

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: SLI Supporters
Date: August 2016
From: A. Eric Johnston
Re: Report on the 2016 Regular Session of the Alabama Legislature – Part I

As you see below, we provided legal services on a large number of significant bills during this past session. For each, we give the bill number, sponsor/s, explanation and status. This list is not all inclusive for all of the bills, but those that are of particular interest. Part II gives a more detailed comment on some of the bills.

Sanctity of Life

HB45/SB226 (Weaver and Hightower) – The Unborn Infant’s Dignity Act criminalizes the sale of unborn baby body parts, but does not affect gifts pursuant to the Anatomical Gift Act. Passed.

HB158/SB204 (Wingo and Bussman) – The Alabama Child Placing Agency Inclusion Act would protect DHR licensed agencies such as The Alabama Baptist Children’s Home, Catholic Social Services, Lifeline Children Services, *etcetera*, from having to make placements in same sex or other marriages for which they would have a religious objection. Failed.

HB301/SB205 (Henry and Sanford) – Requires an abortion clinic to be at least 2,000 feet away from a public school. Passed.

HB159 (Mooney) – The Healthcare Rights of Conscience Act would prohibit discrimination against a healthcare provider who for religious or ethical reasons would not want to participate in an abortion, euthanasia, embryonic stem cell research, or sterilization. Failed.

HB157 (Mooney) – The Prohibition of Physician Assisted Suicide would preclude healthcare providers from actively assisting in suicide. Failed.

HB376/SB363 (Butler and Williams) – Prohibits a particularly gruesome method of abortion. Passed.

HB300 (Henry) – Would declare life begins at conception. Failed.

SB9/HB21 (Allen and Collins) – The Fetal Heartbeat Act would prohibit abortions after a heartbeat is detected. Failed.

Marriage

HB130 (Hill) – Would protect ministers’ and judges’ rights not to perform a same sex marriage. Failed.

SB143 (Albritton) – Would change marriage from a religious ceremony to a contract. Failed.

Gambling

HB13/SB19 (Harper and McClendon) – These bills would have legalized “lottery” meaning any game of chance. Failed.

HB56/SB114 (Rowe and Sanford) – This bill would have legalized daily fantasy sports, a form of internet gambling. Failed.

Other

HB175/SB226 (Butler and Orr) – Classifies “Kratom,” an addictive opioid as a controlled substance. Passed.

SB60 (Glover) – Would have repealed the Common Core curriculum in public schools. Failed.

HB404/SB356 (Jones and Orr) – Would require financial reporting if involved in referenda or political campaigns, including requiring churches to report their contributions. Failed.

August 2016

Report on the 2016 Regular Session of the Alabama Legislature – Part II

In Part I, we listed a number of the more important bills on which we provided legal services during the past legislative session. This included bill drafting, testimony and advice to legislators. Overall, our assessment is that it was a good session. We were critical during the session of the Republican leadership of not placing a priority on bills that are important for religious freedom, the sanctity of life and the protection of the family in Alabama. In the end, we are grateful for the bills that passed. Many of our legislators did fantastic jobs. We still have concern that such bills are not given the priority they deserve.

We want to comment on a few of the bills. Working with Citizens for a Better Alabama, ALCAP, Alabama Policy Institute and Eagle Forum of Alabama, we wish to report the session was successful in the defeat of attempts to expand gambling in Alabama. The daily fantasy sports bills (HB56 and SB114) were clearly unlawful games of chance. Attorney General Luther Strange recognized this and told Fan Duel and Draft Kings to abandon their gambling efforts in the state, which they did and this was significant to the failure of the bills. The lottery bills (HB13 and SB19) would have done far more than permit one to buy a lottery ticket at a convenience store. As we explained in our May Educational Update, the word “lottery” means any game of chance. These bills would have permitted casino gambling in Alabama. We expect to see the lottery bills back next year.

The issue of same sex rights continues to snowball. Same sex adoptions are now permitted and routinely done in some counties. However, most Alabamians do not agree that these same sex rights are proper. While it is legal, as required by the U.S. Supreme Court, it does not mean we must agree with it. Or do we? The biggest issue facing persons of faith today is the religious freedom to not be required to participate in or approve of same sex rights. We spoke with many legislators about the need for laws to address these issues. We got very little cooperation. However, there are those in the Legislature who understand the need to deal with these issues and we hope that in the coming sessions, religious freedom will be protected from the intolerance of the lesbian, gay, bisexual, transsexual, questioning/queer agenda.

One of the bills that had a high priority was The Alabama Child Placing Agency Inclusion Act (HB158/SB204). With the growing trend of recognizing homosexual rights, adoption is obviously an alternative for same sex couples who cannot naturally have children, particularly men. We are fearful the law may require church and ministry run agencies, such as The Alabama Baptist Children’s Home, Catholic Social Services and Lifeline Children Services to make placements in same sex marriage households. We encountered significant opposition from the Alabama Department of Human Relations, the state agency that regulates child placement agencies. The church and ministry agencies and the sponsors of the bill intend to return next year with a very strong effort to pass this very needed law.

At the beginning of the session, the Alabama Pro-Life Coalition was given encouragement for the passage of sanctity of life bills. Primarily this was HB45, The Unborn Infant’s Dignity Act, which criminalizes the sale of unborn baby body parts. With the cooperation of the Medical Association for the State of Alabama, that bill became law. APLC also wanted to see the Prohibition of Assisted Suicide Bill, HB157, become law. There is a growing trend to legalize euthanasia in the United States. It is better at this date to prohibit it, rather than wait for the momentum to reach the State of Alabama. Unfortunately, that bill did not make much progress.

On the other hand, unexpectedly late in the session, the bill that prohibits dismemberment abortions (HB376/SB363) did become law. That law should have not only the result of stopping a number of abortions, but educates people on the humanity of the unborn child. Also late in the session, the bill that prohibits an abortion clinic from being within 2,000 feet of a public school (HB301/SB205) became law. Both of these laws have been included in a pending federal court lawsuit. These are before Judge Myron Thompson who routinely enjoins all pro-life laws that come before him.

Late in the session we saw the introduction of two bills (HB404/SB356) that would have required churches and religious ministries, as well as other nonprofits, to report their contributions if they participated in a referendum. For example, if one of the above mentioned lottery bills passes the Legislature it will be on the ballot for voters to approve. Churches will be opposing that. Under these proposed laws, churches would be required to report all of their contributions. This would be interference with their rights of religious freedom and free speech. This same effort was tried several years ago when the Democrats were the majority and wanted to find out who was opposing gambling legislation.