By Mike Cason

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A bill that would reduce the penalty for marijuana possession in Alabama is scheduled for consideration on Wednesday by both the House and Senate judiciary committees.

Rep. Patricia Todd, D-Birmingham, and Sen. Dick Brewbaker, R-Montgomery, are the bill sponsors. Todd has tried with similar bills for several years to reduce the penalties for marijuana possession. She believes opposition has faded and is optimistic the bill will pass.

"I haven't talked to one person who is against it," Todd said.

Brewbaker, R-Montgomery, said the bill is intended to keep young people from being saddled with serious criminal records for personal use of pot.

"No one is talking about legalizing possession of marijuana," Brewbaker said. "But I haven't talked to anybody who thinks hanging felonies on college kids is a great idea because that follows them around for the rest of their lives."

Current law says possession of marijuana for personal use is a Class A misdemeanor, which can carry a jail sentence of up to a year and a fine of up to $6,000.

A second offense of possession for personal use is a Class D felony. A Class D conviction can carry a sentence of up to five years, but at least part of that time has to be under community supervision. Most Class D offenders are recommended for probation or community corrections, rather than prison.

The Todd and Brewbaker bills add a a lower tier.

Possession of one ounce or less would be a violation -- considered less serious than a misdemeanor -- and would be punishable only by a fine not to exceed $250. That penalty would apply to both a first and a second offense. A third offense would be a violation punishable by a fine of up to $500.

Brewbaker said he's working with the Alabama District Attorneys' Association on some possible changes to the bill.

"If I don't get the DAs' support, the bill is not going to move forward," Brewbaker said.

Sen. Cam Ward, R-Alabaster, who chairs the Judiciary Committee, said that in practice prosecutors generally seek probation, pretrial diversion, drug court or other alternate penalties for marijuana possession offenders. Ward said that helps make the case for changing the law. But he expects the bill to have opposition and is not sure it will win committee approval.

"People are scared during an election year that they're going to get called soft on crime," Ward said. "If you argue the merits of his bill, it makes sense."

Todd said the deadly problem of opioid addiction is demanding the attention of law enforcement.

"We need all the resources we have to deal with that and not with a little bit of weed," Todd said.

Todd said she believes the time has come for the bill to pass.

"This is not as bad as alcohol," Todd said. "We don't want people to use. But it costs the state a lot of money to enforce the possession law."

Ward said the Senate is expected to consider the General Fund budget on Tuesday.

Alabama and national politics.

Updated at 4:53 p.m. to say the House Judiciary Committee is scheduled to consider Rep. Todd's bill on Wednesday. Updated at 5:31 p.m. with new information throughout. Corrected at 3:58 p.m. on February 20 to say that a second offense of possession for personal use is a Class D felony. Edited at 4:42 p.m. to add penalty for a Class D felony.

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<https://www.al.com/news/index.ssf/2018/02/bill_would_reduce_alabama_pena.html>

By Paul Gattis

pgattis@al.com

Unlike most states, Alabama does not allow the medical use of marijuana. But the state has recently passed laws allowing the use of some marijuana-derived extracts that can't get you high.

And Mark Coleman's testimony on his daughter's use of cannabidiol oil makes a compelling case for the drug's benefits.

Coleman's 15-year-old daughter, Mary Ann, has a severe case of autism. She doesn't speak and frequently tries to hurt herself - pinching her arms, slamming her head, biting whatever she can get into her mouth.

Then the Alabama legislature passed Leni's Law, which went into effect June 1, 2016, and Mary Ann's life improved "tenfold" since she began taking the CBD oil, her father said.

"I ordered my shipment three days before Leni's Law went into effect so it would be in the mailbox the day it started," Coleman said.

The law made it legal in Alabama for parents or guardians with a medical prescription to possess cannabidiol oil, which is derived from hemp but lacks most of the psychoactive properties of marijuana.

And what follows is something the U.S. Drug Enforcement Agency might say is impossible - given that the DEA lists marijuana as a Schedule 1 drug with no medicinal value.

