

MEDICAL MARIJUANA OIL - LENI'S LAW

ACT #2016-268

HB61

177298-3

By Representatives Ball, Hill (M), Sessions, Martin, Johnson
(K), Wood, Brown, McCutcheon, Hubbard, Williams (JD),
Sanderford, Todd, Hall, Farley, Daniels, Butler, Fridy, Shedd,
Patterson, Whorton (R), Williams (P), Tuggle, Whorton (I),
Coleman, Robinson, Rogers, Moore (M), Nordgren, Greer,
Garrett, Howard and Scott

RFD: Judiciary

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 Compilation 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 (1) He or she has a debilitating medical condition.

2 (2) He or she is the parent or legal guardian of a
3 minor who has a debilitating medical condition, and the
4 cannabidiol (CBD) is being used by the minor.

5 (d) An agency of this state or a political
6 subdivision thereof, including any law enforcement agency, may
7 not initiate proceedings to remove a child from the home of a
8 parent or guardian, nor initiate any child protection action
9 or proceedings, based solely upon the parent's or child's
10 possession or use of cannabidiol (CBD) as allowed by this
11 section.

12 (e) Nothing in this section shall be construed to
13 require the various individual or group insurance
14 organizations providing protection, indemnity, or insurance
15 against hospital, medical, or surgical expenses, or health
16 maintenance organizations to provide payment or reimbursement
17 for prescriptions of CBD.

18 (f) Nothing in this section shall be construed to
19 allow or accommodate the prescription, testing, medical use,
20 or possession of any other form of Cannabis other than that
21 defined in this section.


22 Section 3. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 4. This act shall become effective June 1,
6 2016, following its passage and approval by the Governor, or
7 its otherwise becoming law.



 Speaker of the House of Representatives



 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

Senate	<u>27-APR-16</u>	Amended and Passed
House	<u>27-APR-16</u>	Concurred in Sen- ate Amendment

APPROVED May 4, 2016

TIME 3 PM



 GOVERNOR

Alabama Secretary Of State

Act Num.....: 2016-268
 Bill Num....: H-61

Recv'd 05/04/16 05:42pmSLF

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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. 61

YEAS 102 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE
 NOTICE & PROOF IS ATTACHED
 TO THE BILL, H.B. _____
 AS REQUIRED IN THE GENERAL
 ACTS OF ALABAMA, 1975 ACT NO.
 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees _____

SENATE ACTION

DATE: 4-19

20__

RD 1 RFD Judy

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

Judy
 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 9 nays 2 abstain 0

this 20 day of April 2016
Jeff Woodard Chairperson

DATE: 4-20

20__

RF _____

RD 2 CAL

DATE: _____

20__

RE-REFERRED ☐RE-COMMITTED ☐

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)