

Products, Sales & Refusals

Alabama

Our commitment in the cannabis industry shall be to **cultivate and process quality products** and to **sell compliantly** at all times while **preventing diversion**. Being attentive to **sales limits** is essential for many reasons, including the prevention of diversion, but we must also help to ensure each individual does not possess more than their **legal possession limit**.

Let's do our very best to **prevent looping**, which is what we call it when a patient or caregiver attempts to purchase more than the allowed amount of medical cannabis.

Whether you are cultivating, processing, transporting, or selling, **on-site consumption of cannabis at a licensed premises is prohibited** at all times.

Adult Patient Qualifications

In order to qualify for a valid medical cannabis card, patients must be:

- 19 years of age or older;
- A resident of Alabama;
- Certified as having a qualifying medical condition and recommended for the use of cannabis by a registered certifying physician; and
- Registered with the Alabama Medical Cannabis Commission (AMCC) and placed on the patient registry.

Minor Patient Qualifications

In order to qualify for a valid medical cannabis card, **minor patients** must be:

- Under the age of 19;
- A resident of Alabama;
- Certified as having a qualifying medical condition and recommended for the use of cannabis by a registered certifying physician; and
- Registered with the AMCC and placed on the patient registry.

In addition, minor patients must have a qualified caregiver who is:

- the patient's parent legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of the minor;
- a resident of Alabama; and
- in possession of a valid caregiver's medical cannabis card.

Minor patients may not purchase or possess medical cannabis.

All sales and administration of medical cannabis must be facilitated by a qualified registered caregiver. In addition, minor patients may not legally use medical cannabis with a potency greater than 3% THC. Therefore, **employees may not sell medical cannabis with 3+% THC to a caregiver on behalf of a minor patient.**

Caregiver Qualifications

In order to qualify for a valid medical cannabis card, caregivers must be:

- At least 21 years of age or the parent or legal guardian of, and caregiver for, a registered qualified patient;
- The patient's parent, legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of the registered qualified patient;
- A resident of Alabama; and
- Registered with the AMCC, having been identified to a patient who has been placed on the registry.

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Patients may have no more than 2 caregivers and individuals may not serve as caregivers for more than 3 patients unless authorized by the AMCC. Caregivers must possess a valid medical cannabis card for each patient for whom they provide care.

Product Types

The following types of medical products are allowed in Alabama:

- Tablets
- Capsules
- Tinctures
- Gels, oils, and creams for topical use
- Suppositories
- Transdermal patches
- Nebulizers
- Liquids or oils for use in an inhaler

The following types of medical products are NOT allowed in Alabama:

- Raw plant material
- Products that could be smoked or vaped
- Food products such as cookies or candies

Processors must use documented good quality practices and must meet current Good Manufacturing Practices.

Products must:

- Be shown to meet intended levels of purity
- Be shown to be reliably free of toxins and contaminants
- Not contain additives other than pharmaceutical grade excipients
- Not be processed into a form that is attractive to or targets children
- As to all gelatinous cubes, cuboids, and lozenges, must conform to the universal flavor, which is peach

Product Packaging

Medical product packaging must:

- Be child-resistant and tamper-evident;
- Identify the Processor and type of product;
- Not be attractive to minors and must be designed to minimize appeal to children; and
- Not contain any false statement or statement that advertises health benefits or therapeutic benefits of medical cannabis.

Product Labels

Medical product labels must:

- Be securely attached to or imprinted on the packaging;
- Be clear and contain print that is a size and quality to be legible to the average patient or caregiver with a sixth-grade education;
- Identify the type of product (pills, tinctures, transdermal patches, etc.);
- Contain lot and batch numbers;
- Contain the name and License ID # for the Cultivator and Processor;
- Identify the cannabinoid content and potency of the product;
- Identify the amount, number or count of the product in the package;
- Contain the universal state symbol, printed in color at least one-half inch by one-half inch in size;
- Contain the words “*Keep out of reach of children.*”

