ALABAMA MEDICAL CANNABIS COMMISSION ADMINISTRATIVE CODE

CHAPTER 538-X-2 REGULATION OF PATIENTS AND CAREGIVERS

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538-X-2-.01 Purpose.

This Chapter is promulgated to regulate qualified Patients and Caregivers in registering for, obtaining, and administering medical cannabis and in interacting with registered certifying physicians.
Author: William H. Webster
Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
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538-X-2-.02 Definitions.

As set forth in this Chapter, the following definitions apply

(1) "Administer" or "administration." The introduction of medical cannabis into the body of a human, whether through use of an inhaler, ingestion, or any other approved means, whether by a registered qualified patient (self-administration), a registered qualified caregiver, or (improperly) by another.

(2) Refuse to grant or renew." As used in this Chapter, to deny original or continued registration for a period of at least twelve months. After twelve months or such period of time as the individual Commission order may require, a patient or caregiver or an individual who desires to attain such status by registration, and whose registration the Commission has refused to grant or renew, may make application to the Commission for issuance of a new registration in accordance with the Act and this Chapter. An individual who desires to attain patient or caregiver status by registration and whose registration the Commission has refused to grant or renew must satisfy all requirements established by the Commission.

(3) "Revoke." As used in this Chapter, to take action against a patient's or caregiver's registration, rendering such registration void; such registration may not be reissued. "Revoke" is an action that is permanent against the registration and the patient or caregiver.

(4) "Stale Registration." A submission to register as a patient or caregiver whereby the submitting party fails to complete all submission requirements within 60 calendar days of the initiation of a registration by a registered certifying physician, and after being notified by the Commission, subject to the factors that would otherwise remove the submitter from consideration under the Act and this Chapter. An individual forfeits all fees associated with a stale registration submission. The Commission shall not be required to act on, and may destroy, any stale registration submission. If the registration is stale, the submitter shall be required to reapply for registration in accordance with the Act and this Chapter, in effect at the time of resubmission.

(5) "Suspend." To take action against a registration, rendering such registration without force and effect for a period of time as determined by the Commission.

(6) "Under the Influence of Medical Cannabis." At a level that would cause the user to be violation of current State law as it pertains to marijuana (cannabis).
Author: William H. Webster; Justin C. Aday
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538-X-2-.03 Requisite Conditions To Qualify As A Registered Qualified Patient.

(1) Before medical cannabis may be dispensed to, possessed by, or administered to a prospective patient and, if applicable, the prospective patient's caregiver, the patient and caregiver, must

be placed on the patient registry established by the Commission in accordance with the Act and this Chapter.

(2) A registered qualified patient 19 years of age or older or a registered caregiver acting on behalf of a registered qualified patient is not subject to arrest or prosecution for unlawful possession of marijuana, if (a) possessing no more than 70 daily dosages of medical cannabis for such registered qualified patient, and (b) having a valid medical cannabis card.

(3) Adult Patients

(a) A resident of this state who is 19 years of age or older is a registered qualified patient if meeting all of the following conditions:

1. Has been certified by a registered certifying physician as having a qualifying medical condition and has been recommended for the use of medical cannabis by a registered certifying physician.

2. Is registered with the Commission, having been placed on the patient registry established by the Commission in accordance with the Act and this Chapter.

3. Has been issued a valid medical cannabis card by the Commission.

(b) Upon meeting the foregoing conditions, such registered qualified patient may purchase, possess and use medical cannabis, subject to the limitations of §20-2A-30(d), Code of Ala. 1975, (as amended), relating to maximum medical dosage.

(4) Minor Patients

(a) A resident of this state who is under the age of 19 years is a registered qualified patient if meeting all of the following conditions:

1. Has been certified by a registered certifying physician as having a qualifying medical condition and has been recommended to use medical cannabis by the registered certifying physician.

2. Is registered with the Commission, having been placed on the patient registry established by the Commission in accordance with the Act and this Chapter.

3. Has a qualified caregiver who is (A) the patient's parent, legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of the minor; (B) a resident of this state; and (C)

possesses a valid caregiver's medical cannabis card issued by the Commission.

(b) Upon meeting the foregoing conditions, such minor patient may use medical cannabis obtained by a caregiver on behalf of the minor patient, but the minor patient may not purchase or possess medical cannabis. Notwithstanding the foregoing, a minor patient may not legally use medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol.

Author: William H. Webster; Justin C. Aday
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538-X-2-.04 Caregiver Qualifications.

(1) A resident of this state is a registered caregiver if he or she meets all of the following conditions:

(a) Is registered with this Commission, having been identified to a patient who has been placed on the registry established by the Commission in accordance with the Act and this Chapter.

