MEDICAL MARIJUANA OIL - LENI’S LAW

ACT #2016-268

1  HB61
2  177298-3
3  By Representatives Ball, Hill (M), Sessions, Martin, Johnson
4   (K), Wood, Brown, McCutcheon, Hubbard, Williams (JD),
5   Sanderford, Todd, Hall, Farley, Daniels, Butler, Fridy, Shedd,
6   Patterson, Whorton (R), Williams (P), Tuggle, Whorton (I),
7   Coleman, Robinson, Rogers, Moore (M), Nordgren, Greer,
8   Garrett, Howard and Scott
9   RFD: Judiciary
10  First Read: 02-FEB-16
ENROLLED, An Act,

Relating to the possession and use of cannabidiol; to further provide for an affirmative defense for the use or possession of cannabidiol for certain debilitating conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) This act is intended to authorize only the limited use of nonpsychoactive cannabidiol (CBD) as defined by the act only for specified debilitating conditions that produce seizures, and is not intended as a generalized authorization of medical marijuana.

(2) It is the intent of the Legislature to maintain existing criminal prohibitions of marijuana, except as expressly provided in existing law or as expressly provided in this act.

Section 2. (a) This section shall be known and may be cited as Leni's Law.
(b) For the purposes of this section, the following terms shall have the following meanings:

(1) CANNABIDIOL (CBD). [13956-29-1]. A (nonpsychoactive) cannabinoid found in the plant Cannabis sativa L. or any other preparation thereof that is free from plant material, and has a THC level (delta-9-tetrahydrocannabinol) of no more than three percent relative to CBD according to the rules adopted by the Alabama Department of Forensic Sciences. Also known as (synonyms):

2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol;
trans-(-)-2-p-mentha-1,8-dien-3-yl-5-pentylresorcinol;
(-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);
D1(2)-tran-Cannabidiol and that is tested by a independent third-party laboratory.

(2) DEBILITATING MEDICAL CONDITION. A chronic or debilitating disease or medical condition including one that produces seizures for which a person is under treatment.

(c) In addition to the affirmative defense provided in Section 13A-12-214.2, Code of Alabama 1975, in a prosecution for the unlawful possession of marijuana in the second degree under Section 13A-12-214, Code of Alabama 1975, it is an affirmative and complete defense that the defendant used or possessed cannabidiol (CBD) if the defendant satisfies either of the following:
(1) He or she has a debilitating medical condition.

(2) He or she is the parent or legal guardian of a

minor who has a debilitating medical condition, and the

cannabinol (CBD) is being used by the minor.

(d) An agency of this state or a political

subdivision thereof, including any law enforcement agency, may

not initiate proceedings to remove a child from the home of a

parent or guardian, nor initiate any child protection action

or proceedings, based solely upon the parent's or child's

possession or use of cannabidiol (CBD) as allowed by this

section.

(e) Nothing in this section shall be construed to

require the various individual or group insurance

organizations providing protection, indemnity, or insurance

against hospital, medical, or surgical expenses, or health

maintenance organizations to provide payment or reimbursement

for prescriptions of CBD.

(f) Nothing in this section shall be construed to

allow or accommodate the prescription, testing, medical use,

or possession of any other form of Cannabis other than that

defined in this section.

Section 3. Although this bill would have as its

purpose or effect the requirement of a new or increased

expenditure of local funds, the bill is excluded from further

requirements and application under Amendment 621, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an
existing crime.

Section 4. This act shall become effective June 1,
2016, following its passage and approval by the Governor, or
its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 13-APR-16, as amended.

Jeff Woodard
Clerk

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APPROVED May 4, 2016

TIME 3pm

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2016-268
Bill Num....: H-61
Recv'd 05/04/16  05:42pmSLF
HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. _____

YEAS 102 NAYS 0

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees ____________________________

(SENSORS)

Colman
Rogers
Benson
Moore
Nordgren
Greer
Garrett
Howard
Scott

(SENSORS)

Gorgias
Stanton
Kendall
Meads
Delford

CONSIDERED

RE-REFERRED ___ RE-COMMITTED ___

CONFERENCE COMMITTEE

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the bill, HB _____

YEAS ______ NAYS ______

PATRICK HARRIS, Secretary

FURTHER SENATE ACTION (OVER)

This Bill was referred to the Standing Committee of the Senate on

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amend(s) _____ w/sub _____ by a vote of

YEAS ___ NAYS 2 abstain 0

this ___ day of April, 2014

Chairperson

RD 2 CAL

RD 1 RFD