

**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 Thursday, September 12, 2024, and filed with the agency secretary on Thursday, September 12, 2024.

AGENCY NAME: Alabama Medical Cannabis Commission

INTENDED ACTION: Amend

RULE NO.: 538-X-3-.10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **Paragraph (3)**

RULE TITLE: Processing And Evaluation Of Applications

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

Adopted without changes. None

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 10, AAM,
DATED WEDNESDAY, JULY 31, 2024.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, §20-2A-22, as amended.

(Date Filed)
(For LRS Use Only)

REC'D & FILED
SEP 12, 2024
LEGISLATIVE SVC AGENCY

John McMillan

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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.)

538-X-3-.10**Processing And Evaluation Of Applications.**

(1) Review. The Commission, one or more independent consultants selected by the Commission, or a combination of the two, shall review submitted applications (either original, amended or as corrected) as described in this Chapter and the instructions accompanying the application form. At least a portion of the review shall be conducted under "blind" conditions, where the reviewers scoring, averaging, or ranking the applications are not made aware of the identity of the applicant or any of the individuals or other entities associated therewith. Any independent consultants selected by the Commission will provide recommendations for the Commission to consider, but the Commission shall not be bound by the recommendation and the decision as to final approval or rejection of licensees shall remain the province of the Commission at all times. Review and evaluation of applications as provided in this Rule may occur at any time during the offering period, from the date of filing requests for application through the date all licenses in the offering have been issued.

(2) Scoring, Averaging and Ranking. Applicants shall be scored, averaged, and ranked using an impartial numerical process in accordance with the requirements of the Act and the Criteria for Awarding Licenses set forth in r. 538-X-3-.11.

(3) Communication during the application process. The Commission may engage in communications with an Applicant or others at any time to gather information that may be useful in determining the applicant's suitability as a licensee in a particular category. Applicants and their representatives shall not initiate communications with the Commission or its representatives except as otherwise provided under these Rules.

(4) Public Records and Applicants' Confidential or Proprietary Information. In general, information contained in applications filed by Applicants are public records. Applicants may, through a process to be outlined on the AMCC website at or before the time for filing applications, redact portions of the Application to protect from public view in order to protect confidential or proprietary information. Failure to include a redacted version of the application at the time of filing will result in the entire application being made public. The Commission may, by order or rule, limit the scope of any redactions submitted by an Applicant.

(5) Investigation of Applicant and Owners; Criminal Background Checks. As part of the selection process, the Commission and its representatives shall investigate the Applicant and its owners, either directly or through a third party with expertise in performing such investigations and/or conducting background checks.

(6) Pre-licensure Inspections of Applicants' Facilities. Prior to issuing a license, the Commission may, in its discretion,

either directly or through one or more independent consultants selected by the Commission, or both, conduct a Pre-Licensure Inspection to verify the information received in the Application and to provide further insights to assist in the license determination process. The Commission's decision to conduct a Pre- Licensure Inspection, or not, should not be interpreted as an indication that the Commission ultimately will or will not issue a license to the Applicant.

Author: William H. Webster; Mark D. Wilkerson; Justin 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 December 29, 2023; effective February 12, 2024. **Amended:** Published September 30, 2024; effective November 14, 2024.