

ALABAMA MEDICAL CANNABIS COMMISSION
ADMINISTRATIVE CODE

CHAPTER 538-X-7
REGULATION OF SECURE TRANSPORTERS

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538-X-7-.01 **Scope.**

Secure Transporters authorized pursuant to §20-2A-65, Code of Ala. 1975, (as amended), shall operate in accordance with the provisions of the Act and this Chapter. Except as specifically provided in this Chapter, Secure Transporters shall be governed by the General Rules for Licensee Applications (Chapter 3 of these Rules) and the General Rules for Licensee Conduct (Chapter 4 of these Rules).

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.02 **Licensing And Regulation Of Medical Cannabis As To Secure Transporters.**

(1) *License Required.* Secure Transporters are required to be licensed as set forth in Rule 3 of Chapter 3 of these Rules.

(2) *Number of Licenses to be issued by the Commission.* The number of licenses to be issued to Secure Transporters is within the discretion of the Commission, which will award licenses to Secure Transporters based on merit, need, and other factors identified generally and specifically by the Act and this Chapter. (See 20-2A-51, Code of Ala. 1975, (as amended)).

(3) *Duties.* It shall be the duty of a Secure Transporter:

(a) To transport cannabis and medical cannabis, in a safe, efficient and professional manner from and to licensees' facilities, pursuant to such contracts as the Secure Transporter may negotiate between itself and one or more licensees.

(b) To log details regarding the product and the transport in the Statewide Seed-To-Sale Tracking System and/or the manifest relating to said transport.

(c) During transit, to maintain cannabis and medical cannabis:

1. in accordance with an approved security plan.

2. in a moisture- and temperature-controlled environment acceptable to the contracting licensee, to avoid deterioration or loss of efficacy of the cargo.

(4) A Secure Transporter must not:

(a) Cultivate, process or dispense cannabis.

(b) Perform the functions of a State Testing Laboratory.

(c) Make home delivery of cannabis or medical cannabis to anyone.

(d) Transport patients or caregivers to or from dispensing sites or any other licensees' facilities.

(e) Transport any cargo except cannabis, medical cannabis and associated products, materials, packages or containers.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.03

Applications And Applications Processing As To Secure Transporters Generally.

(1) *Generally.* Applicants for a license to operate as a Secure Transporter under the Act and this Chapter shall be governed by

Rule 3 of Chapter 3 of these Rules, except as specifically modified below.

(2) *Procedure for Filing Application - Contents of Application Specific to Secure Transporters.* A Secure Transporter's Application filed with the Commission shall conform to the general application requirements for all licensees set forth in Rule 3 of Chapter 3 of these Rules, except as noted below:

(a) Cover Sheet - as provided in Rule 3 of Chapter 3 of these Rules.

(b) Summary Sheet- as provided in Rule 3 of Chapter 3 of these Rules.

(c) Application Information - as provided in Rule 3 of Chapter 3 of these Rules, except that:

1. Verified Written Consent to a state and national criminal background check shall also be obtained for each of the Secure Transporter Applicant's proposed drivers; upon request, all Secure Transporter Applicants and their employees must submit an ALEA Application to Review Alabama Criminal History Record Information (SBI Form 46).

2. Verification that the leaders of all Secure Transporter Applicants and all secure transport drivers and secure transport passengers shall not have received a criminal conviction within the last eight years for:

(i) Any indictable offense.

(ii) Any offense involving stolen property or vehicles; fraud relating to any business the driver has owned, in whole or part, or in which the driver has been employed; stolen property; or other offense of similar nature.

(iii) Operation of a motor vehicle while under the influence of a controlled substance, or offense of similar nature.

(iv) Any offense involving possession, distribution or trafficking in, any illegal substance. A license shall not be awarded to any Secure Transporter Applicant not in compliance with this provision.

3. Verification of compliance with Alabama Public Service Commission requirements for motor carriers; a license shall not be awarded to any Secure Transporter Applicant who fails to comply with this provision.

