

1 HB66
2 135058-1
3 By Representative Brown
4 RFD: Health
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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8 SYNOPSIS: Under existing law, the possession and use
9 of marijuana is a criminal act.

10 This bill would authorize the medical use of
11 marijuana only for certain qualifying patients who
12 have been diagnosed by a physician as having a
13 serious medical condition.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To authorize the medical use of marijuana only for
20 certain qualifying patients who have been diagnosed by a
21 physician as having a serious medical condition.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known and may be cited
24 as "The Alabama Medical Marijuana Patients Rights Act."

25 Section 2. As used in this act the following words
26 and terms shall have the following meanings:

1 (1) CANNABIS PLANT. A plant of the species Cannabis
2 Sativa that has flowers or is greater than 12 inches in height
3 and 12 inches in diameter.

4 (2) DEFINED RELATIONSHIP. An agreement in which the
5 parties have agreed to become collective members and shall
6 cultivate, manufacture, sell, dispense, distribute, transport,
7 or deliver cannabis and cannabis products on behalf of other
8 members who are qualified patients or designated caregivers,
9 as provided under this act.

10 (3) DEPARTMENT. The Alabama State Department of
11 Public Health.

12 (4) DESIGNATED CAREGIVER. A person, over the age of
13 18, who has been designated by a qualified patient to assist
14 in the cultivation, procurement, production, transportation,
15 storage, and administration of medical cannabis and has
16 received an identification card issued by the department.

17 (5) DISPENSE. The selection, measuring, packaging,
18 labeling, delivery, or distribution or sale of cannabis by a
19 medical cannabis dispensing center, a medical cannabis
20 delivery service, a medical cannabis manufacturer, or a
21 medical cannabis cultivator, as defined by this act, to a
22 qualifying patient or a designated caregiver.

23 (6) LABELING. All labels and other written, printed,
24 or graphic matter upon any cannabis intended for medical use,
25 or accompanying the cannabis.

26 (7) MEDICAL CANNABIS CULTIVATOR. Any individual or
27 nonprofit entity organized to cultivate, dispense, and deliver

1 cannabis and cannabis products for medical use to medical
2 cannabis delivery services, medical cannabis dispensing
3 centers, or medical cannabis product manufacturers, or their
4 qualifying patients or designated caregiver members.

5 (8) MEDICAL CANNABIS DELIVERY SERVICE. A nonprofit
6 entity organized to cultivate, dispense, and deliver cannabis
7 and cannabis products for medical use to patients and their
8 designated caregivers who are members.

9 (9) MEDICAL CANNABIS DISPENSING CENTER. A nonprofit
10 entity organized to cultivate and dispense cannabis and
11 cannabis products through storefronts for medical use to
12 patients and their designated caregivers who are members.

13 (10) MEDICAL CANNABIS LABORATORY. A non-residential
14 facility licensed by the Department of Public Health to
15 analyze dried, extracted, cured, food-based, any other forms
16 of cannabis for any of the following:

17 a. Contaminants, such as mold and insects.

18 b. Concentrations of cannabinoids, such as
19 Tetrahydrocannabinol (THC) and Cannabidiol (CBD) and other
20 chemical constituents.

21 (11) MEDICAL CANNABIS PRODUCTS. Products that
22 contain cannabis or cannabis extracts and are intended for
23 human consumption or application, including, but not limited
24 to, edible products, tinctures, and lotions.

25 (12) MEDICAL CANNABIS PRODUCT MANUFACTURER. A person
26 or nonprofit entity organized to manufacture medical cannabis
27 products meant for dispensing within medical cannabis

1 dispensing centers or medical cannabis delivery service or
2 directly to the manufacturer's qualified patient or designated
3 caregiver members, if organized as a collective. Medical
4 cannabis product manufacturers shall be members or have a
5 defined relationship with medical cannabis dispensing centers
6 or medical cannabis delivery services, as provided for under
7 this chapter. Medical cannabis product manufacturers may be
8 members or have a defined relationship with medical cannabis
9 cultivators. Medical cannabis product manufacturers do not
10 include qualified patients and designated caregivers who
11 produce medical cannabis products for their own individual use
12 or for the use of a patient under their care.