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- Contain a digital image or QR Code for purposes of tracking medical cannabis products, which must interface with Metrc;
 - Labels, or if space is not available, a package insert that contains, *“WARNING: This product may make you drowsy or dizzy. Do not drink alcohol with this product. Use care when operating a vehicle or other machinery. Taking this product with medication may lead to harmful side effects or complications. Consult your physician before taking this product with any medication. Women who are breastfeeding, pregnant, or plan to become pregnant should discuss medical cannabis use with their physicians.”*
 - Not be attractive to minors;
 - Not contain any false statement or statement that advertises health benefits or therapeutic benefits of medical cannabis; and
 - At the time of labeling, Processors must provide QR Coding or other approved digital coding to identify, at a minimum, the:
 - Cultivator or Integrated Facility from which the medical cannabis was sourced;
 - Name of the Processor and the Processor’s facility of origin;
 - Type of product;
 - Date of processing and packaging;
 - Date of the Processor’s State Testing Laboratory approval;
 - Expiration date (or, if no expiration date, a notation that the expiration date does not apply); and
 - The AL Poison Control contact information as provided on the AMCC website:
- The **Alabama Poison Information Center** at Children's of Alabama has been serving the people of Alabama since 1958, offering free and confidential poison information and treatment recommendations to the public and health care providers 24 hours a day. Call the 24/7 hotline **1-800-222-1222** for poison advice for all ages.

Universal State Symbol



Sales Limits

Registered certifying physicians do not prescribe medical cannabis, but they do set recommended forms of intake, (i.e., oral tablet, capsule, tincture, inhaler, lotion, etc.) and THC content, up to a maximum daily dosage for the patient based on their diagnosis, qualifying medical condition, age, size, and other individual factors. As such, **employees may only sell the lower of the maximum daily dosage recommended for the patient or the maximum daily dosage permitted by law, which includes:**

- Initial maximum daily dosage may not exceed 50 mg THC, but may be lower;
- Registered certifying physicians who initially set the dosage at a level lower than 50 mg THC may increase it to an amount less than or equal to 50 mg THC;
- If 90 days have passed during which the patient has been unsuccessfully treated, the registered certifying physician may determine that a higher dosage, (up to 75 mg THC,) is appropriate; and
- A registered certifying physician may increase the maximum daily dosage beyond 75 mg THC if the patient has been diagnosed with a terminal illness, but only after they notify the patient that their driver’s license will be suspended.

Registered certifying physicians may not lawfully recommend the use of medical cannabis with a potency greater than 3% THC for minor patients. Therefore, **caregivers of minor patients may not legally possess**

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medical cannabis with a potency greater than 3% THC and employees may not sell it to them, unless they hold a caregiver medical cannabis card on behalf of a patient who is not a minor.

The number of daily doses of **medical cannabis that may be sold to a patient or caregiver at one time** must be limited to *the lesser of*:

- a 60-day supply; or
- the number of doses equal to the number of days since the patient's or caregiver's last purchase of medical cannabis; or
- as recommended by the registered certifying physician.

Cannabis Possession Limits:

Patients with valid medical cannabis cards may possess up to 70 daily dosages of medical cannabis.

Caregivers may possess the same on behalf of such qualified registered patients.

Cannabis Storage

Encourage patients and caregivers to keep cannabis away from pets and children. It's best to keep all cannabis in its original packaging or at the very least, with some portion of the label with it so the item can be readily identified. We also want to encourage patients and caregivers to maintain the safety and integrity of their products, which includes not storing them in sunlight or extreme heat.

Where can cannabis be legally consumed?

On private property where the patient has permission to consume.

Gifting, Sharing & Selling

Patients may NOT gift, share, or sell their medical cannabis to other patients or adults. **Caregivers are NOT allowed to consume, gift, share, or sell** medical cannabis purchased on behalf of a patient.

Refusing a Sale

Selling compliantly allows us to stay open, avoid penalties and create safe access to cannabis. You have the right to refuse entry or a sale if you know, reasonably should know or suspect the consumer is attempting to or will perform any act of diversion. Always refuse a sale if you believe:

- A patient or caregiver is attempting to purchase more than their limit or over the limit for another;
- The individual is doing something illegal (i.e., taking it out of state/giving it to a non-patient minor); or
- The individual appears visibly intoxicated or significantly impaired.

Restrictions on Patients and Caregivers

Patients and caregivers must act legally and responsibly with medical cannabis. It is our job to educate them when necessary and, as mentioned just above, we must refuse sales if we are aware that the individual is doing something illegal with medical cannabis.

Patients and caregivers may not:

- Provide or accept samples of medical cannabis;
- Possess, consume, or administer medical cannabis on federal property or in federal buildings;
- Possess, consume, or administer medical cannabis at state or federal correctional detention facilities, including but not limited to prisons and juvenile detention centers;
- Possess, consume, or administer medical cannabis in any public or private place where medical cannabis is prohibited;
- Possess or administer medical cannabis outside of its packaging on the premises of a dispensing site or any other licensed facility;

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- Possess more than a 70-day supply of medical cannabis for themselves or on behalf of a single patient at any time; or
- Operate a motor vehicle, watercraft, heavy machinery, or aircraft while under the influence of medical cannabis.

