

HB445 INTRODUCED



1 HB445
2 2J8TPSS-1
3 By Representative Whitt
4 RFD: Health
5 First Read: 18-Mar-25



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SYNOPSIS:

Under existing law, products that contain psychoactive cannabinoids found in or derived from hemp may not be sold to minors but are otherwise not regulated.

This bill would authorize the Alabama Alcoholic Beverage Control Board to regulate all consumable hemp products through the licensure of manufacturers, wholesale distributors, and retailers of consumable hemp products.

This bill would prohibit the sale of any consumable hemp products to individuals under 21 years of age.

This bill would restrict retail establishments that sell consumable hemp products to existing liquor stores or other locations that minors may not access and provide specific penalties for selling products to minors.

This bill would establish labeling and testing requirements on consumable hemp products.

This bill would limit the amount of tetrahydrocannabinols (THCs) that may be present in consumable hemp products.

This bill would impose an excise tax on the gross sales of consumable hemp products sold to



HB445 INTRODUCED

29 retailers and provide for the distribution of tax
30 proceeds to the State General Fund, counties, and
31 municipalities.

32 This bill would create the Consumable Hemp
33 Product Compliance Fund and provide for expenditures of
34 the fund for the board's administration and enforcement
35 costs.

36 This bill would provide civil and criminal
37 penalties for violations and authorize the board to
38 seize unlawful consumable hemp products.

39 This bill would also repeal the law allowing
40 psychoactive cannabinoid sales to adults.

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A BILL

44

TO BE ENTITLED

45

AN ACT

46

47 Relating to consumable hemp products; to add Chapter 12
48 to Title 28, Code of Alabama 1975; to regulate the
49 manufacture, wholesale distribution, and retail sale of
50 consumable hemp products in this state; to authorize the
51 Alcoholic Beverage Control Board to license manufacturers,
52 wholesalers, and retailers of these products; to impose
53 restrictions on retail establishments; to prohibit the sale of
54 consumable hemp products to minors; to impose testing and
55 labeling requirements on these consumable hemp products; to
56 impose an excise tax on consumable hemp products and provide



HB445 INTRODUCED

57 for the distribution of tax proceeds; to establish the
58 Consumable Hemp Product Compliance Fund and provide for
59 expenditures of the fund; to authorize the board to seize
60 unlawful consumable hemp products; to provide for civil and
61 criminal penalties for violations; and to repeal Section
62 13A-12-214.4, Code of Alabama 1975, relating to the sale of
63 psychoactive cannabinoids.

64 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

65 Section 1. Chapter 12 is added to Title 28, Code of
66 Alabama 1975, to read as follows:

67 Article 1 General Provisions

68 §28-12-1

69 (a) The purpose of this chapter is to regulate the
70 manufacture, wholesale distribution, and sale of hemp-derived
71 consumable hemp products, including products containing
72 cannabidiol (CBD) or tetrahydrocannabinol (THC). It is the
73 intent of the Legislature that the manufacture, wholesale
74 distribution, and sale of hemp-derived cannabinoid products is
75 strictly prohibited unless specifically provided for in this
76 chapter. In acknowledging that the products regulated in this
77 chapter may be psychoactive, the regulation and control of
78 these products in this state are in the interest of public
79 health and safety through ensuring proper age verification and
80 the state's ability to efficiently enforce the requirements
81 and restrictions contained in this chapter.

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

84 §28-12-2



HB445 INTRODUCED

85 As used in this chapter, the following terms have the
86 following meanings:

87 (1) BATCH. A specific quantity of a specific product
88 containing cannabinoids that: (i) is manufactured at the same
89 time and using the same methods, equipment, and ingredients
90 that are uniform and intended to meet specifications for
91 identity, strength, purity, and composition; and (ii) is
92 manufactured, packaged, and labeled according to a single
93 batch production record executed and documented.

94 (2) CANNABINOIDS. Includes cannabidiol (CBD) and any
95 tetrahydrocannabinol (THC), whether naturally occurring or
96 synthetically created, from hemp.

97 (3) CERTIFICATE OF ANALYSIS. A document issued by an
98 independent, accredited laboratory that provides information
99 about the chemical composition of a particular batch of
100 consumable hemp product.

101 (4) CERTIFIED LABORATORY. An ISO (International
102 Organization for Standardization)/IEC (International
103 Electrotechnical Commission) 17025:2017 certified laboratory.

