

HB227 INTRODUCED



1 28Y6II-1
2 By Representative Cole
3 RFD: Health
4 First Read: 04-Apr-23
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SYNOPSIS:

Under existing law, a person must have a qualifying medical condition to use medical cannabis.

This bill would further provide for the conditions that are considered a qualifying medical condition.

Under existing law, no employee or member of the Alabama Medical Cannabis Commission or family member of a member of the commission may have an economic interest in a licensee.

This bill would expand this prohibition to include other individuals and establish a time period for the prohibition.

Under existing law, a registered certifying physician may certify patients for the use of medical cannabis.

This bill would further provide for the definition of a registered certifying physician and provide that a registered certifying physician may only certify a patient for medical cannabis use if he or she is board certified in the field of specialty required to diagnose a qualifying medical condition as provided by law.

This bill would prohibit a non-registered certifying physician from having a financial



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29 arrangement with a registered certifying physician for
30 patient referrals.

31 Under existing law, a designated caregiver may
32 use medical cannabis if he or she is also a registered
33 qualified patient.

34 This bill would provide that an individual
35 cannot qualify as a registered caregiver if he or she
36 is also a qualified registered patient.

37 Under existing law, a dispensary is required to
38 comply with certain location restrictions and
39 dispensing protocols.

40 This bill would further provide for location
41 restrictions and dispensing protocols for a dispensary.

42 This bill would make it a crime for an
43 individual to sell a medical cannabis card.

44 Section 111.05 of the Constitution of Alabama of
45 2022, prohibits a general law whose purpose or effect
46 would be to require a new or increased expenditure of
47 local funds from becoming effective with regard to a
48 local governmental entity without enactment by a 2/3
49 vote unless: it comes within one of a number of
50 specified exceptions; it is approved by the affected
51 entity; or the Legislature appropriates funds, or
52 provides a local source of revenue, to the entity for
53 the purpose.

54 The purpose or effect of this bill would be to
55 require a new or increased expenditure of local funds
56 within the meaning of the amendment. However, the bill



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57 does not require approval of a local governmental
58 entity or enactment by a 2/3 vote to become effective
59 because it comes within one of the specified exceptions
60 contained in the amendment.

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A BILL

63

TO BE ENTITLED

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AN ACT

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66 Relating to medical cannabis; to amend Sections
67 20-2A-3, 20-2A-8, 20-2A-21, 20-2A-32, 20-2A-36, and 20-2A-64,
68 Code of Alabama 1975, to further provide for the conditions
69 that are considered a qualifying medical condition; to further
70 restrict individuals from having an economic interest in a
71 licensee and to establish a time period for the prohibition;
72 to further provide for the definition of a registered
73 certifying physician and provide that a registered certifying
74 physician may only certify a patient for medical cannabis use
75 if he or she is board certified in the field of specialty
76 required to diagnose a qualifying medical condition as
77 provided by law; to prohibit a non-registered certifying
78 physician from having a financial arrangement with a
79 registered certifying physician for patient referrals; to
80 provide that an individual cannot qualify as a registered
81 caregiver if he or she is also a qualified registered patient;
82 to further provide for location restrictions and dispensing
83 protocols for a dispensary; to make it a crime for an
84 individual to sell a medical cannabis card; and in connection



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85 therewith would have as its purpose or effect the requirement
86 of a new or increased expenditure of local funds within the
87 meaning of Section 111.05 of the Constitution of Alabama of
88 2022.

89 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

90 Section 1. Sections 20-2A-3, 20-2A-8, 20-2A-21,
91 20-2A-32, 20-2A-36, and 20-2A-64, Code of Alabama 1975, are
92 amended to read as follows:

93 "§20-2A-3

94 As used in this chapter, the following terms have the
95 following meanings:

96 (1) APPLICANT. The entity or individual seeking a
97 license under Article 4.

98 (2) BOARD. The State Board of Medical Examiners.

99 (3) CANNABIS. a. Except as provided in paragraph b.,
100 all parts of any plant of the genus cannabis, whether growing
101 or not, including the seeds, extractions of any kind from any
102 part of the plant, and every compound, derivative, mixture,
103 product, or preparation of the plant.

