

HB72 INTRODUCED



1 HB72
2 7B9NA2E-1
3 By Representative Sellers
4 RFD: Public Safety and Homeland Security
5 First Read: 13-Jan-26
6 PFD: 02-Dec-25



4 SYNOPSIS:

5 Under existing law, smoking tobacco products
6 with a child in the car is a criminal offense.

7 Also under existing law, smoking marijuana of
8 any kind is prohibited under any circumstances.

9 This bill would provide an additional criminal
10 penalty of a Class A misdemeanor for smoking marijuana
11 in a motor vehicle when a child is present in the motor
12 vehicle, whether the motor vehicle is in motion or at
13 rest and whether the windows are open or closed.

14 This bill would require the court to order a
15 person who violates the bill to take an in-person
16 education course developed by the Alabama Department of
17 Public Health about the dangers of drug and marijuana
18 use around children.

19 This bill would require law enforcement to
20 report violations to the local county department of
21 human resources.

22 This bill would require mandatory reporters to
23 report to the State Department of Human Resources or
24 another duly constituted authority when children smell
25 of marijuana smoke, and would require such reports to
26 be treated and investigated as any other reports of
27 suspected child abuse or neglect.

28 This bill would also require the Alabama



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Department of Public Health to develop public education materials about the dangers of exposing children to marijuana smoke.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Sections 26-14-3.1 and 32-5A-332 to the Code of Alabama 1975; to prohibit smoking or vaping marijuana in a motor vehicle when a child is present; to provide penalties, including an in-person education course; to require violations to be reported to the Department of Human Resources; to require mandatory reporting when a child smells of marijuana; and to require the Alabama Department of Public Health to develop public education materials.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-14-3.1 and 32-5A-332 are added to the Code of Alabama 1975, to read as follows:

§26-14-3.1

(a) Any individual who is a mandatory reporter under Section 26-14-3 shall report to a duly constituted authority when a child smells of marijuana.

(b) Any report under subsection (a) shall be treated as a report of known or suspected child abuse or neglect under this chapter.



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§32-5A-332

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

(1) CHILD. Any individual under 19 years of age.

(2) MARIJUANA. The same meaning as provided in Section 20-2-2.

(3) SMOKE. The same meaning as smoking in Section 22-15A-3.

(4) VAPE. To use an electronic nicotine delivery system as defined in Section 28-11-2.

(b) (1) It is unlawful for any person, regardless of age, to smoke or vape marijuana in any motor vehicle when a child is present in the motor vehicle.

(2) This section applies to all occupied motor vehicles, whether in motion or at rest, and whether the windows of the motor vehicle are opened or closed.

(c) In addition to any other penalty provided by law for the unlawful use of marijuana or operating a motor vehicle under the influence:

(1) A person who violates this section shall be guilty of a Class A misdemeanor;

(2) The court shall order the person to attend the education course developed by the Alabama Department of Public Health pursuant to Section 2; and

(3) The law enforcement agency shall notify the local county department of human resources for appropriate action.

Section 2. (a) The Alabama Department of Public Health shall develop an in-person education class about the dangers



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85 of drug use around children. The class shall include, but not
86 be limited to, the negative impacts of marijuana and other
87 drug use around children and the dangers of exposing children
88 to second hand marijuana smoke.

89 (b) The Alabama Department of Public Health shall
90 develop public education materials to inform parents,
91 caregivers, and the public of the dangers of exposing children
92 to marijuana smoke. The materials shall be publicly available
93 at no cost to the public.

94 Section 3. This act shall become effective on October
95 1, 2026.