

**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-.02

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(6), (18), (27)**

RULE TITLE: Definitions

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-.02 Definitions.

The following definitions shall apply to the rules in this chapter:

- (1) AMCC. The Alabama Medical Cannabis Commission created pursuant to Code of Ala. 1975, §20-2A-20.
- (2) BOARD. The Alabama State Board of Medical Examiners.
- (3) CANNABIS. All parts of any plant of the genus cannabis, excluding industrial hemp or hemp regulated under Code of Ala. 1975, §§2-8-380, et. seq., whether growing or not, including the seeds, extractions of any kind from any part of the plant, and every compound, derivative, mixture, product, or preparation of the plant.
- (4) CERTIFY. To confirm or diagnose through a medical examination in compliance with these rules that a patient has a qualifying medical condition that conventional medical treatment or therapy has failed to treat or for which medical cannabis is indicated by the current standard of care.
- (5) CHRONIC PAIN. A state in which pain persists beyond the usual course of an acute disease or healing of an injury (e.g., more than three (3) months), and which may or may not be associated with an acute or chronic pathological process that causes continuous or intermittent pain over a period of months or years.
- (6) CULTIVATOR. An entity licensed by the Department of Agriculture and Industries or the AMCC under Code of Ala. 1975, §20-2A-62 authorized to grow cannabis pursuant to Code of Ala. 1975, §§20-2A-1, et. seq.
- (7) DAILY DOSAGE. The total amount of one or more cannabis derivatives, including, but not limited to, cannabidiol and tetrahydrocannabinol, which may be present in a medical cannabis product that may be ingested by a registered qualified patient during a 24-hour period, as determined by a registered certifying physician.
- (8) DISPENSARY. An entity licensed by the AMCC under Code of Ala. 1975, §§20-2A-64 authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Code of Ala. 1975, §§20-2A-1, et. seq.
- (9) DISPENSING SITE. A site operated by a dispensary licensee or an integrated facility licensee.
- (10) ECONOMIC INTEREST. The rights to either the capital or profit interests of an applicant or licensee or, if the applicant or licensee is a corporation, the rights to some portion of all classes of outstanding stock in the corporation.
- (11) INTEGRATED FACILITY. An entity licensed under Section 20-2A-67 authorized to perform the functions of a

cultivator, processor, secure transporter, and dispensary pursuant to Article 4.

(12) INTRACTABLE PAIN. Chronic pain for which, in the generally accepted course of medical practice, the cause cannot be removed or otherwise treated.

(13) LICENSEE OF THE AMCC. Any person, business, or other entity possessing, or seeking to obtain, a license issued by the Alabama Medical Cannabis Commission; including, but not limited to, a cultivator, dispensary, integrated facility, processor, or secure transporter.

(14) MEDICAL CANNABIS. A medical grade product that contains a derivative of cannabis for medical use by a registered qualified patient and is in a form set forth in Code of Ala. 1975, §20-2A-3(14)a. and shall not include any of the forms prohibited by Code of Ala. 1975, §20-2A-3(14)b.

(15) MEDICAL CANNABIS CARD. A valid card issued pursuant to Code of Ala. 1975, §20-2A-35.

(16) MEDICAL USE or USE OF MEDICAL CANNABIS or USE MEDICAL CANNABIS. The acquisition, possession, use, delivery, transfer, or administration of medical cannabis authorized by Code of Ala. 1975, §§20-2A-1, et. seq. These terms do not include possession, use, or administration of cannabis that was not purchased or acquired from a licensed dispensary.

(17) PATIENT REGISTRY. The Alabama Medical Cannabis Patient Registry System that is an electronic integrated system that tracks physician certifications, patient registrations, medical cannabis cards, the daily dosage and type of medical cannabis recommended to qualified patients by registered certifying physicians, and the dates of sale, amounts, and types of medical cannabis that were purchased by registered qualified patients at licensed dispensaries.

