



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

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 a virtual 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, in collaboration with certain other state agencies, 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.

§32-5A-332



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(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 a virtual education class about the dangers of drug use around children. The class shall include, but not be



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

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

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