

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 30, 2015

**TIME:** 1:30 pm or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/  
EXCUSED:** Representative Jordan

**GUESTS:** The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Library.

**Chairman Loertscher** called the meeting to order at 3:03 p.m.

**S 1146aa:** Continuation of the meeting of March 30, 2015 at 8:30 a.m.

**David Bettis, MD**, Pediatric Neurologist, spoke **in support** of **S 1146aa** and stated the number of children with epilepsy in Idaho is approximately 1,155. He stated research takes time and children with intractable seizures could benefit from the cannabidiol oil (CBD) now. He stated the other drug that is being introduced has just as many flaws of unauthorized uses. He stated CBD is a plant derivative and is not a drug that gives any kind of high, which means there is no market for the drug other than for the children who need it.

In response to committee questions, **Dr. Bettis** stated medicine management for epilepsy patients or people who suffer from intractable seizure disorder is complicated. He stated some forms of epilepsy are not able to be treated with any medication that is available in the market today. He stated 1/3 of patients do not respond to any medication that is currently available and CBD could change that. He stated the studies so far on CBD are very positive and the side effects are limited, unlike most other seizure medications that are very strong but not effective. He stated the amount of CBD given to a patient will be determined by the doctor.

**Holly Koole**, Idaho Prosecutors Association, spoke **in opposition** to **S 1146aa** and stated that legalizing CBD calls into question how law enforcement and K-9 units will handle the possession of the drug when found on civilians. She stated they would have to confiscate the bottle and send it to the lab for testing which will cost the state money. She stated the officers will have to test the oil to see if it is the percentage of CBD that is noted on the bottle. **Michael Kane**, representing Idaho Sheriff's Association, spoke **in opposition** to **S 1146aa** and stated the federal law prohibits the CBD oil in many states so transporting it would be problematic.

**Holly Bunderson**, self, spoke **in support** of **S 1146aa** and stated her son has a lot of medical issues which include seizures every 15-30 seconds of every day. She stated the CBD oil would dramatically help reduce his seizures and give him a better quality of life. She stated there is a manufacturer that is ready to ship the products to patients, all they need is the Legislature's backing. **Gerry Morris**, self, spoke **in support** of **S 1146aa** and stated her granddaughter suffers from epilepsy and takes 3 anti-seizure medications twice a day. She stated CBD oil has proven to stop the worst seizures and she would like to try it for her granddaughter. She stated her granddaughter's medications are currently paid for by the State Medicaid system and cost \$30,000 a year and they don't even work to control her seizures. She stated the CBD oil would be the patient's responsibility and would be purchased at a cost of \$250 per bottle, which would save the State money. She stated parents need multiple options to help their children who suffer from seizures because not all of the medications on the market are effective and they carry heavy side effects in growth and development. She stated they have not tried the CBD oil with her granddaughter because they need to discuss it with her doctor and they don't want to break the law.

**Matthew Gammette**, Idaho State Police, Forensic Services Lab, spoke **in opposition** to **S 1146aa** and stated the fiscal impact of the bill would be high because of the laboratory costs of testing the CBD oil. He stated states like Washington are struggling to find good methods of testing the drug.

In response to committee questions, **Mr. Gammette** stated the current testing for the labs are qualitative not quantitative, which would test for the percentage of the drug in the CBD oil. He stated criminals can try to mask what they have in the bottles used for CBD oil.

**Natalie Stevens**, self, spoke **in support** of **S 1146aa** and stated her daughter has suffered from seizures since she was 4 months old. She stated she has tried every drug on the market to help her but FDA approval of drugs is not the best gauge for healthy medications, especially for children. She stated she is looking for ways to minimize or lessen seizures in these kids. She stated the bill allows parents to access the medicine without persecution. She stated she will do anything for her child but wants to follow the law. **Clare Carry**, self, spoke **in support** of **S 1146aa** and stated her daughter has had seizures since she was 3 months old that last for an hour. She stated very strong medications do not work for her daughter and her seizures have increased. She stated last year her daughter had a seizure that would not stop so they had to put her into a coma, in which she almost died. She said CBD oil is safe and a non psycho-active drug, which has no abuse potential.

**Stewart Davis**, self, spoke **in support** of **S 1146aa** and stated his daughter suffers from epilepsy and was having 200 seizures a day that were getting worse. He stated he has started giving his daughter the oil and it works. He stated she has been taken off all of her other medications for treating seizures and is just using the oil and has had no seizures in 30 days. He stated parents are just trying to get the best care for their children.

In response to committee questions, **Mr. Davis** stated all of the children who suffer from epilepsy go to neurologists so they would be the ones to prescribe the oil. He stated their neurologist is supportive of the oil.

**Robert Wechsler, MD**, St. Luke's Epilepsy, spoke **in opposition** to **S 1146aa** and stated the potential benefits of the CBD oil have been overstated. He stated there are multiple drugs on the market to help control seizures and the trick is to find the right combination that works on the patient. He stated all medications have the potential to cause side effects. He stated the long term use of the oil could cause cognitive impairment. He stated there are plans to start a study of another drug called Epidiolex, which is a medication that reduces epileptic seizures.

**Senator McKenzie** was recognized to provide closing testimony. He stated the bill is in no way pro-marijuana legislation. He stated the only available medications for children who suffer from seizures are very harsh and have adverse effects. He stated there is hemp oil sold in the grocery stores right now that has actual THC in it and it is somehow legal. He stated under Idaho law any doctor can write a prescription so this legislation would not change that. He also stated that these families work with neurologists so they would be the ones writing the prescriptions.

**MOTION:** **Rep. Nielsen** made a motion to send **S 1146aa** to the floor with a **DO PASS** recommendation.

**Rep. Barbieri** spoke **in support** of the motion and stated this legislation is a small way to help parents who would do anything to enhance the quality of life for their children.

**ROLL CALL VOTE:** A roll call vote was requested. **Motion failed by a tie vote of 8 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Sims, Barbieri, McMillan, Cheatham, Nielsen, Smith and Wintrow. Voting in opposition** to the motion: **Reps. Batt, Andrus, Luker, Crane, Palmer, Holtzclaw, Bateman, and McCrostie. Rep. Jordan** was absent/excused.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 6:16 p.m.

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Representative Loertscher  
Chair

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Kasey Winder  
Secretary