



# STATE OF ALABAMA MEDICAL CANNABIS COMMISSION

P. O. Box 309585  
Montgomery, Alabama 36130

November 24, 2025

**Via Certified Mail and Email**

Green Health Laboratories, LLC  
c/o Mr. Brandon Biles  
428 East Section Avenue, Suite B  
Foley, AL 36535  
[bbiles@ymail.com](mailto:bbiles@ymail.com)

Re: Initial Decision on Motion for Temporary Variance from Alabama Medical Cannabis Commission (“AMCC”) Administrative Rules (the “Rules”) – Ala. Admin. Code r. 538-X-10-.03(3)(b)4. (Transport Requirements for State Testing Laboratory Licensees)

Dear Mr. Biles:

Please accept this as the initial AMCC staff decision on Green Health Laboratories, LLC’s (the “Licensee”) Motion for Temporary Variance from AMCC Administrative Rules (the “Motion”), seeking variance from Ala. Admin. Code r. 538-X-10-.03(3)(b)4. The rule from which the Licensee seeks a temporary variance provides that, with one exception<sup>1</sup>, the Licensee’s “employees and transport vehicles carrying cannabis or medical cannabis are otherwise subject to the rules and regulations applicable to Secure Transporters as set forth in Chapter 7 of these Rules.” Because of the reference to and general applicability of Chapter 7 of the Rules (Regulation of Secure Transporters) on the Licensee and the Licensee’s request for variance from specific provisions of Chapter 7, the Motion is treated as a request

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<sup>1</sup> Ala. Admin. Code r. 538-X-10-.03(3)(b)4. provides that “[a] single employee may transport samples of cannabis or medical cannabis from or to a State Testing Laboratory for testing.” This is an exception from Ala. Admin. Code r. 538-X-7-.03(2)(c)8.(v)(XII), which requires that “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...” Admin. Code r. 538-X-7-.03(2)(c)8.(v)(XII) provides the same exception as Ala. Admin. Code r. 538-X-10-.03(3)(b)4. (“Notwithstanding the foregoing, a single employee may transport cannabis or medical cannabis to or from a State Testing Laboratory.”).

for temporary variance from Ala. Admin. Code r. 538-X-10-.03(3)(b)4, and Chapter 7 of the Rules (Ala. Admin. Code r. 538-X-7-.01, et seq.).

Upon due consideration, the Motion is hereby **GRANTED IN PART** and **DENIED IN PART**.

#### **FACTUAL AND PROCEDURAL BACKGROUND**

1. The Alabama Medical Cannabis Commission (the “Commission”) approved the 2025 State Testing Laboratory License Offering (the “2025 Offering”) on February 13, 2025, and the Offering opened on February 14, 2025.
2. The Licensee filed its application in the 2025 Offering on April 12, 2025.
3. AMCC notified the Licensee of deficiencies with its application on April 23, 2025.
4. The Licensee filed a corrected application, in response to the Notice of Deficiency, on May 4, 2025.
5. The Licensee’s application, as corrected, was deemed submitted by the Commission on May 15, 2025.
6. After a 30-day public comment period and a presentation by the Licensee to the Commission, the Commission voted to award a State Testing Laboratory license to the Licensee on June 17, 2025.
7. The Licensee satisfied all post-award requirements, and its State Testing Laboratory license was issued on July 15, 2025.
8. The Licensee has not undergone the pre-commencement inspection required by Ala. Admin. Code r. 538-X-4-.02(2)(a).
9. The Licensee filed the Motion on November 11, 2025 (attached as “**Exhibit A**”).
10. AMCC acknowledged receipt of the Motion on November 12, 2025 (attached as “**Exhibit B**”).

#### **ADMINISTRATIVE CODE AUTHORITY**

The Licensee, as a State Testing Laboratory, is authorized to conduct certain activities and is regulated by the provisions of Chapter 10 (Regulation of State Testing Laboratories)<sup>2</sup> of the Rules. The Licensee is also subject to various other provisions of the Rules, including Chapter 1 (General Provisions, Scope and Construction of Rules)<sup>3</sup>, Chapter 3 (Applications and Licensing Requirements – Generally)<sup>4</sup>, Chapter 4 (Licensee Requirements – Generally)<sup>5</sup>, and Chapter 7 (Regulation of Secure Transporters)<sup>6</sup>.

