

**HB445 ENGROSSED**



1 HB445  
2 DG7XGNH-2  
3 By Representative Whitt  
4 RFD: Health  
5 First Read: 18-Mar-25



## HB445 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to consumable hemp products; to add Chapter 12 to Title 28, Code of Alabama 1975; to regulate the manufacture, wholesale distribution, and retail sale of consumable hemp products in this state; to authorize the Alcoholic Beverage Control Board to license manufacturers, wholesalers, and retailers of these products; to impose restrictions on retail establishments; to prohibit the sale of consumable hemp products to minors; to impose testing and labeling requirements on these consumable hemp products; to prohibit the sale of inhalable hemp products; to impose an excise tax on consumable hemp products and provide for the distribution of tax proceeds; to establish the Consumable Hemp Product Compliance Fund and provide for expenditures of the fund; to authorize the board to seize unlawful consumable hemp products; to provide for civil and criminal penalties for violations; and to repeal Section 13A-12-214.4, Code of Alabama 1975, relating to the sale of psychoactive cannabinoids.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 12 is added to Title 28, Code of



## HB445 Engrossed

29 Alabama 1975, to read as follows:

30 Article 1 General Provisions

31 §28-12-1

32 (a) The purpose of this chapter is to regulate the  
33 manufacture, wholesale distribution, and sale of hemp-derived  
34 consumable hemp products, including products containing  
35 cannabidiol (CBD) or tetrahydrocannabinol (THC). It is the  
36 intent of the Legislature that the manufacture, wholesale  
37 distribution, and sale of hemp-derived cannabinoid products is  
38 strictly prohibited unless specifically provided for in this  
39 chapter. In acknowledging that the products regulated in this  
40 chapter may be psychoactive, the regulation and control of  
41 these products in this state are in the interest of public  
42 health and safety through ensuring proper age verification and  
43 the state's ability to efficiently enforce the requirements  
44 and restrictions contained in this chapter.

45 (b) Nothing contained in this chapter relates to  
46 medical cannabis regulated under Chapter 2A of Title 20.

47 §28-12-2

48 As used in this chapter, the following terms have the  
49 following meanings:

50 (1) BATCH. A specific quantity of a specific product  
51 containing cannabinoids that: (i) is manufactured at the same  
52 time and using the same methods, equipment, and ingredients  
53 that are uniform and intended to meet specifications for  
54 identity, strength, purity, and composition; and (ii) is  
55 manufactured, packaged, and labeled according to a single  
56 batch production record executed and documented.



## HB445 Engrossed

57 (2) CANNABINOIDS. Includes cannabidiol (CBD) and any  
58 tetrahydrocannabinol (THC), whether naturally occurring or  
59 synthetically created, from hemp.

60 (3) CARTON. The package or container or containers in  
61 which consumable hemp products are originally packaged for  
62 shipment to market by the manufacturer.

63 (4) CERTIFICATE OF ANALYSIS. A document issued by an  
64 independent, accredited laboratory that provides information  
65 about the chemical composition of a particular batch of  
66 consumable hemp product.

67 (5) CERTIFIED LABORATORY. An ISO (International  
68 Organization for Standardization)/IEC (International  
69 Electrotechnical Commission) 17025:2017 certified laboratory.

70 (6) CONSUMABLE HEMP PRODUCT. A finished product that is  
71 intended for human or animal consumption and that contains any  
72 part of the hemp plant or any compound, concentrate, extract,  
73 isolate, or resin, whether naturally occurring or  
74 synthetically created, derived from hemp. The term includes,  
75 but is not limited to, products that contain cannabinoids,  
76 whether psychoactive or not.

77 (7) CONSUMPTION. Ingesting or topically applying to  
78 skin or hair.

79 (8) CONTAINER. The bottle, can, bag, or other  
80 receptacle, excluding cartons, in which consumable hemp  
81 products are originally packaged for the market by the  
82 manufacturer and from which the consumable hemp product is  
83 consumed by the public.

84 (9) CONTAMINANT. A foreign substance or compound that,



## HB445 Engrossed

85 if ingested, inhaled, or absorbed, may have an adverse effect  
86 on the health of a human or animal. The term includes, but is  
87 not limited to, heavy metals, pesticide residuals, residual  
88 solvents or processing chemicals, and any other substance or  
89 compound that the Alabama Department of Public Health  
90 determines, if ingested, inhaled, or absorbed, could have an  
91 adverse effect on the health of a human or animal.

92 (10) DISQUALIFYING OFFENSE. Any crime against children,  
93 cruelty to animals, human trafficking, any crime involving  
94 controlled substances, sex offenses, or any crime of violence.

