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SYNOPSIS:

Under existing law, the Alcoholic Beverage Control (ABC) Board regulates and enforces the sale of tobacco, tobacco products, alternative nicotine products, and electronic nicotine delivery systems.

This bill would revise the definition of "electronic nicotine delivery system" to include delivery of substances other than tobacco.

This bill would prohibit the distribution of tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, and alternative nicotine products through a vending machine.

Under existing law, there is no fee for a permit to distribute tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, or alternative nicotine products.

This bill would require a one-time application fee and an annual permit fee for the distribution of those products, and would provide for the distribution of those fees.

Under existing law, the board may assess a permit holder an administrative penalty for a violation of the tobacco retail laws.

This bill would increase the penalty that may be assessed and would distribute the penalty to the



29 Education Trust Fund to be used for vaping awareness,  
30 education, and prevention programs in K-12 schools.

31 This bill would further provide for the  
32 membership of the advisory board to the Alcoholic  
33 Beverage Control Board.

34 Under existing law, an individual under 21 years  
35 of age who possesses any tobacco, tobacco product,  
36 alternative nicotine product, electronic delivery  
37 system, or false proof of identification shall be  
38 issued a uniform nontraffic citation and fined.

39 This bill would provide a series of graduated  
40 consequences for a violation based on the number of  
41 previous violations, would authorize the court to order  
42 the individual to complete a certain number of hours of  
43 community service in lieu of any fine, and would  
44 provide that any individual under 18 years of age would  
45 be subject to the exclusive jurisdiction of the  
46 juvenile court.

47 This bill would increase the authorized  
48 administrative penalty for certain tobacco advertising  
49 violations.

50 Under existing law, the Department of Revenue  
51 maintains a directory listing all e-liquid  
52 manufacturers and manufacturers of alternative nicotine  
53 authorized to be distributed in the state.

54 This bill would require a manufacturer to meet  
55 certain requirements before being approved for the  
56 directory.



57                   This bill would also further provide for the  
58 requirement to post signage warning of the dangers of  
59 tobacco product use by tobacco retailers.

60                   This bill would provide the board with general  
61 rulemaking authority to administer the tobacco retail  
62 laws.

63                   Section 111.05 of the Constitution of Alabama of  
64 2022, prohibits a general law whose purpose or effect  
65 would be to require a new or increased expenditure of  
66 local funds from becoming effective with regard to a  
67 local governmental entity without enactment by a 2/3  
68 vote unless: it comes within one of a number of  
69 specified exceptions; it is approved by the affected  
70 entity; or the Legislature appropriates funds, or  
71 provides a local source of revenue, to the entity for  
72 the purpose.

73                   The purpose or effect of this bill would be to  
74 require a new or increased expenditure of local funds  
75 within the meaning of the amendment. However, the bill  
76 does not require approval of a local governmental  
77 entity or enactment by a 2/3 vote to become effective  
78 because it comes within one of the specified exceptions  
79 contained in the amendment.

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A BILL  
TO BE ENTITLED  
AN ACT



85  
86                   Relating to the Alcoholic Beverage Control  
87 Board; to amend Sections 28-11-2, 28-11-3, 28-11-5,  
88 28-11-6.1, 28-11-6.2, 28-11-7, 28-11-9, 28-11-10,  
89 28-11-12, 28-11-13, 28-11-14, 28-11-16, 28-11-17.1,  
90 28-11-18, 28-11-19, Code of Alabama 1975, to revise the  
91 definition of "electronic nicotine delivery system" to  
92 include delivery of substances other than tobacco; to  
93 further provide for the sale of tobacco and other  
94 related products to minors; to prohibit the  
95 distribution of tobacco, tobacco products, electronic  
96 nicotine delivery systems, e-liquids, and alternative  
97 nicotine products through a vending machine; to provide  
98 license fees for the retail sale of certain tobacco  
99 products; to further provide for the authorized  
100 penalties for certain violations; to establish the  
101 Tobacco Licensing and Compliance Fund in the State  
102 Treasury and provide for its administration; to further  
103 provide for the membership of the advisory board to the  
104 Alcoholic Beverages Control Board; to further provide  
105 for the requirement of tobacco retailers to post  
106 signage warning of the dangers of tobacco product use;  
107 to require the board to adopt rules; to require the  
108 State Board of Education to establish a model vaping  
109 awareness, education, and prevention program and  
110 require each local board of education to adopt a policy  
111 based on the model policy; to repeal Section 28-11-15,  
112 Code of Alabama 1975, and in connection therewith would



113 have as its purpose or effect the requirement of a new  
114 or increased expenditure of local funds within the  
115 meaning of Section 111.05 of the Constitution of  
116 Alabama of 2022.

117 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

118 Section 1. Sections 28-11-2, 28-11-3, 28-11-5,  
119 28-11-6.1, 28-11-7, 28-11-9, 28-11-10, 28-11-12, 28-11-13,  
120 28-11-14, 28-11-16, 28-11-17.1, and 28-11-18, Code of Alabama  
121 1975, are amended to read as follows:

122 "§28-11-2

123 For purposes of this chapter, the following terms have  
124 the following meanings unless the context clearly indicates  
125 otherwise:

126 (1) ALTERNATIVE NICOTINE PRODUCT. The term alternative  
127 nicotine product includes any product that consists of or  
128 contains nicotine that can be ingested into the body by  
129 chewing, smoking, absorbing, dissolving, inhaling, snorting,  
130 sniffing, or by any other means. The term does not include a  
131 tobacco product, electronic nicotine delivery system, or any  
132 product that has been approved by the United States Food and  
133 Drug Administration for sale as a tobacco cessation product or  
134 for other medical purposes and that is being marketed and sold  
135 solely for that purpose.

136 (2) BOARD. The Alabama Alcoholic Beverage Control  
137 Board.

138 (3) CHILD-RESISTANT PACKAGING. Liquid nicotine  
139 container packaging meeting the requirements of 15 U.S.C. §  
140 1472a.



141 (4) COMMISSIONER. The Commissioner of the Department of  
142 Revenue.

143 (5) DELIVERY SALE. The delivery sale of tobacco,  
144 tobacco products, electronic nicotine delivery systems,  
145 e-liquids, or alternative nicotine products.

146 ~~(5)~~ (6) DISTRIBUTION. To sell, barter, exchange, or give  
147 tobacco or tobacco products for promotional purposes or for  
148 gratis.

149 ~~(6)~~ (7) ELECTRONIC NICOTINE DELIVERY SYSTEM. Any  
150 electronic device that uses a battery and heating element in  
151 combination with an e-liquid or tobacco, or substitutes  
152 thereof, to produce a vapor that delivers nicotine or other  
153 substances to the individual inhaling from the device to  
154 simulate smoking, and includes, but is not limited to,  
155 products that may be offered to, purchased by, or marketed to  
156 consumers as an electronic cigarette, electronic cigar,  
157 electronic cigarillo, electronic pipe, electronic hookah, vape  
158 pen, vape tool, vaping device, or any variation of these  
159 terms. The term also includes any e-liquid intended to be  
160 vaporized in any device included in this subdivision.