A “licensee may request a temporary variance to relax or suspend the[] Rules when, in the opinion of the requesting party, circumstances dictate that the requesting party must

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<sup>2</sup> Ala. Admin. Code r. 538-X-10-.01, et seq.

<sup>3</sup> Ala. Admin. Code r. 538-X-1-.01, et seq.; See Ala. Admin. Code r. 538-X-1-.01

<sup>4</sup> Ala. Admin. Code r. 538-X-3-.01, et seq.; See Ala. Admin. Code r. 538-X-10-.01

<sup>5</sup> Ala. Admin. Code r. 538-X-4-.01, et seq.; See Ala. Admin. Code r. 538-X-10-.01

<sup>6</sup> Ala. Admin. Code r. 538-X-7-.01, et seq.; See Ala. Admin. Code r. 538-X-10-.03(3)(b)4

be out of compliance with the[] Rules for a period of time specified by the requesting party, not longer than six months.” Ala. Admin. Code r. 538-X-1-.01(1).

Regarding a temporary variance request, Ala. Admin. Code r. 538-X-1-.08(1) includes, but is not limited to, the following provisions:

- The Commission cannot grant a variance of any type in conflict with the Darren Wesley “Ato” Hall Compassion Act, Ala. Code § 20-2A-1, et seq. (the “Act”); a temporary variance may not issue to excuse the requesting party from the mandates of the Act.
- Unless otherwise directed, a requesting party may operate consistently with its requested temporary variance pending its final disposition by the Commission.
- Circumstances warranting a temporary variance must be unusual, unforeseen to the requesting party, unavoidable (i.e., incapable of being addressed other than through special dispensation to have the Rule not apply), and for the prevention of undue hardship.
- A motion for temporary variance shall be reviewed and initially decided by AMCC staff.
- All unchallenged decisions by AMCC staff may be ratified, as appropriate, by a majority vote of the Commission upon due inquiry into the request at the next duly called meeting more than fourteen (14) days from the AMCC staff’s decision.
- Within fourteen (14) days of the AMCC staff’s denial of a motion for temporary variance, the aggrieved requesting party may file an electronically submitted notice of appeal, which shall be heard and decided by the majority vote of the Commission at the next duly called meeting more than fourteen (14) days from the date of filing the notice of appeal.
- Temporary Variances are not otherwise subject to appeal.

## **DISCUSSION**

As noted above, the Licensee is, with one exception, subject to the rules and regulations applicable to Secure Transporters as set forth in Chapter 7 of the Rules. Through the Motion, the Licensee seeks a temporary variance, not to exceed six (6) months, to relax or suspend the application of certain provisions in Chapter 7 to the Licensee’s operations. Specifically, these operations include the transport of cannabis and medical cannabis test samples from other licensees’ facilities to the Licensee’s facility.

The Act authorizes State Testing Laboratory licensees to conduct certain activities. See Ala. Code § 20-2A-66(c). Notably, the Act specifically exempts State Testing Laboratory licensees from using a Secure Transporter to conduct those authorized activities. *Id.* The Rules provide that a State Testing Laboratory licensee, when transporting cannabis or medical cannabis test samples, must comply with all requirements of Secure Transporters, with the exception that a single employee may be used for transport. See *supra* fn. 1.

Additionally, the Rules allow for a State Testing Laboratory transporting samples (with as few as one employee on board) to make multiple stops under certain conditions. See Ala. Admin. Code r. 538-X-10-.03(4)(e).

A State Testing Laboratory is limited in the amount of cannabis or medical cannabis that it may collect and transport for testing. Ala. Admin. Code r. 538-X-10-.04(12) ("A sample of cannabis for testing must be at least ten (10) grams and no more than thirty (30) grams; a sample of a production run of medical cannabis must be the lesser of one percent (1%) of the total product weight of the production run or ten (10) units of product. All samples must be homogenized before testing.").

The Licensee, through the Motion and its application, demonstrates a clear understanding of the rules and regulations applicable to a State Testing Laboratory, including the requirements on the transport of cannabis and medical cannabis test samples. As noted in the Motion and discussed above, cannabis and medical cannabis test samples transported by a State Testing Laboratory will be in small quantities, particularly relative to the quantities of cannabis and medical cannabis packages transported by and between other licensees.

