

1 SB236  
2 202163-4  
3 By Senator Melson  
4 RFD: Judiciary  
5 First Read: 04-APR-19

1 SB236

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4 ENROLLED, An Act,

5 Relating to cannabidiol (CBD) and medical cannabis;  
6 to amend Section 13A-12-214.2, Code of Alabama 1975; to  
7 establish a Medical Cannabis Study Commission and provide for  
8 its membership and duties; and to extend Carly's Law.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) There is established the Medical  
11 Cannabis Study Commission comprised of the following members:

12 (1) Three members appointed by the Governor, one of  
13 whom is a physician licensed to practice medicine in this  
14 state with a practice that involves pain management or  
15 certified in the specialty of neurology; and one of whom is a  
16 licensed pharmacist.

17 (2) Two members appointed by the Lieutenant  
18 Governor, one of whom is a physician licensed to practice  
19 medicine in this state with a practice that involves  
20 palliative care; and one of whom is a physician licensed to  
21 practice medicine in this state certified in the specialty of  
22 pediatric neurology.

23 (3) Two members appointed by the President Pro  
24 Tempore of the Senate, one of whom is a physician licensed to  
25 practice medicine in this state certified in the specialty of

1 oncology; and one of whom has experience in multiple crop  
2 development and agricultural practices.

3 (4) Two members appointed by the Speaker of the  
4 House of Representatives, one of whom has a background and  
5 experience in mental health or substance abuse counselling and  
6 treatment; and one of whom has professional experience in  
7 agricultural systems management.

8 (5) Three members appointed by the Attorney General,  
9 one of whom is a district attorney; one of whom is an attorney  
10 specializing in criminal defense; and one of whom is an  
11 attorney specializing in employment law.

12 (6) The State Health Officer or his or her designee.

13 (7) The Director of the Department of Forensic  
14 Sciences or his or her designee.

15 (8) One member appointed by the Executive Director  
16 of the Drug Education Council.

17 (b) Members must be at least 30 years of age,  
18 citizens of the United States, and residents of this state for  
19 at least five continuous years immediately preceding their  
20 appointment. The appointing officers shall coordinate their  
21 appointments so that diversity of gender, race, and  
22 geographical areas is reflective of the makeup of this state.

23 (c) A member may not have any interest, financial or  
24 otherwise, direct or indirect, in any dispensary, cultivator,  
25 processor, or distributor of hemp or marijuana in any state.

1           (d) The first meeting of the commission shall be  
2 called by the President Pro Tempore of the Senate not later  
3 than July 15, 2019, and the commission shall meet as soon as  
4 practical at a time and place set by the President Pro  
5 Tempore. At the first meeting, the commission shall elect a  
6 chair and vice-chair. Members may participate by telephone,  
7 video conference, or by similar communications equipment so  
8 that all individuals participating in the meeting may hear  
9 each other at the same time. Participating by such means shall  
10 constitute presence in person at a meeting for all purposes.  
11 Notice of meetings shall be provided in accordance with the  
12 Alabama Open Meetings Act, and telephone or video conference  
13 or similar communications equipment shall also allow all  
14 members of the public the opportunity to simultaneously listen  
15 to or observe such meetings.

16           (e) Each member who is not a public employee or  
17 public official shall be entitled to a per diem for  
18 participating in an official meeting or public hearing,.  
19 Members who are public employees or public officials are  
20 entitled to actual travel expenses in accordance with their  
21 employers' rules and policies. Per diem and travel expenses  
22 for all members who are not public employees or public  
23 officials shall be paid from funds appropriated to the  
24 Legislative Council, not to exceed a total of fifty thousand  
25 dollars (\$50,000).

1 (f) The commission shall do all of the following:

2 (1) Schedule and hold a minimum of three public  
3 hearings to hear from patients and families who may benefit  
4 from the use of medical cannabis, from physicians and other  
5 health care providers who may be involved in the  
6 implementation of medical cannabis use in the state, and from  
7 members of the public who have interests or concerns regarding  
8 medical cannabis.

9 (2) Examine federal laws and regulations and other  
10 states' laws and legislation, as well as legislation in this  
11 state, relating to the medical use of cannabis. The commission  
12 shall specifically consider issues relating to patient  
13 qualification; the role of physicians in recommending the  
14 medical use of cannabis; patient registration; licensing of  
15 facilities and providers of medical cannabis services such as  
16 cultivation, processing, labelling, transporting, shipping,  
17 and dispensing of medical cannabis; testing of medical  
18 cannabis to ensure product safety; the role of law  
19 enforcement; the role of other state regulatory agencies or  
20 boards; current criminal laws relating to possession and use  
21 of marijuana; and any other issues relevant to the medical use  
22 of cannabis.

23 (3) Make recommendations to the Legislature relating  
24 to the medical use of cannabis in the state.

1 (g) The commission shall report its findings and  
2 draft legislation to the Speaker of the House and the  
3 President Pro Tempore by December 1, 2019.

4 (h) The commission shall be dissolved on the last  
5 day of the 2020 Regular Session, unless extended by act of the  
6 Legislature.

7 (i) Upon the request of the chair, the Secretary of  
8 the Senate, the Clerk of the House of Representatives, and the  
9 Legislative Services Agency shall provide necessary clerical  
10 assistance for the work of the commission.

11 Section 2. Section 13A-12-214.2, Code of Alabama  
12 1975, is amended to read as follows:

13 "§13A-12-214.2.

14 "(a) This section shall be known and may be cited as  
15 "Carly's Law."