Patients and caregivers must:

- Store medical cannabis in a secure location so as to prevent theft, loss, or access by persons not authorized;
- Carry their medical cannabis cards when they are in possession of medical cannabis;
- Maintain medical cannabis in one of the following containers at all times until administered to, or by, a patient:
 - The original dispensing package with an unaltered dispensary label; or
 - A container for storing medical cannabis provided by a dispensary or integrated facility.

What else is illegal?

- Consuming cannabis in any form in public;
- Having an open container of cannabis in the car; and
- Crossing state lines with cannabis, (this includes mailing it).

538-X-2-.03 Requisite Conditions To Qualify As A Registered Qualified Patient.

(2) A registered qualified patient 19 years of age or older or a registered caregiver acting on behalf of a registered qualified patient is not subject to arrest or prosecution for unlawful possession of marijuana, if (a) possessing no more than 70 daily dosages of medical cannabis for such registered qualified patient, and (b) having a valid medical cannabis card.

(3) Adult Patients (a) A resident of this state who is 19 years of age or older is a registered qualified patient if meeting all of the following conditions: 1. Has been certified by a registered certifying physician as having a qualifying medical condition and has been recommended for the use of medical cannabis by a registered certifying physician. 2. Is registered with the Commission, having been placed on the patient registry established by the Commission in accordance with the Act and this Chapter. 3. Has been issued a valid medical cannabis card by the Commission. (b) Upon meeting the foregoing conditions, such registered qualified patient may purchase, possess and use medical cannabis, subject to the limitations of §20-2A-30(d), Code of Ala. 1975, (as amended), relating to maximum medical dosage.

(4) Minor Patients (a) A resident of this state who is under the age of 19 years is a registered qualified patient if meeting all of the following conditions: 1. Has been certified by a registered certifying physician as having a qualifying medical condition and has been recommended to use medical cannabis by the registered certifying physician. 2. Is registered with the Commission, having been placed on the patient registry established by the Commission in accordance with the Act and this Chapter. 3. Has a qualified caregiver who is (A) the patient's parent, legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of the minor; (B) a resident of this state; and (C) possesses a valid caregiver's medical cannabis card issued by the Commission. (b) Upon meeting the foregoing conditions, such minor patient may use medical cannabis obtained by a caregiver on behalf of the minor patient, but the minor patient may not purchase or possess medical cannabis. Notwithstanding the foregoing, a minor patient may not legally use medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol.

538-X-2-.04 Caregiver Qualifications.

(1) A resident of this state is a registered caregiver if he or she meets all of the following conditions: (a) Is registered with this Commission, having been identified to a patient who has been placed on the registry established by the Commission in accordance with the Act and this Chapter. (b) Has been issued a valid medical cannabis card by the Commission. (c) Is

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at least 21 years of age or the parent or legal guardian of, and caregiver for, a registered qualified patient. (d) Is the patient's parent, legal guardian, grandparent, spouse, or an individual with a valid power of attorney for healthcare of a registered qualified patient. (2) A registered caregiver described above may purchase and possess medical cannabis on behalf of a registered qualified patient to whom the registered caregiver has been identified in the patient registry and may administer medical cannabis to the patient or patients to whom the registered caregiver has been identified. A registered caregiver may not use medical cannabis unless the registered caregiver is also a registered qualified patient pursuant to r. 538-x-2-.03.

538-X-2-.06 Caregiver Registration.

(4) A patient shall designate no more than two caregivers. The Commission shall register no more than two caregivers for each patient.

(6) An individual shall serve as a caregiver for no more than three patients. Except as provided in paragraph 8. of this rule, the Commission shall associate no more than three patients for each caregiver.

(7) A caregiver must possess a medical cannabis card, and pay an application fee, for each patient for whom the caregiver provides care.

(17) A caregiver registration shall be valid from the date of issuance and expire one year later.

(18) The Commission shall send a notification to each caregiver 45 calendar days before the expiration date on the caregiver's medical cannabis card.

(19) To maintain a valid caregiver registration, a caregiver must annually renew the caregiver registration submission, in accordance with this Rule. Renewal applications, fees, and required documentation must be submitted no less than 14 calendar days before the expiration of the caregiver's medical cannabis card.

538-X-2-.07 Purchase Of Medical Cannabis By Patients And Caregivers.

(1) A patient or caregiver may only purchase medical cannabis pursuant to a valid and active medical cannabis card, which may be tangible or virtual, demonstrating certification by a registered certifying physician pursuant to the Act and this Chapter.

(2) Patients under 19 years of age shall be issued a medical cannabis card identifying them as a minor, and such patients are prohibited from purchasing medical cannabis except through a caregiver.

