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Chairman Spiros and Assembly Criminal Justice and Public Safety Committee Members,

Thank you for holding a Public Hearing on AB 308 related to pepper spray and CS gel substances.

CS gel is a unique technology which can be utilized by individuals to protect themselves and others from violence. Unlike Pepper Spray which atomizes in the air and can unintentionally injure others in the area, CS gel is a direct stream of gel toward an attacker which reduces the spread to bystanders and subdues the attacker. Additionally, CS gel has an antidote which can be applied to the individual at any time, making this a safer alternative to pepper spray.

CS gel has many applications and could be utilized by individuals in the home setting, workplace, or schools.

This bill creates an exemption for CS gel similar to the pepper spray exemption. We need to ensure that our state statutes are updated to allow for this type of technology. The Pepper Spray statutes were put in place in the early 1990s and we have not made substantive changes in almost 30 years.

We should be supporting efforts like this to provide individuals with safe options to protect themselves and loved ones.

I am encouraged by the overwhelming bi-partisan support that we have for AB 308 and I want to thank my colleagues who have worked together to bring this legislation to the committee today.

I appreciate your consideration of this bill and please feel free to reach out to my office with any questions or concerns.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 308

September 18, 2019

Thank you Chairman Spiros and members of the Committee on Criminal Justice and Public Safety for hearing Assembly Bill 308 (AB 308) today.

Current law prohibits individuals from selling, possessing, using, or transporting any container into which tear gas or any similar substance can be used or placed for use to cause bodily discomfort, panic, or damage to property. In 1993, Wisconsin Act 91 (Act 91) was enacted which exempted pepper spray from this ban so it could be used as a form of self-defense.

Since Act 91, Wisconsin's statutes have not been updated and do not reflect technological innovations in safety preparedness. Significant strides have been made in non-lethal weaponry, including the development of gel-form chlorobenzalmalononitrile, or "CS gel".

CS gel contains a chemical component found in tear gas, but produces similar effects as pepper spray against an attacker. Unlike pepper spray however, CS gel can be directed at a target. Residue from deployment of pepper spray can linger in the air and therefore impede or harm first responders and others in the immediate area. The gel's ability to target specific individuals is especially beneficial for enclosed environments like hospitals or schools.

Assembly Bill 308 provides an exemption for CS gel similar to the existing exemption for pepper spray. This bill is a common sense statutory fix that provides responsible weapon holders with the option to wield non-lethal weapons to protect themselves in dangerous situations that they may face while on the job or at home.

I urge you to support AB 308. Thank you for your consideration.

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TESTIMONY FOR SEPTEMBER 18th HEARING

Testimony of Joe Anderson
Co-Founder, Reflex Protect
September 18, 2019

Thank you, Mr. Chairman, for the opportunity to appear before you and share some information on Assembly Bill 308. AB 308 is a companion bill to Senate Bill 290. SB 290 was the topic of an earlier hearing by the Senate Committee on Judiciary and Public Safety at which I testified as well. We had what I thought was a positive hearing, and I appreciate the members of this committee also taking time out of your busy day to learn more about this matter.

My name is Joe Anderson, and I am Co-founder and Chief Executive Officer of the Montana-based company Reflex Protect. We make self-defense products like this spray (**hold up product**) that right now can be used by law enforcement in Wisconsin, but it can't be used by citizens to defend themselves from threats of violence. The product I have in my hand is just a practice training unit with water in it, and I won't deploy it in any event.

I'm here to testify in support the legislation before you today, and I am delighted that it has broad bipartisan backing, as that shows members of both parties are committed to helping keep Wisconsin's citizens safe.

Current Wisconsin law relating to CS gel products is ambiguous. While it is legal for corrections officials and law enforcement to possess and use CS gel products, state statutes are unclear on its possession by the general public, essentially because present law distinguishes between pepper spray product, which CS gel is not, and Tear Gas, which is also not the nature of CS in gel form. This proposal would allow CS gel products to be sold to adult consumers in Wisconsin. CS itself is not a gas. Rather, it's a powder and when mixed with certain solvents, it can become tear gas, an aerosol like pepper sprays (which are actually made from chili peppers), or it can become the type of product we developed, which we call Presidia Gel so we don't have to try to say Chlorobenzalmalononitrile (the technical name for CS).

The proposed legislation would provide Wisconsinites with additional personal security options and clarify state law relating to non-lethal, active self-defense measures by broadening the definition of "pepper spray" to include new technologies, such as Presidia Gel or future CS gel products. This proposed bill eliminates the ambiguity of current state law and by stating that non-atomizing CS gel products like Presidia Gel will be classified as types of pepper sprays and would be legally available for purchase by adults.

Reflex Protect is a for-profit company, but what really drives our mission is Safety as a Service by providing simple, effective, non-lethal self-defense products and training as viable alternatives to firearms or hands-on confrontations, helping teachers, hospital workers, office employees, and others have an effective and practical way to protect themselves. Our initial product was developed for healthcare facilities, and once it proved "hospital safe," schools, workplaces, and other public areas where pepper spray might cross-contaminate innocent bystanders soon demanded access to it as well.

Reflex technology is easy and intuitive to use, combining high accuracy and rapid onset of temporary blindness and pain to effectively disable assailants. The Presidia Gel sticks to the skin with little to no side-splatter and dissipates in about 15 minutes. CS gel products cause less collateral damage than

sprays, and we have actually even invented a game changing antidote to make clean-up of both our product and existing pepper sprays far faster and more effective than previously thought possible.

Right now, some 40 states allow CS gel products to be purchased by citizens. We are able to ship our products to many of Wisconsin's neighbors, including Illinois, Indiana, Iowa, Michigan, and Minnesota. AB 308 would allow Wisconsin to join the list of locations where adults can legally purchase CS gel self-defense products.

In addition to making our superior technology available to law enforcement and corrections, our product has even captured the attention of the United States Military. We were recently granted a Small Business Innovation Research Grant from the United States Air Force that allows them to innovate at the speed of a start-up and makes Reflex Protect a sole supplier of our cutting edge non-lethal active defense technology to the entire Department of Defense.

Mr. Chairman and members of the committee, I would be remiss if I didn't reference and acknowledge the senseless mass shootings that have taken place in our country, especially over the past few weeks. I don't want anyone to think we're suggesting that the proposed change in law would necessarily prevent or change the outcomes of tragic incidents perpetrated by monsters. Nonetheless, we believe giving citizens simple, safe, and effective non-lethal tools to help protect themselves cannot hurt, and it may well provide some peace of mind when it comes to the omnipresent threat of violence under which we all seem to operate these days.

Law enforcement has long taught citizens that encounter an active shooter to run, hide, or fight. If the first two options are not available, the change in state law would help Wisconsinites fight back.

It saddens me that the news is constantly filled with stories of violence and mass murder. I have my own personal connection as I worked at a large corporate law firm in San Francisco that was the site of a mass shooting in 1993. I lost friends and colleagues that terrible day. In the years since, I have grappled with how to protect the citizens of this country from all too routine mass shootings. I feel blessed to have the opportunity to provide new options through the new and emerging technologies we and other companies are working on every day.

Again, thank you for your time and attention to this important issue. This bill can have a positive impact across the State of Wisconsin, and I therefore respectfully encourage your positive consideration of what it proposes. I hope my testimony has been helpful, and I would be happy to answer any questions you might have.