

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 538
Department or Agency: Alabama Medical Cannabis Commission
Rule No.: 538-X-3-.21
Rule Title: Effect of Final Order Following Evidentiary Hearing
Intended Action: New

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

John McMillan
John McMillan

Date

Friday, April 11, 2025

REC'D & FILED
APR 11, 2025
LEGISLATIVE SVC AGENCY

ALABAMA MEDICAL CANNABIS COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medical Cannabis Commission

RULE NO. & TITLE: 538-X-3-.21 Effect of Final Order Following
Evidentiary Hearing

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

To establish, by rule, the effect of a final order of the Commission entered following an evidentiary hearing of matters before the Commission.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public comment portal will be available on the Commission's website (www.amcc.alabama.gov) from the date of publication (April 30, 2025) for a period of 35 days ending on June 4, 2025.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, June 4, 2025

CONTACT PERSON AT AGENCY:

Justin C. Aday

John McMillan

John McMillan

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

538-X-3-.21

Effect of Final Order Following Evidentiary Hearing.

Notwithstanding any other provision of these Rules, licenses awarded or issued by written order following an evidentiary hearing conducted as a contested case before an administrative law judge shall not be subject to rescission, denial, or revocation as a result of a subsequent investigative hearing held at the request of a denied applicant, and an applicant whose application is denied pursuant to such written order shall not be required to seek an investigative hearing as a prerequisite to filing an appeal.

Nothing in this rule shall restrict the right of the Commission to conduct investigations or to initiate enforcement or revocation proceedings outside of the investigative hearing process initiated by a denied applicant.

Author: Mark D. Wilkerson

Statutory Authority: Code of Ala. 1975, § 20-2A-22, as amended.

History: New Rule: Published _____; effective _____.