104 (3) CONSUMABLE HEMP PRODUCT. A finished product that is
105 intended for human or animal consumption and that contains any
106 part of the hemp plant or any compound, concentrate, extract,
107 isolate, or resin, whether naturally occurring or
108 synthetically created, derived from hemp. The term includes,
109 but is not limited to, products that contain cannabinoids,
110 whether psychoactive or not.

111 (4) CONSUMPTION. Ingesting, inhaling, or topically
112 applying to skin or hair.



HB445 INTRODUCED

113 (5) CONTAINER. The bottle, can, bag, or other
114 receptacle, excluding cartons, in which consumable hemp
115 products are originally packaged for the market by the
116 manufacturer and from which the consumable hemp product is
117 consumed by the public.

118 (6) CONTAMINANT. A foreign substance or compound that,
119 if ingested, inhaled, or absorbed, may have an adverse effect
120 on the health of a human or animal. The term includes, but is
121 not limited to, heavy metals, pesticide residuals, residual
122 solvents or processing chemicals, and any other substance or
123 compound that the Alabama Department of Public Health
124 determines, if ingested, inhaled, or absorbed, could have an
125 adverse effect on the health of a human or animal.

126 (7) DISQUALIFYING OFFENSE. Any crime against children,
127 cruelty to animals, human trafficking, any crime involving
128 controlled substances, sex offenses, or any crime of violence.

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

130 (9) IMPORT. To bring any consumable hemp product
131 manufactured outside the state into this state for
132 distribution of consumable hemp products in this state.

133 (10) LICENSEE. A person licensed by the board pursuant
134 to this chapter as a manufacturer, a wholesaler, or a retailer
135 of consumable hemp products.

136 (11) MANUFACTURER. A person licensed by the board that
137 manufactures and packages consumable hemp products for
138 wholesale distribution or sale to retailers in this state.

139 (12) RETAILER. A person licensed by the board located
140 in this state that purchases consumable hemp products from a



HB445 INTRODUCED

141 manufacturer or a wholesaler and sells consumable hemp
142 products at retail in this state for off-premises consumption.

143 (13) THC. Any tetrahydrocannabinol, whether naturally
144 occurring in, or synthetically created from, hemp, including,
145 but not limited to, delta-8-tetrahydrocannabinol,
146 delta-9-tetrahydrocannabinol, or
147 delta-10-tetrahydrocannabinol.

148 (13) WHOLESALER. A person licensed by the board located
149 in this state that purchases consumable hemp products from a
150 manufacturer and distributes and sells the products to
151 retailers.

152 §28-12-3

153 (a) The manufacture, possession, distribution, and sale
154 of consumable hemp products within this state shall be
155 regulated and enforced by the board through the licensure of
156 manufacturers, wholesalers, and retailers of consumable hemp
157 products as provided in this chapter.

158 (b) In addition to the powers provided to the board
159 under this chapter, the board shall retain all powers
160 otherwise provided in this title as necessary to administer
161 and enforce this chapter, and this chapter shall be construed
162 in pari materia with other provisions of this title
163 authorizing the board to regulate intoxicating products and
164 restricting sales and possession of products to individuals
165 under 21 years of age.

166 (c) On and after January 1, 2026, any person that
167 manufactures, distributes, or sells at retail any consumable
168 hemp product in this state without a license issued pursuant



HB445 INTRODUCED

169 to this chapter shall be in violation of this section, and all
170 consumable hemp products in that person's possession shall be
171 considered contraband and may be seized by the board or its
172 agents or any law enforcement officer of the state without a
173 warrant.

174 (d) Every place licensed as a manufacturer shall be
175 subject to inspection by members of the board or by agents
176 authorized and designated by the board at any time of the day
177 or night as they may deem necessary, for the detection of
178 violations of this chapter, any law, or the rules of the
179 board, or for the purpose of ascertaining the correctness of
180 the records required to be kept by a licensee.

181 (e) The board shall adopt rules as necessary to
182 implement this chapter.

183 §28-12-4

184 (a) The Consumable Hemp Product Compliance Fund is
185 created within the State Treasury and shall be administered by
186 the board. All filing fees, annual license fees, and label
187 approval fees collected under this chapter shall be deposited
188 into the fund. Amounts deposited into the fund shall be
189 budgeted and allotted in accordance with Sections 41-4-80
190 through 41-4-96 and Sections 41-19-1 through 41-19-12.

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

193 (1) Training, education, and administrative and
194 operating costs for the administration and enforcement of this
195 chapter.

