



March 16, 2012

Full House & Senate Panel Vote to Restrict Cold Medication Sales

ARA-Supported Compromise Legislation Avoids Prescription-Only Pseudoephedrine

The Alabama House of Representatives overwhelmingly passed legislation Thursday that would further restrict the sale of pseudoephedrine products rather than make them prescription-only medications as several Alabama lawmakers propose. The day before, a Senate committee approved an identical bill.

The Alabama Retail Association has worked for months with the sponsors and other interested parties on this compromise to avoid legislation that would require a physician's prescription for common medications used to combat cold and allergy symptoms.



Thursday, the House voted 101-1-1 for [HB 363](#) by Rep. Blaine Galliher, R-Rainbow City. Forty-eight House members signed on as co-sponsors after the vote. *"This is a good balance between law enforcement trying to do their very best to control a substance that, if it's abused, can be a very addictive and powerful influence. At the same time, it's balancing the right of the consumer to go and get this product without having to go to a doctor,"* Galliher said. Besides its legal use, pseudoephedrine also is the main ingredient in the illegal production of methamphetamine.

The bill:

- requires pseudoephedrine products be sold only from behind a pharmacy counter.
- reduces the amount of pseudoephedrine that can be purchased in any 30-day period from 9 grams to 7.5 grams, which is less than the federal limit.
- makes residents of states that require prescriptions for pseudoephedrine products (only Mississippi and Oregon) present a prescription to buy pseudoephedrine-based cold and allergy medications in Alabama.
- prohibits those convicted of any drug-related charge from buying pseudoephedrine-based products.

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TOP ISSUES

[Tuesday's Primary](#)

[Pharmacy Services](#)

[Sales Tax Holiday](#)

[Guns to Work](#)

[Jobs](#)

[Stop Meth Not Meds](#)

[Entertainment Districts](#)

[Credit Security Freeze](#)

[Open Wine](#)

[Damaged Beverage Labels](#)

[Common Sense Consumption](#)

[Health Insurance Exchange](#)

[Constitution](#)

[Pharmacy Audits](#)

[Union Elections](#)

[Campaign Finance](#)

Previous Issues

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Rep. Chad Fincher, R-Semmes, attempted to amend the bill to require pharmacists to screen all patients seeking to buy pseudoephedrine products to determine if the buyers have "a *legitimate medical and pharmaceutical need for the drug.*" Under Semmes' amendment a pharmacist would have been subject to disciplinary action from the Alabama Pharmacy Board for failure to screen pseudoephedrine users but would not be liable for refusing to dispense the medication to anyone. The House tabled Fincher's amendment on a vote of 66-20-1.

The House approved the six amendments that the House Health Committee added to the bill last week. Those amendments concerned forgery, restitution, an Alabama Drug Abuse Task Force subcommittee and the continued evaluation of the legislation's effectiveness in stopping the illegal production of meth along with technical aspects of the bill. The legislation now goes to the Senate.

Wednesday, the Senate Health Committee approved a substitute companion bill containing the same six amendments, [SB 344](#) by Sen. Bill Holtzclaw, R-Madison.

More than a half dozen bills that would make pseudoephedrine products prescription only have been introduced this session and some lawmakers remain passionate about that option. "*I think it is right to make it a prescription drug,*" Rep. Elaine Beech, D-Chatom, a retired pharmacist, said during Thursday's floor debate.

The Alabama Retail Association supports this compromise as a way to ensure common cold and allergy medications remain available and affordable for patients who need them.

PHARMACY

House OKs Pharmacy Services Permit to Help Save Shoals Call Center

On a vote of 91-0 Wednesday, the Alabama House approved [HB 393](#) by Rep. Lynn Greer, R-Rogersville, to create a pharmacy services permit for call centers and other such entities that perform some pharmacy services, but do not receive, inventory or dispense drugs, medicines, chemicals, poisons or medical devices.

The legislation is needed to save 55 jobs now and a potential total of 278 jobs at the Walgreens Customer Care Center in Muscle Shoals. Existing state pharmacy permits require pharmacists and pharmacist technicians on site, which are not needed at a facility such as this and would make the call center cost prohibitive. Although specifically written to keep the Shoals call center open, the bill would apply to any such pharmacy support facility that doesn't dispense or keep drugs.