104 b. The term does not include industrial hemp or hemp
105 regulated under Article 11 of Chapter 8 of Title 2.

106 (4) COMMISSION. The Alabama Medical Cannabis Commission
107 created pursuant to Section 20-2A-20.

108 (5) CULTIVATOR. An entity licensed by the Department of
109 Agriculture and Industries under Section 20-2A-62 authorized
110 to grow cannabis pursuant to Article 4.

111 (6) DAILY DOSAGE. The total amount of one or more
112 cannabis derivatives, including, but not limited to,



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113 cannabidiol and tetrahydrocannabinol, which may be present in
114 a medical cannabis product that may be ingested by a
115 registered qualified patient during a 24-hour period, as
116 determined by a registered certifying physician.

117 (7) DEPARTMENT. The Department of Agriculture and
118 Industries.

119 (8) DISPENSARY. An entity licensed by the commission
120 under Section 20-2A-64 authorized to dispense and sell medical
121 cannabis at dispensing sites to registered qualified patients
122 and registered caregivers pursuant to Article 4.

123 (9) DISPENSING SITE. A site operated by a dispensary
124 licensee or an integrated facility licensee pursuant to
125 Article 4.

126 (10) ECONOMIC INTEREST. The rights to either the
127 capital or profit interests of an applicant or licensee or, if
128 the applicant or licensee is a corporation, the rights to some
129 portion of all classes of outstanding stock in the
130 corporation.

131 (11) FACILITY or MEDICAL CANNABIS FACILITY. Any
132 facility, or land associated with a facility, of a licensee.

133 (12) INTEGRATED FACILITY. An entity licensed under
134 Section 20-2A-67 authorized to perform the functions of a
135 cultivator, processor, secure transporter, and dispensary
136 pursuant to Article 4.

137 (13) LICENSEE. A cultivator, processor, secure
138 transporter, state testing laboratory, dispensary, or
139 integrated facility licensed by the commission under Article
140 4.



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141 (14) MEDICAL CANNABIS. a. A medical grade product in
142 the form of any of the following, as determined by rule by the
143 commission, that contains a derivative of cannabis for medical
144 use by a registered qualified patient pursuant to this
145 chapter:

146 1. Oral tablet, capsule, or tincture.

147 2. Non-sugarcoated gelatinous cube, gelatinous
148 rectangular cuboid, or lozenge in a cube or rectangular cuboid
149 shape.

150 3. Gel, oil, cream, or other topical preparation.

151 4. Suppository.

152 5. Transdermal patch.

153 6. Nebulizer.

154 7. Liquid or oil for administration using an inhaler.

155 b. The term does not include any of the following:

156 1. Raw plant material.

157 2. Any product administered by smoking, combustion, or
158 vaping.

159 3. A food product that has medical cannabis baked,
160 mixed, or otherwise infused into the product, such as cookies
161 or candies.

162 (15) MEDICAL CANNABIS CARD. A valid card issued
163 pursuant to Section 20-2A-36.

164 (16) MEDICAL USE or USE OF MEDICAL CANNABIS or USE
165 MEDICAL CANNABIS. The acquisition, possession, use, delivery,
166 transfer, or administration of medical cannabis authorized by
167 this chapter. The term does not include possession, use, or
168 administration of cannabis that was not purchased or acquired



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169 from a licensed dispensary.

170 (17) PACKAGE. Any container that a processor may use
171 for enclosing and containing medical cannabis. The term does
172 not include any carry-out bag or other similar container.

173 (18) PATIENT REGISTRY. The Alabama Medical Cannabis
174 Patient Registry System that is an electronic integrated
175 system that tracks physician certifications, patient
176 registrations, medical cannabis cards, the daily dosage and
177 type of medical cannabis recommended to qualified patients by
178 registered certifying physicians, and the dates of sale,
179 amounts, and types of medical cannabis that were purchased by
180 registered qualified patients at licensed dispensaries.