95 (11) HEMP. The term as defined in Section 2-8-381.

96 (12) IMPORT. To bring any consumable hemp product  
97 manufactured outside the state into this state for  
98 distribution of consumable hemp products in this state.

99 (13) LICENSEE. A person licensed by the board pursuant  
100 to this chapter as a manufacturer, a wholesaler, or a retailer  
101 of consumable hemp products.

102 (14) MANUFACTURER. A person licensed by the board that  
103 manufactures and packages consumable hemp products for  
104 wholesale distribution or sale to retailers in this state.

105 (15) RETAILER. A person licensed by the board located  
106 in this state that purchases consumable hemp products from a  
107 manufacturer or a wholesaler and sells consumable hemp  
108 products at retail in this state for off-premises consumption.

109 (16) THC. Any tetrahydrocannabinol, whether naturally  
110 occurring in, or synthetically created from, hemp, including,  
111 but not limited to, delta-8-tetrahydrocannabinol,  
112 delta-9-tetrahydrocannabinol, or



## HB445 Engrossed

113 delta-10-tetrahydrocannabinol.

114 (17) WHOLESALER. A person licensed by the board located  
115 in this state that purchases consumable hemp products from a  
116 manufacturer and distributes and sells the products to  
117 retailers.

118 §28-12-3

119 (a) The manufacture, possession, distribution, and sale  
120 of consumable hemp products within this state shall be  
121 regulated and enforced by the board through the licensure of  
122 manufacturers, wholesalers, and retailers of consumable hemp  
123 products as provided in this chapter.

124 (b) In addition to the powers provided to the board  
125 under this chapter, the board shall retain all powers  
126 otherwise provided in this title as necessary to administer  
127 and enforce this chapter, and this chapter shall be construed  
128 in pari materia with other provisions of this title  
129 authorizing the board to regulate intoxicating products and  
130 restricting sales and possession of products to individuals  
131 under 21 years of age.

132 (c) On and after January 1, 2026, any person that  
133 manufactures, distributes, or sells at retail any consumable  
134 hemp product in this state without a license issued pursuant  
135 to this chapter shall be in violation of this section, and all  
136 consumable hemp products in that person's possession shall be  
137 considered contraband and may be seized by the board or its  
138 agents or any law enforcement officer of the state without a  
139 warrant.

140 (d) Every place licensed as a manufacturer shall be



## HB445 Engrossed

141 subject to inspection by members of the board or by agents  
142 authorized and designated by the board at any time of the day  
143 or night as they may deem necessary, for the detection of  
144 violations of this chapter, any law, or the rules of the  
145 board, or for the purpose of ascertaining the correctness of  
146 the records required to be kept by a licensee.

147 (e) The board shall adopt rules as necessary to  
148 implement this chapter.

149 §28-12-4

150 (a) The Consumable Hemp Product Compliance Fund is  
151 created within the State Treasury and shall be administered by  
152 the board. All filing fees, annual license fees, and label  
153 approval fees collected under this chapter shall be deposited  
154 into the fund. Amounts deposited into the fund shall be  
155 budgeted and allotted in accordance with Sections 41-4-80  
156 through 41-4-96 and Sections 41-19-1 through 41-19-12.

157 (b) The board may expend monies in the Consumable Hemp  
158 Product Compliance Fund only for the following purposes:

159 (1) Training, education, and administrative and  
160 operating costs for the administration and enforcement of this  
161 chapter.

162 (2) Pursuant to an agreement between the board and the  
163 Alabama State Law Enforcement Agency, operating and staffing  
164 costs incurred by the Alabama State Law Enforcement Agency to  
165 conduct underage purchase compliance checks pursuant to this  
166 chapter.

167 (3) Random purchases by the board of consumable hemp  
168 products and testing of products to ensure compliance with



## HB445 Engrossed

169 this chapter.

170 (c) Any remaining funds on September 30 shall be  
171 distributed to the State General Fund.

172 §28-12-5

173 (a) A manufacturer or wholesaler shall be assessed an  
174 excise tax at the rate of seven percent of gross sales of  
175 consumable hemp products sold to retailers. The tax is in  
176 addition to any other tax imposed by federal, state, or local  
177 law.

178 (b) (1) The tax levied in subsection (a) shall be  
179 collected by a return which shall be filed by a manufacturer  
180 or wholesaler licensee with the board postmarked not later  
181 than the last day of the month following the month of sale of  
182 consumable hemp products and shall be accompanied by the  
183 remittance of the tax due. The manufacturer licensee report  
184 shall include, but not be limited to, gross sales to licensed  
185 retailers and to customers for off-premises consumption. The  
186 wholesaler licensee report shall include, but not be limited  
187 to, gross sales to licensed retailers. The report shall be in  
188 a form and contain information as the board may prescribe.