13 (13) QUALIFIED PATIENT. A person who has been
14 diagnosed with a serious medical condition and, having been
15 examined by a physician, it has been determined would benefit
16 from the use of cannabis and has obtained an identification
17 card from the department.

18 (14) SEEDLING. A cannabis plant that has no flowers
19 or that is less than 12 inches in height or less than 12
20 inches in diameter.

21 (15) SERIOUS MEDICAL CONDITION. All of the following
22 medical conditions:

- 23 a. Acquired immune deficiency syndrome (AIDS).
- 24 b. Amyotrophic lateral sclerosis (ALS - Lou Gehrig's
25 disease).
- 26 c. Anorexia.
- 27 d. Autism.

- 1 e. Bipolar disorder.
- 2 f. Cachexia.
- 3 g. Cancer.
- 4 h. Cerebral palsy.
- 5 i. Chronic depression.
- 6 j. Chronic pain.
- 7 k. Dystonia.
- 8 l. Fibromyalgia.
- 9 m. Gastrointestinal disorders, including, but not
- 10 limited to, colitis, Crohns disease, and irritable bowel
- 11 syndrome (IBS).
- 12 n. Glaucoma.
- 13 o. Migraine.
- 14 p. Obsessive-compulsive disorder.
- 15 q. Parkinson's disease.
- 16 r. Persistent muscle spasms, including, but not
- 17 limited to, spasms associated with multiple sclerosis.
- 18 s. Post-traumatic stress disorder.
- 19 t. Rheumatoid arthritis.
- 20 u. Seizures, including, but not limited to, seizures
- 21 associated with epilepsy.
- 22 v. Severe nausea.
- 23 w. Tourette's syndrome.
- 24 x. Any other chronic or persistent medical symptom
- 25 that either:

1 (i) Substantially limits the ability of the person
2 to conduct one or more major life activities as defined in the
3 Americans with Disabilities Act of 1990 (Public Law 101-336).

4 (ii) If not alleviated, may cause serious harm to
5 the patient's safety or physical or mental health.

6 (16) VISITING QUALIFIED PATIENT. A person with a
7 medical condition who is currently participating in another
8 state's medical cannabis program and is in possession of a
9 valid out-of-state medical cannabis program identification
10 card or its equivalent.

11 Section 3. (a) Sections 13A-12-213 and 13A-12-214 of
12 the Code of Alabama 1975, relating to the possession of
13 marijuana, and Section 13A-12-231 of the Code of Alabama 1975,
14 relating to the cultivation of marijuana, shall not apply to a
15 qualified patient, or to the designated caregiver of the
16 patient, who possesses or cultivates cannabis for the personal
17 medical purposes of the qualified patient upon the written
18 recommendation or approval of a physician.

19 (b) Notwithstanding any other provision of law, a
20 physician in this state may not be punished, or denied any
21 right or privilege, for having recommended cannabis to a
22 patient for medical purposes.

23 Section 4. (a) A qualified patient or designated
24 caregiver may possess no more than eight ounces of dried
25 cannabis per qualified patient. In addition, a qualified
26 patient or primary caregiver may also maintain no more than 12
27 cannabis plants per qualified patient.

1 (b) If a qualified patient or designated caregiver
2 has a doctor's recommendation that this quantity does not meet
3 the qualified patient's medical needs, the qualified patient
4 or designated caregiver may possess an amount of cannabis
5 consistent with the patient's needs.

6 (c) Only the dried mature processed flowers of a
7 female cannabis plant or the plant conversion shall be
8 considered when determining allowable quantities of cannabis
9 under this section. Qualified patients, persons with valid
10 identification cards, and the designated primary caregivers of
11 qualified patients and persons with identification cards, who
12 associate within this state in order, collectively or
13 cooperatively, to cultivate cannabis for medical purposes, may
14 not, solely on the basis of that fact, be subject to criminal
15 sanctions under the laws of this state. A state or local law
16 enforcement agency or officer may not refuse to accept an
17 identification card issued by the department unless the state
18 or local law enforcement agency or officer has reasonable
19 cause to believe that the information contained on the card is
20 false or fraudulent, or the card is being used fraudulently.

