

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

1 SB174

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4 ENROLLED, An Act,

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

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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 and any UAB School of
19 Medicine affiliated pediatric training entity, including any
20 authorized physician, nurse, attendant or agent thereof, shall
21 not be subject to prosecution for the unlawful possession,
22 use, distribution or prescription of marijuana under the laws
23 of this state for its activities arising directly out of or
24 directly related to the prescription or use of cannabidiol

1 (CBD) in the treatment of individuals diagnosed with a
2 debilitating epileptic condition.

3 (g) The UAB Department will establish a research and
4 development study purposed to determine medical uses and
5 benefits of cannabidiol (CBD) for individuals with
6 debilitating epileptic conditions.

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

18 (i) Pursuant to the filing requirements of Rule 15.3
19 of the Alabama Rules of Criminal Procedure, the defendant
20 shall produce a valid prescription, certification of a
21 debilitating epileptic condition, and the name of the
22 prescribing health care professional authorized by the UAB
23 Department.

24 Section 3. The provisions of this act shall
25 terminate in five years.

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

5 Section 5. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB174

Senate 11-MAR-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Amended and passed 20-MAR-14

Senate concurred in House amendment 20-MAR-14

By: Senator Sanford