161 ~~(7)~~ (8) ELECTRONIC NICOTINE DELIVERY SYSTEM RETAILER.  
162 Any retail business which offers for sale electronic nicotine  
163 delivery systems.

164 ~~(8)~~ (9) E-LIQUID. A liquid that contains nicotine or  
165 other substances and may include flavorings or other  
166 ingredients that are intended for use in an electronic  
167 nicotine delivery system. The term includes e-liquid  
168 substitutes, tobacco substitutes, and any other product that



169 may be used in conjunction with an electronic cigarette,  
170 electronic nicotine delivery system, or other electronic  
171 battery-powered device to deliver nicotine or other  
172 substances, including, but not limited to, CBD oil, THC oil,  
173 herbal extracts, and nicotine salts, or analogs thereof, into  
174 the body through the inhalation of vapor.

175 ~~(9)~~ (10) E-LIQUID MANUFACTURER. Any person who  
176 manufactures, fabricates, assembles, processes, mixes,  
177 prepares, labels, repacks, or relabels an e-liquid to be  
178 sealed in final packaging intended for consumer use. This term  
179 includes an owner of a brand or formula for an e-liquid who  
180 contracts with another person to complete the fabrication and  
181 assembly of the product to the brand or formula owner's  
182 standards.

183 ~~(10)~~ (11) FDA. The United States Food and Drug  
184 Administration.

185 ~~(11)~~ (12) LIQUID NICOTINE CONTAINER. A bottle or other  
186 container of a liquid product that is intended to be vaporized  
187 and inhaled using an electronic nicotine delivery system. The  
188 term does not include a container holding liquid that is  
189 intended for use in a vapor product if the container is  
190 pre-filled and sealed by the manufacturer and is not intended  
191 to be opened by the consumer.

192 ~~(12)~~ (13) MINOR. Any individual under ~~the age of 19~~ 21  
193 years of age.

194 ~~(13)~~ (14) PERSON. Any natural person, firm, partnership,  
195 association, company, corporation, or other entity. Person  
196 does not include a manufacturer or wholesaler of tobacco or



197 tobacco products nor does it include employees of the permit  
198 holder.

199 ~~(14)~~ (15) PROOF OF IDENTIFICATION. Any one or more of  
200 the following documents used for purposes of determining the  
201 age of an individual purchasing, attempting to purchase, or  
202 receiving tobacco, tobacco products, electronic nicotine  
203 delivery systems, or alternative nicotine products:

204 a. A valid ~~driver's~~ driver license issued by any state  
205 and bearing the photograph of the presenting individual.

206 b. United States Uniform Service Identification.

207 c. A valid passport.

208 d. A valid identification card issued by any state  
209 agency for the purpose of identification and bearing the  
210 photograph and date of birth of the presenting individual.

211 e. For legal mail order purposes only, a valid signed  
212 certification that will verify the individual is 21 years of  
213 age or older.

214 ~~(15)~~ (16) RESPONSIBLE VENDOR PROGRAM. A program  
215 administered by the board to encourage and support vendors in  
216 training employees in legal and responsible sales practices.

217 ~~(16)~~ (17) SAMPLER. Any business or person who  
218 distributes tobacco or tobacco products for promotional  
219 purposes.

220 ~~(17)~~ (18) SELF-SERVICE DISPLAY. A display that contains  
221 tobacco or tobacco products and is located in an area openly  
222 accessible to purchasers at retail and from which the  
223 purchasers can readily access tobacco or tobacco products  
224 without the assistance of the tobacco permit holder or an





225 employee of the permit holder. A display case that holds  
226 tobacco or tobacco products behind locked doors does not  
227 constitute a self-service display.

228 ~~(18)~~ (19) SPECIALTY RETAILER OF ELECTRONIC NICOTINE  
229 DELIVERY SYSTEMS. A business establishment at which any of the  
230 following are true:

231 a. The trade name includes the words vape, vapor, or  
232 any variation of the terms which may indicate that the  
233 business sells electronic nicotine delivery systems or  
234 alternative nicotine products.

235 ~~a. b. The sale of electronic nicotine delivery systems~~  
236 ~~accounts for more than 35 percent of the total quarterly gross~~  
237 ~~receipts for the establishment~~ The provided list of intended  
238 inventory includes 50 percent or more of electronic nicotine  
239 delivery systems or alternative nicotine products, or both, by  
240 quantity, by value, or both.

241 c. At any time after a permit has been issued, the  
242 inventory maintained by the business includes 50 percent or  
243 more of electronic nicotine delivery systems or alternative  
244 nicotine products, or both, by quantity, by value, or both.

245 ~~b. d.~~ Twenty percent or more of the public retail floor  
246 space is allocated for the offering, displaying, or storage of  
247 electronic nicotine delivery systems.

248 ~~e. e.~~ Twenty percent or more of the total shelf space,  
249 including retail floor shelf space and shelf space in areas  
250 accessible only to employees, is allocated for the offering,  
251 displaying, or storage of electronic nicotine delivery  
252 systems.



253 ~~d.f.~~ The retail space features a self-service display  
254 for electronic nicotine delivery systems.

255 ~~e.g.~~ Samples of electronic nicotine delivery systems  
256 are offered to customers.

257 ~~f.h.~~ Liquids intended to be vaporized through the use  
258 of an electronic nicotine delivery system ~~are~~ may be produced  
259 at the facility or ~~are~~ may be produced by the owner of the  
260 establishment or any of its agents or employees ~~for sale at~~  
261 ~~the establishment.~~

262 ~~(19)~~ (20) TOBACCO or TOBACCO PRODUCT. Any product made  
263 or derived from tobacco that is intended for human  
264 consumption, including any component, part, or accessory of a  
265 tobacco product, except for raw materials other than tobacco  
266 used in manufacturing a component, part, or accessory of a  
267 tobacco product, but does not include an article that is a  
268 drug under Section 201(g)(1) of the Federal Food, Drug, and  
269 Cosmetic Act, a device under Section 201(h) of the Federal  
270 Food, Drug, and Cosmetic Act, or a combination product  
271 described in Section 503(g) of the Federal Food, Drug, and  
272 Cosmetic Act.

273 ~~(20)~~ (21) TOBACCO PERMIT. A permit issued by the board  
274 to allow the permit holder to engage in the distribution of  
275 tobacco, tobacco products, electronic nicotine delivery  
276 systems, e-liquids, or alternative nicotine products at the  
277 location identified in the permit.