189 (2) If a licensee fails to file any return by the date  
190 described in subdivision (1), including any written extension  
191 of time granted by the board in advance, there shall be  
192 assessed as a penalty the greater of 10 percent of the tax  
193 required to be shown on the return or fifty dollars (\$50).

194 (3) If a licensee fails to pay to the board the amount  
195 of the tax due by the date described in subdivision (1),  
196 including any written extension of time granted by the board





## HB445 Engrossed

197 in advance, there shall be added as a penalty 10 percent of  
198 the unpaid amount due on the return.

199 (4) Interest shall be added to any tax due which is not  
200 paid by the due date, from the due date of the tax, computed  
201 based on the underpayment rate established by the U.S.  
202 Secretary of the Treasury pursuant to 26 U.S.C. § 6621.

203 (c) The revenue generated from the tax shall be  
204 distributed as follows:

205 (1) Fifty percent to the State General Fund.

206 (2) Twenty-five percent to the respective counties in  
207 the state proportionate to the ratio of the population of each  
208 respective county to the total population of all counties,  
209 based on the most recent federal decennial census.

210 (3) Twenty-five percent to the respective  
211 municipalities in the state proportionate to the ratio of the  
212 population of each respective municipality to the total  
213 population of all municipalities, based on the most recent  
214 federal decennial census.

215 (d) If the board or any authorized agent of the board  
216 finds any illegal product sold at a retailer establishment,  
217 the illegal product shall be confiscated and, in addition to  
218 all other penalties authorized by law, the board shall assess  
219 taxes based on an excise tax at the rate of seven percent of  
220 the gross wholesale value of the illegal product.

221 Article 2 Licensure

222 §28-12-20

223 (a) The board shall issue and renew licenses to  
224 manufacturers, wholesale distributors, and retailers of



## HB445 Engrossed

225 consumable hemp products as provided in this chapter.

226 (b) The board is granted discretionary powers in acting  
227 upon license applications under this chapter.

228 (c) Every applicant for an original license issued  
229 under this chapter shall file a written application with the  
230 board in such form and containing such information as the  
231 board may prescribe, by rule, which shall be accompanied by a  
232 nonrefundable initial filing fee of fifty dollars (\$50) and  
233 the appropriate license fee.

234 (d) The board may not issue a license under this  
235 chapter unless the local governing body of the county or  
236 municipality in which the licensee's facility will be located  
237 has approved the application for licensure.

238 (e) Licenses issued under this chapter, unless revoked  
239 or suspended by the board, shall be valid for the license year  
240 which shall begin on October 1 of each year. Licenses may be  
241 issued at any time during the year, but license fees shall not  
242 be prorated.

243 (f) The board may suspend or revoke a license in  
244 accordance with Section 28-3A-24 or 28-3A-26; provided,  
245 however, the board may suspend a license without a hearing in  
246 situations of imminent danger to the public or for purposes of  
247 protecting the public welfare, peace, safety, and health of  
248 the residents of the state.

249 §28-12-21

250 (a) For purposes of this section, the term "applicant"  
251 includes every individual that has any proprietary or  
252 financial interest of 10 percent or more in the licensed



## HB445 Engrossed

253 establishment but shall not include any public corporation  
254 whose shares are traded on a recognized stock exchange.

255 (b) Each applicant must be legally present in the  
256 United States and shall provide to the board a valid driver  
257 license issued in the United States, a valid military  
258 identification, or other valid identification card, as  
259 determined by the board.

260 (c) (1) In addition to all other requirements, an  
261 applicant for a license under this section shall submit to the  
262 board a form, sworn to by the applicant, providing written  
263 consent from the applicant for the release of criminal history  
264 background information. The form shall also require the  
265 applicant's name, date of birth, and Social Security number  
266 for completion of a criminal history background check.

267 (2) An applicant shall provide the board with two  
268 complete functional sets of fingerprints, either cards or  
269 electronic, properly executed by a criminal justice agency or  
270 an individual properly trained in fingerprinting techniques.  
271 The fingerprints and form shall be submitted by the board to  
272 the State Bureau of Investigations for the purposes of  
273 furnishing criminal background checks. The State Bureau of  
274 Investigations shall forward a copy of the applicant's prints  
275 to the Federal Bureau of Investigation for a national criminal  
276 background check. The applicant shall pay all costs associated  
277 with the background checks required by this section.

278 (d) The board shall keep information received pursuant  
279 to this section confidential, except that information received  
280 and relied upon in denying the issuance of a license in this



## HB445 Engrossed

281 state may be disclosed as may be necessary to support the  
282 denial or when subpoenaed by a court.