181 (19) PHYSICIAN CERTIFICATION. A registered certifying
182 physician's authorization for a registered qualified patient
183 to use medical cannabis.

184 (20) PROCESSOR. An entity licensed by the commission
185 under Section 20-2A-63 authorized to purchase cannabis from a
186 cultivator and extract derivatives from the cannabis to
187 produce a medical cannabis product or products for sale and
188 transfer in packaged and labeled form to a dispensing site
189 pursuant to Article 4.

190 (21) QUALIFYING MEDICAL CONDITION. Any of the following
191 conditions or symptoms of conditions, ~~but only after~~
192 ~~documentation indicates that conventional medical treatment or~~
193 ~~therapy has failed unless current medical treatment indicates~~
194 ~~that use of medical cannabis is the standard of care:~~

195 a. Autism Spectrum Disorder (ASD) diagnosed by a
196 psychiatrist, after documentation indicates that conventional



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197 medical treatment has failed for three years and the
198 individual is unable to work.

199 b. Cancer-related cachexia, nausea or vomiting, weight
200 loss, or chronic pain diagnosed by an oncologist, after
201 documentation indicates that conventional medical treatment
202 has failed.

203 c. Crohn's Disease diagnosed by a gastroenterologist,
204 after documentation indicates that conventional medical
205 treatment has failed for three years.

206 d. Depression diagnosed by a psychiatrist, after
207 documentation indicates that conventional medical treatment
208 has failed for three years and the individual is unable to
209 work.

210 e. Epilepsy or a condition causing seizures diagnosed
211 by a neurologist, after documentation indicates that
212 conventional medical treatment has failed for three years and
213 the individual is unable to work.

214 f. HIV/AIDS-related nausea or weight loss lasting for a
215 period over two years.

216 g. Panic disorder diagnosed by a psychiatrist, after
217 documentation indicates that conventional medical treatment
218 has failed for three years and the individual is unable to
219 work.

220 h. Parkinson's disease, after documentation indicates
221 that conventional medical treatment has failed for three years
222 and the individual is unable to work.

223 i. Persistent nausea ~~that is not significantly~~
224 ~~responsive to traditional treatment~~, except for nausea related



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225 to pregnancy, cannabis-induced cyclical vomiting syndrome, or
226 cannabinoid hyperemesis syndrome, after documentation
227 indicates that conventional medical treatment has failed for
228 three years and the individual is unable to work.

229 j. ~~Post Traumatic Stress Disorder (PTSD).~~ Sickle Cell
230 Anemia, after documentation indicates that conventional
231 medical treatment has failed for three years.

232 k. ~~Sickle Cell Anemia.~~ Spasticity associated with a
233 motor neuron disease, including Amyotrophic Lateral Sclerosis
234 diagnosed by a neurologist, after documentation indicates that
235 conventional medical treatment has failed for three years and
236 the individual is unable to work.

237 l. ~~Spasticity associated with a motor neuron disease,~~
238 ~~including Amyotrophic Lateral Sclerosis.~~ Spasticity associated
239 with Multiple Sclerosis or a spinal cord injury diagnosed by a
240 neurologist, after documentation indicates that conventional
241 medical treatment has failed for three years and the
242 individual is unable to work.

243 m. ~~Spasticity associated with Multiple Sclerosis or a~~
244 ~~spinal cord injury.~~ A terminal illness.

245 n. ~~A terminal illness.~~ Tourette's Syndrome diagnosed by
246 a psychiatrist, after documentation indicates that
247 conventional medical treatment has failed for three years and
248 the individual is unable to work.

249 o. ~~Tourette's Syndrome.~~ A condition causing chronic or
250 intractable pain in which conventional therapeutic
251 intervention and opiate therapy is contraindicated or has
252 proved ineffective.



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253 ~~p. A condition causing chronic or intractable pain in~~
254 ~~which conventional therapeutic intervention and opiate therapy~~
255 ~~is contraindicated or has proved ineffective.~~

256 (22) REGISTERED CAREGIVER. An individual who meets the
257 requirements described in subsection (c) of Section 20-2A-30
258 and is authorized to acquire and possess medical cannabis and
259 to assist one or more registered qualified patients with the
260 use of medical cannabis pursuant to this chapter.

