



# STATE OF ALABAMA MEDICAL CANNABIS COMMISSION

P. O. Box 309585  
Montgomery, Alabama 36130

May 14, 2026

## **Via Certified Mail and Email**

CCS of Alabama, LLC  
d/b/a Callie's Apothecary  
c/o Mr. Vince Schilleci, Esq.  
1901 6<sup>th</sup> Avenue N, Suite 1700  
Birmingham, AL 35203  
[vince@shoppecalliesal.com](mailto:vince@shoppecalliesal.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-4-.17(8)(a) (Dimensions of External Signage Unattached to Structure)

Dear Mr. Schilleci:

Please accept this as the initial AMCC staff decision on the Motion for Temporary Variance from AMCC Administrative Rules (the "Motion"), seeking variance from Ala. Admin. Code r. 538-X-4-.17(8)(a) filed by CCS of Alabama, LLC d/b/a Callie's Apothecary (the "Licensee"). The rule from which the Licensee seeks a temporary variance provides that "Licensees shall not ... [d]isplay external signage larger than sixteen inches in height by eighteen inches in width that is not attached to the entity's permanent structure or vehicle."

Upon due consideration, and for the reasons provided herein, the Motion is hereby **GRANTED**.

## **FACTUAL AND PROCEDURAL BACKGROUND**

1. The Alabama Medical Cannabis Commission (the "Commission") issued a Dispensary license to the Licensee on January 8, 2026.

2. The Licensee has three proposed dispensing sites: (1) 5232 Atlanta Hwy, Montgomery, AL 36109; (2) 309 Battle St. W, Talladega, AL; and (3) 1263 Greenmor Dr., Bessemer, AL 35022.<sup>1</sup>
3. The Motion seeks a temporary variance of the size restrictions for an sign unattached to the permanent structure of the Licensee's dispensing site location in Montgomery.<sup>2</sup>
4. On May 7, 2026, AMCC conducted a pre-commencement inspection of the Licensee's Montgomery dispensing site location.<sup>3</sup>
5. At the pre-commencement inspection, the Licensee represented that the pre-existing empty sign structure on the dispensing site premises is designed to accommodate a sign approximately 4 feet (48 inches) in height by 12 feet (144 inches) in width.
6. The Licensee filed the Motion on May 10, 2026 (attached as "**Exhibit A**").
7. AMCC acknowledged receipt of the Motion on May 11, 2026 (attached as "**Exhibit B**").
8. On May 11, 2026, the Licensee responded to a request for additional information confirming, in writing, that the pre-existing empty sign structure on the dispensing site premises is designed to accommodate a sign approximately 4 feet (48 inches) in height by 12 feet (144 inches) in width (attached as "**Exhibit C**").

#### **ADMINISTRATIVE CODE AUTHORITY**

The Licensee, as a Dispensary, is authorized to conduct certain activities and is regulated by the provisions of Chapter 8 (Regulation of Dispensaries)<sup>4</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>5</sup>, Chapter 3 (Applications and Licensing Requirements – Generally)<sup>6</sup>, and Chapter 4 (Licensee Requirements – Generally)<sup>7</sup>

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<sup>1</sup> The Licensee's original application proposed the first two dispensing sites presented here and a third dispensing site in Cullman, Alabama. The Licensee submitted a request to relocate the Cullman dispensing site to 1263 Grenmor Dr., Bessemer, AL 35022. The Commission approved the relocation request at its meeting on January 26, 2026.

<sup>2</sup> The Licensee contemporaneously filed a motion for permanent variance seeking permanent relief of the external signage size restrictions for its dispensing site in Montgomery. Pursuant to Ala. Admin. Code r. 538-X-1-.08(2), motions for permanent variance are "decided by a majority vote of the Commission at the next duly called meeting of the Commission more than fourteen (14) days from the date of the motion's filing." The Commission will consider the Licensee's permanent variance request in due course. Additionally, in accordance with Ala. Admin. Code r. 538-X-1-.08(2), if the motion for permanent variance request is granted, then the Commission will also "consider whether the Rules should be amended to allow others similarly situated the same opportunity as has been granted for the requesting party."

<sup>3</sup> See Ala. Admin. Code r. 538-X-4-.02(2)(a). The inspection report of the pre-commencement inspection has not been issued as of the date of this decision. See Ala. Admin. Code r. 538-X-4-.02(4).

<sup>4</sup> Ala. Admin. Code r. 538-X-8-.01, et seq.

<sup>5</sup> Ala. Admin. Code r. 538-X-1-.01, et seq.; See Ala. Admin. Code r. 538-X-1-.01

<sup>6</sup> Ala. Admin. Code r. 538-X-3-.01, et seq.; See Ala. Admin. Code r. 538-X-8-.01

<sup>7</sup> Ala. Admin. Code r. 538-X-4-.01, et seq.; See Ala. Admin. Code r. 538-X-8-.01

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 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).<sup>8</sup>

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 subject to the rules and regulations applicable to all licensees as set forth in Chapter 4 of the Rules. Through the Motion, the Licensee seeks a temporary variance to relax or suspend the application of certain provisions in Chapter 4 to the Licensee’s operations at its Montgomery dispensing site location. Specifically, these operations include the size of a sign, a structure for which is on the dispensing site premises but not attached to the dispensing site structure.

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<sup>8</sup> The Motion does not indicate the length of time for which the Licensee seeks to be in noncompliance with the Rules. However, the Licensee contemporaneously filed a motion for permanent variance (*See supra* fn 2). Therefore, the Licensee’s motion for temporary variance is construed as seeking a temporary variance for the maximum time allowed under Ala. Admin. Code r. 538-X-1-.08(1), or until such time that the temporary variance may be superseded by a permanent variance and/or rule change approved by the Commission.