283 (e) The board shall not issue a license to any  
284 applicant that has been convicted of a disqualifying offense  
285 within 10 years of the date of the application.

286 (f) (1) Any person applying for an initial license under  
287 this chapter shall be required to purchase and maintain a  
288 surety bond, payable to the board, for each licensed location,  
289 executed by the applicant as principal, and by a corporate  
290 surety company qualified to do business in this state as  
291 surety, in the amount of twenty-five thousand dollars  
292 (\$25,000).

293 (2) The board may file a claim against the surety bond  
294 of any licensee that fails to timely collect and remit taxes  
295 under this chapter or fails to timely pay any outstanding  
296 penalty imposed by the board.

297 (g) Every license issued under this title shall be  
298 constantly and conspicuously displayed on the licensed  
299 premises.

300 §28-12-22

301 (a) (1) Effective January 1, 2026, upon the applicant's  
302 compliance with this title and rules adopted thereunder, as  
303 appropriate, and submission of an application, initial filing  
304 fee, and license fee, the board shall issue to the applicant a  
305 manufacturer license that authorizes the licensee to  
306 manufacture or otherwise produce consumable hemp products  
307 within this state or for sale or distribution within this  
308 state.



## HB445 Engrossed

309 (2) No person shall manufacture or otherwise produce  
310 consumable hemp products within this state or for sale or  
311 distribution within this state, unless the person is issued a  
312 manufacturer license by the board.

313 (b) A manufacturer may:

314 (1) Sell consumable hemp products to licensed  
315 wholesalers or directly to licensed retailers; and

316 (2) Sell consumable hemp products directly to  
317 customers, but only for off-premises consumption and not for  
318 resale.

319 (c) A manufacturer may not:

320 (1) Sell any consumable hemp product for consumption on  
321 the licensed premises or conduct any tastings for customers;

322 (2) Sell any consumable hemp product in other than  
323 original containers approved by the board; or

324 (3) Sell any consumable hemp product whose label and  
325 certificate of analysis have not been approved as provided in  
326 subsections (d) and (e).

327 (d) (1) Prior to the initial sale of any consumable hemp  
328 product in this state, a manufacturer shall submit to the  
329 board a label that meets the standards set forth in Section  
330 28-12-41, and obtain label approval from the board. At the  
331 time of submission, the licensee shall pay a label approval  
332 fee of fifty dollars (\$50).

333 (2) If the board determines that the label meets the  
334 requirements of Section 28-12-42, the board shall approve the  
335 label.

336 (3) A manufacturer licensee must resubmit the label for



## HB445 Engrossed

337 board approval if there is any change to the label other than  
338 the date of manufacture, the date of expiration, or the batch  
339 number.

340 (e) In addition to subsection (d), prior to the initial  
341 sale of any consumable hemp product, and at least annually  
342 thereafter for each consumable hemp product, a manufacturer  
343 shall obtain approval from the Alabama Department of Public  
344 Health that the product meets the criteria for a certificate  
345 of analysis as provided in Section 28-12-42.

346 (f) On and after January 1, 2026, all consumable hemp  
347 products whose labels and certificates of analysis have not  
348 been approved as required under subsections (d) and (e) shall  
349 be considered contraband and may be seized by the board or its  
350 agents, or any law enforcement officer of the state without a  
351 warrant.

352 (g) A manufacturer shall submit to the board prior to  
353 the twentieth day of each month a consolidated report of all  
354 shipments of consumable hemp products made to each wholesaler  
355 and retailer during the preceding month and any other  
356 information relevant to the manufacturing of consumable hemp  
357 products as determined by the board, by rule. The reports  
358 shall be in the form and containing information as the board  
359 may prescribe.

360 (h) A manufacturer shall keep at its licensed premises  
361 daily permanent records that show the quantities of raw  
362 materials received and used in the manufacture of consumable  
363 hemp products and the quantities of consumable hemp products  
364 manufactured and stored, the sale of consumable hemp products,



## HB445 Engrossed

365 and the names and addresses of the purchasers of consumable  
366 hemp products, excluding sales made to customers under  
367 subdivision (b)(2). In addition, a manufacturer shall retain  
368 on the licensed premises the applicable certificates of  
369 analysis and approvals by the Alabama Department of Public  
370 Health, as well as the labels approved by the board for a  
371 period of three years.

