

1 HB2  
2 143639-1  
3 By Representative Todd  
4 RFD: Health  
5 First Read: 05-FEB-13  
6 PFD: 12/07/2012

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8 SYNOPSIS: Under existing law, the possession and use  
9 of marijuana is a criminal act.

10 This bill would authorize the medical use of  
11 marijuana only for certain qualifying patients who  
12 have been diagnosed by a physician as having a  
13 serious medical condition.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To authorize the medical use of marijuana only for  
20 certain qualifying patients who have been diagnosed by a  
21 physician as having a serious medical condition.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known and may be cited  
24 as "The Alabama Medical Marijuana Patients Rights Act."

25 Section 2. As used in this act the following words  
26 and terms shall have the following meanings:

1 (1) CANNABIS PLANT. A plant of the species Cannabis  
2 Sativa that has flowers or is greater than 12 inches in height  
3 and 12 inches in diameter.

4 (2) DEFINED RELATIONSHIP. An agreement in which the  
5 parties have agreed to become collective members and shall  
6 cultivate, manufacture, sell, dispense, distribute, transport,  
7 or deliver cannabis and cannabis products on behalf of other  
8 members who are qualified patients or designated caregivers,  
9 as provided under this act.

10 (3) DEPARTMENT. The Alabama State Department of  
11 Public Health.

12 (4) DESIGNATED CAREGIVER. A person, over the age of  
13 18, who has been designated by a qualified patient to assist  
14 in the cultivation, procurement, production, transportation,  
15 storage, and administration of medical cannabis and has  
16 received an identification card issued by the department.

17 (5) DISPENSE. The selection, measuring, packaging,  
18 labeling, delivery, or distribution or sale of cannabis by a  
19 medical cannabis dispensing center, a medical cannabis  
20 delivery service, a medical cannabis manufacturer, or a  
21 medical cannabis cultivator, as defined by this act, to a  
22 qualifying patient or a designated caregiver.

23 (6) FULL MEDICAL EVALUATION. The standard of care  
24 that applies when certifying individuals as candidates for the  
25 use of medical marijuana is the same as that expected in any  
26 other situation in which an individual is being evaluated for  
27 medical services. A special standard, higher or lower, is not

1 called for in certifying patients for the use of medical  
2 marijuana which has the following:

3 a. Accepted components of a full medical evaluation  
4 to determine suitability and appropriateness for recommending  
5 treatment of any kind, including certification for medical  
6 marijuana, include:

7 1. A hands on physician patient encounter.

8 2. Full assessment and recording of patient's  
9 medical history.

10 3. Relevant physical examination.

11 4. Review of prior records of relevant examinations  
12 and treatments.

13 5. Receipt and review of relevant diagnostic test  
14 results.

15 6. Discussion of advantages, disadvantages,  
16 alternatives, potential adverse effects, and expected response  
17 to treatment.

18 7. Development of a plan of care with stated goals  
19 of therapy.

20 8. Monitoring of the response to treatment and  
21 possible adverse effects.

22 9. Creation and maintenance of patient records  
23 documenting the information above.

24 10. These medical encounters are to take place in  
25 permanent locations that enable the patient to return for  
26 follow-up, consultation, or assistance as needed.

1           b. A physician failing to meet generally accepted  
2 standards of practice when certifying a patient to use  
3 marijuana for a medical condition may be found to be  
4 practicing below the acceptable standard of care and therefore  
5 may be subject to disciplinary action.

6           (7) LABELING. All labels and other written, printed,  
7 or graphic matter upon any cannabis intended for medical use,  
8 or accompanying the cannabis.

9           (8) MEDICAL CANNABIS CULTIVATOR. Any nonprofit  
10 entity organized to cultivate, dispense, and deliver cannabis  
11 and cannabis products for medical use to medical cannabis  
12 delivery services, medical cannabis dispensing centers, or  
13 medical cannabis product manufacturers, or their qualifying  
14 patients or designated caregiver members.

15           (9) MEDICAL CANNABIS DELIVERY SERVICE. A nonprofit  
16 entity organized to cultivate, dispense, and deliver cannabis  
17 and cannabis products for medical use to patients and their  
18 designated caregivers.

19           (10) MEDICAL CANNABIS DISPENSING CENTER. A nonprofit  
20 entity organized to cultivate and dispense cannabis and  
21 cannabis products through storefronts for medical use to  
22 patients and their designated caregivers who are members.