(b) Has been issued a valid medical cannabis card by the Commission.

(c) Is at least 21 years of age or the parent or legal guardian of, and caregiver for, a registered qualified patient.

(d) Is the patient's parent, legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of a registered qualified patient.

(2) A registered caregiver described above may purchase and possess medical cannabis on behalf of a registered qualified patient to whom the registered caregiver has been identified in the patient registry and may administer medical cannabis to the patient or patients to whom the registered caregiver has been identified. A registered caregiver may not use medical cannabis unless the registered caregiver is also a registered qualified patient pursuant to r. 538-x-2-.03.

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538-X-2-.05 Patient Registration.

(1) To qualify for placement on the registry, a prospective patient must:

(a) Be an Alabama resident.

(b) Establish and maintain a bona fide physician-patient relationship with a registered certifying physician who (acting individually or through a designated representative) shall submit a complete patient registration submission.

(c) Become certified by a registered certifying physician who has diagnosed or confirmed a qualifying condition and has recommended the patient's use of medical cannabis.

(d) Consent to treatment with medical cannabis. If the patient is a minor or individual with a court-appointed legal guardian, the prospective patient's parent or legal guardian shall consent to treatment with medical cannabis.

(e) Remit to the Commission the application fee as set by the Commission.

(2) Only a patient, a patient's caregiver, or a registered certifying physician with whom a prospective patient has a bona fide physician-patient relationship (acting individually or through the physician's designated representative) shall submit the patient registration. For a registration submission related to a patient who is 19 years of age or older to be considered complete, a completed certification from a registered certifying physician, applicable patient registration fee, and the following items must be submitted to the Patient Registry, notwithstanding but in addition to any that may otherwise be required by the Board of Medical Examiners:

(a) Patient's full name, residential address, telephone number, date of birth, and electronic mailing address.

(b) If applicable, caregiver's full name, residential address, telephone number, date of birth, and electronic mailing address.

(c) Patient's government-issued identification (such as a driver's license, Alabama Identification Card or Social Security Card). Patients must present a registered certifying physician with an unexpired driver's license, unexpired Alabama Identification Card, unexpired passport, Social Security Card, Birth Certificate, or other documentation proving identity as may be approved by the Commission.

(d) A digital color photograph of the patient taken no more than 30 days prior to submission of the patient registration.

(e) Registered certifying physician's full name (first name and last name); specialty; professional entity or affiliation, if any; business street address; telephone number; and email address.

(f) Registered certifying physician's Alabama Medical Cannabis Certification Permit Identification Number and medical license number issued by the State Board of Medical Examiners.

(g) Date medical cannabis certification was issued by the registered certifying physician.

(h) Indication whether the certification is new or a renewal.

(i) The following written attestations of the prospective patient or caregiver:

1. That the registered certifying physician has explained the possible risks and benefits associated with the use of medical cannabis;

2. That the registered certifying physician has obtained the patient's or caregiver's consent to treatment with medical cannabis; and

3. That the patient has agreed to comply with the provisions of the Act and this Chapter.

(j) The following written attestations of the registered certifying physician:

1. That the prospective patient has a bona-fide patient-physician relationship with, and is currently under the care of, the registered certifying physician;

2. That the prospective patient has a qualifying medical condition under the Act; naming the condition; and if a terminal illness, specifying the terminal illness;

3. That conventional medical treatment or therapy has failed (as defined further below), or that use of cannabis is the standard of care under the circumstances;

4. That the patient is suitable to receive treatment or therapy through the use of medical cannabis;

5. That the registered certifying physician has complied with all requirements imposed by the Rules promulgated by the State Board of Medical Examiners; and

6. That the patient or caregiver has provided voluntary informed written consent as to the following matters required by §20-2A-33{5), Code of Ala. 1975, (as amended):

(i) The federal and state classification of cannabis as a Schedule I controlled substance.

(ii) The approval and oversight status of cannabis by the Food and Drug Administration.

(iii) The current state of research on the efficacy of cannabis to treat the qualifying medical condition or conditions.

(iv) The potential for addiction.

(v) The potential effect that cannabis may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require an individual to be alert or respond quickly.

(vi) The potential side effect of cannabis use.

(vii) The risks, benefits, and drug interactions of cannabis.

(viii) A statement that the use of medical cannabis could result in termination from employment without recourse and those costs may not be covered by insurance or government programs.

(ix) That the patient's de-identified health information contained in the patient's medical record, patient registry may be used for research purposes or used to monitor compliance with this Chapter, as further provided in §20-2A- 35(c}, Code of Ala. 1975, (as amended).

(k) Such other information as the Commission may reasonably require, as set forth on the patient registry form.

