



# ACT #2025 - 385

- 1 HB445
- 2 HG9MZ33-2
- 3 By Representative Whitt
- 4 RFD: Health
- 5 First Read: 18-Mar-25





## HB445 Enrolled

1 Enrolled, An Act,

2

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23           Article 1. General Provisions

24           §28-12-1 Purpose

25           (a) The purpose of this chapter is to protect the  
26 health and safety of Alabama residents from consumable  
27 products, often marketed toward children, that purportedly  
28 contain hemp-derived compounds. Many of these products have



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29 not been tested nor do they meet quality and safety standards.  
30 It is the intent of the Legislature to subject all consumable  
31 hemp products available for sale in this state to be tested  
32 and labeled in accordance with strict standards and to  
33 prohibit the sale of these products to individuals under 21  
34 years of age.

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

37 (c) Nothing in this chapter shall be construed in a  
38 manner that affects or impedes any activity relating to hemp  
39 which is regulated by the Department of Agriculture and  
40 Industries.

41 (d) Any federal law enacted after July 1, 2025, that  
42 conflicts with a provision this chapter shall supersede the  
43 conflicting provision of this chapter.

### 44 §28-12-2 Definitions

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

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

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

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



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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 both 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 product that contains psychoactive cannabinoids  
81 that are created by a chemical synthesis, modification, or  
82 chemical conversion from another cannabinoid, utilizing  
83 non-cannabis materials. This does not include a cannabinoid  
84 produced via decarboxylation of naturally occurring acidic



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85 forms of cannabinoids, such as tetrahydrocannabinolic acid,  
86 into the corresponding neutral cannabinoid, through the use of  
87 heat or light, without the use of chemical reagents or  
88 catalysts, and that results in no other chemical change.

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

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

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

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

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

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

110 (12) INDEPENDENT TESTING LABORATORY. A laboratory that  
111 meets the requirements of Section 28-12-21.

112 (13) PRODUCER. An entity that produces and packages a



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113 consumable hemp product that is distributed within or into the  
114 state or sold to retailers in this state.

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

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

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

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

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

127 c. Sold or offered for sale to a consumer in this state  
128 at an unlicensed location; or

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

131 §28-12-3

132 (a) Effective January 1, 2026, consumable hemp products  
133 distributed into or within the state and offered for sale and  
134 sold to consumers in this state shall be governed by this  
135 chapter. The Alcoholic Beverage Control Board shall administer  
136 and enforce this chapter and shall adopt rules as necessary to  
137 implement this chapter.

138 (b) Any consumable hemp product distributed, sold, or  
139 offered for sale to consumers in this state in violation of  
140 this chapter shall be considered contraband and may be seized



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141 by the board or its agents or any law enforcement officer of  
142 the state without a warrant.

143 §28-12-4 Fund

144 (a) The Consumable Hemp Product Compliance Fund is  
145 created within the State Treasury and shall be administered by  
146 the board. All filing fees, annual license fees, and label  
147 approval fees collected under this chapter shall be deposited  
148 into the fund. Amounts deposited into the fund shall be  
149 budgeted and allotted in accordance with Sections 41-4-80  
150 through 41-4-96 and Sections 41-19-1 through 41-19-12.

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

153 (1) Training, education, and administrative and  
154 operating costs for the administration and enforcement of this  
155 chapter.

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

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

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

166 §28-12-5 Tax

167 (a) An excise tax at the rate of 10 percent is levied  
168 on the retail sales price of consumable hemp products. The tax



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169 is in addition to any other tax imposed by federal, state, or  
170 local law.

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

179 (c) The tax levied during the preceding month is due  
180 and payable monthly to the board on the first day of each  
181 month, and for the purpose of ascertaining the amount of tax  
182 payable under this section, all retailers making taxable sales  
183 on or before the twentieth day of each month shall transmit to  
184 the board, upon forms prescribed by the board, returns showing  
185 gross sales during the preceding month.

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

188 (1) Ninety percent to the State General Fund.

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

195 (e) The taxes levied pursuant to this section are  
196 exclusive and shall be in lieu of all other and additional



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197 taxes and licenses of the state, county, or municipality  
198 imposed on the sale of consumable hemp products; provided,  
199 that nothing herein contained shall be construed to exempt the  
200 retail sale of consumable hemp products from the levy of tax  
201 on general retail sales by the state, county, or municipality  
202 in the nature of, or in lieu of, a general sales tax.