Companion legislation by Sen. Tammy Irons, D-Florence, [SB 350](#), awaits consideration by the full Senate.

House and Senate Committees to Take up Pharmacy Audit Integrity Act

Public hearings have been called for next week for both the House and Senate versions of the Pharmacy Audit Integrity Act. The House Health Committee will consider [HB 394](#) by Rep. Elaine Beech, D-

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BILLS

House

- [HB 15](#)
- [HB 20](#)
- [HB 140](#)
- [HB 159](#)
- [HB 160](#)
- [HB 237](#)
- [HB 242](#)
- [HB 243](#)
- [HB 245](#)
- [HB 259](#)
- [HB 325](#)
- [HB 327](#)
- [HB 357](#)
- [HB 358](#)
- [HB 363](#)
- [HB 393](#)
- [HB 394](#)
- [HB 436](#)
- [HB 471](#)

Senate

- [SB 48](#)
- [SB 100](#)
- [SB 149](#)
- [SB 237](#)
- [SB 271](#)
- [SB 331](#)
- [SB 344](#)
- [SB 350](#)
- [SB 379](#)
- [SB 383](#)

Federal

- [SJR 36](#)
- [S. 1813](#)
- [HJR 103](#)

IN THE NEWS

[Alabama House votes to limit where ephedrine products can be sold](#)

Chatom, while the Senate Small Business Committee will debate [SB 383](#) by Sen. Paul Bussman, R-Cullman. Both bills would establish minimum and uniform standards for pharmacy record audits.

TAXES

House Next Stop for Severe Weather Tax Holiday

Wednesday, the House Ways and Means Education Committee amended and approved [HB 436](#) by Rep. Bill Poole (pictured), R-Tuscaloosa, which would establish a severe weather sales tax holiday for the last weekend in April of this year and an annual tax holiday for last weekend in February starting in 2013. The bill now goes to the full House. **ARA supports this legislation.**



Gov. Robert Bentley and his Tornado Recovery Action Council recommended the legislation and hope the Legislature can enact it in time to begin the first severe weather sales tax holiday on April 27, the first anniversary of last year's deadly and devastating tornadoes.

Rep. James Buskey, D-Mobile, pointed out to the committee that south Alabama, which is more hurricane prone, could also benefit from a severe weather tax holiday and expressed his support for the bill.

Rep. Steve McMillian, R-Bay Minette, amended the bill to add "*any plywood, window film or other materials specifically designed to protect window openings*" to the items that can be purchased sales-tax-free during the three-day tax holiday. Plywood was already among the covered items.

Common supplies, costing \$60 or less, that every home and business might need during and after severe weather are included in the proposed sales tax holiday. Generators costing \$1,000 or less also would qualify for the state tax exemption.

According to the bill's fiscal note, the state could lose \$2 million annually in sales taxes as a result of the three-day tax holiday on the covered items. Rep. Mark Tuggle, R-Alexander City, reminded the committee that state tax collections have increased in the month of August since the state's current sales tax holiday began in that month almost seven years ago.

"*The focus on reminding citizens to prepare for weather disasters far outweighs the reduction in potential revenue,*" Committee Chairman Jay Love, R-Montgomery, told the committee.

[>> Read more about success of Alabama's current sales tax holiday](#)

LEGAL

Panel Shoots Guns-to-Work Bill to Full Senate

[House votes to restrict sale of cold medicines](#)

[Walgreens bill clears state House](#)

[Business Council, NRA at odds over guns at work bill](#)

[House OKs bill to allow entertainment districts](#)

[Former Alabama Chief Justice Roy Moore pulls off political resurrection](#)

[Tommy Bryan wins seat on Alabama Supreme Court](#)

[Alabama voters keep congressional veterans Bachus and Bonner](#)

[Brooks defeats Griffith in 5th Congressional District race with 60 percent of vote](#)

[Alabama Senate panel debates job creation bill](#)

[Alabama Department of Education opposes plan to give expanding businesses income tax breaks](#)

[Judge dismisses lawsuit over incentives](#)

[House OKs 2 constitutional amendments](#)

[Alabama Arise renews call for end to state sales tax on groceries](#)

[Alabama House members debate over bill to allow businesses to hire prison inmates](#)

[Mobile Register: Alabama's beer and cigarette taxes are out of sync](#)

[U.S. Senate passes RESTORE Act for Gulf Coast states](#)

[What effects the health care law has had and what's to come](#)

[Decatur Daily: Affordable](#)

Thursday morning, the Senate Business and Labor Committee voted 4-1 in favor of [SB 331](#) by Sen. Paul Sanford, R-Huntsville, which 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 facilities. The bill now goes to the full Senate for consideration.