(3) If a prospective patient is younger than 19 years of age or has a court-appointed legal guardian, a patient registration submission is incomplete unless it is accompanied by a caregiver registration submission in accordance with the Act and this Chapter. Patients who become 19 years of age while their prior registration remains valid may apply for a new registration either immediately or in accordance with the renewal process under paragraph 9. of this rule. A submission from a patient that

includes all information found in paragraph 2. of this rule shall be considered complete.

(4) A complete patient registration submission must be received by the Commission within 60 calendar days of the date of certification by the registered certifying physician. Failure to comply with this requirement results in a "stale registration" as defined in this Chapter and renders the recommendation void.

(5) If a registration submission is determined to be inaccurate or incomplete, the Commission shall note a deficiency on the patient registry and send the prospective patient notice of the deficiency. If the deficiency is not corrected within 60 calendar days from the date the registration was submitted , the lack of progress on the submission results in a "stale registration" as defined in this Chapter and renders the recommendation void.

(6) Prospective patients must provide proof of Alabama residency to their registered certifying physician or the physician's representative during the registration submission process. Proof of Alabama residency shall include one of the following:

(a) The prospective patient's unexpired Alabama driver's license;

(b) The prospective patient's unexpired Alabama identification card issued by the Alabama Law Enforcement Agency (ALEA);

(c) The prospective patient's unexpired United States Passport demonstrating Alabama residency;

(d) A current certificate of enrollment from a qualified Alabama public or private educational institution; or

(e) Any other identification (e.g., military I.D.), proving Alabama residency as approved by the Commission.

(7) A patient registration shall be valid from the date of issuance and expire one year later.

(8) The Commission shall send a notification to each patient 45 calendar days before the expiration date on the patient's medical cannabis card.

(9) To maintain a valid patient registration, a patient must annually renew, before the expiration date stated on the patient's medical cannabis card. Renewal submissions, fees, and required documentation must be submitted not less than 14 calendar days before the expiration date on the patient's medical cannabis card. Failure to renew a patient registration will result in an automatic expiration of the medical cannabis card.

Author: William H. Webster

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538-X-2-.06 Caregiver Registration.

(1) Unless otherwise provided in paragraph 2. of this rule, only Alabama residents who are natural persons 21 years of age or older may register with the Commission to serve as a caregiver for a qualifying patient.

(2) Notwithstanding the age limitation in paragraph 1. of this rule, a minor patient's parent or legal guardian 19 years of age or older and who otherwise meets the requirements of the Act and this Chapter, may serve as the minor patient's caregiver.

(3) No person shall serve as a caregiver for any patient before registering with the Commission as provided in the Act and this Chapter.

(4) A patient shall designate no more than two caregivers. The Commission shall register no more than two caregivers for each patient.

(5) A competent adult patient may change caregivers with 14 days' written notice to the certifying physician, who (acting individually or through a designated representative) shall notify the Commission of the change on the patient registry.

(6) An individual shall serve as a caregiver for no more than three patients. Except as provided in paragraph 8. of this rule, the Commission shall associate no more than three patients for each caregiver.

(7) A caregiver must possess a medical cannabis card, and pay an application fee, for each patient for whom the caregiver provides care.

(8) Notwithstanding the limitations in paragraphs 4. and 6. of this Rule, upon a written request, the Commission may, in its discretion, permit an individual to serve as a caregiver for more than three patients and/or for a patient to designate more than two caregivers:

(a) In order to avoid unnecessary hardship to the patient or patients;

(b) Where the patients' care is being provided in a hospital, long-term care facility, or through a hospice program licensed under Alabama law; or

(c) Where the caregiver is simultaneously caring for multiple patients who reside in the same household as the caregiver.

(9) Except upon a demonstration of extraordinary circumstances and with the express permission of the Commission, an individual caregiver may not serve in such capacity as to more than ten patients simultaneously.

(10) If a patient requests permission to change a caregiver before renewal, the licensed certifying physician or the physician's representative shall note the request on the patient registry, setting forth information relating to the proposed caregiver, so as to conform with the caregiver registration requirements under the Act and this Chapter. The Commission shall approve a new caregiver only if such individual meets the requirements of the Act and this Chapter.

(11) A patient's licensed certifying physician shall not serve as the patient's caregiver.

(12) The Commission shall deny a submission for a caregiver registration if the individual identified on the submission is included in one or more of the following databases:

(a) The list of excluded individuals and entities maintained by the office of inspector general in the United States Department of Health and Human Services pursuant to 42 U.S.C. part 1320a-7 (as amended) and 42 U.S.C. part 1320c-5 (as amended) (i.e., indicating that the individual has been sanctioned for or convicted of fraud, theft or other dishonest and illegal conduct with respect to Medicare or other Government agencies related to healthcare).

