

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT 2021 REGULAR SESSION · WEEK FOUR FEBRUARY 26, 2021

MEDICAL MARIJUANA PASSES SENATE

Legislators made steady, business-like progress throughout the week, and while medical marijuana and looming gambling issues have been reliable – and disruptive – hot-button issues in years past, they did not disrupt the flow of work.

The Alabama Senate passed the 2021 **medical marijuana** bill from Sen. Tim Melson (R—Florence) expeditiously on Wednesday. Senators added two amendments to Melson’s comprehensive proposal, including changes requested by Attorney General Steve Marshall. As passed, SB46 has a reduced maximum daily dosage of 50 mg of the active ingredient in most cases. Driver’s license suspension will be automatic for anyone who is recommended a maximum daily dosage exceeding 75 mg of the active ingredient. The bill is now pending with the House Judiciary Committee, and the House leadership is considering the unusual move of sending it to a second committee after the Judiciary Committee has voted on it. While the potential move is explained as a way to maximize close scrutiny of the issue, it would add an extra hurdle and delay to potential passage.

The current list of qualifying medical conditions in the bill is:

- Anxiety or panic disorder
- Autism Spectrum Disorder (ASD)
- Cancer-related cachexia, nausea or vomiting, weight loss, or chronic pain
- Crohn's Disease
- Epilepsy or a condition causing seizures
- Fibromyalgia
- HIV/AIDS-related nausea or weight loss
- Menopause or premenstrual syndrome
- Persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid hyperemesis syndrome
- Post Traumatic Stress Disorder (PTSD)
- Sickle Cell Anemia
- Spasticity associated with a motor neuron disease, including Amyotrophic Lateral Sclerosis
- Spasticity associated with Multiple Sclerosis or a spinal cord injury
- A terminal illness

- Tourette's Syndrome
- A condition causing chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or has proved ineffective.

OTHER ISSUES TO WATCH

HEALTHCARE & PUBLIC HEALTH

- Functions of the state's **Medical Licensure Commission** would be transferred to the **Board of Medical Examiners** pursuant to SB239 by Sen. Jim McClendon (R—Springville). The lengthy bill would make numerous further changes, including giving the governor appointing authority for board members. The Senate Health Committee is scheduled to consider the bill on Wednesday.
- SB240 by Sen. Jim McClendon (R—Springville) would abolish the **State Board of Health, State Health Officer and State Committee of Public Health** and reconstitute the Alabama Department of Public Health and its duties. It is assigned to the Senate Healthcare Committee.
- **Nurses in residential community health settings** would be authorized to **delegate certain tasks to unlicensed healthcare workers** in accordance with rules from the Alabama Board of Nursing under SB183 by Sen. Vivian Figures (D—Mobile). The bill received a favorable report Wednesday from the House Health Committee.
- The House Judiciary Committee gave a favorable report to a proposal to criminalize **transgender treatment for minors** with one amendment relating to mental healthcare. HB1 is by Rep. Wes Allen (R—Troy).
- A multi-faceted **vaccine exemption** bill from Sen. Arthur Orr (R—Decatur) was introduced this week and is scheduled for consideration in the Senate Health Committee on Wednesday. SB267 would repeal municipal authority to compel vaccinations, establish exemptions to future mandatory vaccinations with an override provision during an epidemic and task the Board of Medical Examiners with implementation.

ALCOHOLIC BEVERAGE MARKETPLACE

- **Home delivery of beer, wine and spirits** would be legalized under SB126 by Sen. Jabo Waggoner (R—Vestavia Hills), and the bill received a favorable report Wednesday from the House Judiciary Committee with an amendment benefitting makers and brewpubs.

PROCUREMENT

- HB162 by Rep. Kyle South (R—Fayette) provides a **lease tax exemption** on the gross proceeds of many motor vehicle lease transactions with government agencies. The bill also removes a prohibition against passing lease taxes on to state or local governments, and it passed the House unanimously on Tuesday. In the Senate, it was assigned to the Finance and Taxation Committee on the General Fund.
- On Tuesday, the House also passed HB187 by Rep. Terri Collins (R—Decatur). It exempts from competitive bid laws certain **leases and lease/purchases of goods**

and services by city and county boards of education or other state and local governmental entities made through national or regional cooperative purchasing agreements.

- **Reform of the state procurement process** would be accomplished by SB77 by Sen. Arthur Orr (R—Decatur), and the bill received a favorable report from the House State Government Committee on Wednesday.

GOVERNMENT TRANSPARENCY

- A bill to require previously exempt licensing boards, agencies, commissions and athletic organizations to **publish their expenditures online** made progress this week. In the House State Government Committee, HB124 by Rep. Chris Pringle (R—Mobile) received a favorable report as substituted. The substitute narrows the bill to self-sustaining licensing boards and commissions, a change which removes impact on the **Alabama High School Athletic Association** and the **Alabama State Port Authority**.
- The House of Representatives voted to continue the operation of the **State Board of Medical Examiners and Medical Licensure, State Board of Pharmacy, Board of Optometry, Manufactured Housing Commission, Board of Examiners of Nursing Home Administrators, Board of Dental Examiners, Board of Nursing and State Board of Midwifery** through 2025. The body also approved continuing the operation of the **Athletic Commission** through 2023.