23           (11) MEDICAL CANNABIS LABORATORY. A non-residential  
24 facility licensed by the Department of Public Health to  
25 analyze dried, extracted, cured, food-based, any other forms  
26 of cannabis for any of the following:

27           a. Contaminants, such as mold and insects.

1           b. Concentrations of cannabinoids, such as  
2           Tetrahydrocannabinol (THC) and Cannabidiol (CBD) and other  
3           chemical constituents.

4           (12) MEDICAL CANNABIS PRODUCTS. Products that  
5           contain cannabis or cannabis extracts and are intended for  
6           human consumption or application, including, but not limited  
7           to, edible products, tinctures, and lotions.

8           (13) MEDICAL CANNABIS PRODUCT MANUFACTURER. A  
9           nonprofit entity organized to manufacture medical cannabis  
10          products meant for dispensing within medical cannabis  
11          dispensing centers or medical cannabis delivery service or  
12          directly to the manufacturer's qualified patient or designated  
13          caregiver members, if organized as a collective. Medical  
14          cannabis product manufacturers shall be members or have a  
15          defined relationship with medical cannabis dispensing centers  
16          or medical cannabis delivery services, as provided for under  
17          this chapter. Medical cannabis product manufacturers may be  
18          members or have a defined relationship with medical cannabis  
19          cultivators. Medical cannabis product manufacturers do not  
20          include qualified patients and designated caregivers who  
21          produce medical cannabis products for their own individual use  
22          or for the use of a patient under their care.

23          (14) NONPROFIT. An organization registered with the  
24          State of Alabama as a nonprofit entity.

25          (15) QUALIFIED PATIENT. A person who has been  
26          diagnosed with a serious medical condition and, having been  
27          given a full medical evaluation by a physician, it has been

1 determined would benefit from the use of cannabis and has  
2 obtained an identification card from the department.

3 (16) SEEDLING. A cannabis plant that has no flowers  
4 or that is less than 12 inches in height or less than 12  
5 inches in diameter.

6 (17) SERIOUS MEDICAL CONDITION. All of the following  
7 medical conditions:

- 8 a. Acquired immune deficiency syndrome (AIDS).
- 9 b. Amyotrophic lateral sclerosis (ALS - Lou Gehrig's  
10 disease).
- 11 c. Anorexia.
- 12 d. Attention deficit hyperactivity disorder (ADHD) /  
13 Attention deficit disorder (ADD).
- 14 e. Autism.
- 15 f. Bipolar disorder.
- 16 g. Cachexia.
- 17 h. Cancer.
- 18 i. Cerebral palsy.
- 19 j. Chronic depression.
- 20 k. Chronic pain.
- 21 l. Dystonia.
- 22 m. Fibromyalgia.
- 23 n. Gastrointestinal disorders, including, but not  
24 limited to, colitis, Crohns disease, and irritable bowel  
25 syndrome (IBS).
- 26 o. Glaucoma.
- 27 p. Lupus

- 1 q. Migraine.
- 2 r. Obsessive-compulsive disorder.
- 3 s. Parkinson's disease.
- 4 t. Persistent muscle spasms, including, but not
- 5 limited to, spasms associated with Amyotrophic lateral
- 6 sclerosis (ALS-Lou Gehrig's disease), multiple sclerosis, and
- 7 Parkinson's disease.
- 8 u. Post-traumatic stress disorder.
- 9 v. Rheumatoid arthritis.
- 10 w. Seizures, including, but not limited to, seizures
- 11 associated with epilepsy.
- 12 x. Severe nausea.
- 13 y. Tourette's syndrome.
- 14 z. Any other chronic or persistent medical symptom
- 15 that either:
  - 16 (i) Substantially limits the ability of the person
  - 17 to conduct one or more major life activities as defined in the
  - 18 Americans with Disabilities Act of 1990 (Public Law 101-336).
  - 19 (ii) If not alleviated, may cause serious harm to
  - 20 the patient's safety or physical or mental health.
- 21 (18) UNKNOWN SOURCES. Any individual patient,
- 22 collective, law enforcement agency, or any other agent
- 23 authorized by this act to sell cannabis that is not required
- 24 to meet the same quality standards as a medical cannabis
- 25 dispensing center, medical cannabis delivery service, medical
- 26 cannabis manufacturer, or medical cannabis cultivator.



