

1 HB61  
2 177298-3  
3 By Representatives Ball, Hill (M), Sessions, Martin, Johnson  
4 (K), Wood, Brown, McCutcheon, Hubbard, Williams (JD),  
5 Sanderford, Todd, Hall, Farley, Daniels, Butler, Fridy, Shedd,  
6 Patterson, Whorton (R), Williams (P), Tuggle, Whorton (I),  
7 Coleman, Robinson, Rogers, Moore (M), Nordgren, Greer,  
8 Garrett, Howard and Scott  
9 RFD: Judiciary  
10 First Read: 02-FEB-16

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ENROLLED, An Act,

Relating to the possession and use of cannabidiol; to further provide for an affirmative defense for the use or possession of cannabidiol for certain debilitating conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) This act is intended to authorize only the limited use of nonpsychoactive cannabidiol (CBD) as defined by the act only for specified debilitating conditions that produce seizures, and is not intended as a generalized authorization of medical marijuana.

(2) It is the intent of the Legislature to maintain existing criminal prohibitions of marijuana, except as expressly provided in existing law or as expressly provided in this act.

Section 2. (a) This section shall be known and may be cited as Leni's Law.

1 (b) For the purposes of this section, the following  
 2 terms shall have the following meanings:

3 (1) CANNABIDIOL (CBD). [13956-29-1]. A  
 4 (nonpsychoactive) cannabinoid found in the plant Cannabis  
 5 sativa L. or any other preparation thereof that is free from  
 6 plant material, and has a THC level  
 7 (delta-9-tetrahydrocannabinol) of no more than three percent  
 8 relative to CBD according to the rules adopted by the Alabama  
 9 Department of Forensic Sciences. Also known as (synonyms):  
 10 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-p  
 11 entyl-1,3-benzenediol;  
 12 trans-(-)-2-p-mentha-1,8-dien-3-yl-5-pentylresorcinol;  
 13 (-)-Cannabidiol; (-)-trans-Cannabidiol; Cannabidiol (7CI);  
 14 D1(2)-tran-Cannabidiol and that is tested by a independent  
 15 third-party laboratory.

16 (2) DEBILITATING MEDICAL CONDITION. A chronic or  
 17 debilitating disease or medical condition including one that  
 18 produces seizures for which a person is under treatment.

19 (c) In addition to the affirmative defense provided  
 20 in Section 13A-12-214.2, Code of Alabama 1975, in a  
 21 prosecution for the unlawful possession of marijuana in the  
 22 second degree under Section 13A-12-214, Code of Alabama 1975,  
 23 it is an affirmative and complete defense that the defendant  
 24 used or possessed cannabidiol (CBD) if the defendant satisfies  
 25 either of the following:

1 (1) He or she has a debilitating medical condition.

2 (2) He or she is the parent or legal guardian of a  
3 minor who has a debilitating medical condition, and the  
4 cannabidiol (CBD) is being used by the minor.

5 (d) An agency of this state or a political  
6 subdivision thereof, including any law enforcement agency, may  
7 not initiate proceedings to remove a child from the home of a  
8 parent or guardian, nor initiate any child protection action  
9 or proceedings, based solely upon the parent's or child's  
10 possession or use of cannabidiol (CBD) as allowed by this  
11 section.

12 (e) Nothing in this section shall be construed to  
13 require the various individual or group insurance  
14 organizations providing protection, indemnity, or insurance  
15 against hospital, medical, or surgical expenses, or health  
16 maintenance organizations to provide payment or reimbursement  
17 for prescriptions of CBD.

18 (f) Nothing in this section shall be construed to  
19 allow or accommodate the prescription, testing, medical use,  
20 or possession of any other form of Cannabis other than that  
21 defined in this section.

22 Section 3. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 4. This act shall become effective June 1,  
6 2016, following its passage and approval by the Governor, or  
7 its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 13-APR-16, as amended.

Jeff Woodard  
Clerk

Senate	27-APR-16	Amended and Passed
House	27-APR-16	Concurred in Senate Amendment