(b) The Alabama Department of Human Resources' online registry of individuals who have been determined to be indicated of abuse.

(c) The state or federal sex offender registry.

(d) The Alabama Department of Correction's or U.S. Bureau of Prisons' registry of inmates and parolees.

(e) Any governmental database indicating that the health care provider seeking caregiver status has neglected or abused a patient, a long-term care facility resident, or residential care facility resident or misappropriated property of any such resident.

(13) Medical Cannabis may not be possessed by or administered to anyone other than a registered qualified patient, unless the person is a caregiver who is placed on the registry established by the Commission in accordance with the Act and this Chapter. A registered caregiver may possess and administer medical cannabis

only to those patients with whom the caregiver's registration is associated.

(14) An individual who meets the caregiver eligibility requirements under the Act and this Chapter may be registered as a caregiver if the following are electronically submitted to the Commission through the patient registry:

(a) Identification of a patient who is registered or attempting to register as a patient pursuant to the Act and this Chapter, and for whom the individual intends to serve as a caregiver;

(b) Completed caregiver registration information entered into the patient registry in accordance with paragraph 14 of this rule; and

(c) Required application fee as set by the Commission.

(15) Only the caregiver, or a licensed certifying physician with whom the patient or prospective patient has a bona fide physician-patient relationship, or the physician's representative, may submit the caregiver's registration. For a caregiver's registration submission to be considered complete, the applicable caregiver registration fee, all of the information supplied as to patients as set forth in 538-x-.05-2. of this Chapter, as well as the following items must be submitted to the Commission in a manner suitable to the Commission:

(a) The full name, residential address, telephone number, date of birth, and email address of the caregiver and the associated patient.

(b) Associated patient's registration number issued by the Commission, if available.

(c) Caregivers government-issued identification number (such as a driver's license number, Alabama Identification Card number or Social Security Number). Caregivers must present a registered certifying physician with an unexpired driver's license, unexpired Alabama Identification Card, unexpired passport, Social Security Card, Birth Certificate, or other documentation proving identity as may be approved by the Commission.

(d) A digital color photograph of the caregiver taken no more than 30 days prior to submission of the caregiver registration.

(e) Indication whether the caregiver certification is new or a renewal.

(f) The following written attestations of the prospective caregiver:

1. That the registered certifying physician has explained the possible risks and benefits associated with the use of medical cannabis;

2. That the registered certifying physician has obtained the caregiver's consent to treat the patient with medical cannabis; and

3. That the caregiver has agreed to comply with the provisions of the Act and this Chapter.

(g) The following written attestations of the registered certifying physician as to the caregiver, in addition to those relating to the patient under paragraph 2.j. of Rule 538-X-2-.05:

1. That the caregiver is suitable to the patient's treatment or therapy through the use of medical cannabis; and

2. That the caregiver, on behalf of the patient, has provided voluntary informed written consent as to the following matters required by §20-2A-33(5), Code of Ala. 1975, (as amended):

(i) The federal and state classification of cannabis as a Schedule I controlled substance.

(ii) The approval and oversight status of cannabis by the Food and Drug Administration.

(iii) The current state of research on the efficacy of cannabis to treat the qualifying medical condition or conditions.

(iv) The potential for addiction.

(v) The potential effect that cannabis may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require an individual to be alert or respond quickly.

(vi) The potential side effect of cannabis use.

(vii) The risks, benefits, and drug interactions of cannabis.

(viii) A statement that the use of medical cannabis could result in termination from employment without recourse.

(ix) A statement that the costs associated with the patient's use of medical cannabis may not be covered by insurance or government assistance programs.

(x) That the patient's de-identified health information contained in the patient's medical record within the patient registry may be used for research purposes or used to monitor compliance with this chapter, as further provided in §20-2A-35(c), Code of Ala. 1975, (as amended).

(h) Such other information as the Commission may reasonably require.

(16) All prospective caregivers shall attest to the following:

(a) That the prospective caregiver meets the qualifications for a caregiver set forth in Rule 538-X-2-.04;

(b) That the registered certifying physician has explained to the caregiver the possible risks and benefits associated with the use of medical cannabis;

(c) That the prospective caregiver agrees to serve as the caregiver for the patient identified on their registry submission;

(d) That the prospective caregiver agrees to control the dosage and frequency of the use of medical cannabis in accordance with any instruction for use provided by the certifying physician; and

(e) That the prospective caregiver agrees to comply with the Act and this Chapter.

(f) If the patient is under the age of 19, that the prospective caregiver understands the information provided by the certifying physician and knowingly consents to the use of medical cannabis by the patient.

(17) A caregiver registration shall be valid from the date of issuance and expire one year later.