1 (19) VISITING QUALIFIED PATIENT. A person with a  
2 medical condition who is currently participating in another  
3 state's medical cannabis program and is in possession of a  
4 valid out-of-state medical cannabis program identification  
5 card or its equivalent.

6 Section 3. (a) Sections 13A-12-213 and 13A-12-214 of  
7 the Code of Alabama 1975, relating to the possession of  
8 marijuana, and Section 13A-12-231 of the Code of Alabama 1975,  
9 relating to the cultivation of marijuana, shall not apply to a  
10 qualified patient, or to the designated caregiver of the  
11 patient, who possesses or cultivates cannabis for the personal  
12 medical purposes of the qualified patient upon the written  
13 recommendation or approval of a physician.

14 (b) Notwithstanding any other provision of law, a  
15 physician in this state may not be punished, or denied any  
16 right or privilege, for having recommended cannabis to a  
17 patient for medical purposes.

18 Section 4. (a) Recommendation Classes. There shall  
19 be three classes of recommendations that can be made by a  
20 physician:

21 (1)a. A class 1 recommendation allows a qualified  
22 patient or designated caregiver to purchase no more than 2.5  
23 ounces of cannabis per month.

24 b. A class 1 recommendation allows a qualified  
25 patient or designated caregiver with a patient grow license to  
26 possess no more than eight ounces of cannabis. In addition, a  
27 qualified patient or primary caregiver may also maintain no

1 more than eight cannabis plants per qualified patient;  
2 cannabis plants that fall under the definition of seedling do  
3 not count towards that total.

4 (2)a. A class 2 recommendation allows a qualified  
5 patient or designated caregiver to purchase no more than five  
6 ounces of cannabis per month.

7 b. A class 2 recommendation allows a qualified  
8 patient or designated caregiver with a patient grow license to  
9 possess no more than 12 ounces of cannabis. In addition, a  
10 qualified patient or primary caregiver may also maintain no  
11 more than 12 cannabis plants per qualified patient; cannabis  
12 plants that fall under the definition of seedling do not count  
13 towards that total.

14 (3)a. A class 3 recommendation allows a qualified  
15 patient or designated caregiver to purchase no more than 10  
16 ounces of cannabis per month.

17 b. A class 3 recommendation allows a qualified  
18 patient or designated caregiver with a patient grow license to  
19 possess no more than 16 ounces of cannabis. In addition, a  
20 qualified patient or primary caregiver may also maintain no  
21 more than 16 cannabis plants per qualified patient; cannabis  
22 plants that fall under the definition of seedling do not count  
23 towards that total.

24 (b) Only the dried mature processed flowers of a  
25 female cannabis plant or the plant conversion shall be  
26 considered when determining allowable quantities of cannabis  
27 under this section. Qualified patients, persons with valid

1 identification cards, and the designated primary caregivers of  
2 qualified patients and persons with identification cards, who  
3 associate within this state in order, collectively or  
4 cooperatively, to cultivate cannabis for medical purposes, may  
5 not, solely on the basis of that fact, be subject to criminal  
6 sanctions under the laws of this state. A state or local law  
7 enforcement agency or officer may not refuse to accept an  
8 identification card issued by the department unless the state  
9 or local law enforcement agency or officer has reasonable  
10 cause to believe that the information contained on the card is  
11 false or fraudulent, or the card is being used fraudulently.

12 Section 5. (a) The department shall establish and  
13 maintain a program for the issuance of identification cards to  
14 qualified patients who satisfy the requirements of this  
15 article and apply to the identification card program.

16 (b) The department shall establish and maintain a  
17 24-hour, toll-free telephone number, as well as a secure,  
18 web-based verification system, that will enable state and  
19 local law enforcement officers to have immediate access to  
20 information necessary to verify the validity of an  
21 identification card issued by the department.

22 (c) Each county health department, or the county's  
23 designee, shall do all of the following:

24 (1) Provide applications upon request to individuals  
25 seeking to join the identification card program.

26 (2) Receive and process completed applications.

1 (3) Maintain records of identification card  
2 programs.

3 (4) Utilize protocols developed by the department.

4 (5) Issue identification cards developed by the  
5 department to approved applicants and designated primary  
6 caregivers.

