Assembly Committee on Colleges & Universities  
2023 Assembly Bill 413  

Prohibiting institutions of higher education from conducting gain of function research  

January 10, 2024

The University of Wisconsin–Madison, and the Medical College of Wisconsin (MCW) thank the committee for the opportunity to provide testimony on Assembly Bill 413 (AB 413). First, and foremost, while our organizations oppose AB 413, we acknowledge and appreciate authors Rep. Behnke and Sen. Jacque for their commitments to public health and safety in biomedical research, and the legislative intention to ensure that biomedical research does not result in the harmful spread of infectious disease. UW–Madison and MCW are also committed to these goals and to upholding the highest safety standards of biomedical research.

However, as the state’s leading research universities, UW–Madison and MCW oppose AB 413 and its attempt to limit research and innovation in Wisconsin. The bill could limit research that contributes to the development of treatments and vaccines to protect humans, plants and animals from diseases that threaten public health, the food supply and the state’s economy.

UW–Madison is the flagship institution of public higher education in the state, ranks 8th in the country for federal research expenditures and continues to be a national powerhouse in federally funded research. MCW is the top-funded private institution conducting biomedical research in Wisconsin and leads the state in dollars invested in clinical trials research. Both are R1 research institutions, a designation that recognizes our very high research activity.

UW–Madison and MCW are responsible for a large portfolio of biological research that provides diagnostic testing and surveillance for pathogens of concern in the state and contributes to global understanding of basic biological and disease processes for common and extraordinary ailments. Between them, both institutions have hundreds of research labs with Biosafety Level 2 (BSL-2) or higher designation, all of which adhere to an extensive set of institutional and federal regulations to ensure safety for lab personnel and our community. MCW’s extensive research portfolio focuses entirely on biomedical and health-related research and includes handling agents which individuals often have exposure to in the community. This research is highly varied and diverse, and encompasses many agents, including common cold viruses, RSV and pneumonia. MCW researchers are also investigating the role of HSV (Herpes simplex virus), HCMV (human cytomegalovirus) and SARS-CoV-2 as drivers of dementia and Alzheimer’s disease, which critically affects Wisconsin residents.
UW–Madison also has an extensive biomedical research portfolio focused on, for example:
- developing vaccines and antiviral treatments for new and emerging diseases;
- understanding how Epstein-Barr virus, Human Papilloma Virus and other viruses cause cancer;
- understanding and preventing common foodborne illnesses caused by E. coli and Salmonella contamination;
- tracking and mitigating common hospital-associated infections such as those cases by Staphylococcus aureus bacteria and Candida fungi; and more.

In addition, the UW School of Veterinary Medicine and the Wisconsin Veterinary Diagnostic Lab perform research and testing on strains of avian influenza that have had significant economic impact on our state’s poultry industry. UW–Madison researchers also study the bacteria that cause bovine mastitis, a disease that plagues the dairy industry, and the pathogens that cause blight in Wisconsin potatoes.

These are examples of the kind of work that could be prohibited by AB 413 because the definitions are so broadly drafted as to prohibit any research that may reasonably be anticipated to enhance the transmissibility or virulence of a range of pathogens, including viruses, fungi and bacteria that do not have any pandemic potential. This would create significant uncertainty with respect to what is and is not allowed under the legislation.

The bill also calls for oversight at the state level without any provision for the infrastructure necessary to support it. As such, the proposal could result in the delay or discontinuation of many kinds of critical research, posing significant risks to the health of Wisconsin’s residents and its economy.

The proposal would limit the ability of public health authorities to prepare and respond to health threats. Wisconsin would need to rely on researchers in other states without these prohibitions to serve the state’s needs. The bill would also risk the potential loss of millions of dollars of federal grant funding that benefits the state and its taxpayers and could hamstring the growth of Wisconsin’s biotech and biomedical sectors.

Both of our institutions believe the privilege of conducting essential research comes with extraordinary responsibility and we strongly support transparent and rigorous oversight of pathogen research. We are also committed to ensuring that our researchers who work with high-risk and other pathogens have safe, secure laboratories, and receive extensive training and certification to ensure their investigations are conducted safely.

Research on potential pandemic pathogens is highly regulated at the federal level. While studying pathogens does not come without risk, federal laws, regulations, and guidelines aim to balance the risk of this research with its public health and economic benefits. Several layers of institutional oversight also help ensure this important work is performed safely and transparently. We stand by our records of safety and compliance with federal and institutional oversight. Despite media stories that have repeatedly mischaracterized the same few incidents at UW–Madison, the university’s lab personnel and biosafety professionals maintain an excellent record of safety and regulatory compliance. When incidents have occurred, UW–Madison staff have
followed emergency protocols and research oversight requirements, and the university continuously works with federal, state, and local agencies to update protocols as research and requirements change.

MCW and UW–Madison take great pride in the contributions of our scientists in combatting current and future public health threats and welcome further discussion about oversight of pathogen research. However, as proposed, AB 413 will not meaningfully improve oversight, transparency, or safety. Rather, it is poised to significantly hinder the ability of researchers in Wisconsin to conduct research of extreme importance to the state.

We urge legislators to oppose this proposal. Any further questions can be directed to MCW Vice President for Government Relations Nathan Berken (nberken@mcw.edu; 414-955-8588) or UW–Madison Senior Director of State Relations Crystal Potts (crystal.potts@wisc.edu; 608-265-4105).