196 (2) Pursuant to an agreement between the board and the



HB445 INTRODUCED

197 Alabama State Law Enforcement Agency, operating and staffing
198 costs incurred by the Alabama State Law Enforcement Agency to
199 conduct underage purchase compliance checks pursuant to this
200 chapter.

201 (3) Random purchases by the board of consumable hemp
202 products and testing of products to ensure compliance with
203 this chapter.

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

206 §28-12-5

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

212 (b) The tax levied during the preceding month is due
213 and payable monthly to the board on the first day of each
214 month, and for the purpose of ascertaining the amount of tax
215 payable under this section, all manufacturers and wholesalers
216 making taxable sales to retailers on or before the twentieth
217 day of each month shall transmit to the board, upon forms
218 prescribed by the board, returns showing gross sales during
219 the preceding month.

220 (c) The revenue generated from the tax shall be
221 distributed as follows:

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

223 (2) Twenty-five percent to the respective counties in
224 the state proportionate to the ratio of the population of each



HB445 INTRODUCED

225 respective county to the total population of all counties,
226 based on the most recent federal decennial census.

227 (3) Twenty-five percent to the respective
228 municipalities in the state proportionate to the ratio of the
229 population of each respective municipality to the total
230 population of all municipalities, based on the most recent
231 federal decennial census.

232 (d) If the board or any authorized agent of the board
233 finds any illegal product sold at a retailer establishment,
234 the illegal product shall be confiscated and, in addition to
235 all other penalties authorized by law, the board shall assess
236 taxes based on an excise tax at the rate of seven percent of
237 the gross wholesale value of the illegal product.

238 Article 2 Licensure

239 §28-12-20

240 (a) The board shall issue and renew licenses to
241 manufacturers, wholesale distributors, and retailers of
242 consumable hemp products as provided in this chapter.

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

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

251 (d) The board may not issue a license under this
252 chapter unless the local governing body of the county or



HB445 INTRODUCED

253 municipality in which the licensee's facility will be located
254 has approved the application for licensure.

255 (e) Licenses issued under this chapter, unless revoked
256 or suspended by the board, shall be valid for the license year
257 which shall begin on October 1 of each year. Licenses may be
258 issued at any time during the year, but license fees shall not
259 be prorated.

260 (f) The board may suspend or revoke a license in
261 accordance with Section 28-3A-24 or 28-3A-26; provided,
262 however, the board may suspend a license without a hearing in
263 situations of imminent danger to the public or for purposes of
264 protecting the public welfare, peace, safety, and health of
265 the residents of the state.

266 §28-12-21

267 (a) For purposes of this section, the term "applicant"
268 includes every individual that has any proprietary or
269 financial interest of 10 percent or more in the licensed
270 establishment but shall not include any public corporation
271 whose shares are traded on a recognized stock exchange.

272 (b) Each applicant must be legally present in the
273 United States and shall provide to the board a valid driver
274 license issued in the United States, a valid military
275 identification, or other valid identification card, as
276 determined by the board.

277 (c) (1) In addition to all other requirements, an
278 applicant for a license under this section shall submit to the
279 board a form, sworn to by the applicant, providing written
280 consent from the applicant for the release of criminal history



HB445 INTRODUCED

281 background information. The form shall also require the
282 applicant's name, date of birth, and Social Security number
283 for completion of a criminal history background check.

284 (2) An applicant shall provide the board with two
285 complete functional sets of fingerprints, either cards or
286 electronic, properly executed by a criminal justice agency or
287 an individual properly trained in fingerprinting techniques.
288 The fingerprints and form shall be submitted by the board to
289 the State Bureau of Investigations for the purposes of
290 furnishing criminal background checks. The State Bureau of
291 Investigations shall forward a copy of the applicant's prints
292 to the Federal Bureau of Investigation for a national criminal
293 background check. The applicant shall pay all costs associated
294 with the background checks required by this section.

295 (d) The board shall keep information received pursuant
296 to this section confidential, except that information received
297 and relied upon in denying the issuance of a license in this
298 state may be disclosed as may be necessary to support the
299 denial or when subpoenaed by a court.

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

303 (f) (1) Any person applying for an initial license under
304 this chapter shall be required to purchase and maintain a
305 surety bond, payable to the board, for each licensed location,
306 executed by the applicant as principal, and by a corporate
307 surety company qualified to do business in this state as
308 surety, in the amount of twenty-five thousand dollars



HB445 INTRODUCED

309 (\$25,000).

