

Dispensary Operations

Alabama

Cannabis dispensaries must comply with AMCC regulations.

The applicable rules are designed to support the safety of patients, caregivers, and the public.

Prohibited Acts

The following acts are strictly prohibited:

- Dispensing medical cannabis to non-residents of Alabama, including patients or caregivers registered or eligible for medical cannabis in other states;
- Dispensing medical cannabis to residents of AL who are not qualified registered patients or caregivers;
- Delivering medical cannabis to anyone.

Dispensary Requirements

- Sell or dispense only tested medical cannabis, properly packaged, bearing the universal State symbol, and properly labeled for retail sale;
- Enter all transactions, account for all inventory, monitor patient usage, and log other relevant information into Metrc;
- Dispense medical cannabis only under the supervision of a certified dispenser (see below);
- Dispense only medical cannabis provided from other AMCC-licensed businesses;
- Prohibit consumption of cannabis on the premises;
- Restrict access to qualified patients and registered caregivers, with the exception of employees and visitors;
- Equip the site with required security equipment with cameras that record for a minimum of 60 days; and
- Dispense medical cannabis in accordance with product and dosing instructions provided by the registered certifying physician and associated AMCC rules.

Certified Dispensers

Medical cannabis can only be dispensed from dispensaries under the supervision of a **certified dispenser**.

“**Certified dispenser**” is a managing employee of a dispensary who has undergone training and certification as required by the Commission to oversee the dispensing of medical cannabis to a registered qualified patient or caregiver at a dispensing site.

Requirements

The AMCC requires the following with regard to **Certified Dispensers**:

- A certified dispenser must be on duty at all times while the site is open for business. They must oversee and sign off on all sales and they are ultimately responsible for each transaction;
- Certified Dispensers must have, at a minimum, two years of education or experience in the fields of biology, biochemistry, chemistry, physiology, pharmacology, medicine, medical cannabis, nursing, pharmaceuticals, or a similar field;
- Prior to commencing operations or prior to beginning work, Certified Dispensers must take and pass a medical cannabis foundations training course as required by the AMCC;
- Annually, in addition to AMCC requirements for all employees, Certified Dispensers must undergo a minimum of (10) hours of continuing education approved by the AMCC, to address proper dispensing procedures, including all relevant laws and rules, prevention of abuse and diversion, and other topics related to public health, safety, and good business practices relating to medical cannabis and the dispensing of it; and

Dispensary Operations

Alabama

- The Certified Dispenser or another employee supervised by them must allocate the proper amount of sales taxes.

Certified Dispensers may provide instructions on the **proper administration** of medical cannabis, education regarding **potential side effects**, potential **drug interactions**, or other aspects of medical cannabis.

They may not offer advice regarding the safety or effectiveness of medical cannabis, the recommended daily dosage, or type of medical cannabis recommended by the registered certifying physician.

They may direct the patient or caregiver back to the registered certifying physician to address such questions.

Sales Requirements

When dispensing and under supervision of the Certified Dispenser, the dispensary must:

- Confirm that the:
 - Patient or caregiver holds a valid, current, unexpired and unrevoked medical cannabis card;
 - Dispensing conforms to the type and amount recommended in the physician certification; and
 - Amount recommended will not exceed the 60-day daily dosage purchase limit; and
- Enter the transaction into the patient registry and Metrc, and attach the following to the medical cannabis package:
 - The name and medical cannabis card number of the patient or caregiver;
 - The name and contact information of the registered certifying physician;
 - The amount and type of medical cannabis being dispensed;
 - The physician's dosing comments and maximum daily dosage recommendation; and
 - The date and time the medical cannabis was dispensed.

Dispensary Site Requirements

In addition to the above, dispensary sites must meet the following requirements:

- Dispensing sites may not occupy space with a certifying physician or another licensee;
- The dispensary must provide a verified plan demonstrating that the space is reasonably secure from outside intrusion and that the safety and privacy of patients and caregivers is fully supported and monitored at all times during their visits to the dispensary, including the parking area;
- Parking lot: must be adjacent and for the exclusive use of patients and caregivers and related equipment and supplies. It must be designed to provide reasonable privacy as well as safety and security of patients and caregivers. If not possible, there must be a designed portion of the parking area that meets the same requirements;
- Must be at least 1000 ft from any school, daycare, or childcare facility; and
- Dispensing sites may not operate in the unincorporated area of a county or in a municipality that has not adopted a resolution or ordinance authorizing the operation of dispensing sites.

Dispensary Operations

Alabama

CHAPTER 538-X-8 REGULATION OF DISPENSARIES

538-X-8-.02 Licensing And Regulation Of Medical Cannabis As To Dispensaries.

(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:

(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.

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

(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.

538-X-8-.03 Certified Dispensers.

Medical cannabis may only be dispensed under the supervision of a certified dispenser, in accordance with the following Rules:

(1) Definition. For purposes of this Chapter, a certified dispenser is a managing employee of a dispensary who has undergone training and certification as required by the Commission to oversee the dispensing of medical cannabis to a registered qualified patient or registered caregiver at a dispensing site.