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

### 209 Article 2. Consumable Hemp Products

#### 210 §28-12-20 Generally

211 (a) On and after January 1, 2026, no consumable hemp  
212 product may be distributed into or within the state, nor  
213 offered for sale or sold at retail within the state unless the  
214 product:

215 (1) Has a corresponding certificate of analysis  
216 described in Section 28-12-22 issued by an independent testing  
217 laboratory that tests the batch from which the product was  
218 produced;

219 (2) Is in the original sealed container as packaged by  
220 the producer and meets the packaging restrictions in Section  
221 28-12-24;

222 (3) Meets the serving size and product content  
223 requirements, including total THC, described in Section  
224 28-12-23; and



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225 (4) Meets the labeling requirements described in  
226 Section 28-12-25.

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

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

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

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

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

247 §28-12-21 Independent Testing Laboratories

248 In order to protect the health, safety, and welfare of  
249 the residents of this state from dangerous foreign products,  
250 an independent testing laboratory must meet all of the  
251 following requirements:

252 (1) Is accredited by a third-party accrediting body as



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253 a competent testing laboratory pursuant to ISO (International  
254 Organization for Standardization)/IEC (International  
255 Electrotechnical Commission) 17025:2017 of the International  
256 Organization for Standardization;

257 (2) Does not have a direct or indirect interest in the  
258 producer whose product is being tested; and

259 (3) Does not have a direct or indirect interest in a  
260 facility that cultivates, processes, distributes, or sells  
261 hemp or consumable hemp products in this state or in another  
262 jurisdiction.

263 §28-12-22 Testing and Certificate of Analysis

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

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

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

275 (2) Terpene profiles.

276 (3) Heavy metals.

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

279 (5) Microbials, including pathogenic microbials.

280 (6) Mycotoxins.



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

283 (b) The certificate of analysis shall include, at a  
284 minimum:

285 (1) The batch number or lot number of the product;

286 (2) The date the certificate of analysis is issued;

287 (3) The method of analysis for each test conducted;

288 (4) The product name;

289 (5) A scannable barcode or quick response code linked  
290 to the label on the consumable hemp product container;

291 (6) The cannabinoid profile by the percentage in dry  
292 weight of CBD and total THC content, and verification that the  
293 product contains an amount of total THC not exceeding that  
294 which is stated on the label of the product; and

295 (7) A listing of all ingredients for each product,  
296 including, if present, solvents, pesticides, microbial  
297 contaminants, and heavy metals.

298 §28-12-23 Consumable Hemp Product Contents

299 (a) (1) For a beverage or any edible product, one  
300 serving size of a consumable hemp product may not contain more  
301 than 10 milligrams of total THC.

302 (2) For any topical, sublingual, or other consumable  
303 hemp product not addressed in subdivision (1), one container  
304 of a consumable hemp product may not contain more than 40  
305 milligrams of total THC.

306 (3) All edible consumable hemp products shall be  
307 individually wrapped in single serve packaging. One carton may  
308 not contain more than 40 milligrams of total THC.



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309 (4) A beverage serving size may not exceed 12 fluid  
310 ounces or 355 milliliters. One carton may not contain more  
311 than four 12-ounce containers.

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

315 §28-12-24 Packaging

316 The packaging of consumable hemp products:

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

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

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

326 (4) Must be child-resistant.

327 §28-12-25

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

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

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

334 (3) The manufacture date and expiration date;

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



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

339 (6) The serving size;

340 (7) The total number of milligrams of THC's per serving;  
341 and

342 (8) The following warnings:

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

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

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

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

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

352 Article 3. Retailers and Retailer Licenses

353 §28-12-40 Retailer Licenses

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

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

362 (c) Every applicant for an original retailer license  
363 shall file a written application with the board in such form  
364 and containing such information as the board may prescribe, by



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365 rule, which shall be accompanied by a nonrefundable initial  
366 filing fee of fifty dollars (\$50).

367 (d) (1) For purposes of this subsection, the term  
368 "applicant" includes every individual that has any proprietary  
369 or financial interest of 10 percent or more in the business  
370 seeking a license but shall not include any public corporation  
371 whose shares are traded on a recognized stock exchange.

