

1 SB174  
2 160151-2  
3 By Senator Sanford  
4 RFD: Judiciary  
5 First Read: 14-JAN-14

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

1 the Department of Neurology at the University of Alabama at  
2 Birmingham with the exclusive authorization for the  
3 prescription and use of cannabidiol (CBD) in the treatment of  
4 individuals diagnosed with debilitating epileptic conditions;  
5 and in connection therewith would have as its purpose or  
6 effect the requirement of a new or increased expenditure of  
7 local funds within the meaning of Amendment 621 of the  
8 Constitution of Alabama of 1901, now appearing as Section  
9 111.05 of the Official Recompilation of the Constitution of  
10 Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

18 (c) In a prosecution for the unlawful possession of  
19 marijuana under the laws of this state, it is an affirmative  
20 and complete defense to the prosecution that the defendant  
21 possessed cannabidiol (CBD) because he or she is the parent or  
22 caretaker of an individual who has a debilitating epileptic  
23 condition and who has a prescription for the possession and  
24 use of cannabidiol (CBD) as authorized by the UAB Department,  
25 and where the parent or caretaker's possession of the CBD is  
26 on behalf of and otherwise for the prescribed person's use  
27 only.

1 (d) An agency of this state or a political  
2 subdivision thereof, including any law enforcement agency, may  
3 not initiate proceedings to remove a child from the home of a  
4 parent based solely upon the parent's or child's possession or  
5 use of cannabidiol (CBD) as authorized by this act.

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

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

26 (g) The UAB Department will establish a research and  
27 development study purposed to determine medical uses and

1 benefits of cannabidiol (CBD) for individuals with  
2 debilitating epileptic conditions.

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

13 (i) Pursuant to the filing requirements of Rule 15.3  
14 of the Alabama Rules of Criminal Procedure, the defendant  
15 shall produce a valid prescription, certification of a  
16 debilitating epileptic condition, and the name of the  
17 prescribing health care professional authorized by the UAB  
18 Department.

19 Section 3. The provisions of this act shall  
20 terminate in five years.

21 Section 4. Nothing in this act shall be construed to  
22 allow or accommodate the prescription, testing, medical use or  
23 possession of any other form of Cannabis other than that  
24 defined by Section 2 of this act.

25 Section 5. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

6 Section 6. This act shall become effective on the  
7 first day of the third month following its passage and  
8 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 14-JAN-14

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 06-FEB-14

Read for the third time and passed as amended .... 11-MAR-14

Yeas 34  
Nays 0

Patrick Harris  
Secretary