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**CRR EXTRAS**

Friday, February 26, 2010

## Electronic Ephedrine Tracking Heads to Senate

### Senate Health Approves Legislation

Full House of Representatives Gives Nod

Thursday morning, the Senate Health Committee approved the same language adopted 92-0 Tuesday by the Alabama House of Representatives for legislation requiring the electronic tracking of over-the-counter products containing ephedrine and pseudoephedrine, key ingredients used in the production of methamphetamine. [SB 407](#) by [Sen. Lowell Barron, D-Fyffe](#), now goes to the full Senate, and the House companion, [HB 528](#) by [Rep. Frank McDaniel, D-Albertville](#), is ready for consideration by the Senate as well.

The legislation requires retailers to record information on sales of the decongestants on a statewide database to prevent someone from

going from store to store to stockpile the legal drugs to use them illegally in the production of methamphetamine. *"This should stop abusers from making the circuit from store-to-store to gather up these drugs to produce crystal meth,"* Barron told the Health Committee on Thursday.

The House added three amendments to the bill. The three amendments correct typographical errors, remove the director of the Alabama Alcoholic Beverage Control Board from the Alabama Drug Abuse Task Force and specify that none of the duties or functions of that task force fall under the purview of the governor.

Under the legislation, beginning Jan. 1, 2011, retailers would have to submit the name, address, date and time of sale as well as the name and quantity of the ephedrine or pseudoephedrine product being purchased to an electronic



### TOP ISSUES

[Senate Shoots 'Guns to Work' to House Panel](#)

[State and Federal Jobs Bills Moving](#)

[Panel Hears 'Rolling Reserve' Proposal](#)

[Senate Health OKs Remote Drug Orders](#)

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[Lawmaker Ponders Credit Card Rate Limits](#)

### BILLS

- [HB 099](#)
- [HB 260](#)
- [HB 364](#)
- [HB 528](#)
- [HB 565](#)
- [HB 571](#)
- [HB 587](#)
- [HB 595](#)
- [HB 631](#)
- [HB 638](#)
- [HB 640](#)
- [HJR 53](#)
- [SB 277](#)
- [SB 360](#)
- [SB 367](#)
- [SB 405](#)
- [SB 407](#)

[HR 2847](#)

verification system paid for by the drug manufacturers. There would be no cost to retailers or the state. If the system issues a stop sale alert, the retailer is to discontinue the transaction. Continuing with the sale when notified by the system that the purchaser cannot legally buy the medication would result in increasing misdemeanor charges with each infraction. There is an exception for instances when the retailer fears bodily harm. McDaniel told his fellow House members Tuesday that only law enforcement officials would have access to the information stored in the database.

Under current law, certain products containing ephedrine and pseudoephedrine must be stored behind the counter and customers cannot buy more than six grams in a 30-day period. Those restrictions would stay in place. McDaniel also sponsored the current law.

Alabama's attorney general worked with ARA and other groups to develop this legislation. **ARA has been supportive** of the effort as a means of discouraging lawmakers from mandating prescription-only status for these widely used nasal decongestants.

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## >> Other News

### WORKPLACE POLICIES

#### Senate OKs 'Guns-To-Work' Bill

House Panel Questions Sponsor

The Alabama Legislature this week found itself in the middle of a national debate that pits the private property rights of permitted gun owners against the property rights of Alabama business owners.

The Alabama Senate this week approved legislation that forbids retailers and other businesses from having policies that prevent employees or customers from keeping licensed firearms locked out of sight in their vehicles in the businesses' parking lots or parking facilities. Similar bills, pushed by the National Rifle Association, are pending in about a dozen states. In the same week, a federal law became effective that allows licensed, loaded guns to be carried into national parks and the commissioner of baseball banned Major League players from bringing weapons into



### IN THE NEWS

[House votes to create database to track sales of common cold medicines](#)

[Senators have verbal duel over gun bill](#)

[Ford's proposed gun bill has many major business groups up in arms](#)

[House OKs bill to encourage employers to hire unemployed](#)

[House panel delays vote on budgeting change](#)

[Sunday liquor sales for Tuscaloosa, red light bills clear hurdles](#)

[Sunday alcohol sales in Tuscaloosa: Legislators again seek referendum](#)

[New alcohol law sparks draft beer-to-go buzz](#)

[New credit card law goes into effect Feb. 22, 2010](#)

[Geneva Rep. Warren Beck dies at Montgomery hotel](#)

[U.S. Senate passes \\$15 billion jobs bill on bipartisan vote](#)

[Cash-for-clunkers rebates offered on new appliances](#)

*For more stories concerning legislative action and news of interest to retailers, go to [In the News](#)*

### ARA CONTACTS

[Rick Brown](#)  
President

[Alison Wingate](#)  
Vice President

[Nancy Dennis](#)  
Dir. of Public Relations

[Brett Johnson](#)

locker rooms or on road trips.