(4) Upon entry into a dispensing site and before purchasing medical cannabis, patients and caregivers must provide their medical cannabis card; at the discretion of the dispensary or integrated facility operating the dispensing site, patients and caregivers also may be asked to provide additional photo or other approved identification, including an unexpired Alabama driver's license, an unexpired Alabama identification card issued by ALEA; passport; or any other identification proving identity as approved by the Commission.

(5) Any persons, including children or guests of patients or caregivers, who are unable to provide a medical cannabis card matching a valid patient registry profile, or who are unable to provide, upon request, additional identification to the satisfaction of dispensing site personnel, are prohibited from entering the dispensing site. This rule does not apply to employees, representatives of other licensees, Commission members or personnel or inspectors, third parties visiting the dispensing site at the request of the Commission or the licensee, or who are entering the facility for the purpose of performing repairs or maintenance at the dispensing site.

(6) The identification number on the medical cannabis card provided to a dispensary employee must be identical to the identification number included in the patient or caregiver's profile in the patient registry.

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- (7) Before purchasing medical cannabis, patients and caregivers must provide the dispensing employee their medical cannabis card; at the discretion of the dispensing site, they also may be asked to provide additional identification as described in paragraph 4. of this rule.
- (8) A registered certifying physician does not prescribe medical cannabis but merely sets a recommended form of intake (i.e., oral tablet, capsule, tincture, inhaler, lotion, etc.) and THC content, up to a maximum daily dosage of medical cannabis for the patient based on the patient's diagnosis, qualifying medical condition, age, size, and other individual factors. Such determinations as to form and THC content to be recommended shall be exclusively the province of the registered certifying physician, up to the maximum daily dosage allowed by law, as described in paragraph 9 of this rule.(§20-2A-33(f)(1), Code of Ala. 1975, (as amended)).
- (9) Dosages of medical cannabis purchased by a patient or caregiver shall be limited to the lower of the maximum daily dosage recommended for the patient by the licensed certifying physician, or the maximum daily dosage permitted by law under the Act and this Chapter:
- (a) As to all patients, regardless of the form of administration or the patient's condition or individual factors, the initial maximum daily dosage recommended by the registered certifying physician may be lower than, but shall not exceed, 50 mg of delta-9 THC.
 - (b) A registered certifying physician who initially sets the maximum daily dosage at a level lower than 50 mg of delta-9 THC may increase the maximum daily dosage, to an amount less than or equal to 50 mg delta-9 THC, subject to subparagraph c., at any time upon review with the patient during a follow-up visit.
 - (c) If 90 days have passed during which the patient has been unsuccessfully treating with medical cannabis while under the registered certifying physician's care, and the registered certifying physician determines that a higher dosage of medical cannabis, up to 75 mg of delta-9 THC is medically appropriate, a registered certifying physician may increase the maximum daily dosage beyond 50 mg of delta-9 THC, but not to exceed 75 mg of delta-9 THC. (§20-2A-33(f)(2)a., Code of Ala. 1975, (as amended)).
 - (d) A registered certifying physician may increase the maximum daily dosage beyond 75 mg of delta-9 THC at any time the patient has been diagnosed with a terminal illness, but only after the registered certifying physician notifies the patient that the patient's driver's license will be suspended. (§ 20-2A-33(f)(2)b., Code of Ala. 1975, (as amended)).
 - (e) A registered certifying physician may not lawfully recommend the use of medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol to any minor for any qualifying medical condition. A minor may not legally use medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol, whether or not the minor has a valid medical cannabis card. The caregiver of a minor who holds a medical cannabis card may not legally possess medical cannabis with a potency greater than three percent (3%) tetrahydrocannabinol, unless the caregiver holds a medical cannabis card based on their own qualifying medical condition or holds a caregiver medical cannabis card on behalf of a patient who is not a minor.
- (10) Notwithstanding the foregoing, the number of daily doses of medical cannabis that may be purchased by a patient or caregiver at one time shall be limited to the lesser of:
- (a) a 60-day supply; or
 - (b) the number of doses equal to the number of days since the patient's or caregiver's last purchase of medical cannabis; or
 - (c) as recommended by the registered certifying physician.

538-X-2-.08 Restrictions On Patients And Caregivers.

