

## HB552 INTRODUCED



1 HB552  
2 2JJGHIS-1  
3 By Representative Hammett (N & P)  
4 RFD: Local Legislation  
5 First Read: 09-Apr-25



A BILL  
TO BE ENTITLED  
AN ACT

Relating to Covington County; to levy county excise taxes on vapor products, vaping devices, alternative nicotine products, and psychoactive cannabinoids; to provide for civil penalties for violations; and to provide for the collection and distribution of the proceeds of the taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) ALTERNATIVE NICOTINE PRODUCT. Any product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. The term does not include a tobacco product, vapor product, or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco product for other medical purposes and that is being marketed and sold solely for that purpose.

(2) PSYCHOACTIVE CANNABINOID. Any cannabinoid derived from or found in hemp as defined in Section 2-8-381, Code of Alabama 1975, including, but not limited to,



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delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, and delta-10-tetrahydrocannabinol.

(3) VAPING DEVICE. Any electronic device that uses a battery and heating element in combination with a vapor product to produce a vapor that delivers the product to the individual inhaling from the device to simulate smoking. The term includes, but is not limited to, products that may be offered to, purchased by, or marketed to consumers as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vape tool, or any variation of these terms.

(4) VAPOR PRODUCT. Any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in a vaping device, unless otherwise provided by general or local law. The term does not include any product approved by the United States Food and Drug Administration as a drug or medical device or defined as "medical cannabis" in Section 20-2A-3, Code of Alabama 1975.

(b) There is levied a county excise tax in Covington County on every individual, firm, or corporation that sells, delivers, uses, or otherwise consumes vaping devices, vapor products, alternative nicotine products, or psychoactive cannabinoids in the county. There shall be a tax on the gross proceeds of the sales of these products when sold at retail in the county at the rate of five percent of the gross proceeds of the sales. The proceeds of the tax levied pursuant to this section shall be deposited into the county general fund.



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(c) (1) It shall be unlawful for any dealer, storer, distributor, or retailer engaged in or continuing in business in Covington County for which the tax is levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax provided in this section, to refund or offer to refund all or any part of the amount collected or absorbed, or to advertise, directly or indirectly, the absorption of the tax or any portion thereof. Any individual, firm, corporation, club, or association violating this section shall be subject to a civil penalty of not less than two hundred fifty dollars (\$250). Each act in violation of this section shall constitute a separate offense.

(2) The proceeds of any fine collected pursuant to this subsection shall be deposited into the county general fund.

(d) The county commission shall establish the start date for the remittance of the tax.

(e) In accordance with Section 40-1-44, Code of Alabama 1975, the county commission may assess interest on delinquencies related to or resulting from the failure or refusal to timely remit excise taxes as required by this section on every individual, firm, or corporation that sells, delivers, uses, or otherwise consumes alternative nicotine products, vaping devices, vapor products, or psychoactive cannabinoids in the county.

(f) The chair of the county commission or the county administrator may take all actions or execute all documents necessary to carry out the actions authorized by this section.

Section 2. This act shall become effective on October



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85 1, 2025.