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

314 (g) Every license issued under this title shall be
315 constantly and conspicuously displayed on the licensed
316 premises.

317 §28-12-22

318 (a) (1) Effective January 1, 2026, upon the submission
319 of an application, initial filing fee, and license fee, the
320 board shall issue to the applicant a manufacturer license that
321 authorizes the licensee to manufacture or otherwise produce
322 consumable hemp products within this state or for sale or
323 distribution within this state.

324 (2) No person shall manufacture or otherwise produce
325 consumable hemp products within this state or for sale or
326 distribution within this state, unless the person is issued a
327 manufacturer license by the board.

328 (b) A manufacturer may:

329 (1) Sell consumable hemp products to licensed
330 wholesalers or directly to licensed retailers; and

331 (2) Sell consumable hemp products directly to
332 customers, but only for off-premises consumption.

333 (c) A manufacturer may not:

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

336 (2) Sell any consumable hemp product in other than



HB445 INTRODUCED

337 original containers approved by the board; or

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

341 (d)(1) Prior to the initial sale of any consumable hemp
342 product in this state, a manufacturer shall submit to the
343 board a label that meets the standards set forth in Section
344 28-12-41, and obtain label approval from the board. At the
345 time of submission, the licensee shall pay a label approval
346 fee of fifty dollars (\$50).

347 (2) If the board determines that the label meets the
348 requirements of Section 28-12-42, the board shall approve the
349 label.

350 (3) A manufacturer licensee must resubmit the label for
351 board approval if there is any change to the label other than
352 the date of manufacture, the date of expiration, or the batch
353 number.

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

360 (f) On and after January 1, 2026, all consumable hemp
361 products whose labels and certificates of analysis have not
362 been approved as required under subsections (d) and (e) shall
363 be considered contraband and may be seized by the board or its
364 agents, or any law enforcement officer of the state without a



HB445 INTRODUCED

365 warrant.

366 (g) A manufacturer shall submit to the board prior to
367 the twentieth day of each month a consolidated report of all
368 shipments of consumable hemp products made to each wholesaler
369 and retailer during the preceding month and any other
370 information relevant to the manufacturing of consumable hemp
371 products as determined by the board, by rule. The reports
372 shall be in the form and containing information as the board
373 may prescribe.

374 (h) A manufacturer shall keep at its licensed premises
375 daily permanent records that show the quantities of raw
376 materials received and used in the manufacture of consumable
377 hemp products and the quantities of consumable hemp products
378 manufactured and stored, the sale of consumable hemp products,
379 and the names and addresses of the purchasers of consumable
380 hemp products. In addition, a manufacturer shall retain on the
381 licensed premises the applicable certificates of analysis and
382 approvals by the Alabama Department of Public Health, as well
383 as the labels approved by the board for a period of three
384 years.

385 §28-12-23

386 (a) (1) Effective January 1, 2026, upon the submission
387 of an application, the initial filing fee, and license fee,
388 the board shall issue to the applicant a wholesaler license
389 that authorizes the licensee to purchase, import, and receive
390 shipments of consumable hemp products from outside the state
391 from licensed manufacturers, to purchase consumable hemp
392 products from manufacturers within this state, and to sell at



HB445 INTRODUCED

393 wholesale and distribute consumable hemp products to retailers
394 in this state.

395 (2) No person shall import or receive consumable hemp
396 products or distribute and sell consumable hemp products to
397 retailers in this state unless the person is issued a
398 manufacturer license by the board.

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

401 (c) A wholesaler shall submit to the board prior to the
402 twentieth day of each month a consolidated report of all
403 receipts and shipments of consumable hemp products made to
404 each retailer during the preceding month and any other
405 information relevant to the wholesale distribution of
406 consumable hemp products as determined by the board, by rule.
407 The reports shall be in the form and containing information as
408 the board may prescribe.

409 §28-12-24

410 (a) (1) Effective January 1, 2026, upon the submission
411 of an application, the initial filing fee, and license fee,
412 the board shall issue to the applicant a retailer license that
413 authorizes the licensee to purchase consumable hemp products
414 from a licensed wholesaler or licensed manufacturer and to
415 sell consumable hemp products at retail for off-premises
416 consumption.

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

420 (b) Sales to all customers shall be in original



HB445 INTRODUCED

421 packages or containers as prepared for the market by the
422 manufacturer.