By a vote of 26-2, the Alabama Senate approved [SB 360](#) by [Sen. Roger Bedford, D-Russellville](#). Voting against the bill were [Sens. Vivian Figures, D-Mobile](#), and [Larry Dixon, R-Montgomery](#). [Sen. Del Marsh, R-Anniston](#), filibustered on the legislation for sometime in an attempt to remove an exemption in the bill for facilities that generate electricity. Besides power companies, electric cooperatives and large manufacturers who generate their own electricity, the legislation also doesn't apply to company vehicles. It only applies to private vehicles.

Members of the Alabama House of Representatives also debated but took no vote on the guns-to-work issue. During an hour-long public hearing Wednesday, several members of the House Commerce Committee questioned the reasoning behind the House companion bill, [HB 364](#) by [Rep. Craig Ford, D-Gadsden](#).

"I'm offended that such legislation is even being entertained," said state [Rep. Pebbelin Warren, D-Tuskegee](#), mentioning that a Tuskegee native was one of three Alabamians killed two weeks ago when a University of Alabama-Huntsville professor opened fire during a faculty meeting. Three others also were injured in that shooting. "I'm a licensed, pistol-packing mama, but I can't agree with this legislation," said Warren, whose husband is the Macon County sheriff. "The timing is very bad" for bringing a guns-to-work bill to the Legislature so soon after multiple, gun-related workplace fatalities, Warren said.

[Democratic Rep. A.J. McCampbell](#), a Demopolis insurance agent and former policeman and probation officer, told Ford he personally knew of instances when law enforcement had been able to intercept an angry employee or former employee who had left a workplace to go home and get a firearm. "Law enforcement would not have had enough time to respond if the employee just had to go out to the car to get a firearm," McCampbell said.

The [Alabama Coalition for Safe Workplaces](#), which includes the [Alabama Retail Association](#), [opposes this legislation](#), which infringes on employers' rights to secure company property. The Alabama Department of Youth Services as well as representatives of the railway and telecommunications industries also spoke in opposition to the legislation at the public hearing on the House bill.

Both the Senate and the House bills rest in the House Commerce Committee, which at press time had not placed either on its agenda for consideration.

Member Relations Mgr.

## LEGISLATIVE CONTACTS

To contact members of the Alabama Legislature:

### WRITE:

Alabama State House  
11 South Union Street  
Montgomery, AL 36130

### CALL:

HOUSE: (334) 242-7600  
SENATE: (334) 242-7800

### E-MAIL:

Most representatives can be reached through the House e-mail system by using the following format: [firstname.lastname@alhouse.org](mailto:firstname.lastname@alhouse.org).

Those without e-mail addresses can be reached through the general e-mail address:

[house3@alhouse.org](mailto:house3@alhouse.org)

There is no general e-mail address for senators. [Click here](#) for a roster of the state senators with their complete contact information.

### LINKS GO TO CONTACT INFO:

The link to each lawmaker mentioned in this publication goes to their individual websites, which have contact information. You can also find out whose legislative district you live or work in under [Find Your Lawmaker](#) in the [Political Affairs](#) section of [alabamaretail.org](http://alabamaretail.org).

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## TAXES

### House Backs Bill Promoting Hiring of Unemployed

Tuesday, the Alabama House unanimously approved the first job creation measure of this session. [HB 260](#) by [Rep. Robert Bentley, R-Tuscaloosa](#), allows a business to deduct up to 50 percent of the wages paid to any employee hired off the unemployment rolls who is then employed for a full year. Legislative fiscal experts expect the measure would reduce income tax liability of an employer by about \$325 for each \$10,000 in wages paid to a qualifying employee. The bill now goes to the Senate for its consideration.

