

SB 66 -- Redline

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

Deletions ~~struck~~ · Insertions underlined

SB66 ~~ENGROSSED~~ENROLLED ~~VMC4VP-2~~VMC4VP-3 By Senators Melson, Albritton, Sessions RFD:

21-Mar-23 2023 Regular Session Page 0 SB66 ~~Engrossed~~Enrolled ~~2~~Enrolled, ~~4~~An ~~6~~Act, ~~A3~~BILL TO BE ENTITLED ~~AN ACT~~ Relating to cannabis;

to prohibit the sale, distribution, marketing, ~~or~~and possession of psychoactive cannabinoids found in hemp ~~for to certain minors; age groups;~~

to ~~levy~~provide ~~an for eight violations;~~ percent tax on the gross proceeds of products containing psychoactive cannabinoids sold at retail;

~~to distribute the gross proceeds of the tax to the State General Fund;~~

(a) ~~Except as used provided in Chapter this 2A section, of "psychoactive Title cannabinoids" 20, means Code of Alabama 1975, 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 delta-10-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, shall not be sold, distributed, marketed to, or possessed by an individual who is under 21 years of age.~~

Page (b) 1 Except SB66 as Engrossed provided (b) in A Chapter violation 2A of subsection Title (a) 20, Code of Alabama 1975, psychoactive cannabinoids shall not be as sold, Class distributed, Bor misdemeanor, marketed to, or possessed by an individual who is under 21 years of age.

(c) Any ~~individual psychoactive under cannabinoids the lawfully ages sold of in 21 this years state violating must subsection (a), shall be issued located in citation an similar area to in which uniform individuals nontraffic under citation the and age shall of be 21 fined years are not less permitted than access. fifty dollars (\$50) nor more than two hundred dollars (\$200) for each violation, and shall be assessed no other court costs or fees.~~

In (d) addition, Any on person a who third sells, or distributes, subsequent conviction, including convictions in district court or municipal markets court, psychoactive the cannabinoids court shall forward a record of the applicable convictions to the individuals Alabama under State 21 Law years Enforcement Agency, and the Secretary of the age Alabama State Law Enforcement Agency shall suspend be the guilty driving privileges or driver license of the individual for a period Class of B not misdemeanor. less than three months nor more than six months.

(e) Any individual under 21 years of age who is in possession of psychoactive cannabinoids shall be issued a Page 1 SB66 Enrolled 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 or community service in equal value of the fine 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 individual shall be issued a citation similar to a uniform nontraffic citation and shall be fined four hundred dollars (\$400) for each violation or community service in equal value of the fine.

(f) Any psychoactive cannabinoids sold in this state shall be packaged in child-resistant containers.

~~(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 Page 2 SB66 Engrossed delta-10 tetrahydrocannabinol, but does not include medical cannabis regulated under Chapter 2A of Title 20, Code of 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 Alabama 1975, shall not apply to any product containing psychoactive cannabinoids.~~

~~(c) The tax proceeds collected pursuant to subsection (a), shall be distributed in the same manner prescribed by Section 40-23-35, Code of Alabama 1975.~~

~~Section 3.~~

~~Section 4.~~3.

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

Page ~~32~~ SB66 ~~Engrossed~~Enrolled ~~Senate~~ ReadPresident
~~for and the Presiding first Officer time of and the referred Senate~~ 21-Mar-
~~23~~ to Speaker of the House of Representatives SB66 Senate
~~committee~~ 04-Apr-23 on I Healthcare hereby Read certify for that the second within time Act and originated
placed in 22-Mar-23 and on passed the calendar Senate, as amended.
~~0 amendments Read for the third time and passed~~ 04-Apr-23 as amended Yeas 20 Nays 1
~~Abstains 0~~ Patrick Harris, Secretary.

~~Page~~ House 4 of Representatives Amended and passed:
02-May-23 Senate concurred in House amendment 03-May-23 By:
Senator Melson Page 3