(18) The Commission shall send a notification to each caregiver 45 calendar days before the expiration date on the caregiver's medical cannabis card.

(19) To maintain a valid caregiver registration, a caregiver must annually renew the caregiver registration submission, in

accordance with this Rule. Renewal applications, fees, and required documentation must be submitted no less than 14 calendar days before the expiration of the caregiver's medical cannabis card.
Author: William H. Webster
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538-X-2-.07 Purchase Of Medical Cannabis By Patients And Caregivers.

(1) A patient or caregiver may only purchase medical cannabis pursuant to a valid and active medical cannabis card, which may be tangible or virtual, demonstrating certification by a registered certifying physician pursuant to the Act and this Chapter.

(2) Patients under 19 years of age shall be issued a medical cannabis card identifying them as a minor, and such patients are prohibited from purchasing medical cannabis except through a caregiver.

(3) Requiring patients and caregivers to possess a medical cannabis card lawfully obtained pursuant to the Act and this Chapter does not infringe on the cardholder's state or federal constitutional rights.(§20-2A-11, Code of Ala. 1975, (as amended)).

(4) Upon entry into a dispensing site and before purchasing medical cannabis, patients and caregivers must provide their medical cannabis card; at the discretion of the dispensary or integrated facility operating the dispensing site, patients and caregivers also may be asked to provide additional photo or other approved identification, including an unexpired Alabama driver's license, an unexpired Alabama identification card issued by ALEA; passport; or any other identification proving identity as approved by the Commission.

(5) Any persons, including children or guests of patients or caregivers, who are unable to provide a medical cannabis card matching a valid patient registry profile, or who are unable to provide, upon request, additional identification to the satisfaction of dispensing site personnel, are prohibited from entering the dispensing site. This rule does not apply to employees, representatives of other licensees, Commission members or personnel or inspectors, third parties visiting the dispensing site at the request of the Commission or the licensee, or who are entering the facility for the purpose of performing repairs or maintenance at the dispensing site.

(6) The identification number on the medical cannabis card provided to a dispensary employee must be identical to the identification number included in the patient or caregiver's profile in the patient registry.

(7) Before purchasing medical cannabis, patients and caregivers must provide the dispensing employee their medical cannabis card; at the discretion of the dispensing site, they also may be asked to provide additional identification as described in paragraph 4. of this rule.

(8) A registered certifying physician does not prescribe medical cannabis but merely sets a recommended form of intake (i.e., oral tablet, capsule, tincture, inhaler, lotion, etc.) and THC content, up to a maximum daily dosage of medical cannabis for the patient based on the patient's diagnosis, qualifying medical condition, age, size, and other individual factors. Such determinations as to form and THC content to be recommended shall be exclusively the province of the registered certifying physician, up to the maximum daily dosage allowed by law, as described in paragraph 9 of this rule.(§20-2A-33(f)(1), Code of Ala. 1975, (as amended)).

(9) Dosages of medical cannabis purchased by a patient or caregiver shall be limited to the lower of the maximum daily dosage recommended for the patient by the licensed certifying physician, or the maximum daily dosage permitted by law under the Act and this Chapter:

(a) As to all patients, regardless of the form of administration or the patient's condition or individual factors, the initial maximum daily dosage recommended by the registered certifying physician may be lower than, but shall not exceed, 50 mg of delta-9 THC.

(b) A registered certifying physician who initially sets the maximum daily dosage at a level lower than 50 mg of delta-9 THC may increase the maximum daily dosage, to an amount less than or equal to 50 mg delta-9 THC, subject to subparagraph c., at any time upon review with the patient during a follow-up visit.

(c) If 90 days have passed during which the patient has been unsuccessfully treating with medical cannabis while under the registered certifying physician's care, and the registered certifying physician determines that a higher dosage of medical cannabis, up to 75 mg of delta-9 THC is medically appropriate, a registered certifying physician may increase the maximum daily dosage beyond 50 mg of delta-9 THC, but not to exceed 75 mg of delta-9 THC. (§20-2A-33(f)(2)a., Code of Ala. 1975, (as amended)).

(d) A registered certifying physician may increase the maximum daily dosage beyond 75 mg of delta-9 THC at any time the

patient has been diagnosed with a terminal illness, but only after the registered certifying physician notifies the patient that the patient's driver's license will be suspended. (§ 20-2A-33(f)(2)b., Code of Ala. 1975, (as amended)).

(e) A registered certifying physician may not lawfully recommend the use of medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol to any minor for any qualifying medical condition. A minor may not legally use medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol, whether or not the minor has a valid medical cannabis card. The caregiver of a minor who holds a medical cannabis card may not legally possess medical cannabis with a potency greater than three percent {3%) tetrahydrocannabinol, unless the caregiver holds a medical cannabis card based on their own qualifying medical condition or holds a caregiver medical cannabis card on behalf of a patient who is not a minor.

