

Declaration of Melissa Gass

I, Melissa Gass, hereby state that the facts set forth below are true and correct to the best of my knowledge, information, and belief. Further, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

1. I am 41 years old and live in Lebanon, Pennsylvania.
2. I have been married to Michael Gass for 19 years. I have one son and four daughters, two of whom are minors. One of my daughters is expecting, and I will soon be a grandmother.
3. I am currently unable to work because I have seizures. I have managed to work on and off over the years, but I left my last job at a nursing home because I had periodic seizures that were both a danger to me and left the residents frightened.
4. When I was ten, I was in a car accident and my head hit the windshield. Since then, I have suffered from epilepsy and grand mal seizures. When my seizures are not treated with marijuana, I have multiple seizures throughout the week and sometimes even multiple seizures per day. For example, on October 4, 2019—when I stopped using medical marijuana—I had six to seven seizures in one day.
5. The seizures I have are life-threatening for at least two reasons. First, they are “drop” seizures; I black out and collapse, usually face-forward. A fall can easily lead to additional head injuries for me. Second, without intervention I can have multiple seizures in a row. This takes a tremendous toll on my body, and I generally feel like someone has physically assaulted me.
6. In addition to the seizure disorder, I also have post-traumatic stress disorder (“PTSD”), anxiety, and depression from repeated childhood trauma and violence.

7. For many years, I had taken prescription drugs to deal with both my seizure disorder and my mental health disabilities, including Viibryd, Xanax, sleeping pills such as Ambien, benzodiazepines, Keppra, and Gabapentin. These drugs have significant side effects. They made me feel lethargic and depressed. I was an alcoholic. I cut myself and burned myself so that I could feel something. At one point, I attempted suicide before a family member intervened to stop me.
8. Before I was on probation, I self-medicated with marijuana to control my seizures and manage my mental health. The marijuana did not entirely stop the seizures, but it did significantly reduce their frequency and made my life livable.
9. In February 2016, I hit my husband. I blacked out and have no memory of what happened. I was sentenced by the Lebanon County Court of Common Pleas for that crime, simple assault, and began probation on November 29, 2018.
10. I was forced to stop using marijuana when I began probation. A few days later, on December 3, 2018, I began having multiple seizures. I was hospitalized for my seizures on December 3, 2018, December 6, 2018, January 3, 2019, and January 11 through January 15, 2019. Between December and February, my coworkers also called an ambulance to my place of work three times. The treatment at the hospital was unable to stop my seizures, which is why, for example, I was hospitalized for a four-day span starting on January 11. I thus stopped going to the hospital, since the drugs they gave me were ineffective.
11. In February 2019, after my probation officer repeatedly saw me acting confused as a result of the prescription medications that I took, we discussed the possibility of my

getting a medical marijuana card. He encouraged me to get my medical marijuana card so that I could start managing my seizures again. I received it that month.

12. The medical marijuana was transformative. When I felt a seizure coming on, I could rub the medical marijuana oil, called Rick Simpson Oil (“RSO”), on my gums and prevent the seizure almost instantaneously. It was not a perfect solution, as I still had occasional seizures. But I went from having multiple seizures a day to at most a few seizures a month. I was able to start tapering off of my prescription seizure medications such as benzodiazepines and Gabapentin.
13. On September 10, my probation officer told me at our regular meeting that the court had adopted a new policy and I had to stop using medical marijuana. I thought that I needed to stop immediately and have my system clean by the end of September, so I did as he instructed. Over the next two weeks, I had approximately 20 seizures.
14. During this time, I treated my seizures with 10 milligrams of diazepam rectal gel. This requires the insertion of a syringe into my rectum to inject the medication, which takes at least three minutes to take effect. I have to have a family member do this, since it has to be done while I am mid-seizure, and I therefore cannot do it to myself. Without that treatment, I can continue to have one seizure after the next. I also had to stop the tapering of my prescription medications and begin to take more of them.
15. Around September 24, I spoke with one of my lawyers in this case who told me that the court’s policy did not require that I stop using the medical marijuana until the end of September. I started using the RSO again, which quickly helped with my seizures.
16. On October 2, I spoke with my probation officer who said that he was still instructed to charge me with violating the terms of my probation if I continued to use medical

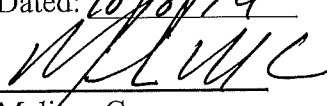
marijuana. I again discontinued use and disposed of my medical marijuana. My probation officer reiterated that on October 3 when I met with him in person: if I used medical marijuana, my probation would be revoked.

17. On October 4, I had six or seven seizures in one day. In the evening, after consulting with my attorneys, I decided to resume using the medical marijuana to manage my seizures. One of my seizures was at the medical marijuana dispensary. Using RSO stopped my seizures.

18. Using medical marijuana is a matter of life or death for me. I have to continue using it or I risk having repeated, frequent seizures that make me incapable of functioning. After the October 4 seizures, I spent the next day in bed because I was so exhausted. Having seizures takes an incredible toll on me. I have no choice but to risk a probation violation so that I can continue to use medication—the medical marijuana—that actually works.

19.

Pursuant to 18 Pa.C.S. § 4904, I, Melissa Gass, declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/28/19

Melissa Gass