261 (23) REGISTERED CERTIFYING PHYSICIAN. A ~~physician~~board
262 certified medical doctor or doctor of osteopathic medicine
263 authorized by the State Board of Medical Examiners to certify
264 patients for the use of medical cannabis under this chapter.

265 (24) REGISTERED QUALIFIED PATIENT. Either of the
266 following:

267 a. An adult who meets the requirements described in
268 subsection (a) of Section 20-2A-30 and is authorized to
269 acquire, possess, and use medical cannabis pursuant to this
270 chapter.

271 b. A minor who meets the requirements described in
272 subsection (b) of Section 20-2A-30 and is authorized to use
273 medical cannabis pursuant to this chapter with the assistance
274 of a registered caregiver.

275 (25) SECURE TRANSPORTER. An entity licensed by the
276 commission under Section 20-2A-65 authorized to transport
277 cannabis or medical cannabis from one licensed facility or
278 site to another licensed facility or site.

279 (26) STATE TESTING LABORATORY. An entity licensed under
280 Section 20-2A-66 authorized to test cannabis and medical



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281 cannabis to ensure the product meets safety qualifications
282 required under this chapter.

283 (27) STATEWIDE SEED-TO-SALE TRACKING SYSTEM. The
284 tracking system established pursuant to Section 20-2A-54 that
285 tracks all cannabis and medical cannabis in the state.

286 (28) UNIVERSAL STATE SYMBOL. The image established by
287 the commission pursuant to Section 20-2A-53 made available to
288 processors which indicates the package contains medical
289 cannabis."

290 "§20-2A-8

291 (a) (1) An individual may not distribute, possess,
292 manufacture, or use medical cannabis or a medical cannabis
293 product that has been diverted from a registered qualified
294 patient, a registered caregiver, or a licensed cultivator,
295 processor, secure transporter, dispensary, or a state testing
296 laboratory.

297 (2) An individual who violates this section is guilty
298 of a Class B felony.

299 (3) The penalty under this section is in addition to
300 any penalties that a person may be subject to for manufacture,
301 possession, or distribution of marijuana under Title 13A.

302 (b) This chapter does not permit any individual to
303 engage in, and does not prevent the imposition of any civil,
304 criminal, or other penalty for engaging in any of the
305 following conduct:

306 (1) Undertaking any task under the influence of
307 cannabis, when doing so would constitute negligence,
308 professional malpractice, or professional misconduct, or



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309 violation of law.

310 (2) Possessing or using medical cannabis on any
311 property of a K-12 school or day care or child care facility,
312 in any correctional facility, or in a vehicle unless the
313 medical cannabis is in its original package and is sealed and
314 reasonably inaccessible while the vehicle is moving.

315 (c) (1) An individual may not sell a medical cannabis
316 card.

317 (2) An individual who violates this section is guilty
318 of a Class B felony."

319 "§20-2A-21

320 (a) A member of the commission and any individual
321 employed by the commission may not be an owner, shareholder,
322 director, or board member of, or otherwise have any economic
323 interest in, a licensee. In addition, a member or employee of
324 the commission may not have any family member who is employed
325 by a licensee. A member or employee of the commission or his
326 or her family member may not have an interest of any kind in
327 any building, fixture, or premises occupied by any person
328 licensed under this chapter; and may not own any stock or have
329 any interest of any kind, direct or indirect, pecuniary or
330 otherwise, by a loan, mortgage, gift, or guarantee of payment
331 of a loan, in any licensee.

332 (b) A member or employee of the commission may not
333 accept any gift, favor, merchandise, donation, contribution,
334 or any article or thing of value, from any person licensed
335 under this chapter.

336 (c) Any individual violating this section shall be



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337 terminated from employment or position, and as a consequence,
338 the individual shall forfeit any pay or compensation which
339 might be due.

