

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c)(2)a. and b.

I certify that the attached emergency new chapter is a correct copy as promulgated and adopted on Thursday, December 18, 2025.

AGENCY NAME: Alabama Alcoholic Beverage Control Board

RULE NO. AND TITLE: Chapter 20-X-36 Responsible Consumable Hemp Product program

EXPIRATION DATE OF RULE: Thursday, April 9, 2026

NATURE OF EMERGENCY: The ABC Board is passing Emergency Rule 20-X-36-.01 in order to protect the public health, safety, and/or welfare as these psychoactive cannabinoids will be in widespread distribution and will be regulated by the Board on January 1, 2026. To ensure that the product that is distributed to the public is not a violative product, and with the limited resources available to this agency and the potential numbers of outlets for distribution for these products, The Responsible Consumable Hemp Product Program is necessary to protect the public's health, safety, and/or welfare by preventing non-conforming products from being in distribution, by providing for the collection of those products for destruction by participating distributors as a needed supplement to the Board's resources, by providing for checks and balances to verify what the retailers are selling are as they received them from their distributor and the Supplier, by providing for monthly reporting of what products are being purchased from suppliers and sold by Retailers that do not purchase from Distributors involved in the program and immediately available at a common collection point for ABC Agents from Distributors involved in the program. This Regulation will help ensure that products are grown, derived, extracted, produced, and transported according to rules of the Board to further public health, safety, and welfare.

STATUTORY AUTHORITY: Code of Ala. 1975, 28-12-3; 28-12-22; 28-12-23; 28-12-24; 28-12-25; 28-12-42.

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

**NAME, ADDRESS, AND TELEPHONE
NUMBER OF PERSON TO CONTACT
FOR COPY OF RULE:** Dana Barlow
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Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

**ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE**

**CHAPTER 20-X-36
RESPONSIBLE CONSUMABLE HEMP PRODUCT PROGRAM**

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**20-X-36-.01 Responsible Consumable Hemp Product
Program**

20-X-36-.01 Responsible Consumable Hemp Product Program.

1. The Alcoholic Beverage Control Board hereby establishes the Responsible Consumable Hemp Product Program, whereby the consumable hemp product distributors may choose to register with the Board and be subject to the Board's jurisdiction in compliance with applicable laws and the rules and regulations of the Board regarding the production and distribution of consumable hemp products. Such distributors will be listed, along with each approved product, on the Registry of Responsible Sellers of Hemp Products, which will be established by the Board, published on the Board's website and made available to retailers wishing to purchase compliant consumable hemp products.
2. To qualify for the Responsible Consumable Hemp Product Program, a consumable hemp product distributor shall register with the Board to ensure all standard operating procedures and quality control standards are met. Consumable hemp product distributors who choose to participate in the Responsible Consumable Hemp Product Program shall register and receive approval from the Board for the label of each consumable hemp product they sell or distribute prior to dissemination within or into the state of Alabama. Each label shall be accompanied by a form prescribed by the Board and a \$50.00 non-refundable fee.
3. Distributors in the program shall maintain records to demonstrate that any hemp or hemp extract used by the licensee was grown, derived, extracted, produced, and transported in accordance with applicable laws, rules, and regulations of the Board. Such records shall include, but are not limited to: any pesticides used in the growing of such hemp, date(s) each shipment was received, an adequate chain of custody to demonstrate from whom the licensee

purchased such hemp or hemp extract, and certificates of analysis meeting all requirements of Chapter 12 of Title 28.

4. The following records shall be maintained by the registered distributor and available to employees of the Board immediately upon request:
 - a. Copies of the label and paperwork showing all approvals received from the Board.
 - b. Certificates of analysis, to include a full list of ingredients;
 - c. Source of ingredients with a master formulation record prepared and maintained for each unique consumable hemp product. The master formulation record shall include at least the following information:
 - i. Name of the consumable hemp product;
 - ii. Ingredient identities and amounts;
 - iii. Specifications on the delivery device (if applicable);
 - iv. Complete instructions for preparing the consumable hemp product, including equipment, supplies, and a description of the manufacturing steps;
 - d. Batch production records;
 - e. Certificate of analysis of finished products;
 - f. Consumer complaints.
 - g. Adverse health event reporting, including to the extent known after reasonable diligence: the name and contact information of the complainant; the date the complaint was received; the nature of the complaint; the production batch or lot number; any other identifying information found on the label of the regulated consumable hemp product facility; corrective steps taken; and recall activities completed.
5. Records shall:
 - a. Be kept as original records, true copies (such as photocopies, pictures, scanned copies, microfilm, microfiche, or other accurate reproductions of the original records), or electronic records;
 - b. Be accurate, indelible, and legible;