(10) *Purchase Period; Purchase Limit; Possession Limit.*

(a) *Definitions*. For purposes of this rule, the following terms shall have the following meanings:

(i) "Purchase period." A period beginning on, and inclusive of, the date of purchase of medical cannabis by a registered qualified patient or registered caregiver, with a valid current physician certification, who has made no purchase of medical cannabis within the previous sixty (60) days, and expiring sixty (60) days thereafter.

(ii) “Renewal purchase period.” A purchase period which shall begin no earlier than the day after the expiration of a prior purchase period.

(b) The number of daily dosages of medical cannabis that may be purchased by a patient or caregiver at one time shall be limited to the difference between the number of days remaining in the purchase period and the number of daily dosages the patient or caregiver has purchased during the purchase period.

(c) Notwithstanding the foregoing, not more than 10 days before the expiration of a purchase period, inclusive of the expiration date, a registered qualified patient or registered caregiver with a valid current physician certification may purchase medical cannabis in a renewal purchase period in accordance with part (b) of this subsection.

(d) At no time may a registered qualified patient or registered caregiver possess more than 70 daily dosages of medical cannabis.

Author: William H. Webster; Justin C. Aday
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538-X-2-.08 Restrictions On Patients And Caregivers.

(1) Patient and caregiver registrations are non-transferrable.

(2) Patients and caregivers shall not engage in the cultivation of medical cannabis or the manufacture of medical cannabis extract. Registration as a patient or caregiver is not a license under the Act or this Chapter to cultivate, produce, transport, or dispense medical cannabis.

(3) No patient or caregiver shall provide or accept samples of medical cannabis.

(4) Patients and caregivers shall purchase medical cannabis only from a certified medical cannabis dispensing site operated by a dispensary or integrated facility licensed by the Commission.

(5) Patients and caregivers shall store medical cannabis in a secure location so as to prevent theft, loss, or access by persons not authorized under the Act and this Chapter.

(6) Patients and caregivers shall carry their medical cannabis cards with them whenever they are in possession of medical cannabis. No more than a 70-day supply of medical cannabis, as then recommended by the patient's registered certifying physician, may be possessed by or on behalf of a single patient at any time.

(7) Medical cannabis shall be maintained in one of the following containers at all times until administered to, or by, a patient:

(a) The original dispensing package with an unaltered dispensary label in accordance with the Act and these Rules; or

(b) A container for storing medical cannabis provided by a dispensary or integrated facility in accordance with the Act and these Rules.

(8) Medical cannabis shall not be possessed or administered on federal property or in federal buildings.

(9) Medical cannabis shall not be possessed or administered at state or federal correctional detention facilities, including but not limited to prisons and juvenile detention centers.

(10) Medical cannabis shall not be possessed or administered in any public or private place where medical cannabis is prohibited.

(11) Medical cannabis shall not be administered or possessed outside of its packaging on the premises of a dispensing site or any other licensed facility under the Act or these Rules.

(12) No patient shall operate a motor vehicle, watercraft, heavy machinery, or aircraft while under the influence of medical cannabis.

(13) A caregiver may receive compensation for services provided as a caregiver in addition to reimbursement for reasonable expenses incurred in the provision of services as a caregiver.

(14) The Commission shall notify patients and caregivers upon the expiration of the patient's or caregiver's registration, or if the patient's registration is suspended or revoked. In such event, patients, caregivers and, in the event of death, personal representatives of patients and caregivers, shall dispose of all medical cannabis within seven calendar days after the patient's death or expiration of their registration. Acceptable methods for the disposal of medical cannabis shall be available at the Commission's website.

(15) An Alabama Medical Cannabis Card is valid only within the State of Alabama and may only be issued to and used by Alabama Residents as defined in these Rules.

(16) Alabama Medical Cannabis Cards may not be obtained or used by non-residents, even though the non-resident is present in Alabama or is eligible to receive cannabis in any form for any reason under the laws of another jurisdiction.
Author: William H. Webster
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538-X-2-.09 Voluntary Relinquishment Or Termination Of Medical Cannabis Card.

(1) At any time, a patient or caregiver may voluntarily relinquish their certification as such by written notification to the certifying physician or the Commission.

(2) The registered certifying physician or the physician's designated representative shall inform the Commission by notation on the patient registry within 72 hours of (1) receiving written notification of the patient's or caregiver's decision to voluntarily relinquish the patient's or caregiver's medical cannabis certification; (2) determining that a patient is no longer under a diagnosis of a qualifying condition; (3) being notified of the death of the patient or caregiver; or (4) learning that the caregiver has quit, been terminated, or for any other

reason is no longer acting as caregiver with respect to the patient.

