

Alexis' Law

Epilepsy is a neurological conditions that affects the nervous system and is characterized by unprovoked seizures. About one-third of those living with epilepsy experience uncontrolled or intractable seizures despite available treatments approved by the FDA. Prescription drugs given to children with intractable epilepsy are often not approved for children or in the combinations given. Some of the known side effects of current FDA approved medications are brain damage, liver damage, developmental delay, decreased IQ and mental functioning, and even death.

What is Cannabidiol Oil?

- Cannabidiol oil is a non-psychoactive component of hemp that has been shown to have beneficial effects on seizure activity.
- The Idaho definition of “cannabidiol oil”, if approved, would provide that the oil can have no more than trace amounts (less than 0.3%) of tetrahydrocannabinol (THC), which matches the most restrictive definition of any of the twelve states in the country that have already legalized the use of CBD oil.

What do Idaho neurologists have to say about CBD oil?

- “I am a board-certified neurologist who has practiced in Boise for 17 years. I am in support of the bill to exclude high Cannibidiol (CBD) from the current definition of Marijuana. CBD oil is defined as having less than 0.3% THC. I believe CBD oil needs to be available for refractory epilepsy patients that have failed traditional therapy. It has essentially no potential for abuse and has minimal side effects.” James Herrold, M.D, Les Bois Neurology
- “These preparations [CBD oil] have essentially zero potential for abuse or dependence and their only known use is in the treatment of severe and intractable epilepsy... The National Epilepsy Foundation, not to mention numerous child neurologists and epilepsy specialists support legislation allowing the use of CBD oil given its lack of any significant risk or harm, and the strong potential for treating a devastating illness.” Edward Jernigan, M.D., Board Certified Child Neurologist
- “Although this substance is derived from a cannabis plant, it does not have other properties of recreational marijuana (specifically inducing euphoria or getting “high”)... In my opinion it should be classified as a ‘nutriceutical’ [health food supplement]rather than coming under the category of medical marijuana law.” David Bettis, Board Certified Child Neurologist, St. Luke’s Regional Medical Center
- “Although derived from a cannabis plant, it is my understanding that the substance has only negligible quantities of THC and therefore has no significant potential for recreational use or abuse. I believe it is in the best interest of the state to make CBD legal for appropriate medical treatments. ” George Booth, M.D., Treasure Valley Pediatrics
- CBD predominant (low THC) strains have shown promise treating intractible seizure disorders with little psychoactive effects. I feel that the state of Idaho needs to provide the legal means to allow the use of CBD for forms of epilepsy that have failed traditional treatment.” Clay Campbell, Board Certified Family Physician, Montpelier, Idaho

States That Have Legalized Cannabidiol Oil but rejected “medical marijuana”

1. Alabama	7. North Carolina
2. Florida	8. South Carolina
3. Kentucky	9. Tennessee
4. Iowa	10. Utah
5. Mississippi	11. Virginia
6. Missouri	12. Wisconsin

How have other States done it?

- Grow marijuana plants at state universities: Alabama, Kentucky, North Carolina, Tennessee, Utah
- Government Registration program: Florida, Iowa, Missouri, North Carolina, South Carolina, Tennessee, Utah
- Create government distribution centers: Florida, Missouri
- Low or Trace THC: ranging from below 0.3% (Alabama, Iowa, Missouri, Utah), 0.5% (Mississippi), 0.8% (Florida), 0.9% (South Carolina, Tennessee), or no limit defined (Kentucky, Wisconsin)
- Limit to certain conditions: all but Kentucky (mostly around “epilepsy”, “seizure disorders” or medical conditions that chronically produce symptoms that can be alleviated by low-THC products)

<http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

If Idaho approves CBD oil use, how should we do it?

Do we need to increase the size of government any time we increase liberty in the smallest measure?

- No marijuana-growing operations on state universities
- No new government registration, monitoring or distribution programs
- Use the most restrictive standard for Cannabidiol oil under state or federal law (federal law defines industrial hemp as having no more than 0.3% THC, 7 U.S.C. § 5940(b)(2))
- add CBD oil to the current list of exemptions under Idaho's definition of marijuana.