Under the bill, anyone denied the opportunity to transport or store a firearm or ammunition or who is terminated for violating a company policy can sue a business, property owner or public or private employer. If the gun-holder injures and kills anyone using the firearm carried or stored in their vehicle, however, a property owner cannot be held liable unless injury was the owner's intent, under the bill.

The House companion, HB 471 by Rep. Craig Ford, D-Gadsden, awaits action by the House Commerce and Small Business Committee.

The guns-to-work issue pits a business owner's property rights against the gun rights of employees and customers. **The Alabama Retail Association is committed to protecting employers' rights to secure company property and provide a safe workplace.**

Senate Judy to Debate Commonsense Consumption

The Senate Judiciary Committee will take up [SB 100](#) by Sen. Gerald Allen, R-Tuscaloosa, next Wednesday. Like [HB 242](#) by Rep. Mike Jones, R-Andalusia, which the House Judiciary Committee approved last week, the bill would protect retailers, restaurants and other businesses from civil action brought by those who claim the food they sold made a consumer obese. Besides retailers, among the groups that could not be sued under the ARA-supported Common Sense Consumption Act are manufacturers, packers, distributors, carriers, holders, marketers or advertisers.

FOOD SERVICE

Panel OKs Bill Banning Obscuring or Removing Beverage Labels

The House Agriculture and Forestry Committee on Wednesday approved [HB 327](#) by Rep. Chad Fincher, R-Semmes, which would ban obscuring, removing, or otherwise rendering illegible any product information on beverage labels and prohibit storing or transporting beverages without a label or with a label that has been obscured, removed or otherwise rendered illegible. Violations would result in a \$500 fine or a \$5,000 fine or six months in jail for violations involving 200 units or more. The committee amended the bill to exclude alcoholic beverages from the ban and removed language that would have also prohibited selling or holding for sale beverages with damaged labels. The bill now goes to the full House for consideration.

A public hearing before the Senate Judiciary Committee has been set for next week for the Senate companion, [SB 379](#) by Sen. Slade Blackwell, R-Birmingham.

[Care Act makes sense](#)

[CBO: Health reform could cause people to lose workplace coverage](#)

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Montgomery, AL 36130

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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:](#)

CREDIT

House OKs Credit Report Security Freeze Bill

On a vote of 93-0, , the Alabama House Wednesday approved [HB 15](#) by Rep. DuWayne Bridges, R-Valley, which would regulate Alabama residents' power to put a security freeze on their credit report. The bill prohibits a credit reporting agency from releasing a frozen credit report or score to a third party without the explicit consent of the consumer. The legislation also sets up methods by which a consumer can have the freeze lifted in under 15 minutes, should he/she wish to apply for credit. The bill, which incorporates ARA-requested changes, has been assigned to the Senate Judiciary Committee.

ALCOHOL

Entertainment Districts Get House Approval

On a vote of 86-3-8, the Alabama House on Wednesday amended and approved [HB 20](#) by Rep. James Buskey, D-Mobile, which would allow certain cities to create entertainment districts where patrons can walk from establishment to establishment with open containers. The bill applies to cities with populations of more than 25,000 or with an incorporated arts council, main street program or downtown development entity.

At the insistence of the Birmingham legislators, the House amended the bill to allow Class 1 cities, those with populations of 300,000 or more, to have up to five entertainment districts. Cities with between 25,000 and 299,999 people are limited to the possibility of two entertainment districts. Any district created would have to be approved by the local government.

The districts must have a minimum of four establishments with liquor licenses nearby and can be as large as a half mile long and a half mile wide. Legislation creating such districts specifically for Montgomery passed in 2010.