278 ~~(21)~~ (22) TOBACCO SPECIALTY STORE. A business that  
279 derives at least 75 percent of its revenue from tobacco or  
280 tobacco products."



281           "§28-11-3

282           The board, in conjunction with federal, state, and  
283 local law enforcement agencies, shall enforce state and  
284 federal laws that prohibit the distribution of tobacco,  
285 tobacco products, alternative nicotine products, e-liquids,  
286 and electronic nicotine delivery systems to individuals under  
287 the age of 21 years. Notwithstanding the foregoing, for  
288 purposes of inspections and enforcement actions undertaken  
289 pursuant to this section, individuals under the age of 21  
290 years may be enlisted to attempt to purchase or purchase  
291 tobacco, tobacco products, alternative nicotine products,  
292 e-liquids, and electronic nicotine delivery systems, provided  
293 that individuals under the age of 18 years shall have the  
294 prior written consent of a parent or legal guardian, and  
295 provided further that the individuals shall be directly  
296 supervised during the conduct of each inspection or  
297 enforcement action by an enforcement agent of the board or a  
298 law enforcement officer, ~~or by a sheriff or head of police of~~  
299 ~~any county, city, town, or other political subdivision, or by~~  
300 ~~a deputy or officer thereof. No individual under the age of 21~~  
301 ~~years may misrepresent his or her age for the purpose of~~  
302 ~~purchasing or attempting to purchase tobacco, tobacco~~  
303 ~~products, alternative nicotine products, or electronic~~  
304 ~~nicotine delivery systems. If questioned about his or her age~~  
305 ~~during an attempt to purchase or receive tobacco, tobacco~~  
306 ~~products, alternative nicotine products, or electronic~~  
307 ~~nicotine delivery systems, an individual under the age of 21~~  
308 ~~years shall state his or her true age. A photograph or video~~



309 ~~recording of any individual under the age of 21 years~~  
310 ~~assisting in an inspection or enforcement action shall be~~  
311 ~~taken prior to the investigation. The appearance of an~~  
312 ~~individual under the age of 21 years participating in an~~  
313 ~~inspection or enforcement action shall not be altered at the~~  
314 ~~time of the inspection."~~

315 "§28-11-5

316 The board may use funding, if available, from the  
317 Department of Mental Health, other state or federal agencies,  
318 grants, and private or public organizations to enforce this  
319 chapter and to provide and distribute prevention materials  
320 related to tobacco, tobacco products, alternative nicotine  
321 products, e-liquids, and electronic nicotine delivery systems  
322 ~~and nicotine prevention materials~~ to retail tobacco merchants  
323 and specialty retailers of electronic nicotine delivery  
324 systems. The materials shall provide information regarding  
325 state and federal laws that prohibit access to tobacco,  
326 tobacco products, alternative nicotine products, e-liquids,  
327 and electronic nicotine delivery systems by individuals under  
328 the age of 21 years and other appropriate information. The  
329 board may also provide consultation services for establishing  
330 programs to minimize or eliminate sales of tobacco, tobacco  
331 products, alternative nicotine products, e-liquids, and  
332 electronic nicotine delivery systems to individuals under the  
333 age of 21 years pursuant to the responsible vendor program."

334 "§28-11-6.1

335 ~~(a)~~ No tobacco, tobacco product, alternative nicotine  
336 product, e-liquid, or electronic nicotine delivery system



337 shall be distributed by use of a vending machine ~~unless the~~  
338 ~~machine:~~

339 ~~(1) Is located in an area in which individuals under~~  
340 ~~the age of 21 years are not permitted access; or~~

341 ~~(2) Dispenses tobacco, tobacco products, alternative~~  
342 ~~nicotine products, or electronic nicotine delivery systems~~  
343 ~~through the operation of a device that requires the tobacco~~  
344 ~~permit holder or an employee of the permit holder to control~~  
345 ~~the distribution of the product.~~

346 ~~(b) No tobacco, tobacco product, alternative nicotine~~  
347 ~~product, or electronic nicotine delivery system shall be~~  
348 ~~distributed at retail by use of a vending machine if placed~~  
349 ~~together with any non-tobacco product or non-nicotine product,~~  
350 ~~other than matches, in the machine."~~

351 "§28-11-6.2

352 (a) No tobacco, tobacco product, alternative nicotine  
353 product, e-liquid, or electronic nicotine delivery system  
354 shall be distributed at retail through a self-service display  
355 unless the display ~~is a vending machine as permitted under~~  
356 ~~Section 28-11-6.1 or~~ is located in a tobacco specialty store  
357 or at a specialty retailer of electronic nicotine delivery  
358 systems and is located in an area in which individuals under  
359 the age of 21 years of age are not permitted access.

360 (b) A violation of this section shall be subject to the  
361 penalties provided in Section 28-11-9."

362 "§28-11-9

363 (a) Subject to the Alabama Administrative Procedure  
364 Act, Chapter 22 of Title 41, the board shall have full and



365 final authority as to the suspension or revocation for cause  
366 of any permit issued pursuant to this chapter.

367 (1) The board may appoint a hearing commission of at  
368 least three persons which may do all of the following:

369 a. Hear and decide all contested applications for  
370 permits.

371 b. Hear and decide all charges against any permit  
372 holder or employee of a permit holder for violations of this  
373 chapter, the law, or the rules of the board.

374 c. Revoke or suspend permits as provided in this  
375 chapter.

376 d. Levy administrative fines upon permit holders ~~or~~  
377 ~~employees of permit holders.~~

378 (2) No member of the hearing commission shall  
379 participate in the hearing or disposition of any application  
380 for a permit or charge against a permit holder or an employee  
381 of a permit holder if he or she has an interest therein or was  
382 involved in the investigation.

383 (b) The board, or a hearing commission appointed by the  
384 board, upon finding that a permit holder or any partner,  
385 member, employee, officer, or director of the permit holder  
386 has violated any of the laws of this state or the United  
387 States relating to the manufacture, sale, possession, or  
388 transportation of tobacco, tobacco products, electronic  
389 nicotine delivery systems, e-liquids, or alternative nicotine  
390 products, or that the permit holder has acted in a manner  
391 prejudicial to the welfare, health, peace, temperance, and  
392 safety of the people of the community or of the state, ~~may~~



393 upon due notice and hearing, may levy administrative fines or  
394 suspend or revoke the permit issued by the board, or a  
395 combination of all three, as provided in subsection (e). In  
396 all cases where the board or hearing commission ~~shall~~  
397 ~~levy levies~~ an administrative fine or ~~suspend or revoke~~  
398 suspends or revokes a permit, ~~it~~ the board shall set forth its  
399 findings of fact, the evidence from which the findings of  
400 facts are made, and the reasons upon which its actions are  
401 based.