(3) A patient or caregiver may, upon learning from a licensed certifying physician that the patient no longer has a diagnosis of a qualifying condition:

(a) Inform the Commission, by notation on the patient registry, of the patient's intention to dispute or obtain documentation of an alternate qualifying condition (resulting in the suspension and not the revocation of the patient's certification);

(b) Obtain and cause to be submitted, within 30 days, documentation from another qualified licensed certifying physician that, despite the prior physician's change in diagnosis, the patient has a diagnosis of a qualifying condition; however, failure to submit the required documentation within 30 days shall result in the revocation of the patient's certification, thereafter requiring full documentation and payment of the application fee to resubmit.

(4) No patient or caregiver may maintain an active registration (as demonstrated by a valid medical cannabis card) without an active diagnosis of a qualifying medical condition as provided in the Act or these Rules. Medical cannabis shall not be purchased or otherwise obtained without an active certification from a licensed certifying physician as demonstrated by a valid medical cannabis card. A suspended certification prohibits the patient or caregiver from possessing, ingesting, administering, or purchasing medical cannabis.

(5) If a patient's medical cannabis card has been suspended or revoked, the medical cannabis card of the patient's caregiver applicable to that patient if any, likewise shall be suspended or revoked.

Author: William H. Webster; Justin C. Aday
Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: New Rule: Published August 31, 2022; effective October 15, 2022. **Amended:** Published May 31, 2024; effective July 15, 2024.

538-X-2-.10 Circumstances Requiring Notice To The Commission.

(1) A patient or caregiver must notify the Commission within ten (10) days of becoming aware that the patient's or caregiver's medical cannabis card has been lost or stolen, used fraudulently or has otherwise been accessed without authorization. After notification that a medical cannabis card has been lost, stolen, or used fraudulently or has otherwise been accessed without authorization, the Commission may, pursuant to the provisions of

this Chapter and the patient's or caregiver's payment of the medical cannabis card replacement fee provided in the Commission's schedule of fees, issue a new medical cannabis card with a new registry number.

(2) If a patient is deceased, the patient's physician, caregiver, if any, or a legal representative of the patient, shall notify the Commission as soon as possible but not later than 72 hours of learning of the patient's death.

(3) A patient or caregiver shall report to the Commission within 14 calendar days an arrest, conviction or pendency of the following charges against the patient or caregiver:

(a) Any felony offense under the laws of Alabama;

(b) Any felony offense under federal law;

(c) Any crime under the laws of another jurisdiction that would constitute a felony offense under the laws of Alabama;

(d) Any misdemeanor offense under the laws of Alabama, federal law, or the laws of another jurisdiction involving the possession, use, or distribution of illegal drugs; the operation of a motor vehicle, watercraft, or aircraft while under the influence of an illegal substance; or any crime involving fraud, theft, violence, abuse or neglect.

(4) If a patient has a caregiver, that caregiver may provide any required notification to the Commission on behalf of the patient using the same forms and process in accordance with the Act and this Chapter.

(5) A patient or caregiver must notify the Commission of any change in information (other than a change in qualifying medical condition or as set forth above} previously provided to the Commission, not later than72 hours after learning of such change.
Author: William H. Webster; Justin C. Aday
Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: **New Rule:** Published August 31, 2022; effective October 15, 2022. **Amended:** Published April 30, 2026; effective June 14, 2026.

538-X-2-.11 Sanctions.

(1) The Commission, after notice and hearing in accordance with the Act and these Rules, may impose any one or more of the following sanctions on a patient or caregiver if the Commission finds the individual engaged in any of the conduct set forth in paragraph 2. of this rule:

(a) Revoke, suspend, restrict, limit, or refuse to grant or renew the patient's or caregiver's medical cannabis card;

(b) Place the patient or caregiver on probation for a period not longer than one year; or

(c) Issue a written reprimand to the patient or caregiver and include a notation of the reprimand in the patient registry.