423 (c) The location of any retailer licensee must be
424 restricted so that only those individuals 21 years of age or
425 older are permitted to enter the location. The board shall
426 only issue retailer licenses to:

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

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

432 (d) A retailer may not:

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

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

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

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

447 (f) A retailer licensee shall maintain at its licensed
448 premises a copy of the certificate of analysis and approved



HB445 INTRODUCED

449 label for every consumable hemp product available for sale by
450 the retailer, which shall be made available for inspection to
451 any law enforcement officer or authorized agent of the board.

452 §28-12-25

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

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

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

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

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

464 §28-12-26

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

470 (b) The board may impose a penalty if a licensee fails
471 to renew a license by October 20, as prescribed by the board,
472 by rule.

473 (c) Unless the licensee is notified by the board of
474 objections to the renewal of the license, the board shall
475 renew the license of any licensee who has submitted the
476 renewal application and license fee.



HB445 INTRODUCED

477 §28-12-27

478 (a) The books and records of licensees at all times
479 shall be open to inspection by members of the board or by
480 agents authorized and designated by the board. Members of the
481 board and its authorized agents, without hindrance, may enter
482 any place that is subject to inspection under this chapter or
483 any place where records are kept for the purpose of making
484 inspections and making transcripts thereof.

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

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

494 (d) Any person who fails or refuses to keep and
495 preserve the records as required by this section or who, upon
496 request by an authorized agent of the board, fails or refuses
497 to allow an audit or inspection of records as provided in this
498 section shall be guilty of a Class C misdemeanor.

499 (e) The board may enter upon the premises of any
500 licensee to inspect, examine, audit, or cause to be examined
501 or audited by any agent or representative designated by the
502 board for that purpose, any books, papers, or other records to
503 verify the proper filing and to determine the accuracy of any
504 state tax return required to be filed by any licensee



HB445 INTRODUCED

505 authorized to distribute or sell, and to determine the payment
506 of all state taxes when and where due with respect to any
507 state tax levied on consumable hemp products by statute. This
508 section imposes no duty upon the board to inspect, examine,
509 and audit with respect to local taxes on consumable hemp
510 products.

511 Article 3 Consumable Hemp Products

512 §28-12-40

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

515 a. For a beverage or any edible product, five
516 milligrams of total THC.

517 b. For any other product, 0.3 percent total THC on a
518 dry weight basis.

519 (2) For purposes of paragraph (1)a., one gummy shall
520 contain no more than one serving.

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

524 (c) The packaging of consumable hemp products:

525 (1) May not be designed in a manner that appeals to
526 minors;

527 (2) May not include a statement, artwork, or design
528 that could reasonably mislead an individual to believe that
529 the package contains anything other than a consumable hemp
530 product; and

531 (3) Must be child-resistant.

532 §28-12-41



HB445 INTRODUCED

533 Each label for a consumable hemp product must contain,
534 at a minimum:

535 (1) A list of all ingredients in descending order of
536 predominance;

537 (2) The name, address, and website of the manufacturer
538 of the product;

539 (3) The manufacture date and expiration date;

540 (4) The batch number;

541 (5) The total number of milligrams of THCs found in the
542 container;

543 (6) The serving size;

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

545 and

546 (8) The following warnings:

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

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

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

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

555 §28-12-42

556 (a) Prior to making the initial sale of a consumable
557 hemp product to be sold within this state or for sale or
558 distribution within this state, a manufacturer licensee shall
559 submit representative samples of each batch of the product to
560 a certified laboratory for a certificate of analysis. A



HB445 INTRODUCED

561 certifying laboratory conducting analyses pursuant to this
562 section may not be affiliated in any way or have any financial
563 or business interest in any manufacturer, wholesaler, or
564 retailer licensed by the board.

565 (b) A certificate of analysis shall include, at a
566 minimum:

567 (1) The batch number or lot number of the product;

568 (2) The date the certificate of analysis is issued;

569 (3) The method of analysis for each test conducted;

570 (4) The product name;

571 (5) The cannabinoid profile by the percentage in dry
572 weight of CBD and total THC content, and verification that the
573 product contains an amount of total THC not exceeding that
574 which is stated on the label of the product; and

575 (6) A listing of all ingredients for each product,
576 including, if present, solvents, pesticides, microbial
577 contaminants, and heavy metals.

578 (c) A manufacturer shall submit the unredacted and
579 unedited certificate of analysis to the Alabama Department of
580 Public Health, along with a processing fee in an amount
581 determined by the department, by rule. Based on the
582 certificate of analysis, the department shall determine if the
583 consumable hemp product is safe for human consumption and, if
584 the product is safe, shall approve the product and notify the
585 manufacturer in a method prescribed by the department, by
586 rule.