402 (c) The fines as specified in subsection (e) shall be  
403 applicable per each violation. The permit holder ~~or employee~~  
404 shall remit the administrative fine to the board within seven  
405 calendar days from the day that the administrative fine is  
406 levied. Failure by the permit holder to pay the administrative  
407 fine within that time period shall result in an automatic  
408 suspension of the permit until the administrative fine is  
409 paid.

410 (d) The maximum length of suspension of a permit  
411 pursuant to this chapter shall be one year. A permit holder  
412 shall be ineligible to hold a permit pursuant to this chapter  
413 for the location where the violation occurred until the  
414 expiration or removal of the suspension. A permit holder whose  
415 permit is revoked by the board or the hearing commission shall  
416 be, at the discretion of the board or hearing commission,  
417 ineligible to hold a permit pursuant to this chapter until the  
418 expiration of one year from the date the permit is revoked at  
419 the location where the violation occurred.

420 (e) The following administrative ~~fines~~ penalties may be



421 levied for violations of this chapter ~~against valid permit~~  
422 ~~holders or employees, or both:~~

423 (1) ~~Upon conviction for~~ For a first violation at a  
424 location in a four-year period ~~by the permit holder or an~~  
425 ~~employee of the permit holder,~~ the board or hearing commission  
426 may levy a fine against the permit holder of not more than  
427 five hundred dollars (\$500); provided, however, the board or  
428 hearing commission may offer the permit holder an opportunity  
429 to provide training sessions administered by the Responsible  
430 Vendor Program in lieu of ~~an~~ the administrative fine ~~upon the~~  
431 ~~permit holder and the employee, if the violation is by an~~  
432 ~~employee, of not more than two hundred dollars (\$200).~~

433 (2) ~~Upon conviction of~~ For a second violation at the  
434 same location within a ~~two-year~~ four-year period, the board or  
435 hearing commission may levy an administrative fine upon the  
436 permit holder ~~and the employee, if the violation is by an~~  
437 ~~employee,~~ of not more than ~~four hundred dollars (\$400)~~ seven  
438 hundred fifty dollars (\$750).

439 ~~(3) Upon conviction of a third or subsequent violation~~  
440 ~~at the same location within a two-year period, the board or~~  
441 ~~hearing commission may levy an administrative fine upon the~~  
442 ~~permit holder and the employee, if the violation is by an~~  
443 ~~employee, of not more than seven hundred fifty dollars (\$750).~~

444 ~~(4)~~ (3) ~~Upon conviction of~~ For a ~~fourth~~ third or  
445 subsequent violation at the same location within a ~~two-year~~  
446 four-year period, the board or hearing commission may levy an  
447 administrative fine upon the permit holder ~~and the employee,~~  
448 ~~if the violation is by an employee,~~ of not more than one





449 thousand dollars (\$1,000) and may suspend or revoke the  
450 permit.

451 (f) Before imposition of any administrative  
452 ~~fine~~penalty, the permit holder shall be afforded all  
453 procedural rights to due process in addition to those rights  
454 guaranteed by the Alabama Administrative Procedure Act,  
455 Chapter 22 of Title 41."

456 "§28-11-10

457 (a) The Tobacco Licensing and Compliance Fund is hereby  
458 created in the State Treasury. The fund shall be administered  
459 by the Licensing and Compliance Division of the board. All  
460 fees and other funds collected by the board pursuant to this  
461 chapter shall be deposited into the ~~State General Fund~~State  
462 Treasury to the credit of the fund. Amounts deposited into the  
463 fund shall be budgeted and allotted in accordance with  
464 Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through  
465 41-19-12, Code of Alabama 1975. Monies in the fund shall be  
466 used by the Licensing and Compliance Division of the board for  
467 tobacco and nicotine prevention education, operational costs  
468 associated with regulating permitted locations, and the  
469 enforcement of this chapter."

470 "§28-11-12

471 (a) An advisory board shall be established to monitor  
472 the implementation of this chapter. The advisory board shall  
473 meet at least quarterly. Representation shall consist of one  
474 representative from each of the following:

475 (1) The Office of the Governor.

476 (2) The Office of the Attorney General.



- 477 (3) The Department of Mental Health.  
478 (4) The Department of Public Health.  
479 (5) The Alcoholic Beverage Control Board.  
480 (6) The Senate as appointed by the Lieutenant Governor.  
481 (7) The House of Representatives as appointed by the  
482 Speaker of the House of Representatives.

483 (8) The ~~Alabama Oilmen's Association and the Alabama~~  
484 ~~Convenience Store Operators~~Petroleum & Convenience Marketers  
485 of Alabama Association as appointed by the Governor and  
486 selected from three nominees submitted by the association.

487 (9) The Alabama Retail Association as appointed by the  
488 Governor and selected from three nominees submitted by the  
489 association.

490 (10) The Alabama Grocers' Association as appointed by  
491 the Governor and selected from three nominees submitted by the  
492 association.

493 (11) The Breathe Easier Alliance of Alabama as  
494 appointed by the Governor and selected from three nominees  
495 submitted by the entity.

496 (12) The Alabama State Law Enforcement Agency.

497 (13) The Department of Revenue.

498 (b) The membership of the advisory board shall be  
499 inclusive and reflect the racial, gender, geographic,  
500 ~~urban/rural~~urban, rural, and economic diversity of the state.

501 (c) The chair of the advisory board shall be a  
502 representative from the board who shall be responsible for the  
503 conduct of the meetings and any correspondence derived  
504 therefrom.



505 (d) Other than the legislative appointees, each  
506 representative shall be appointed by his or her respective  
507 department head, and shall hold the appointment for a one-year  
508 term.

509 (e) A representative may be reappointed as deemed  
510 appropriate by his or her department head, or in the case of  
511 legislative appointees, the Lieutenant Governor or Speaker of  
512 the House of Representatives.

513 (f) The advisory board may issue written  
514 recommendations for program modification to the board."

515 "§28-11-13

516 (a) (1) It is unlawful for any individual under the age  
517 of 21 years to purchase, use, possess, or transport tobacco, a  
518 tobacco product, an electronic nicotine delivery system, or an  
519 alternative nicotine product within this state.

520 ~~(2) It shall not be unlawful for~~ Notwithstanding  
521 subdivision (1), an individual under the age of 21 years who  
522 is an employee of a tobacco, tobacco product, electronic  
523 nicotine delivery system, or alternative nicotine product  
524 permit holder ~~to~~ may handle, transport, or sell tobacco, a  
525 tobacco product, an electronic nicotine delivery system, or an  
526 alternative tobacco product, ~~if~~ provided the employee is  
527 acting within the line and scope of employment and the permit  
528 holder, or an employee of the permit holder who is 21 years of  
529 age or older, is present.

