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Medical Cannabis Statutes

- Darren Wesley 'Ato' Hall Compassion Act (Compassion Act) passed by legislature in 2021
- Codified in Alabama Code § 20-2A-1, et seq.
- Legislative intent: to create an intrastate healthcare market for medical cannabis, including the licensing and regulation of cultivators, processors, transporters, and dispensaries

Medical Cannabis Statutes

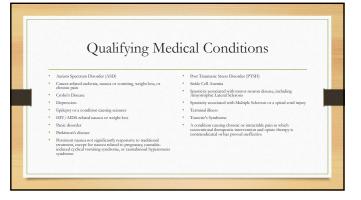
· Compassion Act creates the following:

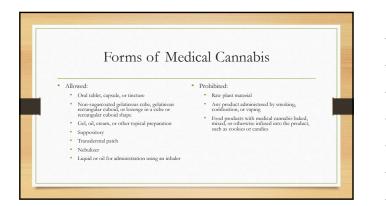
- Alabama Medical Cannabis Commission (AMCC)
- Patient Registry
- Seed to Sale Tracking Program

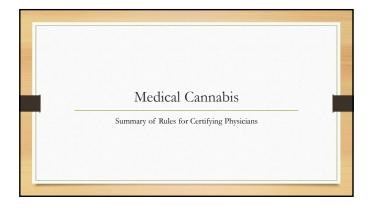
Qualified Patients

· Certified by a registered certifying physician as having a qualifying condition

- Registered with the commission
- If under 19 years of age, has a qualified designated caregiver who is his or her parent or legal guardian







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Eligibility for registration as certifying physician

- Active, unrestricted Alabama medical license, Alabama Controlled Substance Certificate (ACSC), Alabama-specific DEA registration, registration and access to Prescription Drug Monitoring Program (PDMP), registration and access to the Alabama Medical Cannabis Patient Registry (AMCPR)
- Three (3) years in active practice, or if Board certified, one (1) year in active practice (excluding internships, residencies, fellowships)
- · Completion of a 4-hour course developed by the Medical Association of the State of Alabama on medical cannabis and completion of accompanying exam with passing grade

Limitations on registered certifying physicians

- No acceptance, solicitation, or offer of any form of remuneration to certify a patient for use, other than fee for medical services not to exceed what is customary
- · No direct or indirect economic interest in or service on board of licensees of AMCC
- No advertisements describing scope of practice as including medical cannabis other than: "Dr______is qualified by the State of Alabama to certify patients for medical cannabis use under the Alabama Compassion Act." · No certifying outside of Alabama (physician, patient, examinations must all be in Alabama)
- · No certifying or recommending to patients who are pregnant, breastfeeding or attempting

Requirements for certifying for use

- Diagnose a patient with a qualifying medical condition, or confirm the diagnosis of another physician through observation and primary source verification; maximum length of certification = 90 days (30 days for patients capable of conception)
- Establish relationship, including physical exam while in the same location applies to all examinations for certifying, recommending, re-certifying or rerecommending*
- · Create a medical record, meeting established requirements for that record
- Submit appropriate information, including patient demographic information, diagnosis information, and recommended dosage, to patient registry * Added with amended rules, certified March 2024

Requirements for certifying for use

· Create medical record documenting at minimum: · Patient name, date of office visits, and examinations performed

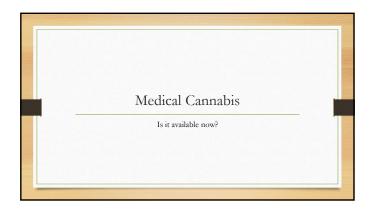
- Description and diagnosis of qualifying medical condition
 Assessment of medical history

- Assessment of medical intory
 Review of diagnostic test results, prior treatment and response, current medications, conventional therapy attempted
 Results of a required drug screen for the presence of controlled substances no certification or recommendation if positive drug screen and all controlled substance prescriptions must be verified through PDMI^{to}
- Negative pregnancy test result for any patient capable of conception* · Consent form signed by patient, and if applicable, patient caregiver
- * Added with amended rules, certified March 2024

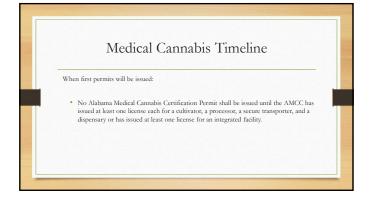
Dosage Limitations

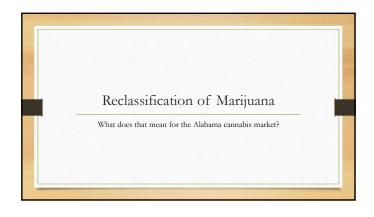
- No recommendations of medical cannabis with tetrahydrocannabinol (THC) potency greater than 3% to minors
- No recommendations of THC content exceeding the maximum daily dose for each qualifying condition as established by the $\rm AMCC$
- Subject to maximum daily dosages established by AMCC, no recommendations beyond 50 mg of Delta 9-THC, unless
- After 90 days, physical determines and justifies in documentation a higher daily dosage is medically appropriate cannot exceed 75 mg of Delta 9-THC, or
- Patient has been diagnosed with a terminal illness cannot exceed 75 mg Delta 9-THC, and patient's driver's license will be suspended

Other Medical Cannabis Rules Department of Agriculture and Industries Rules on Medical Cannabis Cultivation, Ala. Admin. Code 80-14-1, et seq. Regulation for cultivators of medical cannabis Regulation for cultivators of medical cannabis Require fecenses to have an operation plan, including a grow plan and security plan Can only sell to AMCC licensees Must participate in seed to sale tracking Limited to 12 licensees AMCC Rules, Ala. Admin. Code 538-x-1, et seq. Regulation for processing of location constraints, security transporters (no fail on factors), testing habers of a location of the factors). The second security of the factors of the second security of medical cannabis in all stages, participation in sector to sale tracking program, intrastate nature of medical cannabis. Specific regulation of qualifying patients and caregivers, relevant to physicians









Reclassification of Marijuana

- Marijuana classified as Schedule I drug since the enactment of Controlled Substances Act
 - Schedule I means no medical value, and therefore, not available by prescription or at a pharmacy
- US Justice Dept has issued a notice of proposed rulemaking that would reclassify marijuana to Schedule III (examples of Schedule III: ketamine, anabolic steroids)
- Public comments due 60 days after publication in federal register, but otherwise, no timetable

Reclassification of Marijuana

- How does that change the Alabama market?
 - Will pharmacies be able to stock medical cannabis?
 - Will any physician with a valid DEA registration be able to prescribe?
 - Will medical cannabis dispensaries be subject to DEA rules?
- The Compassion Act is Alabama's law regarding the Alabama cannabis market, and a reclassification of marijuana will not change the Act's authority

