

**DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION**

A BILL

TO BE ENTITLED

AN ACT

Relating to consumable hemp products; to add Chapter 12 to Title 28, Code of Alabama 1975; to impose testing and labeling requirements on all consumable hemp products sold in this state; to authorize the Alcoholic Beverage Control Board to license retailers of these products; to establish restrictions on retail establishments; to prohibit the sale of consumable hemp products to minors; to prohibit the sale of smokable hemp products; to prohibit online sales and direct delivery of consumable hemp products; to impose an excise tax on consumable hemp products and provide for the distribution of tax proceeds; to establish the Consumable Hemp Product Compliance Fund and provide for expenditures of the fund; to authorize the board to seize unlawful consumable hemp products; to provide for civil and criminal penalties for violations; and to repeal Section 13A-12-214.4, Code of Alabama 1975, relating to the sale of psychoactive cannabinoids.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Article 1. General Provisions

§28-12-1 Purpose

(a) The purpose of this chapter is to protect the health and safety of Alabama residents from consumable products containing compounds derived from or synthesized from cannabidiols found in hemp. It is the intent of the Legislature to subject all consumable hemp products available for sale in this state to be tested and labeled in accordance with strict standards and to prohibit the sale of these products to individuals under 21 years of age.

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

(c) Nothing in this chapter is intended to affect or impede any activity relating to hemp which is regulated by the Department of Agriculture and Industries.

§28-12-2 Definitions

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

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

(2) CANNABINOIDS. Includes cannabidiol (CBD) and any tetrahydrocannabinol (THC) derived from hemp.

(3) CARTON. The package or container or containers in

57 which consumable hemp products are originally packaged for  
58 shipment to market by the processor.

59 (4) CERTIFICATE OF ANALYSIS. A document issued by an  
60 independent testing laboratory that provides information about  
61 the chemical composition of a particular batch of consumable  
62 hemp product.

63 (5) CONSUMABLE HEMP PRODUCT. a. A finished product that  
64 is intended for human or animal consumption and that contains  
65 any part of the hemp plant or any compound, concentrate,  
66 extract, isolate, or resin derived from hemp. The term  
67 includes, but is not limited to, products that contain  
68 cannabinoids. The term does not include seeds or seed-derived  
69 ingredients that are generally recognized as safe by the  
70 United States Food and Drug Administration.

71 b. The term excludes all of the following, which are  
72 strictly prohibited in the state:

73 1. Any smokable hemp product. Smokable hemp products  
74 include, but are not limited to, any plant product or raw hemp  
75 material that is marketed to consumers as hemp cigarettes,  
76 hemp cigars, hemp joints, hemp buds, hemp flowers, hemp  
77 leaves, ground hemp flowers, or any variation of these terms  
78 to include any product that contains a cannabinoid, whether  
79 psychoactive or not.

80 2. Any consumable hemp product produced, manufactured,  
81 processed, or packaged outside the United States.

82 3. Any product that contains psychoactive cannabinoids  
83 that are created by a chemical synthesis, modification, or  
84 chemical conversion from another cannabinoid, utilizing



non-cannabis materials. This does not include a cannabinoid produced via decarboxylation of naturally occurring acidic forms of cannabinoids, such as tetrahydrocannabinolic acid, into the corresponding neutral cannabinoid, through the use of heat or light, without the use of chemical reagents or catalysts, and that results in no other chemical change.

(6) CONSUMPTION. Ingesting or topically applying to skin or hair.

(7) CONTAINER. The bottle, can, bag, or other receptacle, excluding cartons, in which consumable hemp products are originally packaged for the market by the producer and from which the consumable hemp product is consumed by the public.

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

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

(10) DISTRIBUTOR. A person that distributes consumable hemp products to retailers.

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

(12) INDEPENDENT TESTING LABORATORY. A laboratory that:

a. Is accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO (International Organization for Standardization)/IEC (International Electrotechnical Commission) 17025:2017 of the International Organization for Standardization;

b. Does not have a direct or indirect interest in the producer whose product is being tested; and

c. Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, or sells hemp or consumable hemp products in this state or in another jurisdiction.

(13) PRODUCER. An entity located within the United States that produces and packages a consumable hemp product that is distributed within or into the state or sold to retailers in this state.

(14) RETAILER. A person located in this state and licensed by the board which sells consumable hemp products at retail in this state.