In the Motion, the Licensee cites to specific Secure Transporter requirements for which it seeks to adhere and, in effect, seeks a variance of all other Secure Transporter requirements in Chapter 7 of the Rules. As noted in the Motion, the requirements cited by the Licensee deal primarily with secure transport vehicles and the hardship that the Licensee will face with maintaining its test sample transport operations at the same level of a Secure Transporter transporting large production batches.

It is necessary that the Licensee comply with the Secure Transporter requirements cited in the Motion. However, in assessing the regulatory framework established by the Rules, the circumstances attendant to the Licensee's requested variance, and the potential hardship that the Rules may cause the Licensee, the Licensee must not be limited to complying only with the provisions from Chapter 7 cited in the Motion.

## **CONCLUSION**

Therefore, upon consideration of Green Health Laboratories, LLC's Motion for Temporary Variance from AMCC Administrative Rules, seeking variance from Ala. Admin. Code r. 538-X-10-.03(3)(b)4, the Motion is hereby **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Licensee shall comply with Ala. Admin. Code r. 538-X-10-.03(3)(b)4 and, therefore, comply with the requirements of Chapter 7 of the Rules, with the following limited exceptions:
  - a. The Licensee shall consult with the Alabama Public Service Commission to determine if it must satisfy any Alabama Public Service Commission

requirements for motor carriers and, if not, may provide confirmation of same to AMCC (See Ala. Admin. Code rr. 538-X-7-.03(2)(c)3.; 538-X-7-.03(2)(c)8.(v)(XIV); and 538-X-7-.06(2)).

- b. The Licensee is not required to provide variable route plans and GPS tracking systems that are monitored from the Licensee's security center using Wi-Fi or hardline network technology (See Ala. Admin. Code r. 538-X-7-.03(2)(c)8.(v)(I)).
- c. The Licensee's vehicles used for the transport of cannabis and medical cannabis test samples must include locks and alarm systems, but the storage area within such vehicles is not required to be separately locked and alarmed (See Ala. Admin. Code r. 538-X-7-.03(2)(c)8.(v)(II)).
- d. The Licensee must ensure that cannabis and medical cannabis test samples transported by the Licensee are kept in sealed tamper-evident containers that are not accessible to transport personnel during transit, but such containers are not required to be separately equipped with tracking devices that can be monitored remotely by the Licensee at all times during transit. (See Ala. Admin. Code r. 538-X-7-.03(2)(c)8.(v)(V)).
- e. The Licensee is not required to comply with the requirements of Ala. Admin. Code r. 538-X-7-.05 (Medical Cannabis Education and Safety Training Requirements for Employees).

In addition to the foregoing, the Licensee shall not commence any operations until such time that it has undergone and passed the pre-commencement inspection required by Ala. Admin. Code r. 538-X-4-.02(2)(a).

Unless directed otherwise, the Licensee shall be permitted to operate consistent with this temporary variance for a period beginning on the date of this initial decision and ending six (6) months from said date. This decision and all Exhibits attached hereto, which represent the full record in the Motion, shall be published on the Commission's website. Additionally, a copy shall be provided to the Commission to consider any further action, including but not limited to ratification of this initial staff decision or consideration of rule changes consistent with the variance.

The Licensee may appeal this initial staff decision, and any such appeal shall be taken in accordance with the provisions of Ala. Admin. Code r. 538-X-1-.08(1).

Sincerely,



Justin C. Aday  
General Counsel

# **Exhibit A**

November 10, 2025

Alabama Medical Cannabis Commission (AMCC)  
Attn: Mr. Justin Aday  
P.O. Box 309585  
Montgomery, Alabama 36130



**RE: TEMPORARY VARIANCE REQUEST - LABORATORY TRANSPORT**

Dear Mr. Aday,

We would first like to thank the Staff and Commission for their continued guidance and collaboration as we move towards a healthy and sophisticated medical cannabis program in the state of Alabama. We are honored to assist the Commission and the community in maintaining public safety and confidence in the expansion of holistic wellness solutions.

