

MEDICAL MARIJUANA OIL - LENI'S LAW

ACT #2016-268

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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*[Handwritten Signature]*

Speaker of the House of Representatives

*Kay Ivey*

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	<u>27-APR-16</u>	Amended and Passed
House	<u>27-APR-16</u>	Concurred in Senate Amendment

APPROVED May 4, 2016

TIME 3pm

*Robert Bentley*  
GOVERNOR

Alabama Secretary Of State  
Act Num....: 2016-268  
Bill Num...: H-61

SPONSORS

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HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 61

YEAS 102 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

SENATE ACTION

DATE: 6-19 2021  
 RD 1 RFD July

This Bill was referred to the Standing Committee of the Senate on JUDY and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub 2 by a vote of yeas 9 nays 2 abstain 0 this 20 day of April 2016 Gene Ward Chairperson

DATE: 6-20 2021  
 RF RD 2 CAL

DATE: 20  
 RE-REFERRED  RE-COMMITTED   
 Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB \_\_\_\_\_  
 YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
 PATRICK HARRIS, Secretary