(15) THC. Any tetrahydrocannabinol derived from hemp, including, but not limited to, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, or delta-10-tetrahydrocannabinol.

(16) UNLAWFUL HEMP PRODUCT. Any product that is:

a. Specifically excluded from the definition of consumable hemp product;

b. Distributed or sold at retail in violation of Section 28-12-20;

c. Sold or offered for sale to a consumer in this state

141 at an unlicensed location; or

142 d. Shipped or distributed directly to a consumer in  
143 violation of Section 28-12-60.

144 §28-12-3

145 (a) Effective January 1, 2026, consumable hemp products  
146 distributed into or within the state and offered for sale and  
147 sold to consumers in this state shall be governed by this  
148 chapter. The Alcoholic Beverage Control Board shall administer  
149 and enforce this chapter and shall adopt rules as necessary to  
150 implement this chapter.

151 (b) Any consumable hemp product distributed, sold, or  
152 offered for sale to consumers in this state in violation of  
153 this chapter shall be considered contraband and may be seized  
154 by the board or its agents or any law enforcement officer of  
155 the state without a warrant.

156 §28-12-4 Fund

157 (a) The Consumable Hemp Product Compliance Fund is  
158 created within the State Treasury and shall be administered by  
159 the board. All filing fees, annual license fees, and label  
160 approval fees collected under this chapter shall be deposited  
161 into the fund. Amounts deposited into the fund shall be  
162 budgeted and allotted in accordance with Sections 41-4-80  
163 through 41-4-96 and Sections 41-19-1 through 41-19-12.

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

166 (1) Training, education, and administrative and  
167 operating costs for the administration and enforcement of this  
168 chapter.



(2) Pursuant to an agreement between the board and the Alabama State Law Enforcement Agency, operating and staffing costs incurred by the Alabama State Law Enforcement Agency to conduct underage purchase compliance checks pursuant to this chapter.

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

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

#### \$28-12-5 Tax

(a) An excise tax at the rate of 10 percent is levied on the retail sales price of consumable hemp products. The tax is in addition to any other tax imposed by federal, state, or local law.

(b) The tax levied by this section is intended to be passed on to and borne by the purchaser of the consumable hemp product. The tax is a debt from the purchaser to the retailer until paid. The retailer is considered to act as a trustee on behalf of the board when the retailer collects the tax from the purchaser on a taxable transaction. The tax must be stated and charged separately on any documentation provided to the purchaser by the retailer at the time of the transaction.

(c) The tax levied during the preceding month is due and payable monthly to the board on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this section, all retailers making taxable sales on or before the twentieth day of each month shall transmit to

the board, upon forms prescribed by the board, returns showing gross sales during the preceding month.

(d) The revenue generated from the tax shall be distributed as follows:

(1) Ninety percent to the State General Fund.

(2) Ten percent to the treasury of the municipality in which the consumable hemp products were sold within its corporate limits, or, where sold outside the corporate limits of any municipality, to the treasury of the county in which the consumable hemp products were sold for the purposes of enforcement.

(e) The taxes levied pursuant to this section are exclusive and shall be in lieu of all other and additional taxes and licenses of the state, county, or municipality imposed on the sale of consumable hemp products; provided, that nothing herein contained shall be construed to exempt the retail sale of consumable hemp products from the levy of tax on general retail sales by the state, county, or municipality in the nature of, or in lieu of, a general sales tax.

(f) If the board or any authorized agent of the board finds any unlawful hemp product sold at a retailer establishment, the product shall be confiscated and, in addition to all other penalties authorized by law, the board shall assess taxes based on an excise tax at the rate of 10 percent of the retail value of the illegal product.

## Article 2. Consumable Hemp Products

### §28-12-20 Generally

(a) On and after January 1, 2026, no consumable hemp



product may be distributed into or within the state, nor offered for sale or sold at retail within the state unless the product:

(1) Has a corresponding certificate of analysis described in Section 28-12-21 issued by an independent testing laboratory that tests the batch from which the product was produced;

(2) Is in the original sealed container as packaged by the producer and meets the packaging restrictions in Section 28-12-23;

(3) Meets the serving size and product content requirements, including total THC, described in Section 28-12-22; and

(4) Meets the labeling requirements described in Section 28-12-24.

(b) Every distributor and retailer shall maintain and make immediately available for inspection to any law enforcement officer or authorized agent of the board a copy of the certificate of analysis of each consumable hemp product being distributed by a distributor or offered for sale by a retailer.