530 (b) It is unlawful for any individual under the age of  
531 21 years to present or offer to another person proof of  
532 identification which is false, fraudulent, or not actually his



533 or her own proof of identification in order to buy, receive,  
534 or otherwise obtain, or attempt to buy, receive, or otherwise  
535 obtain, any tobacco, tobacco product, electronic nicotine  
536 delivery system, or alternative nicotine product.

537 (c) If ~~a minor~~ an individual under 19 years of age is  
538 cited for any violation under this section, the citing agency  
539 shall make reasonable efforts to notify a parent, legal  
540 guardian, or legal custodian of the ~~minor~~ individual that the  
541 individual was cited for the violation. unless This subsection  
542 does not apply ~~the minor~~ if the individual has been  
543 emancipated by court order or operation of law."

544 "§28-11-14

545 (a) (1) Any tobacco, tobacco product, alternative  
546 nicotine product, e-liquids, electronic nicotine delivery  
547 system, or false proof of identification found in the  
548 possession of an individual under the age of 21 years is  
549 contraband and subject to seizure by agents of the board or  
550 any law enforcement officer.

551 (2) Prohibited tobacco, tobacco products, electronic  
552 nicotine delivery systems, e-liquids, and alternative nicotine  
553 products kept, stored, or deposited in any place in this state  
554 for the purpose of unlawful sale or unlawful disposition or  
555 unlawful furnishing or distribution, and the vessels and  
556 receptacles in which the products are contained, are declared  
557 to be contraband and shall be seized and forfeited to the  
558 state and may be condemned for destruction pursuant to the  
559 procedures of Article 11 of Chapter 4.

560 (3) Prohibited tobacco, tobacco products, electronic



561 nicotine delivery systems, e-liquids, and alternative nicotine  
562 products may be searched for, seized, and ordered to be  
563 destroyed pursuant to the procedures of Article 11 of Chapter  
564 4.

565 (b) In any criminal prosecutions against a person for a  
566 violation of this chapter, on conviction, the court may order  
567 the destruction of any prohibited tobacco, tobacco products,  
568 electronic nicotine delivery systems, e-liquids, and  
569 alternative nicotine products which were (i) sold, offered for  
570 sale, possessed, or otherwise disposed of by the defendant,  
571 (ii) employed by the defendant for use or disposition at any  
572 unlawful establishment by the defendant, (iii) possessed or  
573 used in conducting the business of a tobacco dealer, or (iv)  
574 used as evidence in the case.

575 (c) All fixtures, equipment, materials, and personal  
576 property used in substantial connection with the sale or  
577 possession of tobacco, tobacco products, electronic nicotine  
578 delivery systems, e-liquids, and alternative nicotine products  
579 involved in a knowing and intentional violation of this  
580 article shall be subject to the same seizure and forfeiture  
581 procedures as provided pursuant to Article 11 of Chapter 4.

582 (d) The board shall dispose of electronic nicotine  
583 delivery systems, e-liquids, and alternative nicotine products  
584 seized under this section by destruction as provided by rule  
585 of the board. Any person from whom an electronic nicotine  
586 delivery system, e-liquid, or alternative nicotine product is  
587 seized and destroyed pursuant to this section shall be subject  
588 to a fee, to be determined based on the cost of the



589 destruction and disposal of the electronic nicotine delivery  
590 system, e-liquid, or alternative nicotine product as hazardous  
591 waste.

592 (e) (1) Any~~Except as otherwise provided under Section 2~~  
593 ~~of the act amending this section, an individual under the age~~  
594 ~~of~~ under 21 years ~~of age~~~~violating~~ who violates Section  
595 28-11-13 shall be issued a citation similar to a uniform  
596 nontraffic citation and ~~shall be fined not less than ten~~  
597 ~~dollars (\$10) nor more than fifty dollars (\$50)~~ punished as  
598 follows for each violation, ~~and~~ but shall be assessed no other  
599 court costs or fees. associated with the violation:

600 a. For a first violation, a fine of not more than fifty  
601 dollars (\$50) or 8 hours of community service.

602 b. For a second violation, a fine of not more than one  
603 hundred dollars (\$100) or 16 hours of community service.

604 c. For a third or subsequent violation, a fine of not  
605 more than two hundred dollars (\$200) or 32 hours of community  
606 service.

607 ~~(2) (b) Notwithstanding any other provision of law, the~~  
608 ~~disposition of any violation shall be within the jurisdiction~~  
609 ~~of the district or municipal court and not the juvenile court.~~  
610 Violations shall not be considered criminal offenses and shall  
611 be administratively adjudicated by the ~~district or municipal~~  
612 court.

613 (3) The disposition of any individual under 18 years of  
614 age charged with a violation of Section 28-11-13 shall be  
615 subject to the exclusive jurisdiction of the juvenile court."

616 "§28-11-16



617 (a) (1) A retailer or manufacturer of electronic  
618 nicotine delivery systems, e-liquids, or alternative nicotine  
619 products may not advertise an electronic nicotine delivery  
620 system, e-liquid, or an alternative nicotine product in any of  
621 the following ways:

- 622 a. As a tobacco cessation product.
- 623 b. As a healthier alternative to smoking.
- 624 c. As available for purchase in any variety of flavors  
625 other than tobacco, mint, or menthol on any outdoor billboard.
- 626 d. On any outdoor billboard located within 1,000 feet  
627 of any public or private K-12 school or public playground.

628 (2) Paragraphs a. and b. of subdivision (1) are not  
629 applicable to products that have received an order from the  
630 FDA permitting the product to be marketed as a modified risk  
631 tobacco product, and are marketed in accordance with that  
632 order.

633 (b) (1) A specialty retailer of electronic nicotine  
634 delivery systems or manufacturer of tobacco, tobacco products,  
635 electronic nicotine delivery systems, e-liquids, or  
636 alternative nicotine products may not in any way sponsor,  
637 finance, or advertise a scholarship of any kind using the  
638 brand name of any tobacco product, alternative nicotine  
639 product, e-liquid, or electronic nicotine delivery system.

640 (2) A specialty retailer of electronic nicotine  
641 delivery systems or manufacturer of tobacco, tobacco products,  
642 electronic nicotine delivery systems, e-liquid, or alternative  
643 nicotine products may not use the brand name of any tobacco  
644 product, alternative nicotine product, e-liquid, or electronic



645 nicotine delivery system to advertise at or sponsor any event  
646 at a stadium, concert, sporting event, or other public  
647 performance event for which individuals aged 21 years or older  
648 make up less than 85 percent of the total age demographic of  
649 ~~performing participants~~ individuals performing at the event.

