SB324

218127-2

By Senator Stutts

RFD: Children, Youth and Human Services

First Read: 17-MAR-22
SYNOPSIS: Under existing law an adult woman who qualifies as having a specified medical condition is eligible to lawfully obtain medical cannabis.

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

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

A BILL
TO BE ENTITLED
AN ACT

Relating to the medical use of cannabis; to amend Section 20-2A-64, Code of Alabama 1975, as added by Section 1
of Act 2021-450 of the 2021 Regular Session; to establish
 certain requirements for medical cannabis use by women of
 childbearing age.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§20-2A-64.

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

"a. The purchase or transfer of medical cannabis

from a processor.

"b. If a cultivator contracted with a processor to

process its cannabis into medical cannabis on the cultivator's

behalf, the purchase or transfer of medical cannabis from the

cultivator.

"c. The purchase or transfer of medical cannabis

from an integrated facility.

"d. The dispensing and sale of medical cannabis only

to a registered qualified patient or registered caregiver.

"(2) A dispensary license authorizes the dispensary

to transfer medical cannabis only by means of a secure

transporter, including transport between its dispensing sites.

"(b) The commission shall issue no more than four

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

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

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

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

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

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

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

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

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

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

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

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

"(2) The commission shall establish and administer a training program for dispensers that addresses proper dispensing procedures, including the requirements of this subsection, and other topics relating to public health and safety and preventing abuse and diversion of medical cannabis. The commission shall certify trained dispensers and may require, as a qualification to remain certified, periodic training.
(3) A certified dispensary shall comply with all of the following:

  a. Before dispensing medical cannabis, inquire of the patient registry to 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 will not exceed the 60-day daily dosage purchasing limit.

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

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

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

(f) A licensee may operate up to three dispensing sites, each of which must be located in a different county from any other dispensing site; provided, however, the commission may authorize a licensee to operate a greater number of dispensing sites if, at least one year after the date when the maximum number of total dispensing sites authorized under this section and Section 20-2A-67 are operating, the commission determines that the patient pool has reached a sufficient level to justify an additional dispensing site in an underserved or unserved area of the state. Notwithstanding the foregoing, a licensee may not operate any dispensing site 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 subsection
(c) of Section 20-2A-51."

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