



ZSZ9RK-1 : 5/10/2023 : CMH  
AMENDMENT TO THE JUDICIARY SUBSTITUTE FOR HB319  
1ST FAULKNER AMENDMENT TO HB319  
OFFERED BY REPRESENTATIVE FAULKNER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

After line 361 on page 13, insert the following:

"§28-11-7

(a) (1) Any person who distributes tobacco, tobacco products, electronic nicotine delivery systems, or alternative nicotine products within this state shall first obtain a permit from the board for each location of distribution. ~~There is no fee for the permit.~~ Upon application, there shall be a one-time, nonrefundable filing fee of fifty dollars (\$50), in addition to a permit fee of one hundred fifty dollars (\$150), which shall be renewed annually. The one-time filing fee shall apply only to new applicants for a permit on or after the effective date of the act amending this section.

(2) The fees collected under this subsection shall be distributed as follows:

a. Seventy-five percent shall be deposited into the Tobacco Licensing and Compliance Fund to be used for operational costs of enforcing this chapter and tobacco and nicotine prevention education.

b. Twenty-five percent shall be deposited into the



ZSZ9RK-1 : 5/10/2023 : CMH  
AMENDMENT TO THE JUDICIARY SUBSTITUTE FOR HB319  
1ST FAULKNER AMENDMENT TO HB319  
OFFERED BY REPRESENTATIVE FAULKNER

27 Public Safety Fund of the Alabama State Law  
28 Enforcement Agency to be used for the enforcement of  
29 this chapter.

30 (b) ~~Any person who maintains~~No person may  
31 maintain a tobacco, tobacco product, electronic  
32 nicotine delivery system, or alternative nicotine  
33 product vending machine ~~on his or her property in this~~  
34 ~~state shall first obtain a permit from the board for~~  
35 ~~each machine at each machine location. The permit for~~  
36 ~~each machine shall be posted in a conspicuous place on~~  
37 ~~the machine.~~

38 (c) A permit shall be valid only for the  
39 ~~location~~ address specified in the permit application.

40 (d) ~~A permit is not transferable or assignable~~  
41 ~~and shall be renewed annually. Notwithstanding the~~  
42 ~~foregoing, if~~If a location for which a permit ~~is~~ has  
43 been obtained is sold or transferred, the permit,  
44 after submission of an application to transfer and a  
45 transfer fee of fifty dollars (\$50), shall ~~may~~ be  
46 transferred to the person obtaining control of the  
47 location ~~and shall be valid for 30 days after the~~  
48 ~~transfer during which time a new permit shall be~~  
49 ~~obtained,~~ subject to approval by the board. The  
50 transferee shall meet any requirements, established by  
51 rule of the board, required for a permit holder. The  
52 permitted transfer shall be effective for the duration



ZSZ9RK-1 : 5/10/2023 : CMH  
AMENDMENT TO THE JUDICIARY SUBSTITUTE FOR HB319  
1ST FAULKNER AMENDMENT TO HB319  
OFFERED BY REPRESENTATIVE FAULKNER

53 of the license year, and the transferee shall renew  
54 the permit annually as provided in subsection (a).

55 (e) If feasible, the board by rule may adopt  
56 procedures for the issuance and renewal of permits  
57 which combine tobacco permit procedures with the  
58 application and licensing procedures for alcoholic  
59 beverages."

60  
61 Replace line 420 on page 15 with the following:

62 (e) The following administrative ~~fin~~es ~~may~~  
63 penalties shall be

64  
65 Replace lines 426 and 428 on page 16 with the  
66 following:

67 may either levy a fine against the permit  
68 holder of not more than five hundred dollars (\$500) or  
69 offer the permit holder an opportunity

70  
71 Replace line 435 on page 16 with the following:

72 hearing commission ~~may~~ shall levy an  
73 administrative fine upon the

74  
75 Replace line 446 on page 16 with the following:

76 four-year period, the board or hearing  
77 commission ~~may~~ shall levy an

78



ZSZ9RK-1 : 5/10/2023 : CMH  
AMENDMENT TO THE JUDICIARY SUBSTITUTE FOR HB319  
1ST FAULKNER AMENDMENT TO HB319  
OFFERED BY REPRESENTATIVE FAULKNER

79           After line 497 on page 18, insert the following:

80                           (14) The Alabama Chapter of the American  
81                           Academy of Pediatrics, as appointed by the entity.

82                           (15) The executive director of Children First.

83

84           Replace line 925 on page 34 with the following:

85                           (a) Beginning ~~January 1, 2020~~ on the effective  
86                           date of the act amending this section, a ~~county~~the  
87                           board may not issue a