4. License Plate and DOT numbers, if available, for all secure transport vehicles.

5. Driver's License and Social Security Number, if available, of each secure transport driver.

6. Verification that all Secure Transport drivers are at least 21 years of age and have a minimum of three years of driving experience; a license shall not be awarded to any Secure Transporter Applicant who fails to comply with this provision.

7. The Applicant's consent, as required by §20-2A-55(d), Code of Ala. 1975, (as amended), to the inspections, examinations, searches and seizures contemplated by §20-2A-52(a)(3), Code of Ala. 1975, (as amended), shall specifically extend to all secure transport vehicles; a license shall not be awarded to any Secure Transporter Applicant who fails to provide the requisite consent.

8. Other information or documentation as the Commission may require of Secure Transporters, as contained on the application.

(i) The Secure Transporter Applicant's Verification regarding all proposed facilities shall conform with Rule 3 of Chapter 3 of these Rules.

(ii) The Secure Transporter Applicant's Verification that it has no economic interest in any other license or Applicant for license under the Act or this Chapter shall conform with Rule 3 of Chapter 3 of these Rules.

(iii) Exhibits to the Secure Transporter Applicant's application Information shall be as provided in Rule 3 of Chapter 3 of these Rules, except as follows:

(I) Secure Transporters also must provide, as available, title, lease or other documentation demonstrating possessory interest in all vehicles to be used for secure transportation of cannabis or medical cannabis.

(II) Secure Transporters also must provide, as available, copies of declarations pages of insurance policies applicable to all vehicles to be owned and operated by the company, particularly those proposed for the secure transport of cannabis or medical cannabis.

(III) Secure Transporters must also provide copies of all contracts, contingent contracts or memoranda of understanding (or, if not available, exemplars) between the Secure Transport Applicant and any other licensee or applicant under the Act and these Rules.

(IV) Secure Transporters must include a list of any motor vehicle citations, fines or violations received by its drivers, identified to each individual, in the last three years.

(V) To the extent that a Secure Transporter intends to operate a vehicle that requires a Commercial Drivers' License, documentation demonstrating that proposed drivers are properly trained and licensed. Secure Transporters must verify that all vehicles and drivers have the requisite training and shall maintain compliance with all federal, state and local laws applicable to them at all times while employed as a driver.

(VI) Secure Transporters also must provide a Fleet Summary showing the make, model, VIN Number, license plate number and specifications of all vehicles proposed for the secure transport of cannabis or medical cannabis including but not limited to the design and specification of all areas in which cannabis or medical cannabis is to be stored.

(VII) The Employee Handbook provided by Secure Transporters shall include or be accompanied by a Drivers' Manual detailing qualifications, standards, and procedures to be met and followed by prospective drivers.

(VIII) In addition to the contents of the Policies and Procedures Manual common to all applicants, the Policies and Procedures Manual and/or the Drivers' Manual of Applicants for a Secure Transporter's license shall specifically address protocols for the care and maintenance of all vehicles proposed for secure transport of cannabis or medical cannabis.

(iv) Exemplar or, if available, proposed, if not copies of actual route plans for all proposed secure transport vehicles, for inclusion in the Statewide Seed-to-Sale Tracking System.

(v) The Secure Transporter's Security Plan must also include a verified plan for security during transport

of medical cannabis, including but not limited to the following:

(I) Variable route plans and GPS tracking systems must be monitored from the secure transporter's security center using Wi-Fi or hardline network technology.

(II) Locks and Alarm systems must be installed on all vehicles proposed for the secure transport of medical cannabis, including but not limited to the storage area within each vehicle where the product is to be kept while in transit.

(III) Vehicle dashboard and storage area audio/video recording devices (self-recording and, at all times possible, viewable from and saved directly to the secure transporter's security center) must be installed and operational at all times while the vehicle is in transit, and shall include lighting and resolution sufficient to readily identify individuals and activities depicted in the same way as required of audio/video recordings inside licensees' facilities, and kept for the same time and under the same conditions as for such audio/video recordings. See paragraph 3.m.(16)(k) of Rule 538-X-3-.03.

