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3 HOUSE HEALTH COMMITTEE SUBSTITUTE FOR SB236, AS ENGROSSED
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8 SYNOPSIS: This bill would establish a Medical Cannabis
9 Study Commission and provide for its membership.

10 This bill would require the Medical Cannabis
11 Study Commission to make recommendations to the
12 Legislature relating to medical use of cannabis in
13 the state.

14 Carly's Law authorizes the University of
15 Alabama at Birmingham to conduct research on the
16 use of cannabidiol (CBD) in specified circumstances
17 and provides a defense against unlawful possession
18 of marijuana under the research program. The law
19 expires July 1, 2019.

20 This bill would extend Carly's Law until
21 July 1, 2020.
22

23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to cannabidiol (CBD) and medical cannabis;
2 to amend Section 13A-12-214.2, Code of Alabama 1975; to
3 establish a Medical Cannabis Study Commission and provide for
4 its membership and duties; and to extend Carly's Law.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) There is established the Medical
7 Cannabis Study Commission comprised of the following members:

8 (1) Three members appointed by the Governor, one of
9 whom is a physician licensed to practice medicine in this
10 state with a practice that involves pain management or
11 certified in the specialty of neurology; and one of whom is a
12 licensed pharmacist.

13 (2) Two members appointed by the Lieutenant
14 Governor, one of whom is a physician licensed to practice
15 medicine in this state with a practice that involves
16 palliative care; and one of whom is a physician licensed to
17 practice medicine in this state certified in the specialty of
18 pediatric neurology.

19 (3) Two members appointed by the President Pro
20 Tempore of the Senate, one of whom is a physician licensed to
21 practice medicine in this state certified in the specialty of
22 oncology; and one of whom has experience in multiple crop
23 development and agricultural practices.

24 (4) Two members appointed by the Speaker of the
25 House of Representatives, one of whom has a background and
26 experience in mental health or substance abuse counselling and

1 treatment; and one of whom has professional experience in
2 agricultural systems management.

3 (5) Three members appointed by the Attorney General,
4 one of whom is a district attorney; one of whom is an attorney
5 specializing in criminal defense; and one of whom is an
6 attorney specializing in employment law.

7 (6) The State Health Officer or his or her designee.

8 (7) The Director of the Department of Forensic
9 Sciences or his or her designee.

10 (8) One member appointed by the Executive Director
11 of the Drug Education Council.

12 (b) Members must be at least 30 years of age,
13 citizens of the United States, and residents of this state for
14 at least five continuous years immediately preceding their
15 appointment. The appointing officers shall coordinate their
16 appointments so that diversity of gender, race, and
17 geographical areas is reflective of the makeup of this state.

18 (c) A member may not have any interest, financial or
19 otherwise, direct or indirect, in any dispensary, cultivator,
20 processor, or distributor of hemp or marijuana in any state.

21 (d) The first meeting of the commission shall be
22 called by the President Pro Tempore of the Senate not later
23 than July 15, 2019, and the commission shall meet as soon as
24 practical at a time and place set by the President Pro
25 Tempore. At the first meeting, the commission shall elect a
26 chair and vice-chair. Members may participate by telephone,
27 video conference, or by similar communications equipment so

1 that all individuals participating in the meeting may hear
2 each other at the same time. Participating by such means shall
3 constitute presence in person at a meeting for all purposes.
4 Notice of meetings shall be provided in accordance with the
5 Alabama Open Meetings Act, and telephone or video conference
6 or similar communications equipment shall also allow all
7 members of the public the opportunity to simultaneously listen
8 to or observe such meetings.

9 (e) Each member who is not a public employee or
10 public official shall be entitled to a per diem of three
11 hundred fifty dollars (\$350) for participating in an official
12 meeting or public hearing, as well as actual travel expenses.
13 Members who are public employees or public officials are
14 entitled to actual travel expenses in accordance with their
15 employers' rules and policies. Per diem and travel expenses
16 for all members who are not public employees or public
17 officials shall be paid from funds appropriated to the
18 Legislative Council, not to exceed a total of fifty thousand
19 dollars (\$50,000).

20 (f) The commission shall do all of the following:

21 (1) Schedule and hold a minimum of three public
22 hearings to hear from patients and families who may benefit
23 from the use of medical cannabis, from physicians and other
24 health care providers who may be involved in the
25 implementation of medical cannabis use in the state, and from
26 members of the public who have interests or concerns regarding
27 medical cannabis.

1 (2) Examine federal laws and regulations and other
2 states' laws and legislation, as well as legislation in this
3 state, relating to the medical use of cannabis. The commission
4 shall specifically consider issues relating to patient
5 qualification; the role of physicians in recommending the
6 medical use of cannabis; patient registration; licensing of
7 facilities and providers of medical cannabis services such as
8 cultivation, processing, labelling, transporting, shipping,
9 and dispensing of medical cannabis; testing of medical
10 cannabis to ensure product safety; the role of law
11 enforcement; the role of other state regulatory agencies or
12 boards; current criminal laws relating to possession and use
13 of marijuana; and any other issues relevant to the medical use
14 of cannabis.

15 (3) Make recommendations to the Legislature relating
16 to the medical use of cannabis in the state.

17 (g) The commission shall report its findings and
18 draft legislation to the Speaker of the House and the
19 President Pro Tempore by December 1, 2019.

20 (h) The commission shall be dissolved on the last
21 day of the 2020 Regular Session, unless extended by act of the
22 Legislature.