21 Section 5. (a) The department shall establish and
22 maintain a program for the issuance of identification cards to
23 qualified patients who satisfy the requirements of this
24 article and apply to the identification card program.

25 (b) The department shall establish and maintain a
26 24-hour, toll-free telephone number, as well as a secure,
27 web-based verification system, that will enable state and

1 local law enforcement officers to have immediate access to
2 information necessary to verify the validity of an
3 identification card issued by the department.

4 (c) Each county health department, or the county's
5 designee, shall do all of the following:

6 (1) Provide applications upon request to individuals
7 seeking to join the identification card program.

8 (2) Receive and process completed applications.

9 (3) Maintain records of identification card
10 programs.

11 (4) Utilize protocols developed by the department.

12 (5) Issue identification cards developed by the
13 department to approved applicants and designated primary
14 caregivers.

15 (d) The department shall develop all of the
16 following:

17 (1) Protocols that shall be used by a county health
18 department, or the county's designee, to implement the
19 responsibilities described in subsection (b), including, but
20 not limited to, protocols to confirm the accuracy of
21 information contained in an application and to protect the
22 confidentiality of program records.

23 (2) Application forms that shall be issued to
24 requesting applicants.

25 (3) An identification card that identifies a person
26 authorized to engage in the medical use of cannabis and an
27 identification card that identifies the person's designated

1 caregiver, if any. The two identification cards developed
2 pursuant to this paragraph shall be easily distinguishable
3 from each other.

4 (e) No person or designated caregiver in possession
5 of a valid identification card shall be subject to arrest for
6 possession, transportation, delivery, or cultivation of
7 medical cannabis in an amount established pursuant to this
8 article, unless there is reasonable cause to believe that the
9 information contained on the card is false or falsified, the
10 card has been obtained by means of fraud, or the person is
11 otherwise in violation of the provisions of this article.

12 (f) A person who seeks an identification card shall
13 pay the fee and provide all of the following information to
14 the county health department, or the county's designee, on a
15 form developed and provided by the department:

16 (1) The name of the person and proof of his or her
17 residency within the county.

18 (2) Written documentation by the attending physician
19 in the medical records of the person stating that the person
20 has been diagnosed with a serious medical condition and that
21 the medical use of cannabis is appropriate.

22 (3) The name, office address, office telephone
23 number, and medical license number of the person's attending
24 physician.

25 (4) The name of up to two designated caregivers, if
26 any.

1 (5) A government-issued photo identification card of
2 the person and of the designated caregiver, if any. If the
3 applicant is a person under 18 years of age, a certified copy
4 of a birth certificate shall be deemed sufficient proof of
5 identity.

6 (g) Within 30 days of receipt of an application for
7 an identification card, a county health department, or the
8 county's designee, shall do all of the following:

9 (1) For purposes of processing the application,
10 verify that the information contained in the application is
11 accurate. If the person is less than 18 years of age, the
12 county health department, or its designee, shall also contact
13 the parent with legal authority to make medical decisions, a
14 legal guardian, or other person or entity with legal authority
15 to make medical decisions to verify the information.

16 (2) Verify with the Alabama Board of Medical
17 Examiners that the attending physician has a license in good
18 standing to practice medicine or osteopathy in the state, or
19 with the appropriate licensing boards for naturopathic
20 doctors, physicians assistants, chiropractors, acupuncturists,
21 or other medical professionals with diagnostic and treatment
22 responsibilities.

23 (3) Contact the attending physician by facsimile,
24 telephone, or mail to confirm that the medical records
25 submitted by the patient are a true and correct copy of those
26 contained in the physician's office records. When contacted by
27 a county health department, or the county's designee, the

1 attending physician shall confirm or deny that the contents of
2 the medical records are accurate.

3 (4) Provide a photograph or electronically
4 transmissible image of the applicant and of the designated
5 caregiver, if any.