"It used to be when Mary Ann had a meltdown at the house and had her self-injurious behaviors, the only thing I could do is move her to a safe place, which was the couch," said Coleman, a single parent raising Mary Ann in Birmingham. "And I would basically have to hold her arms down and keep her from slamming her head or biting herself. And that would last sometimes 30 or 45 minutes before she calmed down.

"I would leave that situation, I would be wringing wet with sweat and just exhausted mentally and physically. Mentally more than physically because it just tears you apart when you're watching your child hurt herself."

And then, the kicker.

"Since she started the cannabis oil," Coleman said, "I haven't had to go to the couch with her one time."

Federally banned

Alabama law decriminalized the use of "nonpsychoactive canndabidiol" for people like Mary Ann with certain debilitating medical conditions. But Alabama has not approved medical use of actual marijuana, which is today allowed in more than half of the states, including Florida and Arkansas.

Alabama law instead says that the marijuana-derived CBD oil must contain no more than 3 percent THC. That's the part of marijuana that produces a high, but at such a low percentage it's not strong enough to have that effect on consumers.

Yet that small percentage is still too much, according to recent DEA regulations. The federal government confirmed last year that CBD oil remains a federally banned Schedule I drug.

"Although it might be theoretically possible to produce a CBD extract that contains absolutely no amounts of other cannabinoids, the DEA is not aware of any industrially-utilized methods that have achieved this result," read a federal notice in December.

And as far as recreational or medical marijuana in Alabama, Leni's Law states: "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."

Not a cure

CBD oil is not a miracle drug, according to Leni's mom, Amy Young.

Amy lobbied and put together a constituency that convinced Alabama lawmakers to decriminalize possession of CBD oil. It was a leap forward as the legislature the year before had required that the University of Alabama at Birmingham Hospital oversee limited distribution of CBD oil as part of Carly's Law.

"I wouldn't call it a miracle," Leni's mom said. "I would call it just another medical treatment option. It should be something that is in the toolbox. It's a medical treatment. Some people respond to different things. It should be an option that is available."

The simple analogy is this: Imagine if your child could benefit from a treatment, yet the law said that treatment was illegal.

That was Amy Young's world.

Now her 5-year-old daughter who once had so many seizures they were beyond counting has them so infrequently now that Amy described it as "rare." She loves to go sledding in the snow and shopping at Target, her mom said.

"She was in pretty dire shape before (the CBD oil)," Young said. "It was grim. There was not a lot of hope given."

Gallery: Alabama medical marijuana 3.13.17

State Rep. Mike Ball, R-Madison, sponsored the Leni's Law bill last year in the legislature as well as the Carly's Law bill in 2014. He described working on those bills as "very much a spiritual experience."

The final version of the bill sailed through both the House and the Senate, receiving a collective 95 percent of the vote between both chambers with only seven lawmakers opposing it.

"It was so pure," Ball said. "Sometimes, things come up where you have to turn the political switch off and just forget about it. Just do the right thing and let the rough end drag. As the political switches went off, what was the right thing to do became clear."

The Young family said they couldn't afford to wait on Alabama lawmakers. They relocated from their Wetumpka home to suburban Portland in 2015 because of Oregon's more liberal marijuana laws. Oregon is one of eight states where recreational marijuana is now legal.

Amy just wanted that tool of CBD oil to be available for treatment. And Leni's Law was the result. It doesn't work for everyone, Amy said. Some patients have not experienced improvement.

Again, it's not a miracle drug.

"Our bodies all work differently," she said. "For some of us, the conventional pharmaceuticals work wonders. And this is not a cure by any means. It is a treatment. It is not something I could stop giving Leni without the fear of her seizures immediately returning."

Leni suffered what her mother described as a "pretty catastrophic stroke" before she was born. The seizures began when she was 7 months old and "immediately they were pretty life threatening."

"It is not going to fix what happens in her brain," Amy said of the CBD oil. "It is not going to regenerate those lobs or anything like that. It keeps her seizures at bay so that she has the ability to progress and to develop and learn and stops that constant damage that those things do."

There are now simple joys, such as Leni picking out which clothes she wants to wear or laughing in the snow or telling mom and dad when she is hungry or thirsty. Amy even said the family is no longer tethered to a cell phone signal for fear of Leni enduring another life-threatening seizure.

