

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

To: Interested Persons
Date: May 2021
From: A. Eric Johnston
Re: VCAP and Gambling – What will the Legislature Do?

THE VULNERABLE CHILD COMPASSION AND PROTECTION ACT

VCAP (HB1 and SB10) have been passed by wide margins in the Senate Health Committee (twice), the House Health Committee (twice), the House Judiciary Committee and the Senate. VCAP should soon be on the calendar for the House and may have been considered by the time you read this. However, it will have some amendments which will require it to go back to the Senate for additional consideration.

This bill has had wide support in the legislature. It is obvious even to non medical people that sex-change operations on minors is not a proper and acceptable medical standard of care. If anything, it is a misplaced and misguided sexual freedom initiative for children who instead need emotional, spiritual, and/or psychological care.

SLI has addressed through a number of legal memos issues raised by those who support these Frankensteinian procedures. Most frequently raised are concerns that the state should not get between a parent, child and a doctor for treatment of the child, do we not trust the advice given by our doctors, and should the state interfere with parental rights. The evidence is clearly that the state must intervene on this public health matter.

There is disagreement among health care professionals on this issue. Those supporting transgender treatment and surgery are few in number, but powerful in position. The evidence is that this is a public health decision to be based on good science and values. It is not a parental right decision. Proper public health policy is not an interference with that sacred right. The legislature has legislated against physician assisted suicide, abortion, sterilization, and other medical procedures. The state is acting in the public's interest by exercise of its "police powers" guaranteed to it by the Tenth Amendment to the U.S. Constitution. The legislature has enacted numerous laws prohibiting minor participation with or without parental consent for such things as the use of alcohol and drugs, truancy from school, viewing pornography and gambling. While most of the foregoing are legal for adults, they are not for children, even with parental consent. If parents allowed these things, they would be investigated for child abuse by DHR. If health care providers know of such things, Alabama law requires it reported.

Adults have constitutionally protected rights to make health care decisions. VCAP does not restrict that right. VCAP is about prohibiting doctors, psychologists and parents from changing the biological nature of our children. It is about passing a reasonable law by which we all must abide.

CASINO GAMBLING

The legislature was plagued this year by a swarm of gambling bills. The bills ranged from a fairly simple lottery to complete casino gambling. These bills have been considered by a number of committees and have been the subject of many debates and discussions. We have worked hard to bring clarity to the issue, but the juggernaut of gambling enterprise pushed the necessity of gambling for Alabama. The Governor and legislative leadership say we already have gambling in Alabama, so let's regulate it. As Joe Godfrey of ALCAP asks, we already have prostitution in Alabama, so why not regulate it?

The effort began with SB309 by Senator Marsh which proposed a constitutional amendment that would permit wide open and complete casino gambling at least six locations in the state. That bill originated in the Senate but could not pass the Senate. Because gambling is prohibited by the Alabama Constitution, any bill that proposes gambling for Alabama must be approved by two-thirds of the House and Senate and then approved by majority vote by Alabama voters. SB309 was the proposed CA, but other bills would have implemented it. A number of legislators wanted to know the extent of the implementation, so those bills were considered.

There was still not a bill in process to permit the casino gambling. At that time, SB319 was a lottery bill filed by Senator McClendon. However, on the floor of the Senate, the Marsh casino language was substituted for the McClendon lottery language. The Senate passed that bill. SB319, as expected, passed out of the House committee. However, it must go to the complete House for a vote. The situation is very fluid and it is difficult for either side to predict what the ultimate vote may be.

CONCLUSION

Both of the above bills are extremely important to the people and culture of Alabama. These are major and significant changes in law. Everyone should be concerned about these bills. We encourage you to contact your representatives and senators and express your opinion on these bills. The easiest way to find those who represent you is by going to www.legislature.state.al.us, click on "Find My Legislator", and then provide the information requested. Thank you for your civic stewardship.

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