6 (5) Approve or deny the application. During the
7 application process, a certified copy of the application shall
8 be acceptable as a temporary identification card and shall
9 provide the applicant with all rights and privileges provided
10 by an identification card.

11 a. If the county health department, or the
12 county's designee, approves the application, it shall, within
13 24 hours, or by the end of the next working day of approving
14 the application, electronically transmit the following
15 information to the department:

16 1. A unique user identification number of the
17 applicant.

18 2. The date of expiration of the identification
19 card.

20 3. The name and telephone number of the county
21 health department, or the county's designee, that has approved
22 the application.

23 b. The county health department, or the county's
24 designee, shall issue an identification card to the applicant
25 and to his or her designated caregiver, if any, within five
26 working days of approving the application.

1 c. In any case involving an incomplete application,
2 the applicant shall assume responsibility for rectifying the
3 deficiency. The county shall have 14 days from the receipt of
4 information from the applicant pursuant to this subdivision to
5 approve or deny the application.

6 (h) An identification card issued by the county
7 health department shall be serially numbered and shall contain
8 all of the following:

9 a. A unique user identification number of the
10 cardholder.

11 b. The date of expiration of the identification
12 card.

13 c. The name and telephone number of the county
14 health department, or the county's designee, that approved the
15 application.

16 d. A 24-hour, toll-free telephone number, and the
17 address of the secure web-based verification system, to be
18 maintained by the department that will enable state and local
19 law enforcement officers to have immediate access to
20 information necessary to verify the validity of the card.

21 e. Photo identification of the cardholder.

22 (i) A separate identification card shall be issued
23 to the person's designated caregiver, if any, and shall
24 include a photo identification of the caregiver.

25 (j) An identification card shall be valid for a
26 period of two years.

1 (k) The county health department, or the county's
2 designee, may deny an application only for any of the
3 following reasons:

4 (1) The applicant did not provide the information
5 required and, upon notice of the deficiency, did not provide
6 the information within 30 days.

7 (2) The county health department, or the county's
8 designee, determined that the information provided was false.

9 (3) The applicant did not meet the criteria set
10 forth in this article.

11 (1) Any person whose application has been denied
12 pursuant to subsection (k) may appeal that decision to the
13 department. The county health department, or the county's
14 designee, shall make available a telephone number or address
15 to which the denied applicant can direct an appeal.

16 (m) Upon renewal of an identification card, the
17 county health department, or its designee, shall verify all
18 new information and may verify any other information that has
19 not changed. The county health department, or the county's
20 designee, shall transmit its determination of approval or
21 denial of a renewal to the department.

22 (n) The department shall establish application and
23 renewal fees for persons seeking to obtain or renew
24 identification cards that are sufficient to cover the expenses
25 incurred by the department, including the startup cost, the
26 cost of reduced fees for those who qualify, the cost of
27 identifying and developing a cost-effective Internet web-based

1 system, and the cost of maintaining the 24-hour, toll-free
2 telephone number. Each county health department, or the
3 county's designee, may charge an additional fee for all costs
4 incurred by the county, or the county's designee, for
5 administering the program pursuant to this article.

6 (o) Upon satisfactory proof of participation and
7 eligibility in a social services program, an applicant shall
8 receive a 50 percent reduction in the fees established
9 pursuant to this section.

10 (p) A person who possesses an identification card
11 shall do the following:

12 (1) Within seven days, notify the county health
13 department, or the county's designee, of any change in the
14 person's attending physician or designated primary caregiver,
15 if any.

16 (2) If the designated caregiver has been changed,
17 the previous designated caregiver shall return his or her
18 identification card to the department or to the county health
19 department, or the county's designee.

20 Section 6. (a) Nothing in this article shall require
21 any accommodation of any medical use of cannabis on the
22 property or premises of any place of employment or during the
23 hours of employment, or on the property or premises of any
24 jail, correctional facility, or other type of penal
25 institution in which prisoners reside or persons under arrest
26 are detained.

1 (b) Nothing in this article shall require a
2 governmental, private, or any other health insurance provider
3 or health care service plan to be liable for any claim for
4 reimbursement for the medical use of cannabis.