"We used to map out everywhere we went in terms of how close we were to the nearest hospital," Amy said. "I didn't leave the house sometimes for months at a time. Now she makes it very clear, she wants to go out."

Making a difference

Mary Ann's father keeps a spreadsheet, documenting the number of self-injurious incidents his daughter has each day. She is a day student at Glenwood Autism and Behavioral Health Center in Birmingham, which provides a daily report of how many times Mary Ann attempts to her herself.

The worst, one day, was more than 1,200 incidents, her father said.

"That works out to about one every 10 or 15 seconds," Mark said.

Mark's spreadsheet provides statistical evidence, he said, of how much CBD oil has helped Mary Ann.

In the last 145 days before she began taking CBD oil, her self-injurious incidents were about 23,000. In the first 145 days after she began taking the oil, her self-injurious incidents plummeted to about 10,000.

Not a cure, as Amy would say, but a tool in the toolbox. And for Mary Ann, the toolbox already had 18 pharmaceutical drugs that failed to consistently reduce her outbursts, her father said.

"Mary Ann would be institutionalized right now if it wasn't for Leni's Law," her father said. "There's no doubt in my mind. That's what I was considering."

Mark said he would like to see a further loosening of CBD oil restrictions because he sees benefits others have in states where the THC level is not capped.

"I think it could be even better but it is what it is," he said. "This is what the state has given me to work with and I've worked within those guidelines. I wish I could do more but I'm happy that I've helped Mary Ann have a better life. Her quality of life is just tenfold (better) from what it was before."

He no longer has to restrain his daughter so she won't seriously hurt herself. Those visits to the couch, as he said, aren't necessary anymore.

And that's good for Mary Ann, yes, but also for her father.

"You cannot believe what that does to your mental state," he said. "I can't tell you how many times I've just dropped down on the floor and cried like a baby after something like that."

That jumble of emotions, Amy understands. She keeps in close contact with the families who worked for Leni's Law and Carly's Law, who banded together into such a force that Ball said they knew more about the benefits of CBD oil than "the so-called experts."

Amy lives the joy of Leni's improvement each day along with the lives for others made better by the CBD oil.

"It's a gift I feel like we're not worthy of," she said. "To have played such a small part...I get messages all the time and I cry. Happy tears. To play a small role in other people having that same opportunity, it's amazing."

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WASHINGTON â€” In a story June 25 about a drug derived from marijuana, The Associated Press misspelled the first name of the director of the Mayo Clinic's program for childhood epilepsy. She is Dr. Elaine Wirrell, not Ellaine. A corrected version of the story is below:

Medical milestone: US OKs marijuana-based drug for seizures

The U.S. Food and Drug Administration approved the first prescription drug made from marijuana, a strawberry-flavored syrup to treat severe seizures that begin in childhood

By MATTHEW PERRONE

AP Health Writer

WASHINGTON (AP) â€” U.S. health regulators on Monday approved the first prescription drug made from marijuana, a milestone that could spur more research into a drug that remains illegal under federal law, despite growing legalization for recreational and medical use.

The Food and Drug Administration approved the medication, called Epidiolex, to treat two rare forms of epilepsy in patients 2 years and older. But it's not quite medical marijuana.

The strawberry-flavored syrup is a purified form of a chemical ingredient found in the cannabis plant â€” but not the one that gets users high. It's not yet clear why the ingredient, called cannabidiol, or CBD, reduces seizures in some people with epilepsy.

British drugmaker GW Pharmaceuticals studied the drug in more than 500 children and adults with hard-to-treat seizures, overcoming numerous legal hurdles that have long stymied research into cannabis.

FDA officials said the drug reduced seizures when combined with older epilepsy drugs. FDA chief Scott Gottlieb said his agency had supported research on cannabis-derived products "for many years."

"This approval serves as a reminder that sound development programs that properly evaluate active ingredients contained in marijuana can lead to important medical therapies," Gottlieb told reporters.

The FDA has previously approved synthetic versions of another cannabis ingredient for medical use, including severe weight loss in patients with HIV.