Bentley's proposal is one of several similar or related bills introduced in the Alabama Legislature this session to attain needed incentives to encourage hiring. Congress also passed a jobs bill this week ([see FEDERAL below.](#))

Gov. Bob Riley is pushing three job creation proposals this year that use targeted tax breaks to encourage employers to hire or rehire workers and provide health insurance. The House Education Appropriations Committee has yet to consider any of the proposals backed by the governor. The committee's chairman, [Rep. Richard Lindsey, D-Centre](#), says he prefers Bentley's bill.

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### Innovative Budgeting Proposal Gets Hearing

After listening to arguments on both sides, the House Education Appropriations Committee delayed a vote Wednesday on [HB 99](#) by [Rep. Greg Canfield, R-Vestavia Hills](#), to create a budgeting process that uses spending ceilings based on the historical 15-year average annual growth rate for sales and income taxes, rather than revenue projections. The Senate companion, [SB 277](#) by [Sen. Steve French, R-Birmingham](#), awaits action by the Senate Finance and Taxation Education Committee.

The budgeting process created under the Education Trust Fund Rolling Reserve Act would allow for growth, eliminate proration and create reserve funds for future capital needs. The bill is supported by some local superintendents and school boards who say it would eliminate the need for budget cuts. Excess funds would be transferred to a "Budget Stabilization Fund" that would "roll" from one year to the next. If revenues fall short, money from the fund would transfer to prevent proration, with no "pay-back" requirement, thus eliminating the need to borrow from the state's Rainy Day



For committee assignments and clerk contacts for the Alabama Legislature, see [ARA's 2011 Legislative Roster](#).

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Through a partnership with Huntsville-based **CHECKredi**, ARA members get rates normally reserved for only the largest stores.

**Discounted Inbound and  
Outbound Shipping:**

Fund, which does mandate taxpayer reimbursement.

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## PHARMACY ISSUES

### Remote Drug Orders Clears Senate Committee

The Senate Health Committee on Thursday approved a substitute version of [SB 367](#) by [Sen. Tom Butler, D-Madison](#), which expands the definition of pharmacy to allow for the processing of insurance information, dispute adjudication and other administrative functions related to prescription drugs at a remote site, rather than where the drugs actually are dispensed. The bill would make it possible to operate pharmacy call centers for hospitals and other facilities where there are pharmacists and pharmacy technicians on duty but no actual drug inventory. The remote sites would not dispense any drugs, Butler said.

Butler said he would not move the bill on the Senate floor until technical questions raised by the Alabama Pharmacy Association, the Alabama Hospital Association and the Alabama Independent Drugstore Association have been answered to their satisfaction.

The House Health Committee will consider the House companion, [HB 571](#) by [Rep. Jim Barton, R-Mobile](#), during its Wednesday, March 3, meeting. At that same meeting, the committee will consider two bills by [Rep. Ronald Johnson, R-Sylacauga](#), which also affect the practice of pharmacy:

- [HB 587](#), which stipulates pharmacy is a "learned profession." Employees practicing a learned profession are not subject to many components of the Fair Labor Standards Act, mainly those relating to overtime.
- [HB 595](#) would amend the definition of the practice of pharmacy to include "consultation by a licensed pharmacist concerning prescription legend drugs prescribed for a patient by a health care provider authorized to prescribe." This language would clear up confusion about whether consultations are a legitimate practice of pharmacy and, therefore, similarly regulated as the other pharmacy practices.

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### Equal Treatment of Pharmacies Introduced

[Rep. Billy Beasley, D-Clayton](#), a licensed pharmacist who operates three drug stores, this week introduced legislation requiring health benefit plans to treat prescription providers

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### IMPORTANT EVENT THIS WEEK

WHAT: **Birmingham Business Leadership Exchange**  
WHEN: **6 p.m. Wednesday, April 6**  
WHERE: Regions Center Upper Lobby Auditorium, 1900 5th Avenue North

*Complimentary parking available at Regions Center deck via 19th St. North*

The Speaker's Commission on Job Creation is partnering with the Birmingham Business Alliance to invite business owners of companies across the industrial spectrum to attend a "Business Leadership Exchange," and share their ideas about how to improve the business climate in the state. If you have any questions, please **contact the office of House Speaker Mike Hubbard at 334-242-7668**. If you are unable to come to the Birmingham exchange but would like to submit ideas and recommendations, you may [email them to Alabama Jobs Commission](#)

or join the conversation on Facebook at

[facebook.com/speakersjobscommission](https://facebook.com/speakersjobscommission)

within an employer group or other plan-sponsored group the same in regard to copays, deductibles and quantities allowed. Specifically, [HB 640](#) would require equal treatment for a retail provider or a mail order benefit provider participating in a health benefit plan's network within the same plans for all drug prescriptions filled. The health benefit plan could continue to differentiate between copays for generic and brand name drugs, under the bill. However, the bill prohibits benefit plans from mandating an enrollee change drugs unless the prescription provider and the enrollee agree. If enacted, this legislation would take effect Oct. 1.