Marijuana plant derivatives currently legal under Idaho law, I.C. § 37-2701(t) (why you can buy hemp oil at the grocery store)

- Mature stalks of the marijuana plant unless intermixed with prohibited parts
- Fiber produced from stalks of the marijuana plant
- Oil or cake made from the seeds or achene of the marijuana plant
- Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks of the marijuana plant, except the resin extracted therefrom or where intermixed with the prohibited parts of such plant
- Marijuana plant fiber
- Marijuanan plant oil
- Marijuana plant cake
- Marijuanan plant sterilized seeds

... but, evidence that a material contain THC creates a presumption that it is “marijuana”.

SB 1106 would add cannabidiol oil to the existing list

- The use is self-regulating in that, according to Idaho neurologists, there is no potential for abuse because it can contain only trace elements of THC. A person cannot get “high” off of it, just like they can’t get “high” off the hemp oil you can buy at the grocery store.
- Cannabidiol oil is much more expensive than hemp oil found at the grocery store; the only market is for parents of children suffering from intractible epilepsy or the suffers themselves.

What are the concerns?

(actual statements)

- Legalizing CBD oil will invalidate every drug dog in the State of Idaho
- Replacing every drug dog in Idaho will cost \$3,700,000.00
- Legalizing CBD oil will cost \$2,400,000.00 for new equipment at the State Laboratory and \$1,000,000.00 ongoing
- If a drug dog “hits” on a car carrying sex slaves and CBD oil, the State could not prosecute for crimes related to the sex trade
- Legalizing CBD oil will make it impossible to prosecute “pot brownies” or hash oil
- Idaho prosecutors will need an expert witness to testify regarding whether there are psychoactive substances in hemp oil at a cost of at least \$1500.00 per case

Idaho is “tough on drugs” and decriminalizing CBD Oil will not change that

- “No country incarcerates a higher percentage of its population than the United States.” Nick Wing, *Here Are All Of The Nations That Incarcerate More Of Their Population Than The U.S. [NONE]*, Huffington Post, Aug. 13, 2013.
- “The United States has less than 5 percent of the world’s population. But it has almost a quarter of the world’s prisoners. Adam Liptak, *Inmate Count in U.S. Dwarfs Other Nations*’, N.Y. Times, April 23, 2008
- “The past 40 years have seen unprecedented growth in the United States prison system. Today, one in 31 adults are either behind bars or on parole or probation.... Bipartisan reform efforts have begun to reverse the trend in incarceration. However, at current rates it would take 90 years to bring the prison population back in line with other democracies around the world.” Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics*
- In Idaho, “[t]ime served in prison for nonviolent offenses is close to double the national average and twice as long as the average minimum term required.” Justice Reinvestment in Idaho, Jan. 2014

Should we be afraid?

- Twelve states have passed CBD oil laws; twenty-four states have “medical marijuana” laws. They still use drug dogs and prosecute drug crimes.
- Have crime rates in other states increased due to passage of CBD oil? Apparently not. A study found “no positive association between MML and any crime type”. Robert G. Morris, Michael TenEyck, JC Barnes, and Tomislav V. Kovandzic, “The Effect of Medical Marijuana Laws On Crime: Evidence From State Panel Data, 1990-2006,” PLoS ONE 9(3): e92816. March 2014. doi: 10.1371/journal.pone.0092816
- Does the “problem” already exist under Idaho law?

Hempseed oil is manufactured from varieties of *Cannabis sativa* that do not contain significant amounts of (THC), the psychoactive element present in the cannabis plant. This manufacturing process typically includes cleaning the seed to 99.99% before pressing the oil. There is no THC within the hempseed, although ***trace amounts of THC may be found in hempseed oil*** when plant matter adheres to the seed surface during manufacturing. Holler JM, et al.(2008) *delta-9-Tetrahydrocannabinol Content of Commercially Available Hemp Products*. Journal of Analytical Toxicology 32: 428–432

If “trace elements” is the standard, are you committing a felony by carrying cash? “90-percent of U.S. Bills Carry Traces of Cocaine”, Madison Park, CNN, <http://www.cnn.com/2009/HEALTH/08/14/cocaine.traces.money/>

What can we do to address the government's fears?

- Limit CBD oil to parents, guardians, and those suffering from seizure conditions. We do not need a new government program to register and monitor Idaho citizens, but we can significantly narrow the class by statute.
- Require an FDA compliant label showing that the contents meet the definitions of CBD oil under Idaho law.