23 (i) Upon the request of the chair, the Secretary of
24 the Senate, the Clerk of the House of Representatives, and the
25 Legislative Services Agency shall provide necessary clerical
26 assistance for the work of the commission.

1 Section 2. Section 13A-12-214.2, Code of Alabama
2 1975, is amended to read as follows:

3 "§13A-12-214.2.

4 "(a) This section shall be known and may be cited as
5 "Carly's Law."

6 "(b) As used in this section, the following words
7 shall have the following meanings:

8 "(1) AUTHORIZED BY THE UAB DEPARTMENT. Authorized by
9 the UAB Department means that Cannabidiol (CBD) has been
10 prescribed by a health care practitioner employed by or on
11 behalf of the UAB Department.

12 "(2) CANNABIDIOL (CBD). [13956-29-1]. A
13 (nonpsychoactive) cannabinoid found in the plant Cannabis
14 sativa L. or any other preparation thereof that is essentially
15 free from plant material, and has a THC level of no more than
16 3 percent. Also known as (synonyms):
17 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-p
18 entyl-1,3-benzenediol;
19 trans-(-)-2-p-mentha-1,8-dien-3-yl-5-pentylresorcinol;
20 (-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);
21 D1(2)-trans-Cannabidiol.

22 "(3) DEBILITATING EPILEPTIC CONDITION. Epilepsy or
23 other neurological disorder, or the treatment of epilepsy or
24 other neurological disorder that, as diagnosed by a
25 board-certified neurologist under the employment or authority
26 of the UAB Department, produces serious, debilitating, or
27 life-threatening seizures.

1 "(4) UAB DEPARTMENT. The Department of Neurology at
2 the University of Alabama at Birmingham, its successors, or
3 any subdivisions.

4 "(c) In a prosecution for the unlawful possession of
5 marijuana under the laws of this state, it is an affirmative
6 and complete defense to the prosecution that the defendant has
7 a debilitating epileptic condition and used or possessed
8 cannabidiol (CBD) pursuant to a prescription authorized by the
9 UAB Department.

10 "(d) 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
13 possessed cannabidiol (CBD) because he or she is the parent or
14 caretaker of an individual who has a debilitating epileptic
15 condition and who has a prescription for the possession and
16 use of cannabidiol (CBD) as authorized by the UAB Department,
17 and where the parent or caretaker's possession of the CBD is
18 on behalf of and otherwise for the prescribed person's use
19 only.

20 "(e) An agency of this state or a political
21 subdivision thereof, including any law enforcement agency, may
22 not initiate proceedings to remove a child from the home of a
23 parent based solely upon the parent's or child's possession or
24 use of cannabidiol (CBD) as authorized by this section.

25 "(f) A prescription for the possession or use of
26 cannabidiol (CBD) as authorized by this section shall be
27 provided exclusively by the UAB Department for a debilitating

1 epileptic condition. Health care practitioners of the UAB
2 Department shall be the sole authorized source of any
3 prescription for the use of cannabidiol (CBD), and shall be
4 the sole authorized source to use cannabidiol (CBD) in or as a
5 part of the treatment of a person diagnosed with a
6 debilitating epileptic condition. A health care practitioner
7 of the UAB Department shall have the sole authority to
8 determine the use or amount of cannabidiol (CBD), if any, in
9 the treatment of an individual diagnosed with a debilitating
10 epileptic condition.

11 "(g) The UAB Department and any UAB School of
12 Medicine affiliated pediatric training entity, including any
13 authorized physician, nurse, attendant, or agent thereof,
14 shall not be subject to prosecution for the unlawful
15 possession, use, distribution, or prescription of marijuana
16 under the laws of this state for its activities arising
17 directly out of or directly related to the prescription or use
18 of cannabidiol (CBD) in the treatment of individuals diagnosed
19 with a debilitating epileptic condition.

20 "(h) The UAB Department will establish a research
21 and development study purposed to determine medical uses and
22 benefits of cannabidiol (CBD) for individuals with
23 debilitating epileptic conditions.

24 "(i) The UAB Department and any UAB School of
25 Medicine affiliated pediatric training entity, including any
26 authorized physician, nurse, attendant or agent thereof, shall
27 not be subject to prosecution for the unlawful possession,

1 use, or distribution of marijuana under the laws of this state
2 for its activities arising directly out of or directly related
3 to the department's research and development activities in
4 pursuit of medical benefits and uses of cannabidiol (CBD) , as
5 long as the prescription, treatment or use of cannabidiol
6 (CBD) is provided only to individuals diagnosed with a
7 debilitating epileptic condition.

8 "(j) Pursuant to the filing requirements of Rule
9 15.3 of the Alabama Rules of Criminal Procedure, the defendant
10 shall produce a valid prescription, certification of a
11 debilitating epileptic condition, and the name of the
12 prescribing health care professional authorized by the UAB
13 Department.

14 "(k) This section is repealed ~~July 1, 2019~~ July 1,
15 2020.

16 "(l) Nothing in this section shall be construed to
17 allow or accommodate the prescription, testing, medical use,
18 or possession of any other form of Cannabis other than that
19 defined by this section."

20 Section 3. This act shall not be construed to
21 authorize any individual or caregiver to grow marijuana for
22 his or her medical use, for the medical use of any member of
23 his or her family, or for the medical use of any patient of
24 the caregiver.

25 Section 4. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

