

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, March 22, 2024, and filed with the agency secretary on Monday, April 8, 2024.

AGENCY NAME: Alabama Board of Medical Examiners

INTENDED ACTION: Amend

RULE NO.: 540-X-25-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Preamble

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes. No comments received

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 4, AAM, DATED WEDNESDAY, JANUARY 31, 2024.

STATUTORY RULEMAKING AUTHORITY: Ala. Code §§ 20-2A-1 et seq; 34-24-53; 34-24-53.1

(Date Filed)
(For LRS Use Only)

REC'D & FILED
APR 9, 2024
LEGISLATIVE SVC AGENCY

William M. Perkins

William M Perkins

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

540-X-25-.01 Preamble.

This Chapter implements the provisions of the Darren Wesley "Ato" Hall Compassion Act (Act 2021-450; Code of Ala. 1975, §§20-2A-1, et. seq.) relating to the physician recommendation of medical cannabis. This Chapter shall establish the eligibility requirements and process for a licensed physician to qualify as a registered certifying physician. This Chapter will also establish the requirements for a registered certifying physician to issue a physician certification for a patient to use medical cannabis. Nothing in this Chapter shall overrule, modify, or replace the Board's regulations on prescribing controlled substances and standards for pain management services, as these regulations also apply to a physician's recommendation of medical cannabis. In particular, physicians should exercise diligence in utilizing the Board's Risk and Abuse Mitigation Strategies contained in Ala. Admin. Code r. 540-X-4-.09. Even though a physician's recommendation or certification of a patient's use of medical cannabis is not a prescription, given the same risks for abuse and diversion, the Board expects the same standard of care and discretion to be observed by physicians as would be for any other treatment utilizing controlled substances.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-53, 34-24-53.1; Act 2021-450, (Code of Ala. 1975, §§20-2A-1, et. seq.).

History: New Rule: Published March 31, 2022; effective May 15, 2022. **Amended:** Published April 30, 2024; effective June 14, 2024.