 HOUSE JUDICIARY COMMITTEE AMENDMENT #9 TO SB46, AS ENGROSSED

On page 3, after line 21, insert the following:

(7) The State of Alabama, therefore, wishes to create a health care market for medical cannabis. Notwithstanding any medical benefit of cannabis or cannabis derivatives, the recreational use of marijuana remains a significant threat to public health and safety. Allowing the cultivation, processing, dispensing, and use of cannabis for medical use without appropriate safeguards to prevent unlawful diversion for recreational use would pose a risk to public health and safety.

(8) The power to regulate intrastate commerce is vested in the several states under the Ninth and Tenth Amendments to the United States Constitution.

(9) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the United States Constitution and reserves to the people of Alabama certain rights as they were understood at the time Alabama was admitted into statehood in 1819, and the guarantee of these rights is a matter of contract between the State of Alabama and its people and the United States as of the time
that the compact with the United States was agreed upon and
adopted by Alabama and the United States in 1819.

(10) It is the intent of the Legislature to create
within Alabama a wholly intrastate system for the cultivation,
processing, and distribution of medical cannabis in the
interest of protecting its own residents from the danger that
recreational cannabis poses.

(11) Requiring licensees to prove a history of
residency within the state for a period of time is directly
related to avoiding an influx of companies engaged in the
recreational production of marijuana; the state has a
substantial interest in protecting its residents from the
dangers of recreational marijuana.

(12) Requiring that licensed cultivators,
processors, transporters, and dispensaries of cannabis for
medical use possess the requisite skill, expertise, resources,
and capital to conduct operations as proposed in their
business plans, and favoring those applicants who already
possess the requisite skill, expertise, resources, and
capital, promotes the goals of stability in licensing and
reduces the risks of unlawful diversion and misuse. A lengthy
base of agronomic experience will help achieve those goals, as
will past experience participating in an agronomic supply
chain.

(13) Ensuring that all cultivation, processing,
transportation, and dispensing operations remain intrastate in
nature reduces the risk of exposing licensees to the potential
penalties of federal law based on the activities of their licensed operations.

(14) There is a pattern in states that have legalized the use of medical cannabis or medical marijuana; frequently, in the years following authorization of medical use, recreational marijuana is subsequently authorized. It is the intent of the Legislature to avoid a shift from medical cannabis usage to recreational marijuana usage. Therefore, safeguards to adequately protect the residents of this state are essential.

On page 18, after line 26, insert a new Section 20-2A-12 to read as follows:

§20-2A-12.

The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, the declaration shall not affect the part that remains.

On page 51, after line 4, insert new subdivisions (10) and (11) as follows:

(10) Records indicating that a majority of ownership is attributable to an individual or individuals with proof of residence in this state for a continuous period of no less than 15 years preceding the application date.

(11) For an applicant seeking an integrated facility license or a cultivator license, records indicating that a majority of ownership is attributable to an individual or
individuals, or an entity or entities, with cumulative business experience in the field of commercial horticulture or agronomic production for a period of at least 15 years.

On page 53, after line 21, insert the following new subdivisions (5) and (6) and renumber the remaining subdivision accordingly:

(5) The applicant cannot provide records described in subdivision (a)(10) of Section 20-2A-55.

(6) For an applicant seeking an integrated facility license or a cultivator license, the applicant cannot provide records described in subdivision (a)(11) of Section 20-2A-55.

On page 65, lines 10 through 13, delete subdivision (2) in its entirety and renumber the remaining subdivisions accordingly.

On page 77, delete lines 2 through 9 and insert in lieu thereof the following:

integrated facility licenses.