- c. Be created concurrently with performance of the activity documented;
 - d. Provide detailed history of work performed, and include:
 - i. Information adequate to identify the plant or facility (e.g., the name and location of the plant or facility);
 - ii. The date and time of the activity documented;
 - iii. The signature or initials of the person performing the activity; and
 - iv. The identity of the product and the lot code.
6. Records shall be retained:
- a. At the plant or facility for at least 2 years after the date they were prepared; and
 - b. For one year past the shelf-life date, if shelf-life dating is used, or two years beyond the date of distribution of the last batch.
7. Any retailer or distributor participating in the program shall be subject to the following:
- a. Any retailer who purchases an approved, registered consumable hemp product from a distributor listed on the Registry of Responsible Sellers of Hemp Products, upon surrender of any non-compliant product to said distributor, will receive a warning on the offense if the product purchased from the responsible consumable hemp product distributor is found to be a non-compliant and/or not a consumable hemp product under Act 2025-385.
 - b. Any distributor who sells non-compliant product(s) shall collect said product(s) from any retailers to which the product(s) were sold and upon destruction of said items, in a manner approved by the Board, shall be subject to a fine of one thousand dollars (\$1,000) on a first offense within a four year period, two thousand five hundred dollars (\$2,500) on a second offense within a four-year period, and five thousand dollars (\$5,000) on a third or subsequent offense within a four-year period.
 - c. Following the second sale of a non-compliant product by a supplier to a distributor listed on the Registry of Responsible Sellers of Hemp Products, the distributor must immediately cease all purchases from said supplier. To continue

purchasing from that supplier, the distributor must create a proposed corrective action plan to be reviewed and approved at the Board's discretion. If the corrective action plan is approved by the Board, the corrective action plan may be provided to the supplier. If the supplier meets all requirements of the corrective action plan, the distributor may sell compliant products purchased from the supplier. If the same supplier sells a non-compliant product to the distributor a third time, the distributor shall no longer purchase products from that supplier.

- d. If a distributor receives three separate offenses due to sales involving three different suppliers, the distributor shall be removed from the registry and program.
 - e. For each offense, the distributor shall collect all of the illegal products from the retail licensees that purchased said product and surrender the collected products to the Board for destruction. Any failure of a distributor to collect non-compliant product(s) will result in the distributor being removed from the registry and program.
8. All licensees will be regularly inspected to ensure either, 1) all purchases are pre-approved products from a certified responsible consumable hemp distributor or, 2) all required information is reported accurately. The following information will be required to be reported monthly by distributors and retailers not participating in the program, and will be used to reconcile sales and purchases:
- a. Any retailer of consumable hemp products who purchases from a distributor that is not a participant in the Responsible Consumable Hemp Product Program shall submit a monthly report listing each item purchased on a form prescribed by the board, that includes, but is not limited to, the following information: The name of the product, the manufacturer of the product, the name of the distributor the product was purchased from, the quantity purchased, the amount of THC per serving, and whether or not the product is synthetic. The retailer shall obtain a copy of the Alabama ABC approved label from the distributor and include it for each product listed. Failure to submit the required report by the 15th day of the following month will be a violation of this section.
 - b. All distributors not participating in the program shall submit a monthly report listing each item

sold on a form prescribed by the board, that includes, but is not limited to, the following information: the name of the product, the name and license number of the retail licensee to whom the product was sold, the quantity sold, the amount of THC per serving, and whether or not the product is synthetic.

9. Nothing in this regulation prevents, mitigates, or affects any related criminal charges.
10. Nothing in this regulation prevents, mitigates, or affects the authority of ABC and/or Law Enforcement to seize non-compliant products upon sight or inspection.
11. This regulation becomes operative January, 1, 2026.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, 28-12-3; 28-12-22; 28-12-23; 28-12-24; 28-12-25; 28-12-42.

History: New Rule (ER): Filed _____; effective _____; expires ___ days, April 9, 2026.