340 (d) For purposes of this section, family member
341 includes a spouse, child, parent, or sibling, by blood or
342 marriage.

343 (e) An individual who has served in any of the
344 following positions~~A former member of the commission, for a~~
345 ~~period of two years after leaving service as a member of the~~
346 ~~commission,~~ may not be an employee of a licensee, owner,
347 shareholder, director, board member, or otherwise have an
348 economic interest in an applicant or license issued under
349 Article 4 for a period of five years after serving in the
350 position:

351 (1) A member of the commission.

352 (2) A federal or state legislator.

353 (3) A federal or state judicial employee.

354 (4) A state executive constitutional officer.

355 (f) In addition to any violation of Chapter 25 of Title
356 36, a violation of this section is a Class C misdemeanor."

357 "§20-2A-30

358 (a) (1) A resident of this state who is 19 years of age
359 or older is a registered qualified patient if he or she meets
360 all of the following conditions:

361 a. Has been certified by a registered certifying
362 physician as having a qualifying medical condition.

363 b. Is registered with the commission.

364 c. Has been issued a valid medical cannabis card by the



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365 commission.

366 (2) A registered qualified patient described in
367 subdivision (1) may purchase, possess, or use medical
368 cannabis, subject to subsection (d).

369 (b) (1) A resident of this state who is under the age of
370 19 is a registered qualified patient if he or she meets all of
371 the following conditions:

372 a. Has been certified by a registered certifying
373 physician as having a qualifying medical condition.

374 b. Is registered with the commission.

375 c. Has a qualified designated caregiver who is the
376 patient's parent or legal guardian.

377 (2) A registered qualified patient described in
378 subdivision (1) may use medical cannabis but may not purchase
379 or possess medical cannabis.

380 (c) (1) A resident of this state is a registered
381 caregiver if he or she meets all of the following conditions:

382 a. Is registered with the commission.

383 b. Has been issued a valid medical cannabis card as a
384 caregiver by the commission.

385 c. Is at least 21 years of age, unless he or she is the
386 parent or legal guardian of, and caregiver for, a registered
387 qualified patient.

388 d. Is the parent, legal guardian, grandparent, spouse,
389 or an individual with power of attorney for health care of a
390 registered qualified patient.

391 (2) A registered caregiver described in subdivision (1)
392 may purchase and possess medical cannabis, subject to



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393 subsection (d), but may not use medical cannabis ~~unless he or~~
394 ~~she is also a registered qualified patient.~~

395 (3) The commission, by rule, may limit the number of
396 registered qualified patients a registered caregiver may have
397 under his or her care.

398 (4) A registered caregiver may receive compensation for
399 services provided to a registered qualified patient pursuant
400 to this chapter.

401 (d) Notwithstanding subdivision (2) of subsections (a)
402 and (c), a registered qualified patient or registered
403 caregiver may not purchase more than 60 daily dosages of
404 medical cannabis and may not renew the supply more than 10
405 days before the 60-day period expires. At no time may a
406 registered qualified patient or registered caregiver possess
407 more than 70 daily dosages of medical cannabis."

408 "§20-2A-32

409 (a) A registered certifying physician may not do any of
410 the following:

411 (1) Except for the limited purpose of performing a
412 medical cannabis-related study, accept, solicit, or offer any
413 form of remuneration from or to a qualified patient,
414 designated caregiver, or any licensee, including a principal
415 officer, board member, agent, or employee of the licensee, to
416 certify a patient, other than accepting payment from a patient
417 for the fee associated with the examination, medical
418 consultation, or other treatment, including, but not limited
419 to, any third party reimbursement for the same.

420 (2) Accept, solicit, or offer any form of remuneration



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421 from or to a dispensary for the purpose of referring a patient
422 to a specific dispensary.

423 (3) Offer a discount of any other item of value to a
424 qualified patient who uses or agrees to designate a specific
425 caregiver or use a specific dispensary to obtain medical
426 cannabis.

427 (4) Hold a direct or indirect economic interest in a
428 licensee.

429 (5) Serve on the board of directors or as an employee
430 of a licensee.