The Licensee, through the Motion and its application, demonstrates a clear understanding of the rules and regulations applicable to a Dispensary, including the requirements on marketing and advertising at a dispensing site. Most notably, as detailed in the Motion and depicted in Exhibit A attached thereto, the design of the proposed sign for the Montgomery dispensing site is fully compliant with the content-based marketing and advertising restrictions of Ala. Admin. Code r. 538-X-4-.17. Additionally, neither AMCC granting the Motion in accordance with the provisions of Ala. Admin. Code r. 538-X-1-.08, nor the Licensee operating in accordance with the granted motion, is in conflict with the Act.

### **CONCLUSION**

Therefore, upon consideration of CCS of Alabama, LLC's (d/b/a Callie's Apothecary) Motion for Temporary Variance from AMCC Administrative Rules, seeking variance from Ala. Admin. Code r. 538-X-4-.17(8)(a), the Motion is hereby **GRANTED** as follows:

1. The Licensee is permitted, at its Montgomery dispensing site location, to install the sign proposed in the Motion into the pre-existing sign structure on the premises of said dispensing site.

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

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# EXHIBIT A

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STATE OF ALABAMA  
MEDICAL CANNABIS COMMISSION

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In re: CCS of Alabama, LLC  
(License Number: DSPY000137)

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SENT VIA EMAIL  
Alabama Medical Cannabis Commission  
c/o Justin Aday  
justin.aday@amcc.alabama.gov

Re: Request for Temporary Variance pursuant to Ala. Admin. Code r. 538-x-1-.08

Dear Commissioners:

Pursuant to the Darren Wesley “Ato” Hall Compassion Act, codified at Ala. Code § 20-2A-1, *et seq.* (the “Act”), and the Alabama Medical Cannabis Commission Rules and Regulations, including Ala. Admin. Code r. 538-X-1-.8 (the “Rules”), CCS of Alabama, LLC (“CCS”) respectfully submits this request for a temporary variance (the “Temporary Variance”) for its dispensary location at 5230/5232 Atlanta Highway, Montgomery, Alabama (the “Facility”).

The Rules, specifically Ala. Admin. Code r. 538-X-4-.17(8)(a), prohibit a licensee from “[Displaying] external signage larger than sixteen inches in height by eighteen inches in width that is not attached to the entity's permanent structure or vehicle.” CCS’s Montgomery Facility has a pylon sign on premises that is not attached to its permanent structure. CCS requests a temporary variance from Ala. Admin. Code r. 538-X-4-.17(8)(a) that would allow it to display external signage larger than the sixteen-inch by eighteen-inch limitation listed in the Rules. A rendering of the proposed external signage is attached hereto as Exhibit A.

CCS’s request is not in contravention of the Act, but rather in furtherance of the spirit of the Act. The proposed external signage will help identify the location of CCS’s facility to patients. In addition, the proposed external signage does not (i) illuminate a sign advertising a medical cannabis product or strain at any time; (ii) advertise medical cannabis brand names or utilize graphics related to medical marijuana; or (iii) display medical marijuana, medical marijuana products, or medical marijuana paraphernalia. CCS’s request for temporary variance does not negatively affect patients in the Montgomery, Alabama service area.

Should the Commission require any additional information, please do not hesitate to contact me. CCS appreciates the Commission's careful consideration and continued leadership in implementing the Act.

Respectfully submitted,

Vincent J. Schilleci III  
Chief Compliance Officer and  
General Counsel, CCS of Alabama,  
LLC



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# EXHIBIT B

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# STATE OF ALABAMA MEDICAL CANNABIS COMMISSION

P. O. Box 309585  
Montgomery, Alabama 36130

May 11, 2026

Via Email: [vince@shoppecalliesal.com](mailto:vince@shoppecalliesal.com)

CCS of Alabama, LLC  
d/b/a Callie's Apothecary  
c/o Mr. Vince Schilleci, Esq.  
1901 6th Avenue N, Suite 1700  
Birmingham, AL 35203

Re: Motion for Temporary Variance from AMCC Administrative Rules – Ala. Admin. Code r. 538-X-4-.17(8)(a). (Dimensions of External Signage Unattached to Structure)

Dear Mr. Schilleci:

This is to confirm that, on May 10, 2026, we received from you, on behalf of CCS of Alabama, LLC d/b/a Callie's Apothecary (the "Licensee"), a Motion for Temporary Variance from AMCC Administrative Rules (the "Motion"), seeking variance from Ala. Admin. Code r. 538-X-4-.17(8)(a).

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 that reads "Justin C. Aday".

Justin C. Aday  
General Counsel

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# EXHIBIT C

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**From:** Vince Schilleci [REDACTED]  
**Sent:** Monday, May 11, 2026 11:37 AM  
**To:** Aday1, Justin (AMCC)  
**Subject:** Re: Request for Temporary Variance

The sign is approximately 48" tall x 144" wide (4' x 12'). Let me know if there's any other information you need from me.

Best,

Vince

Vince Schilleci  
Chief Compliance Officer and General Counsel  
Callie's Apothecary

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**From:** Aday1, Justin (AMCC) [REDACTED]  
**Sent:** Monday, May 11, 2026 10:05 AM  
**To:** Vince Schilleci [REDACTED]  
**Subject:** RE: Request for Temporary Variance

Vince,

Please provide to me the dimensions of the sign that you are proposing. You can respond to this email with the height and width of the sign or submit a revised "Exhibit A" to your request with the dimensions shown on the exhibit.

Thanks,  
Justin

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**Justin C. Aday**  
**General Counsel**  
Alabama Medical Cannabis Commission  
(334) 353-1452