

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

To: Interested Persons
Date: January 2025
From: A. Eric Johnston
RE: Issues and Cases for 2025-Part I

This month's and February's Educational Updates will address several of the pending cases and issues that we will face in 2025. For the Legislature, many bills have been prefiled. We will make some observations that hopefully Legislators will appreciate. We are privileged to provide free legal advice to them.

1. **Medical Marijuana** – The Alabama law providing for medical marijuana still languishes in court procedures. In spite of the best medical evidence, Alabama Legislators jumped on the band wagon which will ultimately lead to legal recreational use. Now would be a good time to reconsider this law. Like gambling, this legislation benefits only a discrete industry, and it is harmful to the individual, the family and other persons. See www.IASI.ORG.
2. **DRAG QUEENS AND MATERIALS HARMFUL TO MINORS** – For the last two years, legislation has been introduced to amend the Alabama Anti-Obscenity Enforcement Act (“AAOEA”) to update it from its 1980 beginnings to now protect minors from things harmful to them, such as, books, demonstrations, and other forms of sex related speech or activities, which are not acceptable in the community. SCOTUS has carefully articulated standards for obscenity and harmful to minors. If these are faithfully followed, objectionable activities and materials can be prohibited in public places, such as at public events and in libraries. We expect the amendment to the AAOEA to be filed again, along with HB67, which addresses such activities in public places. See, May 2024 Educational Update.
3. **PUBLIC SCHOOL SEX EDUCATION** – Planned Parenthood and similar organizations have promoted public school materials to teach sex education. Many of these materials suggest children may engage in sex as long as they use contraception. While Alabama has had an abstinence law for a number of years, there is some confusion. Legislation filed for the last three years means to restate Alabama law emphasizing sexual risk avoidance in the curriculum and prohibiting the use of curriculum that provides for other alternatives.
4. **VULNERABLE CHILD PROTECTING ACT** – Alabama passed the VCAP law to prohibit chemical and surgical efforts to attempt altering a minor child's gender. The law is currently contested in the Alabama federal court, but pending further action following the expected June 2025 opinion by SCOTUS on the constitutionality of these laws. A similar Tennessee law is pending for that review. The Alabama law is currently in force. See October 2023 Educational Update. We predict SCOTUS will uphold the precedent for dismissing the case against the Alabama law. There will be required no further legislative action, but there may be the need for additional laws to protect children on trans and similar issues that have been pushed by the Biden administration for the last four years. We expect to see those initiatives decrease under the Trump administration. Recently, a medical malpractice lawsuit was filed in California by a 20-year-old who at age 11 or 12 “was immediately and unquestioningly ‘affirmed’ as transgender.” Medical procedures were done which now left her body “profoundly damaged in ways that can never be repaired.” Similar actions need to be filed to discourage this very bad “woke” medicine.
5. **GAMBLING** – There is the perennial effort to legalize gambling in Alabama. Gambling interests have tried and failed to expand legalized gambling in Alabama beyond the 1980's constitutional amendments allowing paper card bingo. When the Alabama Supreme Court stopped slot machine gambling masquerading as bingo, gamblers have returned to the Alabama Legislature for relief. Word is that they will be back in 2025. This is such a transparent charade that there has been no success for 35 years. It is not always the proper values of members, but usually it is a result of infighting and greed among the gamblers that kill the legislative efforts. The excuse that we need laws to regulate unlawful gambling to stop it is mere selfish pretext. Current laws make gambling a misdemeanor, but if those laws were changed to a felony with lengthy prison terms, gambling would end. See, February 2024 Educational Update. We should expect our legislators to be informed and honest enough to do the right thing. A recent announcement is that the majority of legislators and people in Alabama want a simple lottery. A simple lottery by definition could lead to expanded casino gambling. And even if it is simple paper lottery, it is still harmful to the state and its families. One bill that is worthy of consideration is HB41. It has been pre-filed and includes very strong felony criminal penalties. The main problem with the bill is that it attempts to address forms of gambling through amusement machines and related devices. It includes new and different definitions. All of those things need to be omitted from the bill because that will result in renewed and protracted litigation by gambling interests. With the millions of dollars at stake, gamblers can afford to contest through the court any new law on gambling.

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