

ALABAMA MEDICAL CANNABIS COMMISSION
ADMINISTRATIVE CODECHAPTER 538-X-8
REGULATION OF DISPENSARIES538-X-8-.02 Licensing And Regulation Of Medical Cannabis As To
Dispensaries.

(1) *Generally.* Dispensaries are required to be licensed by the Commission. Dispensaries shall be licensed in accordance with the provisions of this Chapter, §20-2A-64, Code of Ala. 1975, (as amended), and other applicable sections of the Act. Dispensary Licenses shall be awarded only to qualified applicants.

(2) *Limits on Number of Dispensary Licenses.* In accordance with §20-2A-64, the Commission shall grant no more than four dispensary licenses.

(3) *Limits on Dispensing Sites per Licensee.* Each dispensary licensee may operate no more than three dispensing sites, provided that each dispensing site shall be located in a separate county from other dispensing sites operated by the same dispensary licensee. If the criteria for seeking additional dispensing sites as provided in §20-2A-64(f), Code of Alabama 1975, (as amended), has been met, a dispensary licensee may petition the Commission to allow it to provide an additional dispensing site in an unserved or underserved area of the state based on demand for medical cannabis as reflected by numbers in the patient pool. Notwithstanding the foregoing, a dispensary licensee is not prohibited from dispensing approved medical cannabis products from a dispensing site within the same county as another dispensing site operated by a competing dispensary licensee or integrated facility licensee.

(4) *Authority.* A dispensary license authorizes the following:

(a) The purchase and transfer of medical cannabis from a processor.

(b) If a cultivator contracts with a processor to process its cannabis into medical cannabis on the cultivator's behalf, the purchase or transfer of medical cannabis from the cultivator.

(c) The purchase and transfer of medical cannabis from an integrated facility.

(d) The dispensing and sale of medical cannabis only to a registered qualified patient or registered caregiver holding a valid, unexpired, and unrevoked medical cannabis card, and only within the sales area of the dispensing site.

(e) The transfer of medical cannabis, including between the dispensary's own dispensing sites, only by means of a secure transporter.

(5) *Restrictions.* A dispensary license does not permit a dispensary, including its subsidiaries, affiliates, parent entities, board members, officers, managers or employees, individually or collectively, to engage in any of the following:

(a) Dispense cannabis prior to its processing into medical cannabis.

(b) Purchase cannabis from a cultivator prior to its processing by a processor or Integrated Facility.

(c) Dispense medical cannabis to non-residents of Alabama, including patients or caregivers registered or eligible for medical cannabis or the equivalent under the laws of another jurisdiction, or residents of Alabama who are not qualified registered patients or registered caregivers, including but not limited to registered certifying physicians.

(d) Cultivate, process or transport cannabis or medical cannabis, or perform the functions of an Integrated Facility or State Testing Laboratory.

(e) Deliver medical cannabis to anyone, including a registered qualified patient or registered caregiver.

(f) Hold a license as or possess stock or ownership interest in a licensed cultivator, licensed processor, licensed secure transporter, or licensed integrated facility as those terms are defined in Chapter 1 of these Rules.

(g) Permit the sale of any products except to qualified registered patients and qualified registered caregivers, and then, only to the extent that such patients and caregivers can produce a valid medical cannabis card.

(h) Permit sale of any products to any other person, including but not limited to individuals who are qualified registered patients or qualified registered caregivers under the laws of another state.

(i) Except under extraordinary circumstances at the discretion of the Commission, sell medical cannabis grown or processed by entities other than the dispensary's contracting processor, cultivator, or integrated facility (See §20-2A-64(a)(1), Code of Ala. 1975, (as amended)).

(j) Offer for sale items other than medical cannabis obtained through contract with a licensed processor, cultivator or

integrated facility, or approved medical-cannabis related equipment and supplies (see AMCC website for approved list).

(k) Licensed Dispensaries may not perform dispensing operations at any site or facility other than those specifically approved by the Commission.

(6) *Duties and Requirements.* A licensed dispensary must comply with the following:

(a) Sell or dispense only tested medical cannabis, properly packaged, bearing the universal State symbol, and properly labeled for retail sale to a registered qualified patient or registered caregiver.

(b) Enter all transactions, account for all inventory, monitor patient usage, and log other relevant information as may be necessary or appropriate to the dispensary's business, into the Statewide Seed-to-Sale Tracking System, pursuant to §20-2A-54, Code of Ala. 1975, (as amended).

(c) Dispense medical cannabis only under the supervision of a certified dispenser as provided in Rule 583-X-8-.03, below.

(d) Dispense only medical cannabis provided through valid contracts with other (non-dispensary) licensees and related products associated with medical cannabis, e.g., inhalers or other administration aids.

(e) Prohibit medical cannabis use on its premises.

(f) Restrict access to the premises of dispensing sites to registered qualified patients and registered caregivers, except for other authorized individuals as provided in paragraph 3.j. of Rule 583-X-8-.04.

(g) Equip dispensing sites with surveillance cameras or other recording devices as provided in a cohesive security plan, maintaining footage captured thereon for a period of no less than sixty (60) days following the date of recording, in accordance with 20-2A-64(d)(2), Code of Ala. 1975, (as amended) and paragraph 3.j. of Rule 583-X-8-.04.

(h) Dispense medical cannabis to patients and caregivers holding a valid, unexpired and unrevoked medical cannabis card, only in accordance with product and dosing instructions provided by the registered certifying physician and the provisions of 538-X-2-.07 of Chapter 2 of these Rules.

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

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