

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 540
Department or Agency: Alabama Board of Medical Examiners
Rule No.: 540-X-25-.04
Rule Title: Requirements For Initial Application For Alabama Medical Cannabis Certification Permit
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

William M. Perkins
William M Perkins

Date

Friday, January 19, 2024

REC'D & FILED
JAN 19, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-25-.04 Requirements For Initial Application For
Alabama Medical Cannabis Certification Permit

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend to clarify the requirement of proof of registration or intent to register with the AMCC; clarify no physician permit will be issued until the AMCC has issued certain licenses.

This amendment meets the "protection of public health" exemption from the moratorium on rule amendments contained in Governor Ivey's Executive Order No. 735, Reducing "Red Tape" on Citizens and Businesses.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (bme@albme.gov), until and including March 6, 2024. Persons wishing to submit data, views, or comments in person should contact Carla Kruger by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, March 6, 2024

CONTACT PERSON AT AGENCY:

Carla Kruger

William M. Perkins

William M Perkins

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**Requirements For Initial Application For
Alabama Medical Cannabis Certification Permit.**

(1) To obtain an Alabama Medical Cannabis Certification Permit, a physician applicant shall submit the following to the Board:

(a) A completed application on a form prescribed by the Board.

(b) Proof of an active, unrestricted license to practice medicine or osteopathy in Alabama.

(c) Proof of an active, unrestricted Alabama Controlled Substances Certificate (ACSC).

(d) Proof of an active, unrestricted, Alabama-specific DEA registration.

(e) Proof of a current registration to query the Alabama Prescription Drug Monitoring Program (PDMP) that is established and maintained by the Alabama Department of Public Health.

(f) Proof of a current registration, or immediate intent to register, with the Alabama Medical Cannabis Patient Registry System that is established and maintained by the AMCC.

(g) Proof of completion of a four (4) hour course related to medical cannabis, and a passing grade on a subsequent examination, which has been approved by the Board and offered by a multi-specialty statewide professional organization of physicians in this state that is recognized to accredit intrastate organizations to provide AMA PRA Category 1 Credit™.

(h) The disclosure of any controlled substances certificate or registration denial, restriction, or discipline imposed on the physician applicant, or any disciplinary act against any medical or other professional license of the physician applicant.

(i) A list of all practice locations and/or addresses from which the physician applicant may certify or recommend a patient for the use of medical cannabis.

(j) An initial/reinstatement application fee of three hundred dollars (\$300), which shall be payable to the Board and non-refundable upon submission. An initial/reinstatement application fee is non-transferable.

(2) If a physician applicant does not complete the initial application process within ninety (90) days of his or her first submission to the Board, the application shall be closed, the application fees shall not be refunded or transferred, and the applicant shall be required to reapply for a permit.

(3) An application which is submitted to the Board may be withdrawn at any time prior to the granting or denial of registration; however, the application fees shall not be refunded or transferred.

(4) All initial applications for an Alabama Medical Cannabis Certification Permit are subject to approval by the voting

members of the Board and may not be issued on a temporary or preliminary basis.

(5) No Alabama Medical Cannabis Certification Permit shall be issued until the AMCC has issued at least one license each for a cultivator, a processor, a secure transporter, and a dispensary or has issued at least one license for an integrated facility.

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 _____; effective _____.