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

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

384 (4) An applicant shall provide the board with two  
385 complete functional sets of fingerprints, either physical or  
386 electronic, properly executed by a criminal justice agency or  
387 an individual properly trained in fingerprinting techniques.  
388 The fingerprints and form shall be submitted by the board to  
389 the State Bureau of Investigation for the purposes of  
390 furnishing criminal background checks. The State Bureau of  
391 Investigation shall forward a copy of the applicant's prints  
392 to the Federal Bureau of Investigation for a national criminal



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393 background check. The applicant shall pay all costs associated  
394 with the background checks required by this section.

395 (5) The board shall keep information received pursuant  
396 to this subsection confidential, except that information  
397 received and relied upon in denying the issuance of a license  
398 in this state may be disclosed as may be necessary to support  
399 the denial or when subpoenaed by a court.

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

403 (f) (1) Any person applying for an initial license under  
404 this chapter shall be required to purchase and maintain a  
405 surety bond, payable to the board, for each licensed location,  
406 executed by the applicant as principal, and by a corporate  
407 surety company qualified to do business in this state as  
408 surety, in the amount of twenty-five thousand dollars  
409 (\$25,000).

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

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

419 (h) Unless revoked or suspended by the board, retailer  
420 licenses shall be valid for the license year which shall begin



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421 on October 1 of each year. Licenses may be issued at any time  
422 during the year, but annual license fees shall not be  
423 prorated.

### 424 §28-12-41 License Renewal

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

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

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

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

### 448 §28-12-42 License Revocation



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449           The board may suspend or revoke a license in accordance  
450 with Section 28-3A-24 or 28-3A-26; provided, however, the  
451 board may suspend a license without a hearing in situations of  
452 imminent danger to the public or for purposes of protecting  
453 the public welfare, peace, safety, and health of the residents  
454 of the state.

### 455           §28-12-43 Recordkeeping

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

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

475           (c) Any person who fails or refuses to keep and  
476 preserve the records as required by this section or who, upon



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477 request by an authorized agent of the board, fails or refuses  
478 to allow an audit or inspection of records as provided in this  
479 section shall be guilty of a Class C misdemeanor.

480 §28-12-44 Penalties for Selling without a License

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

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

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

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

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

498 §28-12-45 Guidelines on Retail Establishments

499 (a) Other than pharmacies selling topical or sublingual  
500 consumable hemp products pursuant to subsection (b) and retail  
501 food stores selling beverage consumable hemp products pursuant  
502 to subsection (c), all retailer establishments must be  
503 restricted so that only those individuals 21 years of age or  
504 older are permitted to enter and the establishment has its own



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505 dedicated public entrance. Except as provided in subsection  
506 (b), the board shall only issue retailer licenses to persons:

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

509 (2) That only sell consumable hemp products.

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

522 (c) (1) Consumable hemp products that are beverages may  
523 be sold in a retail food store, provided the retail food store  
524 obtains a consumable hemp product retailer license from the  
525 board and complies with this chapter and rules of the board.  
526 Consumable hemp product beverages sold in a retail food store  
527 must be kept in an area that is: (i) separated from  
528 nonalcoholic beverages or beverages intended for children;  
529 (ii) behind glass; and (iii) demarcated by a sign indicating  
530 that the beverages contain hemp-derived compounds. This  
531 subsection does not prohibit a retailer described in  
532 subsection (a) from selling consumable hemp product beverages



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533 in that retailer's licensed premises.

534 (2) For purposes of this subsection, "retail food  
535 store" means any store commonly known as a supermarket, food  
536 store, or grocery store, primarily engaged in the retail sale  
537 of a variety of canned goods, frozen foods, nonalcoholic  
538 beverages, dry goods, either packaged or in bulk, and fresh  
539 produce or meats, and the store dedicates: (i) a minimum of 75  
540 percent of the store's selling area to the sale of food items  
541 listed in this subdivision; and (ii) at least 14,000 square  
542 feet of the store's footprint to the sale of food items listed  
543 in this subdivision.

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

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

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

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

### 557 §28-12-46 Retailer Operations

558 (a) A retailer may not sell any consumable hemp product  
559 for consumption on the licensed premises or conduct any  
560 tastings for customers.



