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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB174
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8 SYNOPSIS: Under existing law, it is a Class A
9 misdemeanor to possess marijuana for personal use.

10 This bill would provide a defense of
11 necessity in the prosecution for the unlawful
12 possession of marijuana in the second degree when
13 the defendant has a debilitating medical condition
14 and possesses cannabidiol (CBD).

15 This bill would also provide a defense of
16 necessity in a prosecution of marijuana in the
17 second degree when a parent or caretaker possesses
18 cannabidiol (CBD) on behalf of an individual with a
19 debilitating medical condition.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to the crime of possession of marijuana in
19 the second degree; to provide a defense of necessity in a
20 prosecution when the defendant has a debilitating condition
21 and possesses cannabidiol (CBD); to provide a defense of
22 necessity in a prosecution for the unlawful possession in the
23 second degree when a parent or caretaker of an individual
24 possesses cannabidiol (CBD); and in connection therewith would
25 have as its purpose or effect the requirement of a new or
26 increased expenditure of local funds within the meaning of
27 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited
5 as "Carly's Law."

6 Section 2. (a) As used in this section, the
7 following words shall have the following meanings:

8 (1) DEBILITATING MEDICAL CONDITION. A chronic or
9 debilitating disease or medical condition or the treatment of
10 a chronic or debilitating disease or medical condition that
11 produces one or more of the following:

12 a. Cachexia or wasting syndrome.

13 b. Severe or chronic pain.

14 c. Severe nausea.

15 d. Seizures.

16 e. Severe and persistent muscle spasms.

17 f. Any other condition that is severe and resistant
18 to conventional medicine.

19 (2) CANNABIDIOL (CBD). [13956-29-1]. A
20 (nonpsychoactive) cannabinoid found in the plant *Cannabis*
21 *sativa* L. or any other preparation thereof that is essentially
22 free from plant material, and has a THC level of no more than
23 3 percent. Also known as (synonyms):

24 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-p
25 entyl-1,3-benzenediol;

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

1 (-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);
2 D1(2)-trans-Cannabidiol.

3 (b) In a prosecution for the unlawful possession of
4 marijuana in the second degree under Section 13A-12-214, Code
5 of Alabama 1975, it is an affirmative defense that the
6 defendant used or possessed cannabidiol (CBD) because the
7 defendant has a debilitating medical condition.

8 (c) In a prosecution for the unlawful possession of
9 marijuana in the second degree under Section 13A-12-214, Code
10 of Alabama 1975, it is an affirmative defense that the
11 defendant possessed cannabidiol (CBD) because he or she is the
12 parent or caretaker of an individual who has a debilitating
13 medical condition.

14 (d) An agency of this state or a political
15 subdivision thereof, including any law enforcement agency, may
16 not initiate proceedings to remove a child from the home of a
17 parent based solely upon the parent's or child's use of
18 cannabidiol (CBD) as authorized by this act.

19 Section 3. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.