(18) PATIENT CAPABLE OF CONCEPTION. A patient possessing female reproductive organs who is between eleven (11) and fifty (50) years of age, excluding any patient who the registered certifying physician has confirmed to have had a hysterectomy or tubal ligation.

(19) PHYSICIAN CERTIFICATION. A registered certifying physician's authorization for a registered qualified patient to use medical cannabis.

(20) PROCESSOR. An entity licensed by the AMCC under Code of Ala. 1975, §20-2A-63 authorized to purchase cannabis from a cultivator and extract derivatives from the cannabis to produce a medical cannabis product or products for sale and transfer in packaged and labeled form to a dispensing site pursuant to Code of Ala. 1975, §§20-2A-1, et. seq.

(21) QUALIFYING MEDICAL CONDITION. Any of the following conditions or symptoms of conditions, but only after documentation indicates that conventional medical treatment or therapy has failed unless current medical treatment

indicates that use of medical cannabis is the standard of care:

- (a) Autism Spectrum Disorder (ASD).
 - (b) Cancer-related cachexia, nausea or vomiting, weight loss, or chronic pain.
 - (c) Crohn's Disease.
 - (d) Depression.
 - (e) Epilepsy or a condition causing seizures.
 - (f) HIV/AIDS-related nausea or weight loss.
 - (g) Panic disorder.
 - (h) Parkinson's disease.
 - (i) Persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid hyperemesis syndrome.
 - (j) Post Traumatic Stress Disorder (PTSD).
 - (k) Sickle Cell Anemia.
 - (l) Spasticity associated with a motor neuron disease, including Amyotrophic Lateral Sclerosis (ALS).
 - (m) Spasticity associated with Multiple Sclerosis (MS) or a spinal cord injury.
 - (n) A terminal illness.
 - (o) Tourette's Syndrome.
 - (p) A condition causing chronic or intractable pain in which conventional therapeutic and opiate therapy is contraindicated or has proved ineffective.
- (22) RECOMMEND. To authorize the daily dose and type of medical cannabis to be used by a registered qualified patient to treat a qualifying medical condition.
- (23) REGISTERED CAREGIVER. An individual who meets the requirements described in subsection (c) of Code of Ala. 1975, §20-2A-30 and is authorized to acquire and possess medical cannabis and to assist one or more registered qualified patients with the use of medical cannabis.
- (24) REGISTERED CERTIFYING PHYSICIAN. A physician authorized by the Board to certify patients for the use of medical cannabis.
- (25) REGISTERED QUALIFIED PATIENT. Either of the following:
- (a) An adult who meets the requirements described in subsection (a) of Code of Ala. 1975, §20-2A-30 and is authorized to acquire, possess, and use medical cannabis pursuant to Code of Ala. 1975, §§20-2A-1, et. seq.
 - (b) A minor who meets the requirements described in subsection (b) of Code of Ala. 1975, §20-2A-30 and is authorized to use medical cannabis pursuant to this chapter with the assistance of a registered caregiver.
- (26) SECURE TRANSPORTER. An entity licensed by the AMCC under Code of Ala. 1975, §20-2A-65 authorized to transport

cannabis or medical cannabis from one licensed facility or site to another licensed facility or site.

(27) TELEMEDICINE. A form of telehealth referring to the provision of medical services by a physician at a distant site to a patient at an originating site via asynchronous or synchronous communications, or other devices that may adequately facilitate and support the appropriate delivery of care. The term includes digital health but does not include incidental communications between a patient and a physician.

(28) TERMINAL ILLNESS. An illness or physical condition which can reasonably be expected to result in death in six (6) months or less after the date of the certification.

(29) UNRESTRICTED. When referring to a license to practice medicine or osteopathy, an Alabama Controlled Substance Certificate (ACSC) registration, or a Drug Enforcement Administration (DEA) registration, shall mean a license, certificate, or registration which is unencumbered by any restriction or condition or which is otherwise not subject to current discipline, and which has not been revoked, suspended, placed on probation, or voluntarily surrendered within the past five (5) years.

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.