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3 SANFORD SUBSTITUTE FOR SB174  
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8 SYNOPSIS: Under existing law, it is unlawful to  
9 possess or use marijuana.

10 This bill would provide a defense of  
11 necessity in the prosecution for the unlawful  
12 possession of marijuana when the defendant has a  
13 debilitating epileptic condition and possesses  
14 cannabidiol (CBD) pursuant to an authorized  
15 prescription.

16 This bill would also provide a defense of  
17 necessity in a prosecution of possession of  
18 marijuana when a parent or caretaker possesses  
19 cannabidiol (CBD) on behalf of an individual with  
20 an authorized prescription for the medication due  
21 to a debilitating epileptic condition and where the  
22 parent or caretaker's possession of the CBD is for  
23 the prescribed person's use only.

24 This bill would provide the Department of  
25 Neurology at the University of Alabama at  
26 Birmingham with the exclusive authorization for the  
27 prescription and use of cannabidiol (CBD) in the

1 treatment of individuals diagnosed with  
2 debilitating epileptic conditions.

3 This bill would provide that the Department  
4 of Neurology at the University of Alabama at  
5 Birmingham will establish a research and  
6 development study purposed to determine medical  
7 uses and benefits of cannabidiol (CBD) for  
8 individuals with debilitating epileptic conditions.

9 Amendment 621 of the Constitution of Alabama  
10 of 1901, now appearing as Section 111.05 of the  
11 Official Recompilation of the Constitution of  
12 Alabama of 1901, as amended, prohibits a general  
13 law whose purpose or effect would be to require a  
14 new or increased expenditure of local funds from  
15 becoming effective with regard to a local  
16 governmental entity without enactment by a 2/3 vote  
17 unless: it comes within one of a number of  
18 specified exceptions; it is approved by the  
19 affected entity; or the Legislature appropriates  
20 funds, or provides a local source of revenue, to  
21 the entity for the purpose.

22 The purpose or effect of this bill would be  
23 to require a new or increased expenditure of local  
24 funds within the meaning of the amendment. However,  
25 the bill does not require approval of a local  
26 governmental entity or enactment by a 2/3 vote to

1           become effective because it comes within one of the  
2           specified exceptions contained in the amendment.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to the possession and use of cannabidiol  
9           (CBD) pursuant to a prescription for a debilitating epileptic  
10          condition; to provide a defense of necessity in a prosecution  
11          for the unlawful possession of marijuana when the defendant  
12          has a debilitating epileptic condition and possesses or uses  
13          cannabidiol (CBD) pursuant to an authorized prescription; to  
14          provide a defense of necessity in a prosecution for the  
15          unlawful possession of marijuana when a parent or caretaker  
16          possesses cannabidiol (CBD) on behalf of a person with an  
17          authorized prescription for the medication due to a  
18          debilitating epileptic condition and where the parent or  
19          caretaker's possession of the CBD is on behalf of the  
20          prescribed person's use only; to provide that the Department  
21          of Neurology at the University of Alabama at Birmingham will  
22          establish a research and development study purposed to  
23          determine medical uses and benefits of cannabidiol (CBD) for  
24          individuals with debilitating epileptic conditions; to provide  
25          the Department of Neurology at the University of Alabama at  
26          Birmingham with the exclusive authorization for the  
27          prescription and use of cannabidiol (CBD) in the treatment of

1 individuals diagnosed with debilitating epileptic conditions;  
2 and in connection therewith would have as its purpose or  
3 effect the requirement of a new or increased expenditure of  
4 local funds within the meaning of Amendment 621 of the  
5 Constitution of Alabama of 1901, now appearing as Section  
6 111.05 of the Official Recompilation of the Constitution of  
7 Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

13 (1) AUTHORIZED BY THE UAB DEPARTMENT. Authorized by  
14 the UAB Department means that Cannabidiol (CBD) has been  
15 prescribed by a health care practitioner employed by or on  
16 behalf of the UAB Department.