(IV) Secure transport vehicles must be free of markings:

I. indicating that they are carrying cannabis or medical cannabis, or

II. bearing the name or logo of any other licensee.

(V) Cannabis and/or medical cannabis shall be kept in sealed tamper-evident containers that are not accessible to transport personnel during transit but are equipped with tracking devices that can be monitored remotely by the secure transporter at all times during transit.

(VI) Cannabis, medical cannabis and containers holding the same must not be visible or recognizable outside the secure transport vehicle.

(VII) Secure Transport drivers shall have ready access to duress panic and/or hold-up alarms that may be activated in the event of an attempted diversion by unauthorized personnel, hijackers,

terrorists, or other improper intervenors. Each employee in a secure transport vehicle must have communication access to the Secure Transporter's security center and be able to contact 911 at all times while the secure transport vehicle contains cannabis or medical cannabis.

(VIII) If an emergency requires stopping the vehicle, employees must notify the secure transporter's security center (or ALEA) of the nature of the emergency and complete an incident report form provided by the Commission.

(IX) Under no circumstances may any person other than a designated secure transporter employee have actual physical control of the motor vehicle transporting cannabis or medical cannabis.

(X) Secure Transport drivers shall be trained in, and have ready access to, secure procedures for undergoing administrative inspection by law enforcement pursuant to §20-2A-65(c), Code of Ala. 1975, (as amended). A Secure Transport employee must carry an employee ID card at all times when transporting or delivering cannabis or medical cannabis; upon request, the ID card must be presented to the Commission or law enforcement officer acting in the course of official duties.

(XI) Individual batches of cannabis or medical cannabis prepared for storage or transport must be appropriately labeled and inserted in containers prior to transport. Batches shall be bar-coded, QR coded, or otherwise digitally coded to identify the following:

I. The batch number(s) or plant tag number(s),

II. The contracting licensee,

III. Facility of origin,

IV. The type of product,

V. The date of harvest and/or processing and packaging, as applicable, and

VI. The date of the last State Testing Laboratory approval.

(XII) Secure Transport vehicles shall have no fewer than two personnel (a driver and one other)

in the vehicle at all times when the vehicle is carrying cannabis or medical cannabis and is (a) making more than a single stop on the route and/or (b) traveling more than ten (10) miles while carrying cannabis or medical cannabis. Notwithstanding the foregoing, a single employee may transport cannabis or medical cannabis to or from a State Testing Laboratory. Secure Transport vehicles may not be left unattended at any time when containing cannabis or medical cannabis; at least one employee must remain with the vehicle at all times when the vehicle contains cannabis or medical cannabis. Only designated personnel shall occupy a secure transport vehicle during transport of cannabis or medical cannabis; non-employee passengers of any kind are prohibited.

(XIII) Secure Transport vehicles carrying cannabis or medical cannabis must adhere to the designated route at all times. If an alternate route is necessary, the driver must contact the security office and note the change on the route plan. Secure transporters shall document all stops in transit for refueling or otherwise, including the reason for the stop, the duration of the stop, the location of the stop, and all activities of employees exiting the vehicle.

(XIV) Secure transport vehicles must be equipped with GPS tracking and monitored throughout transit by the Secure Transporter's security center through Wi-Fi or hardwire networking technology.

(XV) Route plans, manifests, transport logs, freight bills, bills of lading and any free-on-board ("FOB") terms of sale documents, maintenance and repair records, and insurance documentation must be kept (either manually or electronically, including, but not limited to, as part of the Statewide Seed-to-Sale Tracking System), as to all vehicles in the secure transporter's fleet, for a period of not less than two (2) years, and longer upon the request of the Commission or law enforcement. Such documents shall be made available to the Commission or its representatives (including inspectors) during inspections and other official visits.

(XVI) Upon request, a secure transporter shall make available to the Commission or its

inspectors all information relating to the security plan.

(vi) The Secure Transporter Applicant must provide an affidavit signed by the responsible individual and designated contact person (or, if the Secure Transporter is an entity, the duly authorized officer, owner or interest holder and the designed contact person) that the information provided in the Application is true and correct, to the best of the Affiants' knowledge upon a diligent investigation thereof.