(c) Any person, including any servant, agent, or employee of the person, who distributes, sells, or offers for sale any consumable hemp product in violation of this section shall be subject to the following penalties:

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

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

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

#### \$28-12-21 Testing and Certificate of Analysis

(a) The protocols for testing a consumable hemp product by an independent testing laboratory shall include the following, as well as a determination of corresponding tolerance limits:

(1) Cannabinoid content and potency, including, but not limited to, all of the following:

- a. Total THC (THC+THCA).
- b. Total CBD (CBD+CBDA).
- c. THC/CBD ratio, if applicable.
- d. Percent of THC relative to original plant material (w/w).

(2) Terpene profiles.

(3) Heavy metals.

(4) Chemical contamination, such as residual solvents remaining after extraction and concentration.

(5) Microbials, including pathogenic microbials.

(6) Mycotoxins.

(7) Residual insecticides, fungicides, herbicides, and growth regulators used during cultivation.

(b) The certificate of analysis shall include, at a

281 minimum:

- 282 (1) The batch number or lot number of the product;
- 283 (2) The date the certificate of analysis is issued;
- 284 (3) The method of analysis for each test conducted;
- 285 (4) The product name;
- 286 (5) A scannable barcode or quick response code linked
- 287 to the label on the consumable hemp product container;
- 288 (6) The cannabinoid profile by the percentage in dry
- 289 weight of CBD and total THC content, and verification that the
- 290 product contains an amount of total THC not exceeding that
- 291 which is stated on the label of the product; and
- 292 (7) A listing of all ingredients for each product,
- 293 including, if present, solvents, pesticides, microbial
- 294 contaminants, and heavy metals.

295 §28-12-22 Consumable Hemp Product Contents

296 (a) (1) For a beverage or any edible product, one

297 serving size of a consumable hemp product may not contain more

298 than 10 milligrams of total THC.

299 (2) For any topical, sublingual, or other consumable

300 hemp product not addressed in subdivision (1), one container

301 of a consumable hemp product may not contain more than 40

302 milligrams of total THC.

303 (3) All edible consumable hemp products shall be

304 individually wrapped in single serve packaging. One carton may

305 not contain more than 40 milligrams of total THC.

306 (4) A beverage serving size may not exceed 12 fluid

307 ounces or 355 milliliters. One carton may not contain more

308 than four 12-ounce containers.



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

§28-12-23 Packaging

The packaging of consumable hemp products:

(1) May not bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) May not be modeled after a brand of products primarily consumed by or marketed to children;

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

(4) Must be child-resistant.

§28-12-24

Each container of a consumable hemp product must be labeled to include, at a minimum:

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

(2) A scannable barcode or quick response code linked to the certificate of analysis;

(3) The manufacture date and expiration date;

(4) The batch number which corresponds to the certificate of analysis;

(5) The total number of milligrams of THC's found in the container;

(6) The serving size;

337 (7) The total number of milligrams of THC's per serving;  
338 and

339 (8) The following warnings:

340 a. To keep the product out of reach of children;

341 b. That consumption of the product may cause the person  
342 to fail a drug test due to THC being present;

343 c. That the product is not safe nor intended for any  
344 person under 21 years of age;

345 d. That the product is not safe for any person who is  
346 pregnant or breastfeeding; and

347 e. That the product may impair a person's ability to  
348 drive and operate machinery.

349 Article 3. Retailers and Retailer Licenses

350 §28-12-40 Retailer Licenses

351 (a) Effective January 1, 2026, consumable hemp products  
352 may only be sold in this state by retailers licensed by the  
353 board in accordance with this article to adults 21 years of  
354 age or older.

355 (b) The board may not issue a license under this  
356 article unless the local governing body of the county or  
357 municipality in which the licensee's facility will be located  
358 has approved the application for licensure.

359 (c) Every applicant for an original retailer license  
360 shall file a written application with the board in such form  
361 and containing such information as the board may prescribe, by  
362 rule, which shall be accompanied by a nonrefundable initial  
363 filing fee of fifty dollars (\$50).

364 (d)(1) For purposes of this subsection, the term

"applicant" includes every individual that has any proprietary or financial interest of 10 percent or more in the business seeking a license but shall not include any public corporation whose shares are traded on a recognized stock exchange.