650 (3) A specialty retailer of electronic nicotine  
651 delivery systems or manufacturer of tobacco, tobacco products,  
652 electronic nicotine delivery systems, e-liquids, or  
653 alternative nicotine products may not advertise a tobacco  
654 product, electronic nicotine delivery system, e-liquid, or  
655 alternative nicotine product in a newspaper, magazine,  
656 periodical, or other print or digital publication distributed  
657 in this state for which less than 85 percent of the viewership  
658 or readership of the publication is made up of individuals 21  
659 years of age or older as measured by competent and reliable  
660 survey evidence.

661 (c) (1) A violation of subsection (a) or subsection (b)  
662 shall result in a ~~one hundred dollar (\$100)~~ three hundred  
663 dollar (\$300) fine for the first occurrence.

664 (2) A second or subsequent violation of subsection (a)  
665 or subsection (b) shall result in a ~~five hundred dollar (\$500)~~  
666 seven hundred fifty dollar (\$750) fine per occurrence.

667 (3) Each day a violation of subsection (a) or  
668 subsection (b) persists shall constitute a separate and  
669 subsequent violation.

670 (d) A retailer or manufacturer of tobacco, tobacco  
671 products, electronic nicotine delivery systems, e-liquids, or  
672 alternative nicotine products may not advertise, market, or





673 offer for sale tobacco, a tobacco product, an electronic  
674 nicotine delivery system, [e-liquids](#), or an alternative  
675 nicotine product in any of the following ways:

676 (1) By using, in the labeling or design of the product,  
677 its packaging, or in its advertising or marketing materials,  
678 the terms "candy" or "candies," any variant of these words, or  
679 any other term referencing a type or brand of candy, including  
680 types or brands of candy that do not include the words "candy"  
681 or "candies" in their names or slogans.

682 (2) By using, in the labeling or design of the product,  
683 its packaging, or in its advertising or marketing materials,  
684 the terms "cake" or "cakes" or "cupcake" or "cupcakes" or  
685 "pie" or "pies," any variant of these words, or any other term  
686 referencing a type or brand of cake, pastry, or pie, including  
687 types or brands of cakes, pastries, or pies that do not  
688 include the words "cake" or "cakes" or "cupcake" or "cupcakes"  
689 or "pie" or "pies" in their names or slogans.

690 (3) By using, in the labeling or design of the product,  
691 its packaging, or in its advertising or marketing materials,  
692 trade dress, trademarks, branding, or other related imagery  
693 that imitates or replicates those of food brands or other  
694 related products that are marketed to minors, including, but  
695 not limited to, breakfast cereal, cookies, juice drinks, soft  
696 drinks, frozen drinks, ice creams, sorbets, sherbets, and  
697 frozen pops.

698 (4) By using, in the labeling or design of the product,  
699 its packaging, or in its advertising or marketing materials,  
700 trade dress, trademarks, branding, or other related imagery



701 that depicts or signifies characters or symbols that are known  
702 to appeal primarily to minors, including, but not limited to,  
703 superheroes, comic book characters, video game characters,  
704 television show characters, movie characters, mythical  
705 creatures, unicorns, or that otherwise incorporates related  
706 imagery or scenery.

707 (e) The board may adopt rules to implement this  
708 section, including rules regarding the suitability of labels  
709 and procedures to reject advertising that appeals to minors,  
710 including, but not limited to, the design of a product, its  
711 packaging, or its advertising or marketing materials, trade  
712 dress, trademarks, branding, or other related imagery.

713 (f) Any item found in violation of subsection (d) is a  
714 prohibited item and shall be considered contraband and may be  
715 seized as provided by Section 28-11-14 by an agent of the  
716 board or any law enforcement officer."

717 "§28-11-17.1

718 (a) (1) ~~Beginning March 1, 2022, or other date not~~ Not  
719 more than 30 days following a premarket tobacco application  
720 submission deadline issued by the FDA, ~~whichever is later,~~  
721 every e-liquid manufacturer and manufacturer of alternative  
722 nicotine products whose products are sold in this state,  
723 whether directly or through a distributor, retailer, or  
724 similar intermediary or intermediaries, shall execute and  
725 deliver on a form prescribed by the commissioner, a  
726 certification to the commissioner certifying, under penalty of  
727 perjury, that the product does not contain any synthetic  
728 nicotine or nicotine derived from a source other than tobacco,



729 that the product may be lawfully sold and possessed in this  
730 state, and that either of the following apply:

731 a. The product was on the market in the United States  
732 as of August 8, 2016, and the manufacturer has applied for a  
733 marketing order pursuant to 21 U.S.C. § 387j for the e-liquid,  
734 e-liquid in combination with an electronic nicotine delivery  
735 system, or alternative nicotine product, whichever is  
736 applicable, by submitting a premarket tobacco product  
737 application on or before September 9, 2020, to the FDA; and  
738 either of the following is true:

739 1. The premarket tobacco product application for the  
740 product remains under review by the FDA.

741 2. The FDA has issued a no marketing order for the  
742 e-liquid, e-liquid in combination with an electronic nicotine  
743 delivery system, or alternative nicotine product, whichever is  
744 applicable, from the FDA; however, the agency or a federal  
745 court has issued a stay order or injunction during the  
746 pendency of the manufacturer's appeal of the no marketing  
747 order.

748 b. The manufacturer has received a marketing order or  
749 other authorization under 21 U.S.C. § 387j for the e-liquid,  
750 e-liquid in combination with an electronic nicotine delivery  
751 system, or alternative nicotine product, whichever is  
752 applicable, from the FDA.

753 (2) In addition to the requirements in subdivision (1),  
754 each manufacturer shall provide:

755 a. ~~a~~A copy of the cover page of the premarket tobacco  
756 application with evidence of receipt of the application by the



757 FDA or a copy of the cover page of the marketing order or  
758 other authorization issued pursuant to 21 U.S.C. § 387j,  
759 whichever is applicable.

760 b. Information that clearly identifies each product,  
761 submission tracking number (STN), product name, product  
762 subcategory, characterizing flavor, FDA order date, and type  
763 of order.

764 (b) Any manufacturer submitting a certification  
765 pursuant to subsection (a) shall notify the commissioner  
766 within 30 days of any material change to the certification,  
767 including issuance by the FDA of any of the following:

768 (1) A market order or other authorization pursuant to  
769 21 U.S.C. § 387j.

770 (2) An order requiring a manufacturer to remove a  
771 product from the market either temporarily or permanently.

772 (3) Any notice of action taken by the FDA affecting the  
773 ability of the new product to be introduced or delivered into  
774 interstate commerce for commercial distribution.

775 (4) Any change in policy that results in a product no  
776 longer being exempt from federal enforcement oversight.

777 (c) The commissioner shall develop and maintain a  
778 directory listing all e-liquid manufacturers and manufacturers  
779 of alternative nicotine products that have provided  
780 certifications that comply with subsection (a) and all  
781 products that are listed in those certifications.