372 §28-12-23

373 (a)(1) Effective January 1, 2026, upon the applicant's  
374 compliance with this title and rules adopted thereunder, as  
375 appropriate, and submission of an application, the initial  
376 filing fee, and license fee, the board shall issue to the  
377 applicant a wholesaler license that authorizes the licensee to  
378 purchase, import, and receive shipments of consumable hemp  
379 products from outside the state from licensed manufacturers,  
380 to purchase consumable hemp products from manufacturers within  
381 this state, and to sell at wholesale and distribute consumable  
382 hemp products to retailers in this state.

383 (2) No person shall import or receive consumable hemp  
384 products or distribute and sell consumable hemp products to  
385 retailers in this state unless the person is issued a  
386 manufacturer license by the board.

387 (b) Sales to all retailers shall be in original  
388 containers approved by the board.

389 (c) A wholesaler shall submit to the board prior to the  
390 twentieth day of each month a consolidated report of all  
391 receipts and shipments of consumable hemp products made to  
392 each retailer during the preceding month and any other



## HB445 Engrossed

393 information relevant to the wholesale distribution of  
394 consumable hemp products as determined by the board, by rule.  
395 The reports shall be in the form and containing information as  
396 the board may prescribe.

397 §28-12-24

398 (a) (1) Effective January 1, 2026, upon the applicant's  
399 compliance with this title and rules adopted thereunder, as  
400 appropriate, and submission of an application, the initial  
401 filing fee, and license fee, the board shall issue to the  
402 applicant a retailer license that authorizes the licensee to  
403 purchase consumable hemp products from a licensed wholesaler  
404 or licensed manufacturer and to sell consumable hemp products  
405 at retail for off-premises consumption.

406 (2) No person shall sell consumable hemp products in  
407 this state to customers unless the person has been issued a  
408 retailer license by the board.

409 (b) Topical consumable hemp products may be sold in a  
410 pharmacy licensed by the Alabama State Board of Pharmacy,  
411 provided the pharmacy obtains a consumable hemp product  
412 retailer license from the Alcoholic Beverage Control Board and  
413 complies with this chapter and rules of the board. Any topical  
414 consumable hemp product sold in a pharmacy must be sold by a  
415 licensed pharmacist or by a pharmacy technician or employee  
416 who is under the direct supervision and control of a licensed  
417 pharmacist.

418 (c) Sales to all customers shall be in original  
419 packages or containers as prepared for the market by the  
420 manufacturer.





## HB445 Engrossed

421 (d) Except for pharmacies selling topical consumable  
422 hemp products pursuant to subsection (b), the location of any  
423 retailer licensee must be restricted so that only those  
424 individuals 21 years of age or older are permitted to enter  
425 the location. The board shall only issue retailer licenses to:

426 (1) Applicants that have a valid retail liquor license  
427 from the board that authorizes off-premises consumption only;  
428 or

429 (2) Applicants whose retail premises is a standalone  
430 location that only sells consumable hemp products.

431 (e) A retailer may not:

432 (1) Purchase consumable hemp products from or sell  
433 consumable hemp products to another retailer;

434 (2) Sell any consumable hemp product for consumption on  
435 the licensed premises or conduct any tastings for customers;  
436 or

437 (3) Sell any consumable hemp product in other than  
438 original sealed containers approved by the board.

439 (f) A retailer shall submit to the board prior to the  
440 twentieth day of each month a consolidated report of all  
441 receipts and sales of all consumable hemp products made to  
442 customers during the preceding month and any other information  
443 relevant to the retail sale of consumable hemp products as  
444 determined by the board, by rule. The reports shall be in the  
445 form and containing information as the board may prescribe.

446 (g) A retailer licensee shall maintain at its licensed  
447 premises a copy of the certificate of analysis and approved  
448 label for every consumable hemp product available for sale by



## HB445 Engrossed

449 the retailer, which shall be made available for inspection to  
450 any law enforcement officer or authorized agent of the board.

451 §28-12-25

452 (a) The following annual license fees are levied and  
453 prescribed for licenses issued and renewed by the board  
454 pursuant to the authority of this chapter:

455 (1) Manufacturer license, license fee of five thousand  
456 dollars (\$5,000).

457 (2) Wholesaler license, license fee of five thousand  
458 dollars (\$5,000).

459 (3) Retailer license, license fee of one thousand  
460 dollars (\$1,000).

461 (b) The license fees levied and fixed by this section  
462 shall be paid before a license is issued or renewed.

463 §28-12-26

464 (a) A license issued under this article shall be  
465 renewed annually upon the filing of an application and payment  
466 of the applicable license fee. A licensee must file a renewal  
467 application, as prescribed by the board, by rule, by August 1  
468 annually.