7 (d) The department shall develop all of the  
8 following:

9 (1) Protocols that shall be used by a county health  
10 department, or the county's designee, to implement the  
11 responsibilities described in subsection (b), including, but  
12 not limited to, protocols to confirm the accuracy of  
13 information contained in an application and to protect the  
14 confidentiality of program records.

15 (2) Application forms that shall be issued to  
16 requesting applicants.

17 (3) An identification card that identifies a person  
18 authorized to engage in the medical use of cannabis and an  
19 identification card that identifies the person's designated  
20 caregiver, if any. The two identification cards developed  
21 pursuant to this paragraph shall be easily distinguishable  
22 from each other.

23 (e) No person or designated caregiver in possession  
24 of a valid identification card shall be subject to arrest for  
25 possession, transportation, delivery, or cultivation of  
26 medical cannabis in an amount established pursuant to this  
27 article, unless there is reasonable cause to believe that the

1 information contained on the card is false or falsified, the  
2 card has been obtained by means of fraud, or the person is  
3 otherwise in violation of the provisions of this article.

4 (f) A person who seeks an identification card shall  
5 pay the fee and provide all of the following information to  
6 the county health department, or the county's designee, on a  
7 form developed and provided by the department:

8 (1) The name of the person and proof of his or her  
9 residency within the county.

10 (2) Written documentation by the attending physician  
11 in the medical records of the person stating that the person  
12 has been given a full medical evaluation and has been  
13 diagnosed with a serious medical condition and that the  
14 medical use of cannabis is appropriate.

15 (3) The name, office address, office telephone  
16 number, and medical license number of the person's attending  
17 physician.

18 (4) The name of up to two designated caregivers, if  
19 any.

20 (5) A government-issued photo identification card of  
21 the person and of the designated caregiver, if any. If the  
22 applicant is a person under 18 years of age, a certified copy  
23 of a birth certificate shall be deemed sufficient proof of  
24 identity.

25 (g) Within 30 days of receipt of an application for  
26 an identification card, a county health department, or the  
27 county's designee, shall do all of the following:

1           (1) For purposes of processing the application,  
2 verify that the information contained in the application is  
3 accurate. If the person is less than 18 years of age, the  
4 county health department, or its designee, shall also contact  
5 the parent with legal authority to make medical decisions, a  
6 legal guardian, or other person or entity with legal authority  
7 to make medical decisions to verify the information.

8           (2) Verify with the Alabama Board of Medical  
9 Examiners that the attending physician has a license in good  
10 standing to practice medicine or osteopathy in the state, or  
11 with the appropriate licensing boards for naturopathic  
12 doctors, physicians assistants, chiropractors, acupuncturists,  
13 or other medical professionals with diagnostic and treatment  
14 responsibilities.

15           (3) Contact the attending physician by facsimile,  
16 telephone, or mail to confirm that the medical records  
17 submitted by the patient are a true and correct copy of those  
18 contained in the physician's office records. When contacted by  
19 a county health department, or the county's designee, the  
20 attending physician shall confirm or deny that the contents of  
21 the medical records are accurate.

22           (4) Provide a photograph or electronically  
23 transmissible image of the applicant and of the designated  
24 caregiver, if any.

25           (5) Approve or deny the application. During the  
26 application process, a certified copy of the application shall  
27 be acceptable as a temporary identification card and shall

1 provide the applicant with all rights and privileges provided  
2 by an identification card.

3 a. If the county health department, or the county's  
4 designee, approves the application, it shall, within 24 hours,  
5 or by the end of the next working day of approving the  
6 application, electronically transmit the following information  
7 to the department:

8 1. A unique user identification number of the  
9 applicant.

10 2. The date of expiration of the identification  
11 card.

12 3. The name and telephone number of the county  
13 health department, or the county's designee, that has approved  
14 the application.

15 b. The county health department, or the county's  
16 designee, shall issue an identification card to the applicant  
17 and to his or her designated caregiver, if any, within five  
18 working days of approving the application.

19 c. In any case involving an incomplete application,  
20 the applicant shall assume responsibility for rectifying the  
21 deficiency. The county shall have 14 days from the receipt of  
22 information from the applicant pursuant to this subdivision to  
23 approve or deny the application.