431 (6) Refer qualified patients to a specific caregiver or
432 a specific dispensary.

433 (7) Advertise in a dispensary.

434 (8) Advertise on the physician's website, brochures, or
435 any other media that generally describe the scope of practice
436 of the physician, any statement that refers to the physician
437 as a "medical cannabis" or "medical marijuana" physician or
438 doctor, or otherwise advertises his or her status as a
439 registered certifying physician, other than the following:
440 "Dr. _____ is qualified by the State of Alabama to certify
441 patients for medical cannabis use under the Alabama Compassion
442 Act."

443 (9) Certify a registered qualifying patient for medical
444 cannabis use unless the physician is board certified in the
445 field of specialty required to diagnose a qualifying medical
446 condition.

447 (b) A non-registered certifying physician shall have no
448 financial arrangement with a registered certifying physician



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449 for the purpose of referring a patient to the registered
450 certified physician.

451 (c) A family member, as defined in subsection
452 20-2A-21(d), of a registered certifying physician may not be
453 an employee of a licensee, owner, shareholder, director, board
454 member, or otherwise have an economic interest in an applicant
455 or license issued under Article 4."

456 "§20-2A-36

457 (a) Once certified, a patient and, if applicable, the
458 patient's designated caregiver, shall register in the patient
459 registry. The commission shall develop the application and
460 renewal process for patient and designated caregiver
461 registration, that shall include, but not be limited to, an
462 application form, relevant information that must be included
463 on the form, any additional requirements for eligibility the
464 commission deems necessary, and an application fee ~~not to~~
465 ~~exceed of~~ sixty-five dollars (\$65).

466 (b) If the certified patient or designated caregiver
467 meets the criteria for registration, the commission shall
468 place the patient or caregiver on the patient registry and
469 issue the patient or designated caregiver a medical cannabis
470 card. The commission shall determine the criteria for revoking
471 or suspending a medical cannabis card. Medical cannabis cards
472 shall be resistant to counterfeiting and tampering and, at a
473 minimum, shall include all of the following:

474 (1) The name, address, and date of birth of the
475 qualified patient or caregiver, as applicable.

476 (2) A photograph of the qualified patient or caregiver,



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477 as applicable.

478 (3) Identification of the cardholder as a qualified
479 patient or a caregiver.

480 (4) The expiration date, ~~as determined by commission~~
481 rule which shall be no more than 12 months from the issuance
482 date.

483 (5) The following statement: "This card is only valid
484 in the State of Alabama".

485 (c) Once a patient ~~or designated caregiver~~ is
486 registered and issued a medical cannabis card, he or she is
487 qualified to acquire, possess, or use medical cannabis, as
488 applicable. A designated caregiver who is registered and
489 issued a medical cannabis card is qualified to acquire or
490 possess medical cannabis.

491 (d) If a registered qualified patient or registered
492 caregiver loses his or her medical cannabis card, he or she
493 shall notify the commission within 10 days of becoming aware
494 the card is lost or stolen. The commission, by rule, shall
495 determine the process and fee for replacing a lost or stolen
496 card, including a process for invalidating the lost or stolen
497 card.

498 (e) No individual may receive a medical cannabis card
499 pursuant to this section unless the individual has a driver
500 license or nondriver identification card issued by the State
501 of Alabama.

502 ~~(e)~~ (f) The commission shall adopt rules to implement
503 this section and may impose civil penalties for violations of
504 this section."



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505 "§20-2A-64

506 (a) (1) A dispensary license authorizes all of the
507 following:

508 a. The purchase or transfer of medical cannabis from a
509 processor.

510 b. If a cultivator contracted with a processor to
511 process its cannabis into medical cannabis on the cultivator's
512 behalf, the purchase or transfer of medical cannabis from the
513 cultivator.

514 c. The purchase or transfer of medical cannabis from an
515 integrated facility.

516 d. The dispensing and sale of medical cannabis only to
517 a registered qualified patient or registered caregiver.