782 (d) The commissioner shall do all of the following:

783 (1) Make the directory available for public inspection  
784 on its website by May 1, 2022.



785 (2) Update the directory as necessary in order to  
786 correct mistakes and to add or remove e-liquid manufacturers,  
787 manufacturers of alternative nicotine products, or products  
788 manufactured by those manufacturers consistent with the  
789 requirements of subsections (a) and (b) on a monthly basis.

790 (3) Remove from the directory any product that the  
791 board determines is a prohibited item pursuant to Section  
792 28-11-16(d).

793 ~~(3)~~ (4) Send monthly notifications to each wholesaler,  
794 jobber, semijobber, retailer, importer, or distributor of  
795 tobacco products that have qualified or registered with the  
796 Department of Revenue, by electronic communication, containing  
797 a list of all changes that have been made to the directory in  
798 the previous month. In lieu of sending monthly notifications,  
799 the commissioner may make the information available in a  
800 prominent place on the Department of Revenue's public website.

801 ~~(4)~~ (e) Information required to be listed in the  
802 directory shall not be subject to the confidentiality and  
803 disclosure provisions in Section 40-2A-10.

804 ~~(e)~~ (f) Notwithstanding subsection (a), if an e-liquid  
805 manufacturer or manufacturer of alternative nicotine products  
806 can demonstrate to the commissioner that the FDA has issued a  
807 rule, guidance, or any other formal statement that temporarily  
808 exempts a product from the federal premarket tobacco  
809 application requirements, the product may be added to the  
810 directory upon request by the manufacturer if the manufacturer  
811 provides sufficient evidence that the product is compliant  
812 with the federal rule, guidance, or other formal statement, as



813 applicable.

814 ~~(f)~~ (g) Each certifying e-liquid manufacturer and  
815 manufacturer of alternative nicotine products shall pay an  
816 initial fee of two thousand dollars (\$2,000) to offset the  
817 costs incurred by the department for processing the  
818 certifications and operating the directory. The commissioner  
819 shall collect an annual renewal fee of five hundred dollars  
820 (\$500) to offset the costs associated with maintaining the  
821 directory and satisfying the requirements of this section. The  
822 fees received under this section by the department shall be  
823 used by the department exclusively for processing the  
824 certifications and operating and maintaining the directory.  
825 After the payment of these expenses, ~~two-thirds~~ one-half of  
826 the remaining funds shall be deposited into the State General  
827 Fund, and the remaining ~~one-third~~ one-half shall be  
828 distributed evenly to the Alabama State Law Enforcement Agency  
829 and to the Licensing and Compliance Division of the board to  
830 be used for the enforcement of this chapter.

831 ~~(g)~~ (h) Beginning on September 1, 2021, no e-liquid,  
832 e-liquid in combination with an electronic nicotine delivery  
833 system, or alternative nicotine product that, in the case of  
834 any such product, contains synthetic nicotine or nicotine  
835 derived from a source other than tobacco may be sold or  
836 otherwise distributed in this state without first obtaining  
837 approval from the FDA for sale as a drug under Section  
838 201(g)(1) of the Federal Food, Drug, and Cosmetic Act, a  
839 device under Section 201(h) of the Federal Food, Drug, and  
840 Cosmetic Act, a combination product described in Section



841 503(g) of the Federal Food, Drug, and Cosmetic Act, or some  
842 other medical purpose.

843 ~~(h) (i) (1) Beginning May 1, 2022, or on the date that~~  
844 ~~the Department of Revenue first makes the directory available~~  
845 ~~for public inspection on its website as provided in subsection~~  
846 ~~(d), whichever is later, an An e-liquid manufacturer or~~  
847 manufacturer of alternative nicotine products or electronic  
848 nicotine delivery systems who offers for sale a product not  
849 listed on the directory is subject to a one thousand dollars  
850 (\$1,000) daily fine for each product offered for sale in  
851 violation of this section until the offending product is  
852 removed from the market or until the offending product is  
853 properly listed on the directory. For purposes of this  
854 subdivision, "sale" includes a delivery sale of e-liquids or  
855 electronic nicotine delivery systems or alternative nicotine  
856 products, as defined under this chapter.

857 (2) Any other violation of this section shall result in  
858 a fine of five hundred dollars (\$500) per offense.

859 (j) (1) When any retail permit holder offers for sale a  
860 product not listed on the directory, the board shall assess  
861 the following administrative penalties:

862 a. For a first offense within a four-year period, an  
863 administrative penalty of five hundred dollars (\$500).

864 b. For a second offense within a four-year period, an  
865 administrative penalty of seven hundred fifty dollars (\$750).

866 c. For a third or subsequent offense within a four-year  
867 period, an administrative penalty of one thousand dollars  
868 (\$1,000). In addition, the board may suspend or revoke the



869 permit of the permit holder.

870 (2) All products offered for sale and not listed on the  
871 directory shall be considered a prohibited item and declared  
872 to be contraband and may be seized and forfeited as provided  
873 in Section 28-11-14 by agents of the board or any law  
874 enforcement officer.

875 (k) Any fine collected for a violation of this section  
876 shall be deposited into the Education Trust Fund to the credit  
877 of the State Board of Education to be used for the  
878 establishment and administration of vape awareness, education,  
879 and prevention programs and the provision of drug education  
880 and prevention curriculum, as provided in Section 2 of the act  
881 amending this section.

882 ~~(i)~~ (1) The ~~commissioner~~ Alcoholic Beverage Control  
883 Board and the Commissioner of Revenue shall adopt rules for  
884 the implementation and enforcement of this section."

885 "§28-11-18

886 (a) All liquid nicotine containers offered for sale  
887 that are intended to be vaporized in an electronic nicotine  
888 delivery system shall be contained in child-resistant  
889 packaging.

890 (b) A ~~specialty~~ retailer of tobacco, tobacco products,  
891 alternative nicotine products, e-liquids, or electronic  
892 nicotine delivery systems shall display in a prominent area of  
893 the retail store near the point of sale, ~~a~~ an 8 1/2 x 11 inch  
894 sign or signs containing~~which contains~~ the following  
895 statements:

896 (1) "ALABAMA LAW STRICTLY PROHIBITS THE PURCHASE OF





897 TOBACCO, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS,  
898 E-LIQUIDS, AND ELECTRONIC NICOTINE DELIVERY SYSTEMS BY PERSONS  
899 UNDER THE AGE OF 21 YEARS. PROOF OF AGE IS REQUIRED."