469 (b) A consumable hemp product license may be renewed  
470 without penalty during the following fiscal year between  
471 October 1 and October 20 and may continue to be renewed after  
472 October 20 of such license year by payment of appropriate  
473 state and county licensing and filing fees and a penalty of 50  
474 percent of the annual license fee. If a license is not renewed  
475 before midnight September 30 of the succeeding license year,  
476 the license shall terminate with no privilege of renewal.



## HB445 Engrossed

477 Thereafter, a new application must be made and a new license  
478 issued before continuation of the business.

479 (c) No consumable hemp product licensee may purchase,  
480 receive, store, ship, sell, or give away any consumable hemp  
481 product or enjoy any of the rights and privileges of the  
482 license after the expiration of a license.

483 (d) Unless the licensee is notified by the board of  
484 objections to the renewal of the license, the board shall  
485 renew the license of any licensee who has submitted the  
486 renewal application and license fee.

487 §28-12-27

488 (a) The books and records of licensees at all times  
489 shall be open to inspection by members of the board or by  
490 agents authorized and designated by the board. Members of the  
491 board and its authorized agents, without hindrance, may enter  
492 any place that is subject to inspection under this chapter or  
493 any place where records are kept for the purpose of making  
494 inspections and making transcripts thereof.

495 (b) A licensee shall keep and preserve all invoices,  
496 books, papers, canceled checks, or other memoranda relating to  
497 the purchase, sale, exchange, or receipt of all consumable  
498 hemp products for a period of three years. This includes the  
499 applicable certificates of analysis and label approvals as  
500 otherwise required under this chapter.

501 (c) All invoices, books, papers, canceled checks or  
502 other memoranda shall be subject to audit and inspection by  
503 any duly authorized agents of the board at any time.

504 (d) Any person who fails or refuses to keep and



## HB445 Engrossed

505 preserve the records as required by this section or who, upon  
506 request by an authorized agent of the board, fails or refuses  
507 to allow an audit or inspection of records as provided in this  
508 section shall be guilty of a Class C misdemeanor.

509 (e) The board may enter upon the premises of any  
510 licensee to inspect, examine, audit, or cause to be examined  
511 or audited by any agent or representative designated by the  
512 board for that purpose, any books, papers, or other records to  
513 verify the proper filing and to determine the accuracy of any  
514 state tax return required to be filed by any licensee  
515 authorized to distribute or sell, and to determine the payment  
516 of all state taxes when and where due with respect to any  
517 state tax levied on consumable hemp products by statute. This  
518 section imposes no duty upon the board to inspect, examine,  
519 and audit with respect to local taxes on consumable hemp  
520 products.

521 Article 3 Consumable Hemp Products

522 §28-12-40

523 (a) (1) One serving size of a consumable hemp product  
524 may not contain more than the following amount of THC:

525 a. For a beverage or any edible product, five  
526 milligrams of total THC or 0.3 percent total THC on a dry  
527 weight basis, whichever is less.

528 b. For any topical, sublingual, or other consumable  
529 hemp product not addressed in paragraph a., 0.3 percent total  
530 THC on a dry weight basis.

531 (2) All edible consumable hemp products shall be  
532 individually wrapped in single serve packaging.



## HB445 Engrossed

533 (3) A beverage serving size may not exceed 12 fluid  
534 ounces or 355 milliliters.

535 (b) A consumable hemp product may not contain alcohol,  
536 other than as a flavoring agent, or any other intoxicating  
537 compound other than cannabinoids.

538 (c) The packaging of consumable hemp products:

539 (1) May not be designed in a manner that appeals to  
540 minors;

541 (2) May not include a statement, artwork, or design  
542 that could reasonably mislead an individual to believe that  
543 the package contains anything other than a consumable hemp  
544 product; and

545 (3) Must be child-resistant.

546 (d) Notwithstanding any provision of state law other  
547 than Chapter 2A of Title 20, inhalable products containing  
548 cannabinoids, whether psychoactive or not, are strictly  
549 prohibited for sale or possession in the state. Inhalable  
550 products include, but are not limited to:

551 (1) Any product marketed to consumers as an electronic  
552 cigarette, electronic cigarillo, electronic pipe, electronic  
553 hookah, vape pen, vape tool, vaping device, or any variation  
554 of these terms, to include an e-liquid that contains  
555 cannabinoids, whether psychoactive or not.

556 (2) Any plant product or raw hemp material that is  
557 marketed to consumers as hemp cigarettes, hemp cigars, hemp  
558 joints, hemp buds, hemp flowers, hemp leaves, ground hemp  
559 flowers, or any variation of these terms to include any  
560 product that contains a cannabinoid, whether psychoactive or



## HB445 Engrossed

561 not.

562 (3) Any other product designed to be inhaled through  
563 the nose or mouth.

