

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Alcoholic Beverage Control Board

RULE NO. & TITLE: Chapter 20-X-36 Responsible consumable Hemp
Product Program

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

This rule is in response to legislative action effective December 15, 2025, operative January 1, 2026, regarding the production and distribution of consumable hemp products to ensure that products are grown, derived, extracted, produced, and transported in accordance with applicable laws, rules, and regulations of the ABC Board.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to:
Administrative Procedures Secretary, Dana Barlow
2715 Gunter Park Drive, West
Montgomery, AL 36109
Or email: legal@abc.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, February 4, 2026

CONTACT PERSON AT AGENCY:

Dana Barlow (334) 260-5442
2715 Gunter Park Drive, West
Montgomery, AL 36109
Or email: legal@abc.alabama.gov

Curtis E. Stewart

Curtis Stewart

(Signature of officer authorized
to promulgate and adopt
rules 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.

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: Published _____; effective _____.