

HB219 INTRODUCED



1 4PF4II-1

2 By Representatives Bedsole, Drummond, Sells, Ingram, Paschal,

3 Kiel

4 RFD: Health

5 First Read: 23-Mar-23

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SYNOPSIS:

Under existing law, hemp and products derived from hemp may be sold at retail in Alabama.

This bill would prohibit the sale, distribution, marketing, or possession of psychoactive cannabinoids derived from or found in hemp to any individual under 21 years of age.

This bill would also levy a five percent tax on the gross proceeds of the sale of products containing psychoactive cannabinoids.

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

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective



HB219 INTRODUCED

29 because it comes within one of the specified exceptions
30 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 Relating to cannabis; to prohibit the sale,
38 distribution, marketing, or possession of psychoactive
39 cannabinoids found in hemp for certain age groups; to levy a
40 five percent tax on the gross proceeds of products containing
41 psychoactive cannabinoids sold at retail; and in connection
42 therewith would have as its purpose or effect the requirement
43 of a new or increased expenditure of local funds within the
44 meaning of Section 111.05 of the Constitution of Alabama of
45 2022.

46 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

47 Section 1. (a) Except as provided in Chapter 2A of
48 Title 20, Code of Alabama 1975, psychoactive cannabinoids
49 derived from or found in hemp as defined in Section 2-8-381,
50 Code of Alabama 1975, including, but not limited to,
51 delta-8-tetrahydrocannabinol and
52 delta-10-tetrahydrocannabinol, shall not be sold, distributed,
53 marketed to, or possessed by an individual who is under 21
54 years of age.

55 (b) A violation of subsection (a) shall be a Class B
56 misdemeanor.



HB219 INTRODUCED

57 Section 2. Commencing October 1, 2023, there is levied,
58 in addition to all other taxes of every kind now imposed by
59 law, and shall be collected and remitted in accordance with
60 Article 1, commencing with Section 40-23-1, of Chapter 23 of
61 Title 40, Code of Alabama 1975, a tax on the gross proceeds of
62 the sales of any product containing psychoactive cannabinoids
63 when sold at retail in this state at the rate of five percent
64 of the gross proceeds of the sales. For purposes of this
65 section, "psychoactive cannabinoids" means psychoactive
66 cannabinoids derived from or found in hemp as defined in
67 Section 2-8-381, Code of Alabama 1975, including, but not
68 limited to, delta-8-tetrahydrocannabinol and
69 delta-10-tetrahydrocannabinol, but does not include medical
70 cannabis regulated under Chapter 2A of Title 20, Code of
71 Alabama 1975.

72 Section 3. Although this bill would have as its purpose
73 or effect the requirement of a new or increased expenditure of
74 local funds, the bill is excluded from further requirements
75 and application under Section 111.05 of the Constitution of
76 Alabama of 2022, because the bill defines a new crime or
77 amends the definition of an existing crime.

78 Section 4. This act shall become effective on the first
79 day of the third month, following its passage and approval by
80 the Governor or its otherwise becoming law.