



**House Public Safety and Homeland Security Reported
Substitute for HB72**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to crimes and offenses; to add Sections
10 26-14-3.1 and 32-5A-332 to the Code of Alabama 1975; to
11 prohibit smoking or vaping marijuana in a motor vehicle when a
12 child is present; to provide penalties, including **a virtual**
13 education course; to require violations to be reported to the
14 Department of Human Resources; to require mandatory reporting
15 when a child smells of marijuana; and to require the Alabama
16 Department of Public Health, **in collaboration with certain**
17 **other state agencies,** to develop public education materials.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 §26-14-3.1

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

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

28 §32-5A-332



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

32 (2) MARIJUANA. The same meaning as provided in Section
33 20-2-2.

34 (3) SMOKE. The same meaning as smoking in Section
35 22-15A-3.

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

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

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

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

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



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57 limited to, the negative impacts of marijuana and other drug
58 use around children and the dangers of exposing children to
59 second hand marijuana smoke.

60 (b) The Alabama Department of Public Health, in
61 collaboration with the Alabama Department of Mental Health and
62 the Alabama State Law Enforcement Agency, shall develop public
63 education materials to inform parents, caregivers, and the
64 public of the dangers of exposing children to marijuana smoke.
65 The materials shall be publicly available at no cost to the
66 public.

67 Section 3. This act shall become effective on October
68 1, 2026.