564 §28-12-41

565 Each label for a consumable hemp product must contain,  
566 at a minimum:

567 (1) A list of all ingredients in descending order of  
568 predominance;

569 (2) The name, address, and website of the manufacturer  
570 of the product;

571 (3) The manufacture date and expiration date;

572 (4) The batch number;

573 (5) The total number of milligrams of THCs found in the  
574 container;

575 (6) The serving size;

576 (7) The total number of milligrams of THCs per serving;

577 and

578 (8) The following warnings:

579 a. That consumption of the product may cause the person  
580 to fail a drug test due to THC being present;

581 b. That the product is not safe nor intended for any  
582 person under 21 years of age;

583 c. That the product is not safe for any person who is  
584 pregnant or breastfeeding; and

585 d. That the product may impair a person's ability to  
586 drive and operate machinery.

587 §28-12-42

588 (a) Prior to making the initial sale of a consumable



## HB445 Engrossed

589 hemp product to be sold within this state or for sale or  
590 distribution within this state, a manufacturer licensee shall  
591 submit representative samples of each batch of the product to  
592 a certified laboratory for a certificate of analysis. A  
593 certifying laboratory conducting analyses pursuant to this  
594 section may not be affiliated in any way or have any financial  
595 or business interest in any manufacturer, wholesaler, or  
596 retailer licensed by the board.

597 (b) A certificate of analysis shall include, at a  
598 minimum:

- 599 (1) The batch number or lot number of the product;
- 600 (2) The date the certificate of analysis is issued;
- 601 (3) The method of analysis for each test conducted;
- 602 (4) The product name;
- 603 (5) The cannabinoid profile by the percentage in dry  
604 weight of CBD and total THC content, and verification that the  
605 product contains an amount of total THC not exceeding that  
606 which is stated on the label of the product; and
- 607 (6) A listing of all ingredients for each product,  
608 including, if present, solvents, pesticides, microbial  
609 contaminants, and heavy metals.

610 (c) A manufacturer shall submit the unredacted and  
611 unedited certificate of analysis to the Alabama Department of  
612 Public Health, along with a processing fee in an amount  
613 determined by the department, by rule. The certified  
614 laboratory conducting the analysis shall report results for  
615 each representative sample on the certificate of analysis as  
616 an overall "pass" or "fail" for the entire batch. Based on the



## HB445 Engrossed

617 certificate of analysis, the department shall determine if the  
618 consumable hemp product is safe for human consumption and, if  
619 the product is safe, shall approve the product and notify the  
620 manufacturer in a method prescribed by the department, by  
621 rule.

622 §28-12-43

623 (a) A retailer shall maintain a minimum of 500 square  
624 feet of sales and service area. A retailer may not include in  
625 the calculation of sales and service area any areas that are  
626 not open to customers or not used for sales or displaying  
627 products, such as office space or storage.

628 (b) Consumable hemp products may not be sold using a  
629 vending machine or other self-service display and payment  
630 system.

631 (c) An individual under 21 years of age may be employed  
632 by a retailer licensee to the same extent and under the same  
633 conditions as set forth for employees of alcoholic beverage  
634 establishments in Section 28-1-5(c).

635 (d) Prior to initiating a sale or otherwise providing  
636 consumable hemp products to a customer, an employee of a  
637 retailer must verify that the customer is at least 21 years of  
638 age. Proof of age may be established only by one of the  
639 following:

640 (1) A valid driver license of any state.

641 (2) A valid United States Uniformed Service  
642 Identification.

643 (3) A valid passport.

644 (4) A valid identification card issued by any agency of





## HB445 Engrossed

645 a state for the purpose of identification, bearing a  
646 photograph and date of birth of the individual in question.

647 (e) The board shall levy a penalty against any person,  
648 retailer licensee, or servant, agent, or employee of the  
649 retailer who sells, attempts to sell, delivers, furnishes, or  
650 gives away a consumable hemp product to an individual under 21  
651 years of age as follows:

652 (1) For a first offense within a four-year period,  
653 suspension of the license for 90 days and a fine of five  
654 thousand dollars (\$5,000) earmarked for the State General  
655 Fund.

656 (2) For a second offense within a four-year period,  
657 suspension of the license for 180 days and a fine of ten  
658 thousand dollars (\$10,000) earmarked for the State General  
659 Fund.

660 (3) For a third offense within a four-year period,  
661 revocation of the license and any other license issued by the  
662 board under this title and a fine of twenty thousand dollars  
663 (\$20,000) earmarked for the State General Fund. In addition,  
664 the board may impose a fine of up to twenty thousand dollars  
665 (\$20,000) against any officer or any individual who has any  
666 proprietary or financial interest of 10 percent or more in the  
667 licensed retailer, and the board may not issue any license  
668 authorized under this title to the retailer or any affiliate  
669 of the retailer at any location in the state for a period of  
670 36 months.

