SB66 ENGROSSED



1 VMC4VP-2

2 By Senators Melson, Albritton, Sessions

3 RFD: Healthcare

4 First Read: 21-Mar-23

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| 6 | A BILL |
| 7 | TO BE ENTITLED |
| 8 | AN ACT |
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| 10 | Relating to cannabis; to prohibit the sale, |
| 11 | distribution, marketing, or possession of psychoactive |
| 12 | cannabinoids found in hemp for certain age groups; to levy an |
| 13 | eight percent tax on the gross proceeds of products containing |
| 14 | psychoactive cannabinoids sold at retail; to distribute the |
| 15 | gross proceeds of the tax to the State General Fund; and in |
| 16 | connection therewith would have as its purpose or effect the |
| 17 | requirement of a new or increased expenditure of local funds |
| 18 | within the meaning of Section 111.05 of the Constitution of |
| 19 | Alabama of 2022. |
| 20 | BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: |
| 21 | Section 1. (a) Except as provided in Chapter 2A of |
| 22 | Title 20, Code of Alabama 1975, psychoactive cannabinoids |
| 23 | derived from or found in hemp as defined in Section 2-8-381, |
| 24 | Code of Alabama 1975, including, but not limited to, |
| 25 | delta-8-tetrahydrocannabinol and |
| 26 | delta-10-tetrahydrocannabinol, shall not be sold, distributed, |
| 27 | marketed to, or possessed by an individual who is under 21 |
| 28 | years of age. |

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- 29 (b) A violation of subsection (a) shall be a Class B 30 misdemeanor.
- (c) Any individual under the age of 21 years violating subsection (a), shall be issued a citation similar to a uniform nontraffic citation and shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each violation, and shall be assessed no other court costs or fees. In addition, on a third or subsequent conviction, including convictions in district court or municipal court, the court shall forward a record of the applicable convictions to the Alabama State Law Enforcement Agency, and the Secretary of the Alabama State Law Enforcement Agency shall suspend the driving privileges or driver license of the individual for a period of not less than three months nor more than six months.

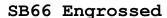
Section 2. (a) Commencing October 1, 2024, there is levied, in addition to all other taxes of every kind now imposed by law, and shall be collected and remitted in accordance with Article 1, commencing with Section 40-23-1, of Chapter 23 of Title 40, Code of Alabama 1975, a tax on the gross proceeds of the sales of any product containing psychoactive cannabinoids when sold at retail in this state at the rate of eight percent of the gross proceeds of the sales. The taxes generated by this section shall be deposited to the credit of the State General Fund. For purposes of this section, "psychoactive cannabinoids" means psychoactive cannabinoids derived from or found in hemp as defined in Section 2-8-381, Code of Alabama 1975, including, but not

limited to, delta-8-tetrahydrocannabinol and

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- 57 delta-10-tetrahydrocannabinol, but does not include medical
- 58 cannabis regulated under Chapter 2A of Title 20, Code of
- 59 Alabama 1975.
- (b) The producer value added agricultural product
- exemption provided in Sections 40-23-1 and 40-23-4, as last
- amended by Act 2022-291 of the 2022 Regular Session, Code of
- 63 Alabama 1975, shall not apply to any product containing
- 64 psychoactive cannabinoids.
- 65 (c) The tax proceeds collected pursuant to subsection
- 66 (a), shall be distributed in the same manner prescribed by
- 67 Section 40-23-35, Code of Alabama 1975.
- Section 3. Although this bill would have as its purpose
- or effect the requirement of a new or increased expenditure of
- 70 local funds, the bill is excluded from further requirements
- 71 and application under Section 111.05 of the Constitution of
- 72 Alabama of 2022, because the bill defines a new crime or
- 73 amends the definition of an existing crime.
- 74 Section 4. This act shall become effective on the first
- 75 day of the third month, following its passage and approval by
- 76 the Governor or its otherwise becoming law.





77 78 79 Senate Read for the first time and referred21-Mar-23 80 81 to the Senate committee on Healthcare 82 83 84 Read for the second time and placed22-Mar-23 on the calendar: 85 0 amendments 86 87 Read for the third time and passed04-Apr-23 88 89 as amended Yeas 29 90 Nays 1 91 Abstains 0 92 93 94 95 Patrick Harris,

Secretary.

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