518 (2) A dispensary license authorizes the dispensary to
519 transfer medical cannabis only by means of a secure
520 transporter, including transport between its dispensing sites.

521 (b) The commission shall issue no more than four
522 dispensary licenses.

523 (c) A dispensary license authorizes the dispensary to
524 transfer medical cannabis to or from a state testing
525 laboratory for testing by means of a secure transporter.

526 (d) A licensed dispensary shall comply with all of the
527 following:

528 (1) Each dispensing site must be located at least one
529 thousand feet from any school, day care, ~~or~~ child care
530 facility, prison or detention facility, federal or state
531 facility, or sports venue. For purposes of this subdivision, a
532 sports venue is any arena, stadium, or other facility that is



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533 used primarily as a venue for sporting and athletic events.

534 (2) Each dispensing site must be equipped with
535 surveillance cameras that are focused on each point of entry
536 and that operate on a continuous basis. The dispensary must
537 maintain surveillance records for a minimum of 60 days
538 following the date of recording.

539 (3) Sell and dispense medical cannabis at a dispensing
540 site to a registered qualified patient or registered caregiver
541 only after it has been tested and bears the label required for
542 retail sale.

543 (4) Enter all transactions, current inventory, and
544 other information into the statewide seed-to-sale tracking
545 system as required in Section 20-2A-54.

546 (5) Only allow dispensing of medical cannabis by
547 certified dispensers, as provided in subsection (e).

548 (6) Not allow the use of medical cannabis products on
549 the premises.

550 (7) Only allow registered qualified patients and
551 registered caregivers on the premises.

552 (e) (1) As used in this subsection, certified dispenser
553 means an employee of a dispensary who dispenses medical
554 cannabis to a registered qualified patient or registered
555 caregiver and who has been trained and certified by the
556 commission.

557 (2) The commission shall establish and administer a
558 training program for dispensers that addresses proper
559 dispensing procedures, including the requirements of this
560 subsection, and other topics relating to public health and



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561 safety and preventing abuse and diversion of medical cannabis.
562 The commission shall certify trained dispensers and may
563 require, as a qualification to remain certified, periodic
564 training.

565 (3) A certified dispensary shall comply with all of the
566 following:

567 a. Before dispensing medical cannabis, inquire of the
568 patient registry to confirm that the patient or caregiver
569 holds a valid, current, unexpired, and unrevoked medical
570 cannabis card and that the dispensing of medical cannabis
571 conforms to the type and amount recommended in the physician
572 certification and will not exceed the 60-day daily dosage
573 purchasing limit.

574 b. Before dispensing medical cannabis, verify that the
575 individual has an Alabama driver license or state
576 identification card.

577 ~~b.~~c. Enter into the patient registry the date, time,
578 amount, and type of medical cannabis dispensed.

579 ~~e.~~d. Comply with any additional requirements
580 established by the commission by rule.

581 (4) The commission shall adopt rules to implement this
582 subsection.

583 (f) A licensee may operate up to three dispensing
584 sites, each of which must be located in a different county
585 from any other dispensing site; provided, however, the
586 commission may authorize a licensee to operate a greater
587 number of dispensing sites if, at least one year after the
588 date when the maximum number of total dispensing sites



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589 authorized under this section and Section 20-2A-67 are
590 operating, the commission determines that the patient pool has
591 reached a sufficient level to justify an additional dispensing
592 site in an underserved or unserved area of the state.
593 Notwithstanding the foregoing, a licensee may not operate any
594 dispensing site in the unincorporated area of a county or in a
595 municipality that has not adopted a resolution or ordinance
596 authorizing the operation of dispensing sites under subsection
597 (c) of Section 20-2A-51."

598 Section 2. Although this bill would have as its purpose
599 or effect the requirement of a new or increased expenditure of
600 local funds, the bill is excluded from further requirements
601 and application under Section 111.05 of the Constitution of
602 Alabama of 2022, because the bill defines a new crime or
603 amends the definition of an existing crime.

604 Section 3. This act shall become effective on the first
605 day of the third month following its passage and approval by
606 the Governor, or its otherwise becoming law.