587 §28-12-43

588 (a) A retailer shall maintain a minimum of 500 square



HB445 INTRODUCED

589 feet of sales and service area. A retailer may not include in
590 the calculation of sales and service area any areas that are
591 not open to customers or not used for sales or displaying
592 products, such as office space or storage.

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

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

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

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

606 (2) A valid United States Uniformed Service
607 Identification.

608 (3) A valid passport.

609 (4) A valid identification card issued by any agency of
610 a state for the purpose of identification, bearing a
611 photograph and date of birth of the individual in question.

612 (e) The board shall levy a penalty against any retailer
613 licensee that sells a consumable hemp product to an individual
614 under 21 years of age as follows:

615 (1) For a first offense within a four-year period,
616 suspension of the license for 90 days and a fine of five



HB445 INTRODUCED

617 thousand dollars (\$5,000) earmarked for the State General
618 Fund.

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

623 (3) For a third offense within a four-year period,
624 revocation of the license and any other license issued by the
625 board under this title and a fine of twenty thousand dollars
626 (\$20,000) earmarked for the State General Fund. In addition,
627 the board may impose a fine of up to twenty thousand dollars
628 (\$20,000) against any officer or any individual who has any
629 proprietary or financial interest of 10 percent or more in the
630 licensed retailer, and the board may not issue any license
631 authorized under this title to the retailer or any affiliate
632 of the retailer at any location in the state for a period of
633 36 months.

634 §28-12-44

635 Except as authorized for retailer employees under
636 Section 28-12-43(c), any individual under 21 years of age who
637 attempts to purchase, purchases, consumes, possesses, or
638 transports consumable hemp products within this state, or who
639 knowingly uses or attempts to use a false, forged, deceptive,
640 or otherwise nongenuine driver license to obtain or attempt to
641 obtain a consumable hemp product in this state, shall be
642 subject to the same penalties as provided in Section 28-3A-25
643 for underage drinking.

644 §28-12-45



HB445 INTRODUCED

645 The board shall levy a penalty against any retailer
646 that sells or attempts to sell a consumable hemp product in
647 violation of Section 28-12-40, 28-12-41, or 28-12-42, as
648 follows:

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

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

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

658 §28-12-46

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

662 (1) Any consumable hemp product for which taxes were
663 not assessed and remitted to the board as required under
664 Section 28-12-5;

665 (2) Any consumable hemp product sold in this state
666 which does not have an approved label as required under
667 Section 28-12-41;

668 (3) Any consumable hemp product sold in this state
669 which does not have an approved certificate of analysis as
670 required under Section 28-12-42; and

671 (4) Any consumable hemp product sold in this state at
672 an unlicensed location.



HB445 INTRODUCED

673 (b) Any unlawful consumable hemp products kept, stored,
674 or deposited in any place in this state for the purpose of
675 unlawful sale or unlawful disposition or unlawful furnishing
676 or distribution, and the vessels and receptacles in which the
677 products are contained are declared to be contraband, shall be
678 seized and forfeited to the state, and may be condemned for
679 destruction pursuant to the procedures set out in Article 11
680 of Chapter 4 concerning alcoholic beverages.

681 (c) In any criminal prosecutions against a person for a
682 violation of this chapter, upon conviction, the court may
683 order the destruction of any unlawful consumable hemp products
684 that were: (i) sold, offered for sale, possessed, or otherwise
685 disposed of by the defendant; (ii) possessed or used in
686 conducting the business of a hemp product dealer; or (iii)
687 used as evidence in the case.

688 (d) All fixtures, equipment, materials, and personal
689 property used in substantial connection with the sale or
690 possession of consumable hemp products involved in a violation
691 of this chapter shall be subject to the same seizure and
692 forfeiture procedures as provided pursuant to Article 11 of
693 Chapter 4. The board shall dispose of consumable hemp products
694 seized under this chapter by destruction as provided by rule
695 of the board.

696 (e) Any person from whom a consumable hemp product is
697 seized and destroyed pursuant to this section shall be subject
698 to a fee, to be determined based on the cost of the
699 destruction and disposal of the hemp product as hazardous
700 waste.



HB445 INTRODUCED

701 Section 2. Section 13A-12-214.4, Code of Alabama 1975,
702 relating to the sale of psychoactive cannabinoids, is
703 repealed.

704 Section 3. This act shall become effective on July 1,
705 2025.