

# 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



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.

  
 \_\_\_\_\_  
 Speaker of the House of Representatives

  
 \_\_\_\_\_  
 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 Sen- ate Amendment

APPROVED May 4, 2016

TIME 3 PM

  
 \_\_\_\_\_  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2016-268  
 Bill Num...: H-61

Recv'd 05/04/16 05:42pmSLF

SPONSORS

all  
(M) Coleman  
Robinson  
Rogers  
son, (K) Moore, (M)  
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Greer  
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ron, (R)  
ms, (P)  
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ton, (I)

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) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of  
yeas 9 nays 2 abstain 0  
this 20 day of April 2016  
Glenn Ward Chairperson

DATE: 6-20-21 2021  
RF \_\_\_\_\_ RD 2 CAL \_\_\_\_\_

DATE: \_\_\_\_\_ 2021  
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

FURTHER SENATE ACTION (OVER)