24 (h) An identification card issued by the county  
25 health department shall be serially numbered and shall contain  
26 all of the following:

- 1           a. A unique user identification number of the  
2 cardholder.
- 3           b. The date of expiration of the identification  
4 card.
- 5           c. The name and telephone number of the county  
6 health department, or the county's designee, that approved the  
7 application.
- 8           d. A 24-hour, toll-free telephone number, and the  
9 address of the secure web-based verification system, to be  
10 maintained by the department that will enable state and local  
11 law enforcement officers to have immediate access to  
12 information necessary to verify the validity of the card.
- 13           e. Photo identification of the cardholder.
- 14           (i) A separate identification card shall be issued  
15 to the person's designated caregiver, if any, and shall  
16 include a photo identification of the caregiver.
- 17           (j) An identification card shall be valid for a  
18 period of two years.
- 19           (k) The county health department, or the county's  
20 designee, may deny an application only for any of the  
21 following reasons:
- 22           (1) The applicant did not provide the information  
23 required and, upon notice of the deficiency, did not provide  
24 the information within 30 days.
- 25           (2) The county health department, or the county's  
26 designee, determined that the information provided was false.



1           (3) The applicant did not meet the criteria set  
2 forth in this article.

3           (1) Any person whose application has been denied  
4 pursuant to subsection (k) may appeal that decision to the  
5 department. The county health department, or the county's  
6 designee, shall make available a telephone number or address  
7 to which the denied applicant can direct an appeal.

8           (m) Upon renewal of an identification card, the  
9 county health department, or its designee, shall verify all  
10 new information and may verify any other information that has  
11 not changed. The county health department, or the county's  
12 designee, shall transmit its determination of approval or  
13 denial of a renewal to the department.

14           (n) The department shall establish application and  
15 renewal fees for persons seeking to obtain or renew  
16 identification cards that are sufficient to cover the expenses  
17 incurred by the department, including the startup cost, the  
18 cost of reduced fees for those who qualify, the cost of  
19 identifying and developing a cost-effective Internet web-based  
20 system, and the cost of maintaining the 24-hour, toll-free  
21 telephone number. Each county health department, or the  
22 county's designee, may charge an additional fee for all costs  
23 incurred by the county, or the county's designee, for  
24 administering the program pursuant to this article.

25           (o) Upon satisfactory proof of participation and  
26 eligibility in a social services program, an applicant shall

1 receive a 50 percent reduction in the fees established  
2 pursuant to this section.

3 (p) A person who possesses an identification card  
4 shall do the following:

5 (1) Within seven days, notify the county health  
6 department, or the county's designee, of any change in the  
7 person's attending physician or designated primary caregiver,  
8 if any.

9 (2) If the designated caregiver has been changed,  
10 the previous designated caregiver shall return his or her  
11 identification card to the department or to the county health  
12 department, or the county's designee.

13 Section 6. (a) Nothing in this article shall require  
14 any accommodation of any medical use of cannabis on the  
15 property or premises of any place of employment or during the  
16 hours of employment, or on the property or premises of any  
17 jail, correctional facility, or other type of penal  
18 institution in which prisoners reside or persons under arrest  
19 are detained.

20 (b) Nothing in this article shall require a  
21 governmental, private, or any other health insurance provider  
22 or health care service plan to be liable for any claim for  
23 reimbursement for the medical use of cannabis.

24 (c) It shall be unlawful for an employer to  
25 discriminate against a person in hiring, terminating, or any  
26 term or condition of employment or otherwise penalize a person

1 if the discrimination or penalty is based solely upon either  
2 of the following:

3 (1) The person's status as a qualified patient or a  
4 designated caregiver.

5 (2) The person's positive drug test for cannabis,  
6 provided the person is a qualified patient and the medical use  
7 of cannabis does not occur on the property or premises of the  
8 place of employment or during the hours of employment.

9 (d) A person who has suffered discrimination in  
10 violation of subsection (c) may institute and prosecute in his  
11 or her own name and on his or her own behalf a civil action  
12 for damages, injunctive relief, and any other appropriate  
13 equitable relief to protect the peaceable exercise of the  
14 right or rights secured.

15 (e) Subdivision (2) of subsection (c) shall not  
16 apply when an employer employs a person in a safety-sensitive  
17 position. For purposes of this section, a safety-sensitive  
18 position means a position in law enforcement or a position in  
19 which medical cannabis-affected performance could clearly  
20 endanger the health and safety of others. A safety-sensitive  
21 position shall have all of the following general  
22 characteristics:

23 (1) Its duties involve a greater than normal level  
24 of trust, responsibility for, or impact on the health and  
25 safety of others.