5 (c) It shall be unlawful for an employer to
6 discriminate against a person in hiring, terminating, or any
7 term or condition of employment or otherwise penalize a person
8 if the discrimination or penalty is based solely upon either
9 of the following:

10 (1) The person's status as a qualified patient or a
11 designated caregiver.

12 (2) The person's positive drug test for cannabis,
13 provided the person is a qualified patient and the medical use
14 of cannabis does not occur on the property or premises of the
15 place of employment or during the hours of employment.

16 (d) A person who has suffered discrimination in
17 violation of subsection (c) may institute and prosecute in his
18 or her own name and on his or her own behalf a civil action
19 for damages, injunctive relief, and any other appropriate
20 equitable relief to protect the peaceable exercise of the
21 right or rights secured.

22 (e) Subdivision (2) of subsection (c) shall not
23 apply when an employer employs a person in a safety-sensitive
24 position. For purposes of this section, a safety-sensitive
25 position means a position in law enforcement or a position in
26 which medical cannabis-affected performance could clearly
27 endanger the health and safety of others. A safety-sensitive

1 position shall have all of the following general
2 characteristics:

3 (1) Its duties involve a greater than normal level
4 of trust, responsibility for, or impact on the health and
5 safety of others.

6 (2) Errors in judgment, inattentiveness, or
7 diminished coordination, dexterity, or composure while
8 performing its duties could clearly result in mistakes that
9 would endanger the health and safety of others.

10 (3) An employee in a safety-sensitive position works
11 independently or performs tasks of a nature that it cannot
12 safely be assumed that mistakes like those described in
13 subdivision (2) could be prevented by a supervisor or another
14 employee.

15 Section 7. (a) Nothing in this act shall be
16 construed as authorizing the operation of a vehicle by a
17 person while the person is under the influence of cannabis.

18 (b) A qualified patient shall not be considered to
19 be operating a vehicle under the influence solely for having
20 cannabis metabolites in his or her system, being a qualified
21 patient, or being in possession of cannabis.

22 Section 8. A qualified patient or designated
23 caregiver shall not be subject to any civil penalty,
24 including, but not limited to, the loss of property or
25 eviction solely for one or more of the following:

26 (1) Testing positive for cannabis use.

1 (2) Being a qualified patient or designated
2 caregiver.

3 (3) Exercising rights as provided in this act.

4 (4) Use of cannabis.

5 (5) Being an employee or agent of a medical cannabis
6 dispensing center, medical cannabis delivery service, medical
7 cannabis cultivator, or medical cannabis product manufacturer.

8 Section 9. As used in this act, the term "habitual
9 or continual illegal use of controlled substances" does not
10 include the following:

11 (1) Testing positive for cannabis use.

12 (2) Being a qualified patient or designated
13 caregiver.

14 (3) Exercising rights as provided in this act.

15 (4) Use of cannabis.

16 (5) Being an employee or agent of a medical cannabis
17 dispensing center, medical cannabis delivery service, medical
18 cannabis cultivator, or medical cannabis product manufacturer.

19 Section 10. A visiting qualified patient shall have
20 the same rights and privileges under the laws of this state as
21 a qualified patient.

22 Section 11. (a) The fact that a person is a
23 qualified patient or designated caregiver or is the employee
24 or agent of a medical cannabis dispensing center, medical
25 cannabis delivery service, medical cannabis cultivator, or
26 medical cannabis product manufacturer does not, alone:

1 (1) Constitute probable cause to search the person
2 or the person's property.

3 (2) Subject the person or the person's property to
4 inspection by any governmental agency.

5 (b) (1) Except as otherwise provided in this section,
6 if officers of a state or local law enforcement agency seize
7 cannabis, drug paraphernalia, or other related property from a
8 person engaged or assisting in the medical use of cannabis,
9 the law enforcement agency shall ensure that the cannabis,
10 drug paraphernalia, or other related property is not destroyed
11 while in the possession of the law enforcement agency.