(vii) The Secure Transporter Applicant must provide an Application Fee pursuant to §20-2A-55(f), Code of Ala. 1975, (as amended). The Applicant's nonrefundable Application Fee must be submitted electronically per instructions in the Application Form received in response to the applicant's Request for Application.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.04 **Post-Licensing Inspection Of Secure Transporter Facilities And Vehicles.**

(1) Generally. In addition to the general inspections for licensee facilities to be carried out by the Commission in accordance with §20-2A-52(a)(3), Code of Ala. 1975, (as amended), a secure transporter licensee shall be subject to inspection of all secure transport vehicles, under the same terms and on the same basis as for licensees' facilities generally.

(a) Pre-Commencement Inspection. When a licensee is set to commence operations at any facility, the licensee shall contact the Commission to set a date for inspection of all facilities and secure transport vehicles under the procedures for a pre-commencement inspection set forth under the procedures outlined in Chapter 4, including that the pre-commencement inspection may be set at any mutually acceptable time. No Secure Transporter's operations may commence at any facility or with respect to any secure transport vehicle until the facility and all secure transport vehicles have passed a pre-commencement inspection with no critical violations and all minor infractions having been corrected. Reinspection following a failed pre-commencement inspection shall occur within 30 days, after which, if the Secure Transporter passes the inspection, it may commence operations. A Secure Transporter which has failed a second pre-commencement

inspection must petition the Commission for permission for a further pre-commencement inspection; if the Commission denies a third pre-commencement inspection or the Secure Transporter fails the third inspection, the Secure Transporter is precluded from commencing operations and its license shall be revoked.

(2) Announced Inspections of Secure Transporter Facilities and Vehicles. Not less than 14 days prior to any announced inspection, the Commission, acting by and through its representative, will notify the secure transporter licensee of its intention to conduct an announced inspection of the licensee's facilities, vehicles, operations, and documentation, advising the licensee of a specific date and time for the inspector's anticipated arrival as well as the individuals who are anticipated to be part of the inspection team. At the time of the announced inspection, secure transporter licensees shall make their facilities, vehicles, personnel, operations, and documentation available for review and auditing at the request of the inspector. In addition to the aspects of inspection listed in Chapter 4 of these Rules, aspects of the inspection of secure transporters shall include, but are not limited to: maintenance and repair logs, transport documentation, PSC licensing and compliance, and insurance records of all vehicles that have been in operation at any time since the last announced inspection; all vehicles not yet acquired or placed into operation that the secured transporter is planning to obtain and/or place in operation at any time during the next two years; motor vehicle citations, penalties, and violations in the last three (3) years; all operations and transports being conducted by the secured transporter, including but not limited to, all machinery, vehicles, equipment and supplies; all security monitoring records, records of route plans, and incident reports related to any vehicle, transport or driver; background check certificates and/or personnel files of all owners, officers, administrators, managers, transport personnel or other employees (full-time or part-time), and volunteers.

(3) Unannounced Inspections of Secure Transporter Facilities and Vehicles. Unannounced Inspections may be conducted without prior notice at any time, without respect to whether the secure transporter has or has not undergone an announced inspection, on the same basis as licensees generally, in accordance with the provisions for such inspections contained in Part IV. Unannounced inspections for secure transporters include, but are not limited to, the category of "administrative inspection" that may be conducted by law enforcement on a secure transporter's vehicle at any time. At the time of licensing, Secure Transporters shall receive information regarding specific procedures that shall be employed to ensure the safety of transport personnel and their cargo when law enforcement officers, acting upon the request of the Commission or otherwise, seek to perform an administrative inspection of a secure transport vehicle.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.05 Medical Cannabis Education And Safety Training Requirements For Employees.

In addition to the medical cannabis education and safety training applicable to all employees of licensees generally, transport personnel (i.e., drivers and any other employees whose job is to accompany drivers) employed by a secured transporter shall annually complete and receive certification for no less than five (5) hours of training specifically tailored to driver safety and procedures related to the proper procedures to be followed when transporting cannabis and medical cannabis.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.06 Maintenance Of Proper Technology.