26 (2) Errors in judgment, inattentiveness, or  
27 diminished coordination, dexterity, or composure while

1 performing its duties could clearly result in mistakes that  
2 would endanger the health and safety of others.

3 (3) An employee in a safety-sensitive position works  
4 independently or performs tasks of a nature that it cannot  
5 safely be assumed that mistakes like those described in  
6 subdivision (2) could be prevented by a supervisor or another  
7 employee.

8 Section 7. (a) Nothing in this act shall be  
9 construed as authorizing the operation of a vehicle by a  
10 person while the person is under the influence of cannabis.

11 (b) A qualified patient shall not be considered to  
12 be operating a vehicle under the influence solely for having  
13 cannabis metabolites in his or her system, being a qualified  
14 patient, or being in possession of cannabis.

15 Section 8. A qualified patient or designated  
16 caregiver shall not be subject to any civil penalty,  
17 including, but not limited to, the loss of property or  
18 eviction solely for one or more of the following:

19 (1) Testing positive for cannabis use.

20 (2) Being a qualified patient or designated  
21 caregiver.

22 (3) Exercising rights as provided in this act.

23 (4) Use of cannabis.

24 (5) Being an employee or agent of a medical cannabis  
25 dispensing center, medical cannabis delivery service, medical  
26 cannabis cultivator, or medical cannabis product manufacturer.

1           Section 9. As used in this act, the term "habitual  
2 or continual illegal use of controlled substances" does not  
3 include the following:

4           (1) Testing positive for cannabis use.

5           (2) Being a qualified patient or designated  
6 caregiver.

7           (3) Exercising rights as provided in this act.

8           (4) Use of cannabis.

9           (5) Being an employee or agent of a medical cannabis  
10 dispensing center, medical cannabis delivery service, medical  
11 cannabis cultivator, or medical cannabis product manufacturer.

12           Section 10. A visiting qualified patient shall have  
13 the same rights and privileges under the laws of this state as  
14 a qualified patient.

15           Section 11. (a) The fact that a person is a  
16 qualified patient or designated caregiver or is the employee  
17 or agent of a medical cannabis dispensing center, medical  
18 cannabis delivery service, medical cannabis cultivator, or  
19 medical cannabis product manufacturer does not, alone:

20           (1) Constitute probable cause to search the person  
21 or the person's property.

22           (2) Subject the person or the person's property to  
23 inspection by any governmental agency.

24           (b) (1) Except as otherwise provided in this section,  
25 if officers of a state or local law enforcement agency seize  
26 cannabis, drug paraphernalia, or other related property from a  
27 person engaged or assisting in the medical use of cannabis,

1 the law enforcement agency shall ensure that the cannabis,  
2 drug paraphernalia, or other related property is not destroyed  
3 while in the possession of the law enforcement agency.

4 (2) Any property interest of the person from whom  
5 cannabis, drug paraphernalia, or other related property is  
6 seized must not be forfeited pursuant to any provision of law  
7 providing for the forfeiture of property, except as part of a  
8 sentence imposed after conviction of a criminal offense.

9 (c) Upon a determination by the district attorney,  
10 or his or her designee, of the county in which the cannabis,  
11 drug paraphernalia, or other related property was seized that  
12 the person from whom the cannabis, drug paraphernalia, or  
13 other related property was seized is engaging in or assisting  
14 in the medical use of cannabis in accordance with the  
15 provisions of this act, the law enforcement agency shall  
16 immediately return to that person any usable cannabis,  
17 cannabis plants, drug paraphernalia, or other related property  
18 that was seized. The determination of a district attorney, or  
19 the district attorney's designee, that a person is engaging in  
20 or assisting in the medical use of cannabis in accordance with  
21 the provisions of this act shall be deemed to be evidenced by  
22 the following:

23 (1) A decision not to prosecute.

24 (2) The dismissal of charges.

25 (3) Acquittal.

26 Section 12. For the purposes of medical care,  
27 including organ and tissue transplants, a qualified patient's

1 authorized use of cannabis shall be considered the equivalent  
2 of the authorized use of any other medication used at the  
3 direction of a physician and may not constitute the use of an  
4 illicit substance.