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## **ALCOHOL**

### **Sunday Sales in Tuscaloosa on Way to Full House**

The Tuscaloosa delegation in the Alabama House of Representatives on Thursday approved [HB 565](#) by [Rep. Chris England, D-Tuscaloosa](#), which would allow the city of Tuscaloosa to hold a referendum on Sunday alcohol sales. The bill is part of the Tuscaloosa City Council's legislative agenda. If the bill became law, the city council would have 30 days in which to set a referendum. Voters would be asked to approve liquor sales between noon and 9:30 p.m. on Sundays; and when Dec. 31 falls on a Sunday, the legal sale time would be between noon and 2 a.m. Monday, under this bill.

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### **Bill Seeks to Ban Stimulating Beers**

[Rep. John Rogers, D-Birmingham](#), introduced legislation Thursday to outlaw the sale of beer, malt or other brewed beverages containing caffeine or central nervous system stimulants. [HB 638](#) targets beverages growing in popularity with younger consumers, which contain alcohol in combination with caffeine or other stimulants. Some consumers prefer these drinks because the stimulants mask the depressant aspects of alcohol's affect on the nervous system. This bill awaits action in the House Tourism and Travel Committee.

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## **CREDIT**

### **Credit Card Rate Limits Proposed**

New Federal Law Takes Effect This Week

[Rep. James Gordon, D-Saraland](#), introduced state legislation that would regulate credit card interest rates in the same week a new federal credit card law became effective.

**HB 631** would prohibit banks that issue credit cards from increasing interest rates or lowering credit lines on the credit cards more than once a year.

Meanwhile, a federal law went into effect Monday that prohibits banks and other credit card issuers from raising rates in the first year after an account is opened unless an introductory rate has come to an end. After that, cardholders must be notified 45 days in advance of any rate change. For existing balances, rates can't be raised unless the account is at least 60 days past due. If payments are made on time for six consecutive months, the original rate must be restored. The federal law also caps service fees, mandates timing of statements, bans issuing cards to anyone under 21 without a co-signer, alters practices related to credit limits and makes creditors show how long it will take to pay off a balance if only minimum payments are made.

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## NEXT LEGISLATIVE DAY

**The Alabama Legislature will meet for organizational purposes beginning Jan. 11, 2011. The Alabama Senate and House will meet in regular session for 30 legislative days between March 1 and June 13, 2011.**

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## FEDERAL

### **\$15 Billion Jobs Bill Clears U.S. Senate**

Wednesday, the U.S. Senate approved the **Jobs for Main Street Act of 2010** ([HR 2847](#)), a \$15 billion version of the \$154 billion jobs bill that the U.S. House of Representatives OK'd in December. The Senate vote was 70 to 28, with 55



Democrats, 13 Republicans and two Independents voting for it. The legislation now returns to the House.

Senate Majority Leader Harry Reid, D-Nev., described the legislation as the first step in the Democrats' "*job agenda*" and to expect more legislation next week.

Among the provisions in the bill are:

- a temporary exemption from the 6.25 percent Social Security payroll tax through December for newly hired workers who have been unemployed for 60 days or more.
- an additional \$1,000 credit if the new workers stay on the job a full year.
- tax credits to small businesses for up to \$250,000 in capital expenditures, such as equipment purchases, this year.

The bill also funds highway and transit programs through 2010.

The Alabama Legislature this week approved a joint resolution ([HJR 53](#) by [Rep. Richard Lindsey, D-Centre](#)) calling on the Alabama legislative delegation to give its support to the Jobs for Main Street legislation. The Alabama Senate approved the resolution Tuesday on a vote of 16 to 12. The Alabama House approved it on a voice vote on Jan. 19th.

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