Epidiolex is essentially a pharmaceutical-grade version CBD oil, which some parents already use to treat children with epilepsy. CBD is one of more than 100 chemicals found in marijuana. It doesn't contain THC, the ingredient that gives marijuana its mind-altering effect.

Physicians say it's important to have a consistent, government-regulated version.

"I'm really happy we have a product that will be much cleaner and one that I know what it is," said Dr. Elaine Wirrell, director of the Mayo Clinic's program for childhood epilepsy. "In the artisanal products there's often a huge variation in doses from bottle to bottle depending on where you get it."

Side effects with the drug include diarrhea, vomiting, fatigue and sleep problems.

Several years ago, Allison Hendershot considered relocating her family to Colorado, one of the first states to legalize marijuana and home to a large network of CBD producers and providers. Her 13-year-old daughter, Molly, has suffered from severe seizures since she was 4 months old. But then Hendershot learned about a trial of Epidiolex at New York University.

"I preferred this to some of those other options because it's a commercial product that has gone through rigorous testing," said Hendershot, who lives in Rochester, New York.

Since receiving Epidiolex, Hendershot says her daughter has been able to concentrate more and has had fewer "drop" seizures â€” in which her entire body goes limp and collapses.

CBD oil is currently sold online and in specialty shops across the U.S., though its legal status remains murky. Most producers say their oil is made from hemp, a plant in the cannabis family that contains little THC and can be legally farmed in a number of states for clothing, food and other uses.

The immediate impact of Monday's approval on these products is unclear.

FDA's Gottlieb warned about the use of CBD products with "unproven medical claims."

"The promotion and use of these unapproved products may keep some patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases," Gottlieb said.

The FDA previously issued warnings to CBD producers that claimed their products could treat specific diseases, such as cancer or Alzheimer's. Only products that have received formal FDA approval can make such claims, typically requiring clinical trials costing millions.

Most CBD producers sidestep the issue by making only broad claims about general health and well-being.

Industry supporters downplayed the impact of the FDA approval.

"I don't know a mom or dad in their right mind who is going to change what's already working," said Heather Jackson, CEO of Realm of Caring, a charitable group that supports access to CBD. "I really don't think it's going to affect us much."

Jackson's group estimates the typical family using CBD to treat childhood epilepsy spends about $1,800 per year on the substance.

A GW Pharmaceuticals spokeswoman said the company would not immediately announce a price for the drug, which it expects to launch in the fall. Wall Street analysts have previously predicted it could cost $25,000 per year, with annual sales eventually reaching $1 billion.

For their part, GW Pharmaceuticals executives say they are not trying to disrupt products already on the market. The company has pushed legislation in several states to make sure its drug can be legally sold and prescribed.

The FDA approval for Epidiolex is technically limited to patients with Dravet and Lennox-Gastaut syndromes, two rare forms of epilepsy for which there are few effective treatments. Patients experience frequent, severe seizures, in some cases more than 100 per day.

But doctors will have the option to prescribe it for other uses.

The new medication enters an increasingly complicated legal environment for marijuana.

Nine states and the District of Columbia have legalized marijuana for recreational use. Another 20 states allow medical marijuana, but the U.S. government continues to classify it as a controlled substance with no medical use, in the same category as heroin and LSD.

Despite increasing acceptance, there is little rigorous research on the benefits and harms of marijuana. Last year a government-commissioned group concluded that the lack of scientific information about marijuana and CBD poses a risk to public health.

Before sales of Epidiolex can begin, the Drug Enforcement Administration must formally reclassify CBD into a different category of drugs that have federal medical approval. That decision is expected within 90 days.

GW Pharmaceuticals makes the drug in the U.K. from cannabis plants that are specially bred to contain high levels of CBD. And the company plans to continue importing the medicine, bypassing onerous U.S. regulations on manufacturing restricted substances. European approval is expected in early 2019.

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Find complete AP marijuana coverage here: http://apnews.com/tag/LegalMarijuana

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These are among the strongest candidates for this year's song of the summer, according to Miguel Otarola. Which one has your vote?

"I Like It" by Cardi B, Bad Bunny and J Balvin

"Nice for What" by Drake

"God's Plan" by Drake

"High Horse" by Kacey Musgraves

"The Middle" by Zedd, Maren Morris and Grey Vote View Results Total Votes: Total Votes See more polls

How to exclude this?