Dispensary Operations

Alabama

- (2) A certified dispenser must be on duty at all times while the dispensing site is open for business; a certified dispenser must oversee and sign off on all sales of medical cannabis as the dispensary employee ultimately responsible for each transaction.
- (3) A certified dispenser must have, at a minimum, two years of education or experience in the fields of biology, biochemistry, chemistry, physiology, pharmacology, medicine, medical cannabis, nursing, pharmaceuticals, or a similar field.
- (4) Training and Continuing Education of Certified Dispensers. (a) Prior to the dispensary's commencing operations or prior to beginning work, a certified dispenser must take and pass a medical cannabis foundations training course as required by the Commission. (b) Annually, in addition to the Commission's continuing education requirement for all employees a certified dispenser must undergo not fewer than ten (10) hours of continuing education approved by the Commission, to address proper dispensing procedures, including the requirements of the Act and this Chapter, prevention of abuse and diversion of medical cannabis, and other topics related to public health, safety and good business practices relating to cannabis, medical cannabis and the dispensing thereof.
- (5) Prior to dispensing medical cannabis, the dispensary, acting through a certified dispenser or employee supervised by a certified dispenser, shall confirm that the patient or caregiver holds a valid, current, unexpired, and unrevoked medical cannabis card, and that the dispensing of medical cannabis conforms to the type and amount recommended in the physician certification, and that the amount recommended will not exceed the 60-day daily dosage purchasing limit.
- (6) At the time of dispensing medical cannabis, the certified dispenser, or another dispensary employee under the supervision of the certified dispenser, shall enter into the patient registry and the Statewide Seed-to-Sale Tracking System, and shall attach to the package containing the medical cannabis the following patient-specific information:
- (a) The name and medical cannabis card number of the patient;
 - (b) The name and medical cannabis card number of the caregiver, if applicable;
 - (c) The name and contact information of the registered certifying physician;
 - (d) The amount and type of medical cannabis being dispensed;
 - (e) The physician's dosing comments and maximum daily dosage recommendation; and
 - (f) The date and time the medical cannabis was dispensed.
- (7) A certified dispenser may, at the request of the patient or caregiver, provide instructions on the proper administration of medical cannabis, education regarding potential side effects, potential drug interactions, or other aspects of medical cannabis. Notwithstanding the foregoing, a certified dispenser may not offer advice regarding the safety or effectiveness of medical cannabis, the recommended daily dosage, or type of medical cannabis recommended by the registered certifying physician, except that a certified dispenser may direct the patient or caregiver back to the registered certifying physician to address questions or provide advice that the certified dispenser cannot.
- (8) At the time required by law, the certified dispenser or another dispensary employee acting under the supervision of the certified dispenser, must allocate the appropriate sum for satisfaction of taxes as may be levied against the sale.

538-X-8-.04 Requirements And Limitations As To Dispensaries Sites.

Dispensing sites must comply with the following:

- (1) Premises. A "dispensing site" as defined in Chapter 1 of these Rules may consist of a stand-alone building or occupy dedicated exclusive space within a multi-use structure, strip mall or other such retail facility, except that a dispensing site may not occupy space within the same multi-use structure, strip mall or other such retail facility as a certifying physician or another licensee. To the extent that the dispensing site occupies space within a multi-use structure, strip mall or other retail facility, the licensee must provide a verified plan demonstrating that the space is reasonably secure from outside intrusion and that the safety and privacy of patients and caregivers is fully supported and monitored at all times during

Dispensary Operations

Alabama

their visits to the dispensary (including in the parking area outside the dispensing site, see 538- X-8-.04-2). Other facilities owned or leased and operated by a dispensary, such as a business office and a warehouse, shall not be deemed a dispensing site, provided that no medical cannabis products are offered for sale at such facilities.

(2) Parking lot. To the extent that a dispensing site is housed in a stand-alone building, a dispensary must maintain a parking area adjacent to its structure that shall be for the exclusive use of patients and caregivers seeking to purchase medical cannabis and related equipment and supplies; the parking area must be designed to provide reasonable privacy to those individuals in their ingress and egress from the dispensing site. Alternatively, if an exclusive parking area is not feasible for the stand-alone dispensary site, the dispensary must maintain for the exclusive use of patients and caregivers a designated portion of the parking area that is situated conveniently to the dispensing site, and which may be monitored and supported for the reasonable safety and security of customer patients and caregivers. To the extent that a dispensing site is housed in a multi-use structure, strip mall or other such retail facility, the dispensary must maintain for the exclusive use of patients and caregivers a designated portion of the parking area that is situated conveniently to the dispensing site, and which may be monitored and supported for the reasonable safety and security of customer patients and caregivers.

(3) Restricted Proximity to School, Daycare or Childcare Facility.

(a) The location of any dispensing site must be at least 1000 feet from any school, day care, or childcare facility.

(b) For purposes of paragraph 3.a. of this Rule, the following terms have the following meanings: 1. "At Least One Thousand Feet" shall mean at least one thousand feet in a straight line from the property line of the dispensing site premises to the property line of the school, daycare or childcare facility, measured at the nearest possible point between the two. 2. "School, Daycare or Childcare Facility" shall mean the real property on which a public or private school for students in any grade K-12 (not including a residence in which school- age children are being home-schooled) has actively operated within the last six months, or the real property on which a licensed daycare or childcare facility has actively operated within the last six months. 3. "Premises" shall mean a stand-alone structure housing a dispensing site, all portions of the real property where a dispensing site operates, including but not limited to the parking lot and any peripheral space outside the structure housing the dispensing site.

(4) Dispensing Site Prohibited in the Absence of Authorizing local Resolution or Ordinance. A dispensing site may not operate in the unincorporated area of a county or in a municipality that has not adopted a resolution or ordinance authorizing the operation of dispensing sites under §20-2A-51, Code of Ala. 1975, (as amended).