(2) The Commission may impose the sanctions listed in paragraph 1. of this rule if the Commission finds:

(a) The prospective patient or caregiver fails to meet the requirements set forth in the Act and this Chapter;

(b) Any information provided to the Commission by the patient or caregiver was false or misleading;

(c) The prospective patient's or caregiver's registration submission is, or at any time has been, revoked, suspended, or denied by another jurisdiction;

(d) The applicant is a prospective caregiver who has attempted to or did serve as a caregiver for an impermissible number of patients;

(e) The caregiver's patient had their patient registration suspended, revoked, or inactivated and the caregiver failed to voluntarily relinquish their caregiver registration;

(f) The prospective caregiver attempted to register to serve as a caregiver for a patient whose medical cannabis card or registration has been denied or suspended, either in Alabama or under the laws of another jurisdiction;

(g) The patient (1) obtained more than the legally permissible supply of medical cannabis during a 60-day period or (2) possessed more than 70 days' supply of medical cannabis at any one time. A legally permissible supply includes the aggregate amount of medical cannabis obtained by all the patient's caregivers;

(h) The caregiver obtained more than the legally permissible supply of cannabis in a 60- day period on behalf of a single patient;

(i) The patient is no longer diagnosed with a qualifying condition and the patient or caregiver has failed to voluntarily relinquish the patient's registration and return the medical cannabis card or obtain another diagnosis and provide proper documentation as required by the Act and this Chapter;

(j) The patient or caregiver failed to report any changes in any information related to the patient or caregiver, other than a change in medical condition, required under the Act and this Chapter within 72 hours of learning of such change;

(k) The patient or caregiver failed to report actual knowledge of any act or omission by any individual or entity whereby cannabis or medical cannabis was being illegally diverted in violation of the Act or these Rules;

(l) The patient or caregiver used or maintained medical cannabis in a manner that puts others at risk or failed to take reasonable precautions to avoid putting others at risk;

(m) The patient or caregiver sold, gave, dispensed or administered a patient's medical cannabis to any other person (i.e., diverted cannabis), including other patients or caregivers);

(n) The patient or caregiver allowed another person to use the patient's or caregiver's medical cannabis card;

(o) The patient's or caregiver's medical cannabis card or registration was fraudulently used or improperly accessed by a person without authorization and the patient or caregiver failed to notify the Commission within 72 hours of learning that the card or registry was accessed without authorization;

(p) The patient consumed medical cannabis using a method of administration that is not permitted by the Act or this Chapter;

(q) A caregiver administered medical cannabis to a patient using a method of administration that is not permitted under the Act or this Chapter.

(r) The patient consumed, or the caregiver allowed medical cannabis to be consumed, in a place where consumption is prohibited by the Act or this Chapter;

(s) The patient or caregiver tampered with, falsified, altered, modified or allowed another person to tamper with, falsify, alter or modify, a patient's or caregiver's medical cannabis card;

(t) The patient operated a motor vehicle, watercraft, heavy machinery, or aircraft under the influence of medical cannabis;

(u) The patient or caregiver attempted to or did grow or cultivate, process, or transport cannabis contrary to the Act, these Rules and/or other Alabama law (i.e., illicit cannabis);

(v) The patient or caregiver knowingly misrepresented any fact or circumstance related to the medical use of cannabis to the Commission, law enforcement, licensed certifying physician, or a dispensary employee.

Author: William H. Webster
Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: **New Rule:** Published August 31, 2022; effective October 15, 2022.

538-X-2-.12 Involuntary Suspension Of Certification.

(1) The Commission, acting as a body or through its agents, may suspend a patient's or caregiver's certification to hold a medical cannabis card by using a telephone or video conference call to review the allegations and make its determination. The Commission shall endeavor to hold the telephone or video conference at a mutually agreeable time. The patient's or caregiver's failure to appear for a telephone or video conference call required by the Commission or its agents shall be deemed evidence to support the contemplated suspension. If the Commission, acting as a body or through its agents, in consultation with the recommending physician, determines that there is clear and convincing evidence that the patient's or caregiver's medical cannabis card is being abused, such that continuing to furnish or dispense medical cannabis to the patient or caregiver, presents a danger of immediate and serious harm to the patient, caregiver, or to others, the Commission may suspend the individual's certification without a hearing, pending final adjudication to determine whether permanent sanctions as set forth in this Chapter are appropriate.

(2) Except as stated above, the Commission shall follow the procedure for suspension of a medical cannabis card only upon holding a hearing as set forth in Chapter 1 of these Rules. The suspension shall remain in effect, unless removed by the Commission, until the Commission's final adjudication order becomes effective, except that if the Commission does not issue its final adjudication order within ninety days after the hearing, the suspension shall thereafter be void.

Author: William H. Webster
Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: **New Rule:** Published August 31, 2022; effective October 15, 2022.

538-X-2-.13 Confidential Information.

Any document that is a patient record or that contains information that is required to be kept confidential according to any state or federal law, for purposes of the administrative hearing only, may be provided to a representative of record or to a witness in any

proceedings before the Commission or any appeal or other administrative or judicial proceedings arising therefrom. Confidential information may also be provided in response to a judicial order or a subpoena by any party issued from a court of competent jurisdiction. Except as stated herein, confidential information shall not be disseminated to any other person unless the confidential information is redacted.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.