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

(3) In addition to all other requirements, an applicant shall submit to the board a form, sworn to by the applicant, providing written consent from the applicant for the release of criminal history background information. The form shall also require the applicant's name, date of birth, and Social Security number for completion of a criminal history background check.

(4) An applicant shall provide the board with two complete functional sets of fingerprints, either physical or electronic, properly executed by a criminal justice agency or an individual properly trained in fingerprinting techniques. The fingerprints and form shall be submitted by the board to the State Bureau of Investigation for the purposes of furnishing criminal background checks. The State Bureau of Investigation shall forward a copy of the applicant's prints to the Federal Bureau of Investigation for a national criminal background check. The applicant shall pay all costs associated with the background checks required by this section.

(5) The board shall keep information received pursuant



393 to this subsection confidential, except that information  
394 received and relied upon in denying the issuance of a license  
395 in this state may be disclosed as may be necessary to support  
396 the denial or when subpoenaed by a court.

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

400 (f)(1) Any person applying for an initial license under  
401 this chapter shall be required to purchase and maintain a  
402 surety bond, payable to the board, for each licensed location,  
403 executed by the applicant as principal, and by a corporate  
404 surety company qualified to do business in this state as  
405 surety, in the amount of twenty-five thousand dollars  
406 (\$25,000).

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

411 (g) If the board finds the applicant meets the  
412 qualifications of this section and any applicable rules  
413 adopted by the board, upon payment to the board of an annual  
414 license fee of one thousand dollars (\$1,000), the board shall  
415 issue a retailer license.

416 (h) Unless revoked or suspended by the board, retailer  
417 licenses shall be valid for the license year which shall begin  
418 on October 1 of each year. Licenses may be issued at any time  
419 during the year, but annual license fees shall not be  
420 prorated.

421           §28-12-41 License Renewal

422           (a) A retailer license issued shall be renewed annually  
423 upon the filing of an application and payment of the  
424 applicable license fee. A licensee must file a renewal  
425 application, as prescribed by the board, by rule, by August 1  
426 annually.

427           (b) A license may be renewed without penalty during the  
428 following fiscal year between October 1 and October 20 and may  
429 continue to be renewed after October 20 of that license year  
430 by payment of appropriate state and county licensing and  
431 filing fees and a penalty of 50 percent of the annual license  
432 fee. If a license is not renewed before midnight September 30  
433 of the succeeding license year, the license shall terminate  
434 with no privilege of renewal. Thereafter, a new application  
435 must be made and a new license issued before continuation of  
436 the business.

437           (c) A retailer may not purchase, receive, store, ship,  
438 sell, or give away any consumable hemp product or enjoy any of  
439 the rights and privileges of the license after the expiration  
440 of a license.

441           (d) Unless the licensee is notified by the board of  
442 objections to the renewal of the license, the board shall  
443 renew the license of any licensee who has submitted the  
444 renewal application and license fee.

445           §28-12-42 License Revocation

446           The board may suspend or revoke a license in accordance  
447 with Section 28-3A-24 or 28-3A-26; provided, however, the  
448 board may suspend a license without a hearing in situations of

imminent danger to the public or for purposes of protecting the public welfare, peace, safety, and health of the residents of the state.

§28-12-43 Recordkeeping

(a) A licensee shall keep and preserve all records, including invoices, canceled checks, and other documentation relating to the purchase, sale, exchange, or receipt of all consumable hemp products for a period of three years. This includes the applicable certificates of analysis as otherwise required under this chapter.

(b) The board and its authorized agents may enter upon the premises of any licensee at any time of the day or night as they deem necessary, for the detection of violations of this chapter, any law, or the rules of the board, or for the purpose of ascertaining the correctness of the records required to be kept by a licensee, including any record to verify the proper filing and to determine the accuracy of any state tax return required to be filed by a licensee, and to determine the payment of all state taxes when and where due with respect to any state tax levied on consumable hemp products by law. This section imposes no duty upon the board to inspect, examine, and audit with respect to local taxes on consumable hemp products.

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



477           §28-12-44 Penalties for Selling without a License

478           (a) Effective January 1, 2026, any person who sells,  
479 attempts to sell, furnishes, provides, or gives away a  
480 consumable hemp product without a license or otherwise  
481 violates this section shall be subject to the following  
482 penalties:

483           (1) For a first offense, the board shall levy a civil  
484 penalty of five thousand dollars (\$5,000).

485           (2) For a second offense, the board shall levy a civil  
486 penalty of seven thousand five hundred dollars (\$7,500).

