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CRR EXTRAS

Friday, March 12, 2010

ARA-Supported Bill Receives Final Approval
Electronic Tracking of Pseudoephedrine on Governor's Desk

The Alabama Legislature this week sent the governor legislation that requires electronic tracking of over-the-counter products containing ephedrine and pseudoephedrine, the key ingredients in the production of methamphetamine. The Alabama Retail Association and other groups worked with legislators to develop this legislation. ARA supported the effort as a means of discouraging lawmakers from mandating prescription-only status for the widely used nasal decongestants.

Tuesday, the Alabama Senate substituted [HB 528](#) by [Rep. Frank McDaniel, D-Albertville](#), for its Senate companion, [SB 407](#) by [Sen. Lowell Barron, D-Fyffe](#), and gave final approval to the legislation on a vote of 34-0. The bill now awaits the governor's signature.



McDaniel

Barron

ARA thanks Barron and McDaniel for their leadership in getting this legislation approved.

"This legislation will keep meth users from going from pharmacy to pharmacy and buying two packs of decongestants at each, and then using the products illegally to make crystal meth," Barron told the Senate.

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 will remain in place. Should the governor sign the bill into law, an electronic database paid for by the drug manufacturers would be established by the first of 2011. Prior to any sale of ephedrine or pseudoephedrine, every pharmacy or retailer selling the products would be required to enter the purchaser's

TOP ISSUES

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BILLS

- [HB 035](#)
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- [HB 620](#)
- [HB 680](#)
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- [HB 700](#)
- [HB 704](#)
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- [SB 196](#)
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- [SB 407](#)
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identifying information into that database. The database would then notify the seller if the purchaser has exceeded his or her daily or monthly limit for such purchases.

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. The legislation does make an exception for instances when the retailer fears bodily harm.

Information in the database would be shared with law enforcement agencies. Although this information is already collected, an electronic database makes the system more efficient and effective.

>> Other News

LEGAL ISSUES

Texting Ban Bill Could Cause Greater Liability

Motorists, Employers Could Get More Than Ticket

The Senate Judiciary Committee voted 8-1 Wednesday to ban text messaging while driving, but amended the bill so that a motorist must be committing some other offense, such as speeding, before police can stop the vehicle. The House approved [HB 35](#) by [Rep. Jim McClendon, R-Springville](#), in January. The Senate committee amended version, however, opens motorists and employers whose employees drive while on the job to greater liability. Under the bill as now written, a violation would be considered negligence per se. If a police officer gives a motorist a ticket for texting while driving at the scene of a chargeable accident to that motorist, then in a lawsuit the driver, and his or her employer if the accident occurred while he/she was driving as part of their job, would be considered negligent per se because the driver received the ticket. Even though the driver may not have been texting at all, they, nor their employer, will be able to prove otherwise in court. The bill now goes to the full Senate. **ARA will continue to monitor this legislation and work with others to have the liability issue removed from the legislation.**

Legislation Would Conceal Facts in Court

Proposes Change in Unemployment Compensation Statutes

- [SB 541](#)

IN THE NEWS

[Attorney General applauds final passage of meth database bill](#)

[Text messaging ban closer to becoming law in Alabama with Senate committee OK](#)

[Montgomery mayor, ABC Board resolve differences over downtown 'party' district](#)

[Senate OKs bill to let voters approve \\$1 billion for roads, bridges, railroads](#)

[Senate Democrats propose temporary state tax cuts](#)

[Alabama Legislature takes spring break](#)

[U.S. Senate passes \\$140 billion in tax breaks, aid to unemployed](#)

[U.S. Rep. Artur Davis to vote no on health care reform](#)

[Florida Gov. Jeb Bush endorses Bradley Byrne for Alabama governor](#)

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

ARA CONTACTS

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[Speaker Pro Tempore Demetrius Newton, D-Birmingham](#), and [Sen. Quinton Ross, D-Montgomery](#), for the second year have introduced legislation that would exclude findings of fact made under unemployment compensation statutes from consideration as evidence in other proceedings. [HB 700](#) and [SB 514](#) would be detrimental to employers as it would preclude an employer from using an employee's previous statements and findings in court in certain cases. It would keep employers from using the evidence in any proceeding, even if it is the same occurrence or transaction and between the same parties. For instance, it would prohibit the release of a finding that an employee was terminated for cause and not entitled to unemployment. This bill also would prohibit the use of such prior findings in a retaliatory discharge case. **ARA will continue to monitor this legislation.**

PHARMACY ISSUES

Panel OKs Remote Drug Services for Hospital Pharmacies

The House Health Committee on Thursday approved [HB 687](#) by [Rep. Ronald Johnson, R-Sylacauga](#), which would allow hospital pharmacy services to be conducted at a location other than the hospital's pharmacy. The bill now awaits action by the entire House. This legislation is similar to [SB 367](#) by [Sen. Tom Butler, D-Madison](#), a broader bill that would allow pharmacy services at a remote site, but HB 687 deals only with hospital pharmacies. The companion bill, [SB 510](#), also by Butler, awaits action in the Senate Health Committee, which already approved the broader bill.