12 (2) Any property interest of the person from whom
13 cannabis, drug paraphernalia, or other related property is
14 seized must not be forfeited pursuant to any provision of law
15 providing for the forfeiture of property, except as part of a
16 sentence imposed after conviction of a criminal offense.

17 (c) Upon a determination by the district attorney,
18 or his or her designee, of the county in which the cannabis,
19 drug paraphernalia, or other related property was seized that
20 the person from whom the cannabis, drug paraphernalia, or
21 other related property was seized is engaging in or assisting
22 in the medical use of cannabis in accordance with the
23 provisions of this act, the law enforcement agency shall
24 immediately return to that person any usable cannabis,
25 cannabis plants, drug paraphernalia, or other related property
26 that was seized. The determination of a district attorney, or
27 the district attorney's designee, that a person is engaging in

1 or assisting in the medical use of cannabis in accordance with
2 the provisions of this act shall be deemed to be evidenced by
3 the following:

4 (1) A decision not to prosecute.

5 (2) The dismissal of charges.

6 (3) Acquittal.

7 Section 12. For the purposes of medical care,
8 including organ and tissue transplants, a qualified patient's
9 authorized use of cannabis shall be considered the equivalent
10 of the authorized use of any other medication used at the
11 direction of a physician and may not constitute the use of an
12 illicit substance.

13 Section 13. Qualified patients and designated
14 caregivers who associate within this state in order to
15 collectively or cooperatively cultivate cannabis for medical
16 purposes may share responsibility for acquiring and supplying
17 the resources required to produce and process cannabis for
18 medical use such as, for example, money; location for a
19 collective garden; equipment, supplies, and labor necessary to
20 plant, grow, and harvest cannabis; cannabis plants, seeds, and
21 cuttings; and equipment, supplies, and labor necessary for
22 proper construction, plumbing, wiring, and ventilation of a
23 garden of cannabis plants. It is the sole discretion of the
24 collective or cooperative to determine the requirements for
25 membership within the collective or cooperative, and
26 responsibilities and duties may be carried out by any or all
27 members of the collective or cooperative. It is also within

1 the discretion of the collective or cooperative to determine
2 allocation of the costs and benefits of the efforts of the
3 collective or cooperative, including the allocation of
4 reasonable compensation for services rendered amongst those
5 associated. Testing by a medical cannabis laboratory shall
6 remain voluntary.

7 Section 14. The fees for patient identification
8 cards and growers' license and suppliers shall be as follows:

9 Patient identification cards	\$100
10 Patient growers' license	\$100

11 Dispensary Type

12 Class 1 dispensary, more than 500 pa-	
13 tients	\$15,000
14 Class 2 dispensary, 250 to 500 patients	\$10,000
15 Class 3 dispensary, 0 to 250 patients	\$5,000

16 Class 1 supplier, over 2,000	
17 lbs. grower	\$7,500
18 Class 2 supplier, 1,000 to	
19 2,000 lbs. grower	\$5,000
20 Class 3 supplier, under 2,000	
21 lbs. grower	\$2,500

1 Class 4 supplier, edible canna-
2 bis companies \$2,500

3 Section 15. (a) Each municipality and county may
4 enact regulations and ordinances governing medical cannabis
5 dispensing centers and the manufacture and labeling of medical
6 cannabis products. These regulations and ordinances shall not
7 ban, either explicitly or implicitly, the operation of medical
8 cannabis dispensing centers. Testing by a medical cannabis
9 laboratory shall remain voluntary. Any violation of these
10 regulations and ordinances shall not be a violation of the
11 medical marijuana program act.

12 (b) This act may not be construed to prevent a
13 municipality from adopting and enforcing laws consistent with
14 this act.

15 Section 16. Retail sales between medical cannabis
16 dispensing centers, medical cannabis delivery services,
17 medical cannabis cultivators, medical cannabis product
18 manufacturers, and qualified patients and designated
19 caregivers shall be permitted under this act.

