

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

**To:** Interested Persons  
**Date:** May 2022  
**From:** A. Eric Johnston  
**RE:** Report on the 2022 Regular Session of the Alabama Legislature

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Our Legislative Report for 2021 expressed our belief that the Alabama Legislature had abandoned conservative values. We were concerned about whether it could redeem itself. We are glad to report this year that there has been redemption in several ways. This does not mean that we let down our guard, but it does demonstrate that while we were not able to participate in the lobbying process due to Covid, if knowledgeable people are participating in the process, it is much more likely that good things will happen. This is a brief report on several of the bills that are important and if you need additional information, please contact us.

## SELECTED LEGISLATION

1. **The Vulnerable Child Compassion and Protection Act (VCAP) – SB184 (Senator Shay Shelnett) & HB150 (Representative Wes Allen)** were presented for the third year and finally approved and signed Governor Ivey. VCAP was the most significant accomplishment this year. It prohibits sex change procedures and operations on children under nineteen years of age. This effort to stop this latest aberration of the LGBTQ+ agenda was met with fierce opposition through many committee hearings and, having now become law, a lawsuit has been filed contesting it. Attorney General Steve Marshall will do an excellent job defending our values. While major medical lobbying groups are liberal and testified against VCAP, we provided excellent medical testimony in support of VCAP. We addressed outlandish concerns from the federal HHS saying VCAP is a denial of federal rights. We are grateful, in particular, to Speaker Mac McCutcheon and House leadership for bringing this bill to a successful vote.

2. **Bathrooms and Gender Teaching—HB322 (Representative Scott Stadthagen)** requires use in K-12 public schools of bathrooms, locker rooms, *etcetera*, according to one's biological sex. Also, it prohibits teaching K-5 public school children sexual orientation and gender identity. This bill is now law.

3. **Gambling – SB293 & SB294 (Senator Greg Albritton)** were similar to last year's bills authorizing casino style gambling at numerous Alabama venues. **HB501 & HB502 (Representative Chip Brown)** were lottery bills, purporting to permit simple lottery, though their language suggested expanded gambling was possible. Neither of the bills made good progress.

4. **Every Mother Matters Act ("EMMA") – HB349 & HB401 (Representative Charlotte Meadows)** provided a state funded resource by the Alabama Department of Public Health to women who need assistance with their pregnancies. This bill was a definite Alabama Pro-Life Coalition supported aide to women. ALPC is often criticized for caring only about the unborn child. It cares greatly for the needs of women. There was some confusion from ADPH requiring formulation of a digital system for this resource. This is one of those bills that will take more than one year to get approval.

5. **SB324 (Senator Larry Stutts) & HB 531 (Representative Rich Wingo)** required every woman of child bearing age from 25 – 50 years to have a negative pregnancy test before receiving medical marijuana. This bill introduced by Senator Stutts, a practicing OBGYN, is one of the first efforts to address problems with so called "medical marijuana." There was unexpected opposition to the bill and it did not pass. Probably a better approach will be for a rule to be passed under the rule making authority of the committee formed to regulate medical marijuana, though feedback we are getting suggests any efforts to reasonable control the proliferation of marijuana use will be rebuffed. Our expectation is that in not too many years in the future recreational use of marijuana will be legalized.

6. **The Parents Choice Act – SB140 (Senator Dell Marsh) & HB245 (Representative Charlotte Meadows)** was an effort to provide funding for non-public education. Charter schools are a good concept permitting alternatives to persons in failing public school systems. One of the problems with charter schools is funding, particularly for families who cannot pay tuition for a church or non-public school. This bill would set aside funds to be made available for those families. There is a great deal of misunderstanding on this issue. The sponsors agreed to our requested changes to permit parents with children in church schools to receive funds without subjecting the church school to state regulation. Again, it is one of those bills that will take more than one year to get approval.

7. **Critical Race Theory – SB7 & SB292 (Senator Will Barfoot), HB8 (Representative Chris Pringle) and HB9 & HB312 (Representative Ed Oliver)** were simply worded bills requiring the objective and complete teaching of history or training in K-12 public schools, higher education institutions, and by state agencies. “Critical Race Theory” is not mentioned in the bill. CRT is a pedagogical system that attacks history and cultural standards by teaching that one race portends to be superior to another, that the state or United States is racist or sexist, *etcetera*. It is an effort to subvert history and relationships by racial and sexist attacks. It does not teach accurate history, but a politicized history. It does not instruct equal relationships, but unequal and divisive relationships. This bill sought to avoid that dissension. However, we observed angry Democrats in committee hearings in opposition to the bill, in reality demonstrating Democrat support for CRT. These unfortunate exhibitions demonstrate either their misunderstanding of the issue or, alternatively, their support for its subversive intent.

8. **Female Genital Mutilation – HB170 (Representative Rod Scott)** has been filed each year for a number of years for the purpose of a prohibiting unnecessary surgery on female genitalia. It is practiced in this country for mainly religious reasons. It is an absolutely unnecessary surgical procedure that maims a woman for life. In reality, it is inexplicable why this bill does not pass. We hope that its sponsor will bring it back for another year.

9. **Hyde Amendment Related – HB 118 (Representative Rich Wingo)** was a proposal to prohibit Alabama from paying for abortion or abortion related services. The Hyde Amendment was passed by Congress in 1980 and remains in effect until now prohibiting the use of federal funds for abortion, except for life of the mother, rape and incest. The Biden administration proposed to remove that prohibition from its budget. There were legislative concerns about the intersection between federal and state law causing a federal court lawsuit. While we begin to move the bill, we received assurance from two congressmen that the Hyde Amendment will not be repealed. With the uncertainty of a lawsuit and the probability the Hyde Amendment would remain, we decided not to go forward.

## CONCLUSION

In an election year, legislators tend to do things that would appear favorable on their resumes. This year does not appear to be any different. Next year, we will see new faces in the legislature and we will have new challenges.

We predict that gambling will come back with a vengeance. The efforts to legalize unregulated gambling are well financed. Private and Indian interests are significant. Some legislative leaders seem to think it is profitable for the state to have this regressive sin tax.

There were two abortion bills with which we were concerned. **HB23 & HB295 (Representative Jamie Kiel)** were heartbeat-based abortion prohibition bills based on the Texas law now in litigation. **HB261 & HB377 (Representative Andrew Sorrell)** would prohibit chemical abortions. Both of these were constitutionally suspect and the sponsors wisely held off on pursuing them.

In June, we expect an abortion related opinion from SCOTUS in the *Dobbs* case, which will, we hope, provide a road map to additional legislation to reduce abortion. While there were a number of pro-life bills this year, most were directed toward healthcare. Alabama has the strongest abortion prohibition law in the nation. However, it may be some years before it’s full impact can be realized. For that reason, additional legislation based on *Dobbs* may be necessary during the interim. As soon as we analyze *Dobbs*, we will know what to do.

We expect to see additional expansion and efforts to limit the impact of medical marijuana. At the same time, there will be pressure to expand its use, finally resulting in recreational legalization.

Critical Race Theory will continue to be debated. Political pressure from the left and party animosity will drive the necessity of stopping this divisive instruction.

It is important that every citizen vote intelligently in the June primary and in the November general election. The men and women whom you elect will be the officials with whom we will continue our efforts in three branches of government.

In closing, we want to thank Joe Godfrey for his 15 years of service as executive director of ALCAP, one of our staunchest allies in our legislative efforts. Joe has been a compatriot and friend during his time of service. ALCAP will continue under the direction of Greg Davis. Although Joe will be retired, he will assist from time to time as a consultant to ALCAP.