671 §28-12-44

672 Except as authorized for retailer employees under



## HB445 Engrossed

673 Section 28-12-43(c), any individual under 21 years of age who  
674 attempts to purchase, purchases, consumes, possesses, or  
675 transports consumable hemp products within this state, or who  
676 knowingly uses or attempts to use a false, forged, deceptive,  
677 or otherwise nongenuine driver license to obtain or attempt to  
678 obtain a consumable hemp product in this state, shall be  
679 subject to the same penalties as provided in Section 28-3A-25  
680 for underage drinking.

681 §28-12-45

682 The board shall levy a penalty against any person,  
683 retailer licensee, or servant, agent, or employee of the  
684 retailer who sells, attempts to sell, delivers, furnishes, or  
685 gives away a consumable hemp product in violation of Section  
686 28-12-40, 28-12-41, or 28-12-42, as follows:

687 (1) For a first offense within a four-year period, a  
688 fine of one thousand dollars (\$1,000) earmarked for the State  
689 General Fund.

690 (2) For a second offense within a four-year period, a  
691 fine of two thousand five hundred dollars (\$2,500) earmarked  
692 for the State General Fund.

693 (3) For a third offense within a four-year period, a  
694 fine of five thousand dollars (\$5,000) earmarked for the State  
695 General Fund and the board may revoke the retailer license.

696 §28-12-46

697 Online sales, direct delivery, drive-through sales, and  
698 direct shipment of consumable hemp products within or into  
699 this state are strictly prohibited.

700 §28-12-47



## HB445 Engrossed

701 (a) The following products shall be considered  
702 contraband and may be seized by the board or its agents or by  
703 any law enforcement officer of the state without a warrant:

704 (1) Any consumable hemp product for which taxes were  
705 not assessed and remitted to the board as required under  
706 Section 28-12-5.

707 (2) Any consumable hemp product sold in this state  
708 which does not have an approved label as required under  
709 Section 28-12-41.

710 (3) Any consumable hemp product sold in this state  
711 which does not have an approved certificate of analysis as  
712 required under Section 28-12-42.

713 (4) Any inhalable hemp product sold in violation of  
714 Section 28-12-40(d).

715 (5) Any consumable hemp product sold in or delivered  
716 into this state in violation of Section 28-12-46.

717 (6) Any consumable hemp product sold in this state at  
718 an unlicensed location.

719 (b) Any unlawful consumable hemp products kept, stored,  
720 or deposited in any place in this state for the purpose of  
721 unlawful sale or unlawful disposition or unlawful furnishing  
722 or distribution, and the vessels and receptacles in which the  
723 products are contained are declared to be contraband, shall be  
724 seized and forfeited to the state, and may be condemned for  
725 destruction pursuant to the procedures set out in Article 11  
726 of Chapter 4 concerning alcoholic beverages.

727 (c) In any criminal prosecutions against a person for a  
728 violation of this chapter, upon conviction, the court may



## HB445 Engrossed

729 order the destruction of any unlawful consumable hemp products  
730 that were: (i) sold, offered for sale, possessed, or otherwise  
731 disposed of by the defendant; (ii) possessed or used in  
732 conducting the business of a hemp product dealer; or (iii)  
733 used as evidence in the case.

734 (d) All fixtures, equipment, materials, and personal  
735 property used in substantial connection with the sale or  
736 possession of consumable hemp products involved in a violation  
737 of this chapter shall be subject to the same seizure and  
738 forfeiture procedures as provided pursuant to Article 11 of  
739 Chapter 4. The board shall dispose of consumable hemp products  
740 seized under this chapter by destruction as provided by rule  
741 of the board.

742 (e) Any person from whom a consumable hemp product is  
743 seized and destroyed pursuant to this section shall be subject  
744 to a fee, to be determined based on the cost of the  
745 destruction and disposal of the hemp product as hazardous  
746 waste.

747 Section 2. Section 13A-12-214.4, Code of Alabama 1975,  
748 relating to the sale of psychoactive cannabinoids, is  
749 repealed.

750 Section 3. This act shall become effective on July 1,  
751 2025.



**HB445 Engrossed**

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House of Representatives

Read for the first time and referred .....18-Mar-25  
to the House of Representatives  
committee on Health  
  
Read for the second time and placed .....08-Apr-25  
on the calendar:  
0 amendments  
  
Read for the third time and passed .....10-Apr-25  
as amended  
Yeas 76  
Nays 15  
Abstains 11

John Treadwell  
Clerk