487           (3) For a third offense, the board shall levy a civil  
488 penalty of ten thousand dollars (\$10,000), the person shall be  
489 guilty of a Class C felony, and the court shall order any  
490 business licenses of the person to be revoked.

491           (b) All consumable hemp products in that person's  
492 possession shall be considered contraband and may be seized by  
493 the board or its agents or any law enforcement officer of the  
494 state without a warrant.

495           §28-12-45 Guidelines on Retail Establishments

496           (a) Other than pharmacies selling topical or sublingual  
497 consumable hemp products pursuant to subsection (b) and retail  
498 food stores selling consumable hemp product beverages pursuant  
499 to subsection (c), all retailer establishments must be  
500 restricted so that only those individuals 21 years of age or  
501 older are permitted to enter and the establishment has its own  
502 dedicated public entrance. Except as provided in subsections  
503 (b) and (c), the board shall only issue retailer licenses to  
504 persons:

505           (1) That have a valid retail liquor license from the  
506 board that authorizes off-premises consumption only; or

507           (2) That only sell consumable hemp products.

508           (b) Topical and sublingual consumable hemp products may  
509 be sold in a pharmacy licensed by the Alabama State Board of  
510 Pharmacy, provided the pharmacy obtains a consumable hemp  
511 product retailer license from the Alcoholic Beverage Control  
512 Board and complies with this chapter and rules of the board.  
513 Any topical consumable hemp product sold in a pharmacy must be  
514 sold by a licensed pharmacist or by a pharmacy technician or  
515 employee who is under the direct supervision and control of a  
516 licensed pharmacist. This subsection does not prohibit a  
517 retailer described in subsection (a) from selling topical or  
518 sublingual consumable hemp products in that retailer's  
519 licensed premises.

520           (c) (1) Consumable hemp products that are beverages may  
521 be sold in a retail food store, provided the retail food store  
522 obtains a consumable hemp product retailer license from the  
523 board and complies with this chapter and rules of the board.  
524 Consumable hemp product beverages sold in a retailer food  
525 store must be displayed in such a way that the beverages are  
526 separated from nonalcoholic beverages or beverages intended  
527 for children. This subsection does not prohibit a retailer  
528 described in subsection (a) from selling consumable hemp  
529 product beverages in that retailer's licensed premises.

530           (2) For purposes of this subsection, "retail food  
531 store" means any store commonly known as a supermarket, food  
532 store, or grocery store, primarily engaged in the retail sale

533 of a variety of canned goods, frozen foods, nonalcoholic  
534 beverages, dry goods, either packaged or in bulk, and fresh  
535 produce or meats, and the store dedicates: (i) a minimum of 75  
536 percent of the store's selling area to the sale of food items  
537 listed in this subdivision; and (ii) at least 14,000 square  
538 feet of the store's footprint to the sale of food items listed  
539 in this subdivision.

540 (d)(1) A retailer described in subsection (a) shall  
541 maintain at its licensed premises a minimum of 500 square feet  
542 of sales and service area. A retailer may not include in the  
543 calculation of sales and service area any areas that are not  
544 open to customers or not used for sales or displaying  
545 consumable hemp products, such as office space or storage.

546 (2) A retailer must have an employee present in the  
547 sales and service area of the licensed premises at all times  
548 the premises is open to customers.

549 (3) The purchase of all consumable hemp products must  
550 take place in the licensed premises.

551 (e) A retailer shall display the retailer license in  
552 the licensed premises in a conspicuous manner.

553 §28-12-46 Retailer Operations

554 (a) A retailer may not sell any consumable hemp product  
555 for consumption on the licensed premises or conduct any  
556 tastings for customers.

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

560 (c) An individual under 21 years of age may be employed



by a retailer licensee to the same extent and under the same conditions as set forth for employees of alcoholic beverage establishments in Section 28-1-5(c).

#### §28-12-47 Reporting

A retailer shall submit to the board, on the last day of the month following the month of receipt or sale, a consolidated report of all receipts and sales of all consumable hemp products made to customers during the preceding month and any other information relevant to the retail sale of consumable hemp products as determined by the board, by rule. The reports shall be in the form and containing information as the board may prescribe.

#### §28-12-48 Selling to Minors; Penalties

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

(1) A valid driver license of any state.

(2) A valid United States Uniformed Service Identification card.

(3) A valid passport.