SAN JOSE, Calif. - On many mornings, with a few puffs of pot - and one cannabis-laced chocolate-covered blueberry in the afternoon - Richelle has been able to stop the severe nausea that has accompanied her third pregnancy.

Your Turn (Photo: St. Cloud Times)

It might appear that sooner or later states legalizing the use of marijuana, contrary to federal law, will be crushed in federal courts. After all, federal laws, according to Article IV of the US Constitution, are the supreme laws of the land and preempt state laws.

But wait. States, not the US Congress, are showing greater responsiveness to the will of the people â€” a core American political value. And James Madison's promise that states must be able to fend off unwanted federal initiatives has not been forgotten.

The successful passage of state marijuana statutes owe much to the 19th century-era isms that, to this day, define what it means to be an American. Most Americans accept that populism â€” the will of the people, individualism and deep suspicion of despotic, central governments are legitimate American political traditions.

With the expansion of suffrage and the use of ballot initiatives and referendum among states in the 19th century, citizens gained wider participation in the political process and populism â€” the belief that the will of the people should guide public officials â€” took hold. Opinion polls favoring legalization of marijuana have sparked a revival of populism in many states.

The Pew Research Center reports that 61 percent of Americans support marijuana legalization.

While European societies honored a class system calling for persons in lower social status to show deference to their social betters, 19th-century immigrants in America adopted more egalitarian values and a desire for personal liberty. In America each citizen was, and still is, free to conduct his life in accordance with his or her own conscience and to control his or her own destiny.

This tradition of independent thinking among our citizens no doubt accounts for the popularity of state marijuana statutes that grant personal freedoms and choice.

Rejecting powerful central governments in Europe, early American liberalism sought freedom from a strong federal state. This distrust of big government is still a force in American politics and, among other factors, fuels the widespread resistance to federal laws prohibiting the use of marijuana.

Resistance against federal marijuana laws is widespread. Minnesota is among the thirty states, representing 67 percent of the US population, that have authorized the use of marijuana for medical purposes. Nine states, representing 21 percent of the US population, and the District of Columbia, have also OK'd marijuana as a recreational drug.

To sell the new U.S. Constitution, James Madison argued more than 200 years ago that state governments should have the power to manage their own affairs. He wrote in the Federalist Papers, "The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which remain in the State governments are numerous and indefinite... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people..."

Madison would certainly agree that both the use of medical marijuana under a doctor's supervision, and the possession of a small amount of marijuana for personal use by adults, are "objects" concerning"the lives, liberties, and properties of the people" and are reserved for the states to decide.

Madison added, "If an act of a particular State [legalizing marijuana, for example], though unfriendly to the national government, be generally popular in that State,... The opposition of the federal government, or the imposition of federal officers, would but inflame the zeal of all parties on the side of the State..."

On June 7 of this year, Madison's words echoed throughout the U.S. Congress when a bill titled, "Strengthening the Tenth Amendment Through Entrusting States Act," (aka the STATES Act),was introduced by Sen. Elizabeth Warren (D-Mass.) and Cory Gardner (R-Colo.) and U.S. Reps. David Joyce (R-Ohio) and Earl Blumenauer (D-Ore.) "to ensure that each state has the right to determine for itself the best approach to marijuana within its borders."

Senator Gardner added, "This Act fixes this problem once and for all by taking a states' rights approach to the legal marijuana question."

The bill is endorsed by more than a dozen organizations, including the Massachusetts Bankers Association, the National Conference of State Legislatures and the American Civil Liberties Union.

If it becomes law, this bill will not only revive the Founding Fathers' original view of how states should manage their own affairs, but will also remind us that traditional American values â€” individualism, populism and personal liberty â€” still matter.

This is the opinion of Ronald Fraser, Ph.D., who writes on public policy issues for the DKT Liberty Project, a Washington-based civil liberties organization. He can be reached at fraserr@erols.com.

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By Tracie MitchellStaff Writer

Washakie County sheriff voices concerns about petition, legislative movement

January 23, 2016

WORLAND â€“ Legalizing marijuana for m….