TRANSPORTATION

- Contractors on public road and bridge projects could gain **exemption from sales and use tax** under HB340 by Rep. David Faulkner (R—Birmingham). The bill received a favorable report Wednesday from the House Ways and Means Committee on Education.
- The definition of **construction zone violations** would be expanded and a \$250 minimum fine set under SB4 by Sen. Gerald Allen (R—Tuscaloosa). The bill, which was brought up Tuesday on the Senate floor, is currently carried over to the call of the chair.
- A **tax break for airport authorities** made progress this week. HB14 by Rep. Rex Reynolds (R—Huntsville) received a favorable report and an amendment from the House Ways and Means Committee on Education on Wednesday, and then the full House passed the amended bill on Thursday.
- The proposal to prohibit certain **indemnity clauses in public works contracts and subcontracts for roads and bridges** saw movement in both chambers this week. On Wednesday, the House version – HB234 by Rep. Steve McMillan (R—Bay Minette) – received a favorable report as substituted from the House State Government Committee. On Thursday, the Senate version – SB220 by Sen. Clay Scofield (R—Guntersville) – was considered in the Senate Transportation and Energy Committee, where it received a favorable report as substituted and amended.
- Roadbuilders would be **shielded from certain civil liability** with passage of SB248 by Sen. Clay Scofield (R—Guntersville). It was introduced Tuesday.

- **Peer-to-Peer car sharing** programs would be provided for by HB450, which was introduced this week by Rep. Neil Rafferty (D—Birmingham). The bill addresses aspects including insurance, notification, recordkeeping and liability. The bill does not change the way they would be taxed.

INSURANCE

- Alabama’s credit for **reinsurance** regulations would substantially mirror a model law from the National Association of Insurance Commissioners under SB24 by Sen. Shay Shelnett (R—Trussville). The bill received a favorable report Tuesday from the House Insurance Committee.

EDUCATION

- Legislation affecting **broadcast of public K-12 sporting events** was the subject of a public hearing in the House Education Policy Committee this week. Committee members did not vote on HB248 by Rep. Kerry Rich (R—Guntersville).
- **Transgender athletes** would be prohibited from competing in public school sports unless the event specifically includes both genders under HB391 by Rep. Scott Stadthagen (R—Hartselle). The bill received a favorable report Wednesday from the House Education Policy Committee.
- Management of **public school construction** would shift away from the Department of Finance’s Division of Construction Management under HB220 by Rep. Nathaniel Ledbetter (R—Rainsville). The House passed an amended version of the bill on Thursday.
- **Alabama Community College System** trustees would gain authority going forward to set tenure policy for faculty and staff with a bill introduced this week, SB234 by Sen. Dan Roberts (R—Birmingham).
- SB243, introduced this week by Sen. Greg Albritton (R—Atmore), would change the term limits for trustees of the **Alabama Community College System**, stipulating that appointed board members may not serve more than two consecutive full terms on the board.

ECONOMIC DEVELOPMENT & PORT-RELATED ISSUES

- COVID-19 may have created stumbling blocks for **new and expanding industries** utilizing the state’s **capital credit program**, an incentive with hiring and wage requirements. SB274 by Sen. Bobby Singleton (D—Greensboro) would allow up to two more years to satisfy the requirements for qualifying projects placed into service in 2019, 2020 and 2021.
- Four members of the **Alabama State Port Authority’s Board of Directors** – Tony Cochran, Alvin K. Hope, Patricia Sims and Carl Jamison – were confirmed by the Alabama Senate on Thursday.
- HB179 by Rep. Adline Clarke (D—Mobile) would increase by two the number of executive level employees that the director of the **Alabama State Port Authority** may appoint and shield some of the authority’s sensitive information from public disclosure. It received a favorable report Wednesday from the House State Government Committee with one amendment requested by the Alabama Press

Association.

- Sen. Andrew Jones (R—Centre) introduced two bills specific to Etowah County this week. SB246 would call a public referendum on **prohibiting certain animal byproduct processing facilities** in the county. Also subject to a referendum, SB247 would exempt some people from **occupational taxes** levied by municipalities in the county, roll back existing levies and prohibit new or increased ones.

REMOTE NOTARIZATION

- **Remote notarizations** would be permissible in some situations under SB275 introduced this week by Sen. Sam Givhan (R—Huntsville). The bill, assigned to the Senate Finance and Taxation Committee on Education, would also retroactively ratify remote notarizations done under emergency conditions.

LOCAL LEGISLATION OF GENERAL INTEREST

- In Shelby County only, **privately owned sewer systems** using public rights-of-way would be subject to **regulation by the Public Service Commission** under SB74 by Sen. Jabo Waggoner (R—Vestavia Hills). The bill proposes a constitutional amendment, so if it passes the Legislature it would then go to a public referendum. This week, the bill, likely to result in higher sewer rates for residents, was re-referred to the House Transportation, Utilities and Infrastructure Committee, and the committee has scheduled a public hearing next week.

EMPLOYMENT LAW

- More people would be eligible for **criminal record expungement** with SB153 by Sen. Rodger Smitherman (D—Birmingham). The bill, which received a favorable report Wednesday from the Senate Judiciary Committee, would expand expungement to include convictions of certain misdemeanor offenses, traffic violations, municipal ordinances and felony offenses.
- Rep. Neil Rafferty (D—Birmingham) is sponsoring HB352, which would create a cause of action for **discriminating against a pregnant woman**.

The House and Senate will reconvene on Tuesday, March 2.