Epilepsy, the Basics," Epilepsy Foundation, <http://www.epilepsy.com/learn/about-epilepsy-basics>.

⁵ *Id.*

⁶ American Association of Neurological Surgeons, "Epilepsy," <http://www.aans.org/Patient%20Information/Conditions%20and%20Treatments/Epilepsy.aspx>

⁷ Reviewed by Joseph I. Sirven, MD and Patricia O. Shafer, RN, MN, "Impact," Epilepsy Foundation, <http://www.epilepsy.com/learn/impact>

⁸ WebMD, "Caring for a Child with Epilepsy," <http://www.webmd.com/epilepsy/guide/caring-child-epilepsy>

relief through the use of CBD.⁹ A recent television special by well known physician Dr. Sanjay Gupta has brought particular attention to it's therapeutic effect on children with this condition.¹⁰

In April, 2014, the Epilepsy Foundation formally advocated for ensuring seriously ill patients have access to medical hemp.¹¹ Epilepsy Foundation's President and CEO Philip M. Gattone and Warren Lammert, Chairman of the Epilepsy Foundation Board of Directors announced:

The Epilepsy Foundation supports the rights of patients and families living with seizures and epilepsy to access physician directed care, including medical marijuana.¹² Nothing should stand in the way of patients gaining access to potentially life-saving treatment. If a patient and their healthcare professionals feel that the potential benefits of medical marijuana for uncontrolled epilepsy outweigh the risks, then families need to have that legal option now -- not in five years or ten years. For people living with severe uncontrolled epilepsy, time is not on their side. This is a very important, difficult, and personal decision that should be made by a patient and family working with their healthcare team.
[Footnote supplied.]

Quite simply, the legislature should not stand between a doctor and a patient or in the case of minors, that patient's family.

Conclusion

Seizure conditions are serious and can have a devastating impact on a person's life. They affect millions across the nation and a significant number of adults and children in Kansas. These patients deserve access to any form of treatment that can help them, and CBD has transformed lives and shown genuine promise for countless individuals and families in the states that allow access. We hope Kansas will follow the recommendation of the Epilepsy Foundation and the lead of the other state programs by allowing physicians to make recommendations they believe are in the best interests of their patients. Please vote to pass HB 2282 to the floor of the House for a vote.

Sincerely,



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⁹ Lisa Bernard-Kuhn, The Cincinnati Enquirer, "Families move to secure medical marijuana for kids," USA Today, March 23, 2014, <http://www.usatoday.com/story/news/nation/2014/03/23/families-move-to-secure-medical-marijuana-for-kids-/6755071/>

¹⁰ Dr. Sanjay Gupta, "Weed," CNN, August 11, 2013, http://www.youtube.com/watch?v=Z3IMfIQ_K6U

¹¹ Philip M. Gattone and Warren Lammert, "Epilepsy Foundation Calls for Increased Medical Marijuana Access and Research," February 14, 2014.

¹² "Hemp" is used to describe Cannabis sativa L plants that contain low amounts of THC. "Marijuana" can refer to any time of cannabis plant but typically refers to varieties containing higher amounts of THC than allowed under HB 2282.