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- (3) No patient or caregiver shall provide or accept samples of medical cannabis.
- (5) Patients and caregivers shall store medical cannabis in a secure location so as to prevent theft, loss, or access by persons not authorized under the Act and this Chapter.
- (6) Patients and caregivers shall carry their medical cannabis cards with them whenever they are in possession of medical cannabis. No more than a 70-day supply of medical cannabis, as then recommended by the patient's registered certifying physician, may be possessed by or on behalf of a single patient at any time.
- (7) Medical cannabis shall be maintained in one of the following containers at all times until administered to, or by, a patient:
 - (a) The original dispensing package with an unaltered dispensary label in accordance with the Act and these Rules; or
 - (b) A container for storing medical cannabis provided by a dispensary or integrated facility in accordance with the Act and these Rules.
- (8) Medical cannabis shall not be possessed or administered on federal property or in federal buildings.
- (9) Medical cannabis shall not be possessed or administered at state or federal correctional detention facilities, including but not limited to prisons and juvenile detention centers.
- (10) Medical cannabis shall not be possessed or administered in any public or private place where medical cannabis is prohibited.
- (11) Medical cannabis shall not be administered or possessed outside of its packaging on the premises of a dispensing site or any other licensed facility under the Act or these Rules.
- (12) No patient shall operate a motor vehicle, watercraft, heavy machinery, or aircraft while under the influence of medical cannabis.

CHAPTER 538-X-4 LICENSEE REQUIREMENTS - GENERALLY

538-X-6-.04 Duties Of Processors.

Processors must do all of the following:

- (1) Using documented good quality practices and meeting current Good Manufacturing Practices, a Processor must process cannabis produced by a Cultivator into an approved medical cannabis product.
- (2) A Processor's medical cannabis products must:
 - (a) Be shown to meet intended levels of purity.
 - (b) Be shown to be reliably free of toxins and contaminants (see Appendix A to Chapter 10 of these Rules).
 - (c) Contain no additives other than pharmaceutical grade excipients.
 - (d) Not be processed into a form that is attractive to or targets children.
 - (e) As to all gelatinous cube, cuboid, and lozenge medical cannabis products, conform to the universal flavor established by the Commission under §20-2A-63(f), Code of Ala. 1975, (as amended), which is peach.

538-X-6-.05 Labeling And Packaging By Processors.

- (1) A Processor must properly package its approved medical cannabis products as follows:
 - (a) Packaging and containers must be child-resistant.
 - (b) Packaging and containers must be tamper-evident.
 - (c) Packaging and containers (or labels, see below) must identify the Processor and type of product.
 - (d) Packaging and containers must not be attractive to minors.
 - (e) Packaging and containers must be designed to minimize appeal to children.

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- (f) Packaging and containers must not contain any false statement or statement that advertises health benefits or therapeutic benefits of medical cannabis.
- (2) A Processor must properly label its packages of medical cannabis as follows:
 - (a) Labels must be securely attached to or imprinted on the accompanying packaging.
 - (b) Labels must be clear and contain print of a size and quality so as to be legible to the average patient or caregiver with a sixth-grade education.
 - (c) Labels must identify the type of product (pills, tinctures, transdermal patches, etc.).
 - (d) Labels must contain lot and batch numbers.
 - (e) Labels must contain the name of and a license identification number for the Cultivator.
 - (f) Labels must contain the name of and a license identification number for the Processor.
 - (g) Labels must identify the cannabinoid content and potency of the product.
 - (h) Labels must identify the amount, number or count of the product in the package on which they are attached.
 - (i) Labels must contain the universal state symbol approved by the Commission, printed in color at least one-half inch by one-half inch in size.
 - (j) Labels must contain the words "Keep out of reach of children."
 - (k) Labels must contain a digital image or QR Code for purposes of tracking medical cannabis products and must interface with the Statewide Seed-to-Sale Tracking System.
 - (l) Labels, or if space is not available, a package insert, must contain the following: "WARNING: This product may make you drowsy or dizzy. Do not drink alcohol with this product. Use care when operating a vehicle or other machinery. Taking this product with medication may lead to harmful side effects or complications. Consult your physician before taking this product with any medication. Women who are breastfeeding, pregnant, or plan to become pregnant should discuss medical cannabis use with their physicians."
 - (m) Labels must not be attractive to minors.
 - (n) Labels must not contain any false statement or statement that advertises health benefits or therapeutic benefits of medical cannabis.
 - (o) At the time of labeling, Processors must provide QR Coding or other approved digital coding to identify, at a minimum, the following:
 - 1. The Cultivator or Integrated Facility, by facility, from which the medical cannabis was sourced,
 - 2. The name of the Processor and the Processor's facility of origin,
 - 3. The type of product,
 - 4. The date of processing and packaging,
 - 5. The date of the Processor's State Testing Laboratory approval,
 - 6. The expiration date (or, if no expiration date, a notation that the expiration date does not apply), and
 - 7. The Alabama Poison Control contact information as provided on the AMCC website.