We would like to request a Temporary Variance for 6 (six) months to State Testing Laboratory requirements listed in the Alabama Medical Cannabis Commission Rules and Regulations 538-X-10 regarding laboratory sample transport procedures. Specifically, the rule in section 538-X-10-03(3)(b)-.04 requires laboratories be subject to the rules and regulations applicable to Secure transporters in Chapter 7 (538-X-7) of the Alabama Medical Cannabis Rules and Regulations. This requirement is broad and outside the scope of work the laboratory will perform on behalf of licensees. The rules in Chapter 7 are drafted more so towards producers transporting large quantities of cannabis, which carries a more heightened risk assessment than laboratory sample transport. Laboratory sample quantities to be transported will be no more than a few hundred grams per trip, in an unmarked non-commercial vehicle. Quantities transported by laboratories will be small and would not pose a major risk to public health if lost or stolen.

We have previously turned over our internal protocols for external sample collection to Commission staff. Those protocols far exceed current AMCC requirements, and include additional audio and video surveillance of cannabis security procedures before sample transport. We are requesting a Temporary Variance of State Testing Laboratories being subject to all rules in Chapter 7 and replacing that requirement with only specific requirements drafted directly from the language in Chapter 7, with one minor amendment of the language regarding vehicles for laboratory transport only requiring locks and an alarm. I have attached our specific rule draft change proposal as a separate attachment to this letter for your review.

I look forward to hearing from you on this matter as we continue our path towards industry sophistication.

Sincerely,

Brandon Biles, President

**Temporary Variance Requested for 538-X-10-03 (3)(b)-04:**

A temporary variance is requested to 538-X-10-03 (3)(b)-04 of the Alabama Medical Cannabis Commission rules and regulations regarding State Testing Laboratories performing laboratory transport procedures being subject to applicable rules and regulations of Secure Transporters in Chapter 7. In lieu of adherence to Chapter 7 rules in its entirety, a temporary variance request to adhere only to a set of specific rules from Chapter 7 is desired. Those rules are listed below.

1. To transport cannabis and medical cannabis, in a safe, efficient and professional manner from and to licensees' facilities, pursuant to such contracts as the State Testing Laboratory may negotiate between itself and one or more licensees.
2. 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.
3. During transit, to maintain cannabis and medical cannabis: In a locked vehicle with an alarm system and a moisture- and temperature-controlled environment acceptable to the contracting licensee, to avoid deterioration or loss of efficacy of the cargo
4. During transit, to maintain cannabis and medical cannabis: Vehicle dashboard and storage area 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.
5. During transit, to maintain cannabis and medical cannabis: Secure transport vehicles must be free of markings indicating that they are carrying cannabis or medical cannabis, or bearing the name or logo of any other licensee.
6. During transit, to maintain cannabis and medical cannabis: 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.
7. During transit, to maintain cannabis and medical cannabis: 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.

# **Exhibit B**



## STATE OF ALABAMA MEDICAL CANNABIS COMMISSION

P. O. Box 309585  
Montgomery, Alabama 36130

November 12, 2025

Via Email: [bbiles@ymail.com](mailto:bbiles@ymail.com)

Green Health Laboratories, LLC  
c/o Mr. Brandon Biles  
428 East Section Avenue, Suite B  
Foley, AL 36535

Re: Motion for Temporary Variance from AMCC Administrative Rules – Ala. Admin. Code r. 538-X-10-.03(3)(b)4. (Transport Requirements for State Testing Laboratory Licensees)

Dear Mr. Biles:

This is to confirm that, on November 11, 2025, we received from you, on behalf of Green Health Laboratories, LLC (the “Licensee”), a Motion for Temporary Variance from AMCC Administrative Rules (the “Motion”), seeking variance from Ala. Admin. Code r. 538-X-10-.03(3)(b)4.

As provided in Ala. Admin. Code r. 538-X-1-.08(1), the Motion will “be reviewed and initially decided by AMCC staff.” As part of this review, you may be required to submit additional information and documentation on behalf of the Licensee. We may also request information and/or documentation from other individuals and entities deemed relevant to review of the Motion. At this time, we are unable to estimate the length of the review period or the date on which we will issue an initial determination on the Motion.

The rules also provide that “[u]nless otherwise directed, a requesting party may operate consistently with its requested temporary variance pending its final disposition by the Commission.” Ala. Admin. Code r. 538-X-1-.08(1). You are hereby directed that, until further directed by the Commission, the Licensee shall not operate as if the requested variance has been approved or otherwise operate consistent with the requested variance. Instead, the Licensee shall continue to operate in accordance with all applicable administrative rules and consistent with operations approved by the Commission.

Please reach out to me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JC Aday'.

Justin C. Aday  
General Counsel