5 Section 13. (a) Qualified patients and designated  
6 caregivers who associate within this state in order to  
7 collectively or cooperatively cultivate cannabis for medical  
8 purposes may share responsibility for acquiring and supplying  
9 the resources required to produce and process cannabis for  
10 medical use such as, for example, money; location for a  
11 collective garden; equipment, supplies, and labor necessary to  
12 plant, grow, and harvest cannabis; cannabis plants, seeds, and  
13 cuttings; and equipment, supplies, and labor necessary for  
14 proper construction, plumbing, wiring, and ventilation of a  
15 garden of cannabis plants. It is the sole discretion of the  
16 collective or cooperative to determine the requirements for  
17 membership within the collective or cooperative, and  
18 responsibilities and duties may be carried out by any or all  
19 members of the collective or cooperative. It is also within  
20 the discretion of the collective or cooperative to determine  
21 allocation of the costs and benefits of the efforts of the  
22 collective or cooperative, including the allocation of  
23 reasonable compensation for services rendered amongst those  
24 associated. All cannabis purchased by a medical cannabis  
25 dispensing center, medical cannabis delivery service, medical  
26 cannabis manufacturer, or medical cannabis cultivator from

1 unknown sources must be tested by a medical cannabis  
2 laboratory, all other testing shall remain voluntary.

3 (b) All collectives must be organized as a nonprofit  
4 entity.

5 Section 14. (a) The fees for patient identification  
6 cards and growers' license and suppliers shall be as follows:

7 Patient identification cards \$100

8 Patient growers' license \$100

9 Dispensary Type

10 Class 1 dispensary, more than 500 pa-  
11 tients \$15,000

12 Class 2 dispensary, 250 to 500 patients \$10,000

13 Class 3 dispensary, 0 to 250 patients \$5,000

14 Class 1 supplier, over 2,000  
15 lbs. grower \$7,500

16 Class 2 supplier, 1,000 to  
17 2,000 lbs. grower \$5,000

18 Class 3 supplier, under 2,000  
19 lbs. grower \$2,500

20 Class 4 supplier, edible canna-  
21 bis companies \$2,500



1 (b) An additional 2.5 percent sales tax will be  
2 applied to all medical marijuana sales. The revenue generated  
3 by this tax shall be distributed to the state's sheriff's  
4 departments to be used to combat the illegal trafficking and  
5 production of drugs contained in Schedules I and II of the  
6 Alabama Controlled Substances List.

7 (c) An additional 2.5 percent sales tax will be  
8 applied to all medical marijuana sales. The revenue generated  
9 by this tax will be distributed to the state's municipal  
10 police departments to be used to combat the illegal  
11 trafficking and production of drugs contained in Schedules I  
12 and II of the Alabama Controlled Substances List.

13 Section 15. (a) Each municipality and county may  
14 enact regulations and ordinances governing medical cannabis  
15 dispensing centers and the manufacture and labeling of medical  
16 cannabis products. These regulations and ordinances shall not  
17 ban, either explicitly or implicitly, the operation of medical  
18 cannabis dispensing centers. All cannabis purchased by a  
19 medical cannabis dispensing center, medical cannabis delivery  
20 service, medical cannabis manufacturer, or medical cannabis  
21 cultivator from unknown sources must be tested by a medical  
22 cannabis laboratory, all other testing shall remain voluntary.  
23 Any violation of these regulations and ordinances shall not be  
24 a violation of the medical marijuana program act.

1 (b) This act may not be construed to prevent a  
2 municipality from adopting and enforcing laws consistent with  
3 this act.

4 (c) Municipalities that have a population of over  
5 150,000 shall be limited to two medical cannabis dispensing  
6 centers within its jurisdiction and all municipalities with a  
7 population of over 10,000 shall be limited to one medical  
8 cannabis dispensing center. Municipalities and towns with a  
9 population of under 10,000 may not have a medical cannabis  
10 dispensing center.

11 (d) Any county that does not have a city with 10,000  
12 residents will be eligible for one dispensary in the county's  
13 largest city or at the county seat.

14 Section 16. (a) Retail sales between medical  
15 cannabis dispensing centers, medical cannabis delivery  
16 services, medical cannabis cultivators, medical cannabis  
17 product manufacturers, and qualified patients and designated  
18 caregivers shall be permitted under this act.

19 (b) A police agency may sell confiscated cannabis to  
20 medical cannabis dispensing centers, medical cannabis delivery  
21 services, medical cannabis cultivators, and medical cannabis  
22 product manufacturers.