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

564 (c) An individual under 21 years of age may be employed  
565 by a retailer licensee to the same extent and under the same  
566 conditions as set forth for employees of alcoholic beverage  
567 establishments in Section 28-1-5(c).

### 568 §28-12-47 Reporting

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

### 577 §28-12-48 Selling to Minors; Penalties

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

583 (1) A valid driver license of any state.

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

586 (3) A valid passport.

587 (4) A valid identification card issued by any agency of  
588 a state for the purpose of identification, bearing a



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589 photograph and date of birth of the individual in question.

590 (b) The board shall levy a penalty against any person,  
591 retailer licensee, or servant, agent, or employee of the  
592 retailer who sells, attempts to sell, delivers, furnishes, or  
593 gives away a consumable hemp product to an individual under 21  
594 years of age as follows:

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

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

603 (3) For a third offense within a four-year period,  
604 revocation of the license and any other license issued by the  
605 board under this title and a fine of twenty thousand dollars  
606 (\$20,000) earmarked for the State General Fund. In addition,  
607 the board may impose a fine of up to twenty thousand dollars  
608 (\$20,000) against any officer or any individual who has any  
609 proprietary or financial interest of 10 percent or more in the  
610 licensed retailer, and the board may not issue any license  
611 authorized under this title to the retailer or any affiliate  
612 of the retailer at any location in the state for a period of  
613 36 months. In addition, the board shall not issue any license  
614 or permit under this title until the expiration of one year  
615 from the date the license or licenses are revoked at the  
616 location where the violation occurred.



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617 §28-12-49

618 Except as authorized under Section 28-12-46(c) for  
619 retailer employees, any individual under 21 years of age who  
620 attempts to purchase, purchases, consumes, possesses, or  
621 transports consumable hemp products within this state, or who  
622 knowingly uses or attempts to use a false, forged, deceptive,  
623 or otherwise nongenuine driver license to obtain or attempt to  
624 obtain a consumable hemp product in this state, shall be  
625 subject to the same penalties as provided in Section 28-3A-25  
626 for underage drinking.

627 Article 4. Violations and Enforcement

628 §28-12-60 Direct Shipment Prohibited; Penalties

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

635 (b) A first violation of subsection (a) is a Class A  
636 misdemeanor.

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

639 §28-12-61 Sale or Possession of Unlawful Hemp Products;  
640 Penalties

641 (a) The sale or possession of a hemp product  
642 specifically excluded from the definition of a consumable hemp  
643 product is strictly prohibited.

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



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645 §28-12-62 Seizure and Forfeiture

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

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

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

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

671 (e) Any person from whom an unlawful product is seized  
672 and destroyed pursuant to this section shall be subject to a



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673 fee, to be determined based on the cost of the destruction and  
674 disposal of the product as hazardous waste.

675 Section 2. Section 13A-12-214.4, Code of Alabama 1975,  
676 relating to the sale of psychoactive cannabinoids, is  
677 repealed.

678 Section 3. This act shall become effective on July 1,  
679 2025.



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Speaker of the House of Representatives

\_\_\_\_\_  
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 10-Apr-25, as amended.

John Treadwell  
Clerk

Senate	<u>06-May-25</u>	Amended and Passed
House	<u>06-May-25</u>	Concurred in Senate Amendment

APPROVED

5-14-2025

TIME

11:40 am

Kay Ivey  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2025-385  
Bill Num....: H-445

Recv'd 05/14/25 01:00pmKCW

ENGROSSED

445

House Bill No.

SPONSOR

Whitt

CO-SPONSORS

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 445

YEAS 81 NAYS 14

JOHN TREADWELL, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 445 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN TREADWELL, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
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\_\_\_\_\_

SENATE ACTION

*referred*

DATE: 4-15 2025  
RD 1 RFD RD

This Bill was referred to the Standing Committee of the Senate on FRS

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 0 w/sub 0 by a vote of yeas 11 nays 2 abstain 6 this 16th day of April 20 25  
[Signature] Chair

DATE: 4-17 2025  
RF to A RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_

RE-REFERRED  RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB \_\_\_\_\_.

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

PATRICK HARRIS,  
Secretary

FURTHER SENATE ACTION (OVER)