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

(b) The board shall levy a penalty against any person, retailer licensee, or servant, agent, or employee of the retailer who sells, attempts to sell, delivers, furnishes, or

589 gives away a consumable hemp product to an individual under 21  
590 years of age as follows:

591 (1) For a first offense within a four-year period,  
592 suspension of the license for 90 days and a fine of five  
593 thousand dollars (\$5,000) earmarked for the State General  
594 Fund.

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

599 (3) For a third offense within a four-year period,  
600 revocation of the license and any other license issued by the  
601 board under this title and a fine of twenty thousand dollars  
602 (\$20,000) earmarked for the State General Fund. In addition,  
603 the board may impose a fine of up to twenty thousand dollars  
604 (\$20,000) against any officer or any individual who has any  
605 proprietary or financial interest of 10 percent or more in the  
606 licensed retailer, and the board may not issue any license  
607 authorized under this title to the retailer or any affiliate  
608 of the retailer at any location in the state for a period of  
609 36 months. In addition, the board shall not issue any license  
610 or permit under this title until the expiration of one year  
611 from the date the license or licenses are revoked at the  
612 location where the violation occurred.

613 §28-12-49

614 Except as authorized under Section 28-12-46(c) for  
615 retailer employees, any individual under 21 years of age who  
616 attempts to purchase, purchases, consumes, possesses, or

617 transports consumable hemp products within this state, or who  
618 knowingly uses or attempts to use a false, forged, deceptive,  
619 or otherwise nongenuine driver license to obtain or attempt to  
620 obtain a consumable hemp product in this state, shall be  
621 subject to the same penalties as provided in Section 28-3A-25  
622 for underage drinking.

623 Article 4. Violations and Enforcement

624 §28-12-60 Direct Shipment Prohibited; Penalties

625 (a) Online sales, direct delivery, drive-through sales,  
626 and direct shipments of consumable hemp products within or  
627 into this state are strictly prohibited. For purposes of this  
628 section, "direct shipment" means the shipment of any  
629 consumable hemp product from any producer or retailer of  
630 consumable hemp products directly to an Alabama resident.

631 (b) A first violation of subsection (a) is a Class A  
632 misdemeanor.

633 (c) A second or subsequent violation of subsection (a)  
634 is a Class C felony.

635 §28-12-61 Sale or Possession of Unlawful Hemp Products;  
636 Penalties

637 (a) The sale or possession of a hemp product  
638 specifically excluded from the definition of a consumable hemp  
639 product is strictly prohibited.

640 (b) A violation of subsection (a) is a Class C felony.

641 §28-12-62 Seizure and Forfeiture

642 (a) Unlawful hemp products shall be considered  
643 contraband and may be seized by the board or its agents or by  
644 any law enforcement officer of the state without a warrant.



645 (b) Any consumable hemp products or unlawful hemp  
646 products which are kept, stored, or deposited in any place in  
647 this state for the purpose of unlawful sale or unlawful  
648 disposition or unlawful furnishing or distribution, and the  
649 vessels and receptacles in which the products are contained,  
650 are declared to be contraband, shall be seized and forfeited  
651 to the state, and may be condemned for destruction pursuant to  
652 the procedures set out in Article 11 of Chapter 4 concerning  
653 alcoholic beverages.

654 (c) In any criminal prosecutions against a person for a  
655 violation of this chapter, upon conviction, the court may  
656 order the destruction of any consumable hemp products or  
657 unlawful hemp products which were: (i) sold, offered for sale,  
658 possessed, or otherwise disposed of by the defendant; (ii)  
659 possessed or used in conducting the business of a dealer; or  
660 (iii) used as evidence in the case.

661 (d) All proceeds, property obtained by proceeds,  
662 equipment, materials, and personal property used in  
663 substantial connection with the sale or possession of  
664 consumable hemp products or hemp products involved in a  
665 violation of this chapter shall be subject to forfeiture  
666 pursuant to the procedures set forth in Section 20-2-93.

667 (e) Any person from whom an unlawful product is seized  
668 and destroyed pursuant to this section shall be subject to a  
669 fee, to be determined based on the cost of the destruction and  
670 disposal of the product as hazardous waste.

671 Section 2. Section 13A-12-214.4, Code of Alabama 1975,  
672 relating to the sale of psychoactive cannabinoids, is

673 repealed.

674 Section 3. This act shall become effective on July 1,  
675 2025.