23 Section 17. (a) Each municipality and county may  
24 enact regulations and ordinances governing medical cannabis  
25 delivery services and the manufacture and labeling of medical  
26 cannabis products. These regulations and ordinances shall not  
27 ban, either explicitly or implicitly, the operation of medical

1 cannabis delivery services. All cannabis purchased by a  
2 medical cannabis dispensing center, medical cannabis delivery  
3 service, medical cannabis manufacturer, or medical cannabis  
4 cultivator from unknown sources must be tested by a medical  
5 cannabis laboratory, all other testing shall remain voluntary.  
6 Any violation of these regulations and ordinances shall not be  
7 a violation of the medical marijuana program act.

8 (b) This act may not be construed to prevent a  
9 municipality from adopting and enforcing laws consistent with  
10 this act.

11 Section 18. (a) The manufacture of edible medical  
12 cannabis products shall be regulated as the type of food or  
13 beverage being manufactured and no additional requirements  
14 shall be made.

15 (b) Enforcement shall be determined by the  
16 Department of Agriculture and Industries. A violation of these  
17 regulations and ordinances shall not be a violation of the  
18 medical marijuana program act.

19 (c) This act may not be construed as preventing a  
20 municipality or other local governing body from adopting and  
21 enforcing laws consistent with this act.

22 Section 19. (a) Medical cannabis cultivators wishing  
23 to collectively cultivate cannabis plants shall fall within  
24 three classes. Class 2 and Class 3 registration shall be  
25 renewable annually. Registration classes shall be as follows:

26 (1) Class 1: Less than 25 qualified patients and  
27 designated caregivers wishing to collectively cultivate

1 cannabis plants and manufacture medical cannabis products for  
2 exclusive use by their members. Class 1 cultivators are exempt  
3 from registration.

4 (2) Class 2: Collectives of qualified patients and  
5 designated caregivers with between 25 and 50 members. The  
6 collective shall register with the Department of Agriculture  
7 and Industries. The application for a Class 2 registration  
8 shall include the name of at least one collective or  
9 cooperative member, the address and contact information for  
10 that member, a statement that the collective wishes to  
11 cultivate collectively and is seeking Class 2 registration,  
12 and accompanying payment of five hundred dollars (\$500) to the  
13 Department of Agriculture and Industries. The collective shall  
14 submit each collective member's identification number or, in  
15 the alternative, documentation of a defined relationship with  
16 one or more medical cannabis dispensing center or medical  
17 cannabis delivery service or medical cannabis product  
18 manufacturer. Renewal procedures shall be determined by the  
19 Department of Agriculture and Industries.

20 (3) Class 3: Collectives of qualified patients and  
21 designated caregivers with more than 51 members. The  
22 collective shall register with the Department of Agriculture  
23 and Industries. The application for a Class 3 registration  
24 shall include the name of at least five collective or  
25 cooperative members, the address and contact information for  
26 those members, a statement that the collective wishes to  
27 cultivate collectively and is seeking a Class 3 registration

1 and accompanying payment of one thousand dollars (\$1,000),  
2 plus twenty dollars (\$20) for each member over 50 to the  
3 Department of Agriculture and Industries. The collective shall  
4 submit each collective member's identification number or, in  
5 the alternative, documentation of a defined relationship with  
6 one or more medical cannabis dispensing center or medical  
7 cannabis delivery service or medical cannabis product  
8 manufacturer. Renewal procedures shall be determined by the  
9 Department of Agriculture and Industries.

10 (b) The Department of Agriculture and Industries  
11 shall promulgate rules in order to regulate Class 3  
12 registrations. These rules may include inspections and quality  
13 controls as well as requirements for defined contractual  
14 relationships with medical cannabis dispensing centers and  
15 security requirements.

16 Section 20. The department shall promulgate  
17 regulations to authorize and license medical cannabis  
18 laboratories in the testing of dried, extracted, cured,  
19 food-based, and other forms of cannabis. The testing may  
20 include the analysis of contaminants and chemical composition  
21 and other methods of investigation intended to advance the  
22 understanding of the therapeutic benefits of cannabis and to  
23 improve the health and welfare of qualified patients in the  
24 state.

25 Section 21. The Alabama State Board of Pharmacy  
26 shall classify cannabis as a controlled substance in Schedule

1 III, IV, or V. The board shall classify cannabis no later than  
2 180 days after the effective date of this act.

3 Section 22. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.