SMOKING/TOBACCO

Bill to Ban Smoking in Restaurants

Figures, Newton Introduce Statewide Ban

[Sen. Vivian Figures, D-Mobile](#), and [Speaker Pro Tempore Demetrius Newton, D-Birmingham](#), this week introduced legislation to ban smoking in restaurants. The bills define a restaurant as an enclosed



facility that primarily serves food. [SB 541](#) has been assigned to the Senate Education Committee, which Figures chairs. [HB 720](#) is assigned to the House Government Operations Committee. This legislation is much narrower in scope from legislation introduced in the past that sought to ban smoking in all public places.

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](#).

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

[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](#).

ALCOHOL

Cities Could Establish Entertainment Districts Under Bill

Other cities may not be far behind Montgomery in creating entertainment districts where patrons can walk from establishment to establishment while drinking alcoholic beverages. Last week, Montgomery through local legislation created the state's first entertainment district in a downtown area known as the Alley. This week, [Sen. Bobby Singleton, D-Greensboro](#), introduced [SB 518](#) by and [Rep. James Buskey, D-Mobile](#), introduced [HB 704](#) to allow three classes of municipalities to establish entertainment districts. The bills would establish a separate liquor license for establishments within an entertainment district, and each municipality could have up to two separate districts. The annual fee – \$800 – would be the highest of any other liquor license issued. Even the Montgomery district would need the Legislature to establish this separate license for its district to become a reality. Right now, there is no license that would allow patrons to walk out with an open container. The Senate bill cleared the Senate Tourism and Marketing on Thursday and is ready for consideration by the full Senate. The House bill awaits action by the House Tourism and Travel Committee.

IMMIGRATION

DIR to E-Verify Employees

First Offenders Get Warning, Under Sanford Bill

[Sen. Paul Sanford, R-Huntsville](#), this week introduced legislation that would make it illegal for a business or government agency to knowingly hire or recruit someone who is not a U.S. citizen for employment. [SB 539](#) also would require the Alabama Department of Industrial Relations to use the federal E-verify system to determine the employment eligibility of all public and private employees. Under this legislation, the business employer would receive a warning on first offense, a business license suspension on second offense and a license revocation on third offense. The bill includes no penalties for public employers found in violation. This is the newest legislation aimed at policing employers who hire illegal immigrants.

ELECTIONS

House Panel to Consider Nonpartisan Appellate Elections



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

BENEFIT FROM THE VALUE

Now, Even More Benefits from ARA



Your Business Can Save Thousands

ARA constantly strives to increase the Value its members received from membership. Many members have been using our low-cost workers' comp program for years, but were asking for more. In January, we announced more savings. ARA members now have access to:

Cost-Saving Credit Card Processing:

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

Discounted Inbound and Outbound Shipping:

New Bill Calls for Nonpartisan Election of Local Judges

The House Constitution and Elections Committee on Wednesday will consider [HB 542](#) by [Rep. Jeff McLaughlin, D-Guntersville](#), which would mandate nonpartisan elections of justices for the Alabama Supreme Court, Court of Civil Appeals and Court of Criminal Appeals.

A week after rejecting legislation that would provide for the nonpartisan election of circuit and district court judges, the same committee will debate another bill that would accomplish the same goal. [HB 680](#) by McLaughlin and [Rep. Frank McDaniel, D-Albertville](#), is on the committee's agenda for its 9 a.m. March 24th meeting. Under this bill, the Legislature could, by local law, provide for the nonpartisan election of judges in a particular county or judicial circuit, after a petition requesting nonpartisan elections and signed by at least a majority of the circuit or district judges in that jurisdiction has been presented to the county commission. Last week, the committee rejected by a one-vote margin [HB 620](#) by [Rep. Charles Newton, D-Greenville](#), which called for a separate nonpartisan judicial ballot.

As part of its [2010 Legislative Agenda](#), ARA opposes any legislation that alters the current election process for appellate judges.

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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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

The *Capitol Retail Report* is another **Benefit from the Value** of **Alabama Retail Association** membership. For more benefits, go to www.alabamaretail.org