

1 SB278  
2 218127-2  
3 By Senator Stutts  
4 RFD: Healthcare  
5 First Read: 01-MAR-22

8 SYNOPSIS: Under existing law an adult woman who  
9 qualifies as having a specified medical condition  
10 is eligible to lawfully obtain medical cannabis.

11 This bill would require a dispensary site to  
12 require a negative pregnancy test for women of  
13 childbearing age before allowing them to purchase  
14 medical cannabis and would prohibit breast-feeding  
15 women from purchasing medical cannabis unless as a  
16 registered caregiver.

17 This bill will would also require that any  
18 dispensary be located one thousand feet from a  
19 day-care center, or 2-year or 4-year institution of  
20 higher education.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to the medical use of cannabis; to amend  
27 Section 20-2A-64, Code of Alabama 1975, as added by Section 1

1 of Act 2021-450 of the 2021 Regular Session; to establish  
2 certain requirements for medical cannabis use by women of  
3 childbearing age.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 20-2A-64, Code of Alabama 1975,  
6 as added by Section 1 of Act 2021-450 of the 2021 Regular  
7 Session, is amended to read as follows:

8 "§20-2A-64.

9 "(a) (1) A dispensary license authorizes all of the  
10 following:

11 "a. The purchase or transfer of medical cannabis  
12 from a processor.

13 "b. If a cultivator contracted with a processor to  
14 process its cannabis into medical cannabis on the cultivator's  
15 behalf, the purchase or transfer of medical cannabis from the  
16 cultivator.

17 "c. The purchase or transfer of medical cannabis  
18 from an integrated facility.

19 "d. The dispensing and sale of medical cannabis only  
20 to a registered qualified patient or registered caregiver.

21 "(2) A dispensary license authorizes the dispensary  
22 to transfer medical cannabis only by means of a secure  
23 transporter, including transport between its dispensing sites.

24 "(b) The commission shall issue no more than four  
25 dispensary licenses.

1           "(c) A dispensary license authorizes the dispensary  
2 to transfer medical cannabis to or from a state testing  
3 laboratory for testing by means of a secure transporter.

4           "(d) A licensed dispensary shall comply with all of  
5 the following:

6           "(1) Each dispensing site must be located at least  
7 one thousand feet from any school, day care, or ~~child-care~~  
8 child-care facility, including a home, freestanding child-care  
9 center, or 2-year or 4-year institution of higher education.

10          "(2) Each dispensing site must be equipped with  
11 surveillance cameras that are focused on each point of entry  
12 and that operate on a continuous basis. The dispensary must  
13 maintain surveillance records for a minimum of 60 days  
14 following the date of recording.

15          "(3) Sell and dispense medical cannabis at a  
16 dispensing site to a registered qualified patient or  
17 registered caregiver only after it has been tested and bears  
18 the label required for retail sale.

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

22          "(5) Only allow dispensing of medical cannabis by  
23 certified dispensers, as provided in subsection (e).

24          "(6) Not allow the use of medical cannabis products  
25 on the premises.

26          "(7) Only allow registered qualified patients and  
27 registered caregivers on the premises.

1           "(8) Require every woman of childbearing age from 25  
2 to 50 years of age, to obtain a negative pregnancy test either  
3 from her physician or documentation from a certified medical  
4 lab that has been ordered by a physician licensed in Alabama.  
5 The documentation must be dated within 48 hours of purchase  
6 before she may purchase any medical cannabis except in the  
7 capacity as a registered caregiver.

8           (9) No breast-feeding woman may purchase any  
9 cannabis product except in the capacity as a registered  
10 caregiver.

11           "(e) Any registered qualified patient who becomes  
12 pregnant shall report her pregnancy status to her registered  
13 certifying physician and shall be prohibited from obtaining  
14 medical cannabis throughout the pregnancy.

15           ~~"(e)~~ (f) (1) As used in this subsection, certified  
16 dispenser means an employee of a dispensary who dispenses  
17 medical cannabis to a registered qualified patient or  
18 registered caregiver and who has been trained and certified by  
19 the commission.

20           "(2) The commission shall establish and administer a  
21 training program for dispensers that addresses proper  
22 dispensing procedures, including the requirements of this  
23 subsection, and other topics relating to public health and  
24 safety and preventing abuse and diversion of medical cannabis.  
25 The commission shall certify trained dispensers and may  
26 require, as a qualification to remain certified, periodic  
27 training.

1           "(3) A certified dispensary shall comply with all of  
2 the following:

3           "a. Before dispensing medical cannabis, inquire of  
4 the patient registry to confirm that the patient or caregiver  
5 holds a valid, current, unexpired, and unrevoked medical  
6 cannabis card and that the dispensing of medical cannabis  
7 conforms to the type and amount recommended in the physician  
8 certification and will not exceed the 60-day daily dosage  
9 purchasing limit.

10           "b. Enter into the patient registry the date, time,  
11 amount, and type of medical cannabis dispensed.

12           "c. Comply with any additional requirements  
13 established by the commission by rule.

14           "(4) The commission shall adopt rules to implement  
15 this subsection.

16           "~~(f)~~ (g) A licensee may operate up to three  
17 dispensing sites, each of which must be located in a different  
18 county from any other dispensing site; provided, however, the  
19 commission may authorize a licensee to operate a greater  
20 number of dispensing sites if, at least one year after the  
21 date when the maximum number of total dispensing sites  
22 authorized under this section and Section 20-2A-67 are  
23 operating, the commission determines that the patient pool has  
24 reached a sufficient level to justify an additional dispensing  
25 site in an underserved or unserved area of the state.  
26 Notwithstanding the foregoing, a licensee may not operate any  
27 dispensing site in the unincorporated area of a county or in a

1       municipality that has not adopted a resolution or ordinance  
2       authorizing the operation of dispensing sites under subsection  
3       (c) of Section 20-2A-51."

4               Section 2. This act shall become effective on the  
5       first day of the third month following its passage and  
6       approval by the Governor, or its otherwise becoming law.