16 "(b) As used in this section, the following words  
17 shall have the following meanings:

18 "(1) AUTHORIZED BY THE UAB DEPARTMENT. Authorized by  
19 the UAB Department means that Cannabidiol (CBD) has been  
20 prescribed by a health care practitioner employed by or on  
21 behalf of the UAB Department.

22 "(2) CANNABIDIOL (CBD). [13956-29-1]. A  
23 (nonpsychoactive) cannabinoid found in the plant Cannabis  
24 sativa L. or any other preparation thereof that is essentially  
25 free from plant material, and has a THC level of no more than

1 3 percent. Also known as (synonyms):

2 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-p  
3 entyl-1,3-benzenediol;

4 trans-(-)-2-p-mentha-1,8-dien-3-yl-5-pentylresorcinol;

5 (-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);

6 D1(2)-trans-Cannabidiol.

7 "(3) DEBILITATING EPILEPTIC CONDITION. Epilepsy or  
8 other neurological disorder, or the treatment of epilepsy or  
9 other neurological disorder that, as diagnosed by a  
10 board-certified neurologist under the employment or authority  
11 of the UAB Department, produces serious, debilitating, or  
12 life-threatening seizures.

13 "(4) UAB DEPARTMENT. The Department of Neurology at  
14 the University of Alabama at Birmingham, its successors, or  
15 any subdivisions.

16 "(c) In a prosecution for the unlawful possession of  
17 marijuana under the laws of this state, it is an affirmative  
18 and complete defense to the prosecution that the defendant has  
19 a debilitating epileptic condition and used or possessed  
20 cannabidiol (CBD) pursuant to a prescription authorized by the  
21 UAB Department.

22 "(d) In a prosecution for the unlawful possession of  
23 marijuana under the laws of this state, it is an affirmative  
24 and complete defense to the prosecution that the defendant  
25 possessed cannabidiol (CBD) because he or she is the parent or

1        caretaker of an individual who has a debilitating epileptic  
2        condition and who has a prescription for the possession and  
3        use of cannabidiol (CBD) as authorized by the UAB Department,  
4        and where the parent or caretaker's possession of the CBD is  
5        on behalf of and otherwise for the prescribed person's use  
6        only.

7                "(e) An agency of this state or a political  
8        subdivision thereof, including any law enforcement agency, may  
9        not initiate proceedings to remove a child from the home of a  
10       parent based solely upon the parent's or child's possession or  
11       use of cannabidiol (CBD) as authorized by this section.

12                "(f) A prescription for the possession or use of  
13        cannabidiol (CBD) as authorized by this section shall be  
14        provided exclusively by the UAB Department for a debilitating  
15        epileptic condition. Health care practitioners of the UAB  
16        Department shall be the sole authorized source of any  
17        prescription for the use of cannabidiol (CBD), and shall be  
18        the sole authorized source to use cannabidiol (CBD) in or as a  
19        part of the treatment of a person diagnosed with a  
20        debilitating epileptic condition. A health care practitioner  
21        of the UAB Department shall have the sole authority to  
22        determine the use or amount of cannabidiol (CBD), if any, in  
23        the treatment of an individual diagnosed with a debilitating  
24        epileptic condition.



1           "(g) The UAB Department and any UAB School of  
2 Medicine affiliated pediatric training entity, including any  
3 authorized physician, nurse, attendant, or agent thereof,  
4 shall not be subject to prosecution for the unlawful  
5 possession, use, distribution, or prescription of marijuana  
6 under the laws of this state for its activities arising  
7 directly out of or directly related to the prescription or use  
8 of cannabidiol (CBD) in the treatment of individuals diagnosed  
9 with a debilitating epileptic condition.

10           "(h) The UAB Department will establish a research  
11 and development study purposed to determine medical uses and  
12 benefits of cannabidiol (CBD) for individuals with  
13 debilitating epileptic conditions.

14           "(i) The UAB Department and any UAB School of  
15 Medicine affiliated pediatric training entity, including any  
16 authorized physician, nurse, attendant or agent thereof, shall  
17 not be subject to prosecution for the unlawful possession,  
18 use, or distribution of marijuana under the laws of this state  
19 for its activities arising directly out of or directly related  
20 to the department's research and development activities in  
21 pursuit of medical benefits and uses of cannabidiol (CBD) , as  
22 long as the prescription, treatment or use of cannabidiol  
23 (CBD) is provided only to individuals diagnosed with a  
24 debilitating epileptic condition.

1           "(j) Pursuant to the filing requirements of Rule  
2 15.3 of the Alabama Rules of Criminal Procedure, the defendant  
3 shall produce a valid prescription, certification of a  
4 debilitating epileptic condition, and the name of the  
5 prescribing health care professional authorized by the UAB  
6 Department.

7           "(k) This section is repealed ~~July 1, 2019~~ July 1,  
8 2020.

9           "(l) Nothing in this section shall be construed to  
10 allow or accommodate the prescription, testing, medical use,  
11 or possession of any other form of Cannabis other than that  
12 defined by this section."

13           Section 3. This act shall not be construed to  
14 authorize any individual or caregiver to grow marijuana for  
15 his or her medical use, for the medical use of any member of  
16 his or her family, or for the medical use of any patient of  
17 the caregiver.

18           Section 4. This act shall become effective  
19 immediately following its passage and approval by the  
20 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB236  
Senate 09-MAY-19  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 31-MAY-19

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Senate concurred in House amendment 31-MAY-19

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By: Senator Melson