In addition to the technology requirements for all licensees generally, Secure Transporters must also do the following:

(1) Prior to transport, Secure Transporters must enter into the Statewide Seed-to-Sale Tracking System the route plans and manifests (containing information as set forth in Rule 538-X-7-.07) of any vehicle transporting cannabis or medical cannabis.

(2) Secure Transporters must maintain GPS tracking technology to monitor and record transportation of cannabis and medical cannabis by its vehicles using Wi-Fi or hardline networking technology.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.
History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.07 Manifests And Transport Of Cannabis And Medical Cannabis.

(1) As used herein, a "manifest" is a document listing the cargo and crew of a vehicle, for the review and use of state officials and licensee personnel.

(2) Before transporting cannabis or medical cannabis, a Secure Transporter must:

- (a) Complete a manifest on a form approved by the Commission, and
- (b) Input the manifest to the Statewide Seed-to-Sale Tracking System.

(3) At a minimum, manifests as used in this Chapter shall contain each of the following:

- (a) The names of the driver, crewmember, and any other individuals onboard.
- (b) The name and address of the destination.
- (c) The weight and description of each individual package that is part of the shipment, and the total number of individual packages.
- (d) The date and time the medical cannabis shipment is placed into the transport vehicle.
- (e) The date and time the shipment is accepted at the delivery destination.
- (f) The identity of the employee having custody of the cannabis or medical cannabis, and the circumstances, duration, and disposition of any other person who had custody or control of the shipment.
- (g) Any handling or storage instructions.

(4) The manifest must be signed by:

- (a) An authorized employee of the facility from which the cannabis or medical cannabis is being transported; and
- (b) The Secure Transporter's driver; and
- (c) An authorized employee of the receiving facility.

(5) Prior to transport, the Secure Transporter must verify the following:

- (a) That individual batches of cannabis or medical cannabis have been tagged or otherwise identified and inserted in containers.
- (b) That batches and containers are QR coded or otherwise digitally coded, identifying at a minimum the licensee and facility of origin, the licensee and facility of destination,

and the date of the State Testing Laboratory's last testing and approval.

(c) That cannabis and medical cannabis is accompanied by a manifest and any other appropriate documentation, and that the information thereon is accurate and has been duly executed by the transporting licensee and the driver.

(d) That all information from the QR code relating to the cannabis or medical cannabis, as well as the date and time of shipment, has been logged into the Statewide-Seed-to-Sale Tracking System.

(6) Upon delivery, the Secure Transporter must coordinate with the receiving licensee to:

(a) Verify and document the type and quantity of the transported medical cannabis against the manifest.

(b) Input the updated manifest to the Statewide Seed-to-Sale Tracking System.

(c) Sign the manifest and other documents demonstrating that delivery has been accomplished.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.08 Advertising And Marketing Specific To Secure Transporters.

Regulations for advertising and marketing by Secure Transporters shall be the same as for licensees generally. Specifically in addition thereto, Secure Transporters' vehicles may bear the logo or name of the Secure Transporter, but they must not bear markings or other indication that they carry cannabis or medical cannabis.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.09 Application Fee For Secure Transporters.

At the time of submitting its application, the Secure Transporter applicant must provide the appropriate application fee as required by §20-2A-55(f), Code of Ala. 1975, (as amended). The application fee is nonrefundable and must be submitted electronically per

instructions in the Application Form received in response to the applicant's Request for Application.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.

538-X-7-.10 Licensee Fees And Renewal License Fees For Secure Transporters.

Secure Transporters' duty regarding annual license fees and renewal license fees shall be as set forth in Rule 538-X-4-.06 of Chapter 4 of these Rules, and the schedule therefor shall be contained on the AMCC website.

Author: William H. Webster

Statutory Authority: Code of Ala. 1975, §§20-2A-22, as amended.

History: New Rule: Published August 31, 2022; effective October 15, 2022.