

Testimony to Committee on Health Care Strategies on Senate Bill No. 556

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My name is Bette Hulser and I live here in Topeka. I want to thank the committee for the opportunity to testify on behalf of the Kansas Medical Marijuana Defense Act.

My son Michael had the 'American Dream'. A great job as head chef at Georgio's (stolen away from Bennigans), working 10-hour day's 7 days a week, a wife and was expecting a beautiful baby girl. At age 24 he felt he could ask for nothing better and he thanked God every day for his blessings.

Then he started to limp along with some bad migraine headaches. A local chiropractor told him that it was simple his left hip was out of place. After several visits, it was no better and he was literally 'dragging' himself to work. His whole left side was becoming numb and he was having trouble with his balance. Still, he went to work everyday with the hope that it would get better. Then one day he fell in a vat of boiling beans and his wife called me to meet her at the hospital.

When they took off his shoes and socks, the skin came with them. You could literally see all the bones, tendons, etc. And up his leg was blisters the size of goose eggs. He was to undergo intensive plastic surgery. As usual Mike was trying to cheer everyone else by saying "don't cry Mom, I can barely feel it with this hip out of place'." Having some medical knowledge from my father, I knew Mike's condition to be far more serious than that and asked for a neurologist to see him. The tests came back and the prognosis was one of the worst, Mike had Chronic Progressive Multiple Sclerosis. The doctor said soon, very soon he would be in a wheelchair. It was devastating!

One bright spot, little Missy was born. She was a perfect child and Mike adored her! It broke my heart to see that the only way he could hold her was in a sitting position or lying down. It really broke all of our hearts when his wife left with Mike's best friend and he came home to an empty house. We would not see our Missy or know where she was for 5 long years.

Mike moved in with me and it was the first time I have ever seen him cry as an adult! The stress was so great his M.S. really progressed and one night he was rolling and screaming in pain on the floor. Lesions were forming in his brain and causing the worst headache of his life and he was convulsing. After a time, I was praying that God would take us both. I was getting ready to call an ambulance when one of his friends stopped by and asked to see him.

When I told him what was happening he insisted on seeing him and I relented. He went in and I waited and waited and soon Mike's screaming had subsided and he looked relaxed. I asked his friend what in the heck he did. He said I let him smoke some Marijuana. I said WHAT! In my house! I was so 'straight-laced', never been in trouble

and I was in shock! But then it hit me..... This 'outlaw' drug worked the miracle that the fentanyl patch he had on did not even touch!

I knew then that my ignorance of this drugs property needed some investigating. I read everything I could, talked to his physicians and the Director of the Kansas rehab at the time told me 'Bette, it does have it's place in certain diseases'. From that day forward I knew I would never say anything against Mike taking it.

Then came the call Mike had been arrested. The very drug that helped him, he was being put on trial for. Everything he had worked for was taken by the forfeiture laws and sold at a police auction. Then came the hard part, the trial. We were so lucky to get a great lawyer, who now sits on the Supreme Court. He worked hard for Mike and I remember vividly coming out of the court room while trying to make a deal with the prosecutors, red in the face and saying 'those uncompassionate @\$#!'

Mike received probation and time served, we were very grateful. The stress of it all made Mike's M.S. much worse and he could no longer stand. We did not know it at the time, but he would never come out of the wheelchair we rented. He was given a wonderful probation officer that shall always remain a dear friend of this family for later he would put his long career on the line for Mike.

Two years later while still on probation Mike again was arrested and since I had to take out bankruptcy for medical bills, we had no money for an attorney so Mike was appointed one. It didn't take us long to know he was going to 'throw Mike to the wolves'. The sentence was for Mike to be remanded to the custody of the Secretary of corrections for 30 months on count 1 and 28 months on count 2. I was crying for I knew that Mike could not last in prison in his condition.

I thought to myself that this world was a real crazy and horrible place for this to happen to someone so sick and had never hurt anyone in his life! His probation officer jumped up and told the judge he had to apologize to the court as he never gave Mike any U.A.'s because he was aware that Mike still was smoking marijuana and was doing so to ease the pain of his M.S. Judge Conklin was frowning & said Mr. Aitkens you have nothing to apologize to this court for as you were being compassionate!' There was the word I was looking for! The Judge called a recess and asked to speak with me. Asking me to get with my Senator at the time, Alicia Salisbury to pass a compassionate bill for he was tired of putting sick people in jail.

My wonderful Senator went right to work and an amendment to Senate Bill **333** was introduced in 1995 and passed the **House** by a good majority, but, was killed in the **Senate**. I was overwhelmed by the Senators that called and wrote to me stating they hoped I would keep trying as they believed as the Judge, that no chronically or terminally ill should be punished for doing what helps them. Many of us have been long time friends since. Many remembered my father when he was in the House for 2 terms.

When we went back to court Judge Conklin told us that he had received so many calls from Senators and Representatives that he had decided since the bill did not pass that he had made up his mind what he was going to do. Ms. Hamilton jumped up and started to talk and he told everyone he did not want to hear one more word! He then, looked at Mike and then at me and smiled. I felt as if a ton had been lifted off my shoulders! He looked at Mike and said, Mr. Mallonee I am making an order that you will be on

probation for two years and during that time you will not be tested for drugs! You may use marijuana, but just for yourself. Please do not share it with your Mother! Mike's mouth dropped open as mine did! Since then, both the Judge and Mr. Aitkens have received Christmas cards every year from me and shall until I pass from this earth.

Mike's M.S. progressed to the stage that he has been completely bedfast for the last decade and unable to use marijuana. He is in a body, which will not work, and a spirit that is the most awesome I have ever seen.

I have heard people say that there are better drugs, yet, we have yet to find any. We went through Roxanal, Marinol, oxy-contin, Hydrocodone, and fentanyl. Mike takes approximately 35 pills a day. The spasms still are great even while he is on Baclofen, Zanaflex and Flexoril. He has a supra pub cath, a baclofen pump, a stoma by which he gets all feedings and water and is ventilator dependent. He asks for marijuana and I tell him I wish he could use it. He is here now, saying prayers with me every night, his faith is amazing! While we know Mike's time is limited, we are so grateful for every minute he is with us. I am not a chemist; I am just a mother who knows that this worked when all the other FDA approved drugs have not.

Like Mike, I want all Kansans that are sick to have the opportunity to relieve their pain in the manner of what works for them. Not be sent to prison to die, but to go out of this life knowing that someone had the compassion to stick up for them and they can leave us with the dignity they deserve surrounded by those who love them.

Thank you & God bless!