17 (2) CANNABIDIOL (CBD). [13956-29-1]. A  
18 (nonpsychoactive) cannabinoid found in the plant Cannabis  
19 sativa L. or any other preparation thereof that is essentially  
20 free from plant material, and has a THC level of no more than  
21 3 percent. Also known as (synonyms):  
22 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-p  
23 entyl-1,3-benzenediol;  
24 trans-(-)-2-p-mentha-1,8-dien-3-yl-5-pentylresorcinol;  
25 (-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);  
26 D1(2)-trans-Cannabidiol.

1           (3) DEBILITATING EPILEPTIC CONDITION. Epilepsy or  
2 other neurological disorder, or the treatment of epilepsy or  
3 other neurological disorder that, as diagnosed by a  
4 board-certified neurologist under the employment or authority  
5 of the UAB Department, produces serious, debilitating, or  
6 life-threatening seizures.

7           (4) UAB DEPARTMENT. The Department of Neurology at  
8 the University of Alabama at Birmingham, its successors or any  
9 subdivisions.

10           (b) In a prosecution for the unlawful possession of  
11 marijuana under the laws of this state, it is an affirmative  
12 and complete defense to the prosecution that the defendant has  
13 a debilitating epileptic condition and used or possessed  
14 cannabidiol (CBD) pursuant to a prescription authorized by the  
15 UAB Department.

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  
19 possessed cannabidiol (CBD) because he or she is the parent or  
20 caretaker of an individual who has a debilitating epileptic  
21 condition and who has a prescription for the possession and  
22 use of cannabidiol (CBD) as authorized by the UAB Department,  
23 and where the parent or caretaker's possession of the CBD is  
24 on behalf of and otherwise for the prescribed person's use  
25 only.

26           (d) An agency of this state or a political  
27 subdivision thereof, including any law enforcement agency, may

1 not initiate proceedings to remove a child from the home of a  
2 parent based solely upon the parent's or child's possession or  
3 use of cannabidiol (CBD) as authorized by this act.

4 (e) A prescription for the possession or use of  
5 cannabidiol (CBD) as authorized by this act shall be provided  
6 exclusively by the UAB Department for a debilitating epileptic  
7 condition. Health care practitioners of the UAB Department  
8 shall be the sole authorized source of any prescription for  
9 the use of cannabidiol (CBD), and shall be the sole authorized  
10 source to use cannabidiol (CBD) in or as a part of the  
11 treatment of a person diagnosed with a debilitating epileptic  
12 condition. A health care practitioner of the UAB Department  
13 shall have the sole authority to determine the use or amount  
14 of cannabidiol (CBD), if any, in the treatment of an  
15 individual diagnosed with a debilitating epileptic condition.

16 (f) The UAB Department, including any authorized  
17 physician, nurse, attendant or agent thereof, shall not be  
18 subject to prosecution for the unlawful possession, use,  
19 distribution or prescription of marijuana under the laws of  
20 this state for its activities arising directly out of or  
21 directly related to the prescription or use of cannabidiol  
22 (CBD) in the treatment of individuals diagnosed with a  
23 debilitating epileptic condition.

24 (g) The UAB Department will establish a research and  
25 development study purposed to determine medical uses and  
26 benefits of cannabidiol (CBD) for individuals with  
27 debilitating epileptic conditions.

1           (h) The UAB Department, including any authorized  
2 physician, nurse, attendant or agent thereof, shall not be  
3 subject to prosecution for the unlawful possession, use, or  
4 distribution of marijuana under the laws of this state for its  
5 activities arising directly out of or directly related to the  
6 department's research and development activities in pursuit of  
7 medical benefits and uses of cannabidiol (CBD), as long as the  
8 prescription, treatment or use of cannabidiol (CBD) is  
9 provided only to individuals diagnosed with a debilitating  
10 epileptic condition.

11           Section 3. Although this bill would have as its  
12 purpose or effect the requirement of a new or increased  
13 expenditure of local funds, the bill is excluded from further  
14 requirements and application under Amendment 621, now  
15 appearing as Section 111.05 of the Official Recompilation of  
16 the Constitution of Alabama of 1901, as amended, because the  
17 bill defines a new crime or amends the definition of an  
18 existing crime.

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