20 Section 17. (a) Each municipality and county may
21 enact regulations and ordinances governing medical cannabis
22 delivery services and the manufacture and labeling of medical
23 cannabis products. These regulations and ordinances shall not
24 ban, either explicitly or implicitly, the operation of medical
25 cannabis delivery services. Testing by a medical cannabis

1 laboratory shall remain voluntary. Any violation of these
2 regulations and ordinances shall not be a violation of the
3 medical marijuana program act.

4 (b) This act may not be construed to prevent a
5 municipality from adopting and enforcing laws consistent with
6 this act.

7 Section 18. (a) Each municipality and county within
8 this state may enact regulations and ordinances governing the
9 manufacturing and labeling of medical cannabis products.
10 Testing by a medical cannabis laboratory shall remain
11 voluntary.

12 (b) The manufacture of edible medical cannabis
13 products shall be regulated as the type of food or beverage
14 being manufactured and no additional requirements shall be
15 made.

16 (c) Enforcement shall be determined by the
17 Department of Agriculture and Industries. A violation of these
18 regulations and ordinances shall not be a violation of the
19 medical marijuana program act.

20 (d) This act may not be construed as preventing a
21 municipality or other local governing body from adopting and
22 enforcing laws consistent with this act.

23 Section 19. (a) Medical cannabis cultivators shall
24 fall within three classes. Class 2 and Class 3 registration
25 shall be renewable annually. Registration classes shall be as
26 follows:

1 (1) Class 1: Less than 25 qualified patients and
2 designated caregivers wishing to collectively cultivate
3 cannabis plants and manufacture medical cannabis products for
4 exclusive use by their members. Class 1 cultivators are exempt
5 from registration.

6 (2) Class 2: Collectives of qualified patients and
7 designated caregivers with between 25 and 50 members. The
8 collective shall register with the Department of Agriculture
9 and Industries. The application for a Class 2 registration
10 shall include the name of at least one collective or
11 cooperative member, the address and contact information for
12 that member, a statement that the collective wishes to
13 cultivate collectively and is seeking Class 2 registration,
14 and accompanying payment of any fees necessary, as determined
15 by the Department of Agriculture and Industries. The
16 collective shall submit each collective member's
17 identification number or, in the alternative, documentation of
18 a defined relationship with one or more medical cannabis
19 dispensing center or medical cannabis delivery service or
20 medical cannabis product manufacturer. Renewal procedures
21 shall be determined by the Department of Agriculture and
22 Industries.

23 (3) Class 3: Collectives of qualified patients and
24 designated caregivers with more than 51 members. The
25 collective shall register with the Department of Agriculture
26 and Industries. The application for a Class 3 registration
27 shall include the name of at least 5 collective or cooperative

1 members, the address and contact information for those
2 members, a statement that the collective wishes to cultivate
3 collectively and is seeking a Class 3 registration, and any
4 accompanying fees, as determined by the Department of
5 Agriculture and Industries. The Department of Agriculture and
6 Industries shall determine a graduated fee scale for Class 3
7 registration applicants. The collective shall submit each
8 collective member's identification number or, in the
9 alternative, documentation of a defined relationship with one
10 or more medical cannabis dispensing center or medical cannabis
11 delivery service or medical cannabis product manufacturer.
12 Renewal procedures shall be determined by the Department of
13 Agriculture and Industries.

14 (b) The Department of Agriculture and Industries
15 shall promulgate rules in order to regulate Class 3
16 registrations. These rules may include inspections and quality
17 controls as well as requirements for defined contractual
18 relationships with medical cannabis dispensing centers and
19 security requirements.

20 Section 20. The department shall promulgate
21 regulations to authorize and license medical cannabis
22 laboratories in the testing of dried, extracted, cured,
23 food-based, and other forms of cannabis. The testing may
24 include the analysis of contaminants and chemical composition
25 and other methods of investigation intended to advance the
26 understanding of the therapeutic benefits of cannabis and to

1 improve the health and welfare of qualified patients in the
2 state.

3 Section 21. The Alabama State Board of Pharmacy
4 shall classify cannabis as a controlled substance in Schedule
5 III, IV, or V. The board shall classify cannabis no later than
6 180 days after the effective date of this act.

7 Section 22. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.