900 ~~-(2) "THE USE OF SOME VAPING DEVICES MAY INCREASE YOUR~~  
901 ~~RISK OF EXPOSURE TO POTENTIALLY TOXIC LEVELS OF HEAVY METALS~~  
902 ~~SUCH AS LEAD, CHROMIUM, AND NICKEL."~~

903 ~~-(3)~~ (2) "WARNING: TOBACCO, TOBACCO PRODUCTS, ALTERNATIVE  
904 NICOTINE PRODUCTS, E-LIQUIDS, ELECTRONIC NICOTINE DELIVERY  
905 SYSTEMS, AND VAPING PRODUCTS OFFERED FOR SALE IN THIS STORE  
906 CONTAIN NICOTINE UNLESS OTHERWISE MARKED. NICOTINE IS A HIGHLY  
907 ADDICTIVE CHEMICAL WHICH CAN HARM BRAIN DEVELOPMENT IN  
908 CHILDREN AND ADOLESCENTS AND WHICH POSES SERIOUS HEALTH RISKS  
909 TO PREGNANT WOMEN AND THEIR BABIES."

910 (c) In addition to the requirements of subsection (b),  
911 a retailer of alternative nicotine products or electronic  
912 nicotine delivery systems shall include the following  
913 statement on the required posted sign:

914 "THE USE OF SOME VAPING DEVICES MAY INCREASE YOUR RISK  
915 OF EXPOSURE TO POTENTIALLY TOXIC LEVELS OF HEAVY METALS SUCH  
916 AS LEAD, CHROMIUM, AND NICKEL."

917 (d) Posted signs required by this section, at a  
918 minimum, must accurately list the type of products sold at the  
919 retail establishment. If a retailer does not sell all of the  
920 product types listed in the statements described in  
921 subsections (b) or (c), the retailer may amend the products  
922 listed on the sign to accurately reflect the type of products  
923 sold."

924 "§28-11-19



925 (a) Beginning January 1, 2020, a county may not issue a  
926 license to conduct business as a specialty retailer of  
927 electronic nicotine delivery systems if the retail business is  
928 located within 1,000 feet of any of the following:

- 929 (1) A public or private K-12 school.
- 930 (2) A licensed child-care facility or preschool.
- 931 (3) A church.
- 932 (4) A public library.
- 933 (5) A public playground.
- 934 (6) A public park.
- 935 (7) A youth center or other space used primarily for  
936 youth-oriented activities.

937 (b) This section does not apply to a specialty retailer  
938 of electronic nicotine delivery systems that obtained a  
939 business license at a location prohibited in subsection (a)  
940 prior to January 1, 2020, that has conducted business as a  
941 specialty retailer of electronic nicotine delivery systems at  
942 that location for at least 18 consecutive months, and that  
943 remains in the same location.

944 (c) The Licensing and Compliance Division of the board  
945 may refer a violation of this section to the Office of the  
946 Attorney General for enforcement of this section."

947 Section 2. (a) By July 1, 2023, the State Board of  
948 Education shall adopt a model policy for the establishment of  
949 a vape awareness, education, and prevention program to  
950 prohibit the possession and use of prohibited tobacco, tobacco  
951 products, electronic nicotine delivery systems, e-liquids, and  
952 alternative nicotine products by students in K-12 schools.



953 (b) By September 1, 2023, each local board of education  
954 shall adopt a policy that, at a minimum, contains the criteria  
955 established in the model policy adopted by the State Board of  
956 Education.

957 (c) The model policy adopted by the State Board of  
958 Education, at a minimum, shall contain all of the following:

959 (1) A statement prohibiting the possession or use of  
960 tobacco, tobacco products, electronic nicotine delivery  
961 systems, e-liquids, and alternative nicotine product, as those  
962 terms are defined under Section 28-11-2, Code of Alabama 1975,  
963 by any student at a K-12 school, on a school bus, or at any  
964 school-sponsored function.

965 (2) A series of graduated consequences for any student  
966 who violates this policy by possessing or using tobacco,  
967 tobacco products, electronic nicotine delivery systems,  
968 e-liquids, or alternative nicotine products as prohibited by  
969 this section. Graduated consequences may include, but are not  
970 limited to, in-school suspension, out-of-school suspension, or  
971 alternative school, or any combination thereof, and shall  
972 conform with applicable disability, antidiscrimination, and  
973 education laws and school discipline policies.

974 (3)a. A requirement that any student in violation of  
975 the prohibition against possession or use of tobacco, tobacco  
976 products, electronic nicotine delivery systems, e-liquids, or  
977 alternative nicotine products be required to attend and  
978 complete a vaping awareness, education, and prevention class  
979 based on curriculum established by the Drug Education Council  
980 and approved by the State Board of Education.



981           b. An additional requirement that on a second or  
982 subsequent violation, the student must attend and complete the  
983 vaping awareness, education, and prevention class with his or  
984 her parent or legal guardian.

985           (4) A model complaint form and procedure for reporting  
986 violations of this section. An anonymous report may not be the  
987 basis of imposing formal disciplinary action against a  
988 student.

989           (5) A procedure for the prompt investigation of reports  
990 of serious violations and complaints, specifying that the  
991 principal, assistant principal, or school resource officer is  
992 the individual responsible for the investigation.

993           (6) A response procedure for a school to follow upon  
994 confirmation of the possession or use of tobacco, tobacco  
995 products, electronic nicotine delivery systems, e-liquids, or  
996 alternative nicotine products as prohibited by this section.

997           (7) A procedure for publicizing local school board  
998 policy through publication in the student handbook, including  
999 providing notice that the policy applies to behavior occurring  
1000 on school property, school buses, and school-sponsored  
1001 functions.

1002           (c) The policy adopted by each local board of education  
1003 shall be included in the code of conduct policy of the local  
1004 board of education and included in the student handbook.

1005           (d) Any discipline received by a student for the  
1006 possession or use of tobacco, tobacco products, electronic  
1007 nicotine delivery systems, e-liquids, or alternative nicotine  
1008 products at a K-12 school, on a school bus, or at any



1009 school-sponsored function in violation of this section shall  
1010 be in lieu of any penalty provided under Section 28-11-13,  
1011 Code of Alabama 1975.

1012 Section 3. The Alcoholic Beverage Control Board shall  
1013 adopt rules to implement and administer Chapter 11 of Title  
1014 28, Code of Alabama 1975.

1015 Section 4. Section 28-11-15, Code of Alabama 1975,  
1016 relating to the posting of signs regarding the sale of tobacco  
1017 and tobacco products, is repealed.

1018 Section 5. Although this bill would have as its purpose  
1019 or effect the requirement of a new or increased expenditure of  
1020 local funds, the bill is excluded from further requirements  
1021 and application under Section 111.05 of the Constitution of  
1022 Alabama of 2022, because the bill defines a new crime or  
1023 amends the definition of an existing crime.

1024 Section 6. Sections 2 and 3 of this act shall become  
1025 effective immediately and the remaining sections of this act  
1026 shall become effective on the first day of the third month  
1027 following its passage and approval by the Governor, or its  
1028 otherwise becoming law.