

**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-.09

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(1), (2), (3), (10), (14)**

RULE TITLE: Limitations Upon Registered Certifying Physicians

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.)

Limitations Upon Registered Certifying Physicians.

(1) Except for the limited purpose of performing a medical cannabis-related study, a registered certifying physician shall not accept, solicit, or offer any form of remuneration from or to a qualified patient, designated caregiver, or any licensee of the AMCC, including a principal officer, board member, agent, or employee of the licensee, to certify a patient, other than accepting payment from a patient for a fee, not to exceed that which is customarily charged in the locality for physician services, associated with the examination, medical consultation, or other treatment, including, but not limited to, any third party reimbursement for the same.

(2) A registered certifying physician shall not accept, solicit, or offer any form of remuneration from or to a dispensary for the purpose of referring a patient to a specific dispensary.

(3) A registered certifying physician shall not offer a discount or any other item of value to a qualified patient who uses or agrees to designate a specific registered caregiver or use a specific dispensary to obtain medical cannabis.

(4) A registered certifying physician shall not hold a direct or indirect economic interest in a licensee of the AMCC.

(5) A registered certifying physician shall not serve on the Board of Directors or as an employee of a licensee of the AMCC.

(6) A registered certifying physician shall not refer qualified patients to a specific caregiver or a specific dispensary.

(7) A registered certifying physician shall not advertise in a dispensary.

(8) A registered certifying physician, or any practice, facility, business, or other entity with which they are affiliated, shall not advertise on a website, in brochures, or via any other media that generally describe the scope of practice of the physician as a "medical cannabis" or "medical marijuana" physician or doctor, or otherwise advertises his or her status as a registered certifying physician, other than stating the following: "Dr. _____ is qualified by the State of Alabama to certify patients for medical cannabis use under the Alabama Compassion Act."

(9) A registered certifying physician shall not be located in the same office space as a dispensary or a dispensing site.

(10) A registered certifying physician shall not certify or recommend, or recertify or re-recommend a patient for the use of medical cannabis unless both the registered certifying physician and the patient are physically located in Alabama, and any examination, visit, or other consultation occurs while both parties are physically located in Alabama.

(11) At all times in the certification or recommendation of medical cannabis, a registered certifying physician shall only evaluate, diagnose, or certify those qualifying medical

conditions for which he or she possesses the education, training, experience, and specialty training to evaluate, diagnose, or treat in his or her usual medical practice. A physician who recommends medical cannabis to a patient for treatment of a qualifying medical condition that the physician is not trained to treat with conventional medical treatment shall be in violation of these rules.

(12) A registered certifying physician is strictly prohibited from certifying or recommending, or recertifying or re-recommending, the use of medical cannabis to any patient who is pregnant, breastfeeding, or attempting to conceive.

(13) A registered certifying physician is prohibited from certifying or recommending, or recertifying or re-recommending, the use of medical cannabis to any patient who has been diagnosed with a condition for which cannabis is contraindicated under the current standard of care or by evidence-based research.

(14) A registered certifying physician is prohibited from utilizing any form of telemedicine when certifying or recommending, or recertifying or re-recommending, a patient for the use of medical cannabis, or when conducting any examination associated therewith.

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.