Panel to Consider Allowing You to Take Your Open, but Corked Wine Home

The House Economic Development and Tourism Committee will conduct a public hearing Wednesday on [HB 325](#) by Rep. Terri Collins, R-Decatur, which would allow customers to take an opened bottle of wine from a properly licensed establishment, if the bottle has been recorked or resealed in a bag. The seller must also provide the customer with a dated receipt for the resealed wine bottle. The companion legislation, [SB 237](#) by Sen. Paul Sanford, R-Huntsville, awaits consideration by the Senate Judiciary Committee.

Pell City Sunday Beer Sales on Panel's Agenda for Next Week

Also on the House Economic Development and Tourism Committee agenda next week is a bill that would authorize the Pell City Council to call a referendum to allow Sunday beer sales within the Pell City limit and for a portion of the proceeds from those sales to go the Pell

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.

BENEFIT FROM THE VALUE



Deadline Extended to Sunday, March 18

The [National Retail Federation](#) is running a nationwide *This Is Retail* video contest. NRF is giving away \$50,000 in cash prizes for the best retail stories in America. All you need to do to enter is tell your story about why retail matters in a two-minute video. The contest is open to anyone who works in the retail industry.

Your video can highlight how your store positively impacts shoppers or the community, the stores' role in the creation of a new innovative product or technology or how an initiative will generate new jobs to boost the economy. The top three winners will be flown to Washington, D.C. to claim their cash prizes.

Don't let this opportunity pass you by to make the voice of retailing heard and to show the world what amazing retail stories Alabama has to tell!

CAMPAIGNS AND ELECTIONS

All Campaign Donations of More Than \$100 to Include Donor's Occupation and Employer, Under Bill Approved by a Senate Committee

The Senate Constitution, Campaign Finance, Ethics, and Elections Committee on a 7-0 vote Wednesday approved [SB 149](#) by Sen. Arthur Orr, R-Decatur, which would require campaign finance reports to include the occupation and name of the employer of anyone who donates more than \$100 to a candidate. The bill now goes to the full Senate. The House companion, [HB 259](#) by Rep. Mike Ball, R-Madison, awaits action by the House Ethics and Campaign Finance Committee.

Enroll in FREE Retail University

In April, ARA begins a four-part series of free online courses to provide practical tips and new ideas you can implement in your store.

All events start at 7:30 a.m. CT / 8:30 a.m. ET

To Tweet or not to Tweet:

Answers to the most common social media questions in retail

Wednesday, April 25



Presented by **Braden Russom**, Web Marketing Director, Burst Marketing

Facebook, Twitter, YouTube, Google+, check-in applications. This webinar is geared for novices with tips and resources to make your foray into social media easier.

[Register Now!](#)

Give your customers Red Carpet Treatment

Customer service strategies that will make shoppers return.

Wednesday, May 23

4 ARA-Endorsed Candidates Won Tuesday

Eighty percent of the candidates endorsed by the Alabama Retail Association in Tuesday's primary won their party nomination.

Two of the candidates won their office outright with Tuesday's victory:

- In January, Court of Civil Appeals Judge Tommy Bryan will replace Justice Thomas Woodall on the Alabama Supreme Court. Bryan won the Republican nomination for the Place 1 seat on the Supreme Court with 67 percent of the votes cast in that statewide race. No Democrat sought that seat on the court, so Bryan has no challenger on the November ballot.
- U.S. Rep. Jo Bonner of Mobile won the Republican nomination with 56 percent of the vote. There is no Democrat on the ballot in November for his First Congressional District seat.



Two ARA-supported candidates will face further challenges in November:

- U.S. Rep. Spencer Bachus of Vestavia Hills received 59 percent of Tuesday's vote in the Sixth Congressional District. Bachus now faces Democrat Penny Bailey of Leeds, a retired Air Force colonel, in the November general election.
- U.S. Rep. Mo Brooks of Huntsville captured almost 60 percent of the Republican primary vote in the 5th Congressional District. Brooks now faces Democrat Charlie Holley, a hospital computer administrator, minister and first-time politician, in the November general election.

Congratulations to Bryan, Bonner, Bachus and Brooks and thanks



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Learn five steps to exceptional Red Carpet Treatment designed to thrill every customer. Invite your employees to participate in this event.

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To learn more or register for future courses, go to **[Calendar](#)** under **[Awards and Events](#)** at **alabamaretail.org**

JOB/INCENTIVES

Job Creating Bills Garner Debate, But No Vote

A couple of incentive bills to attract businesses and jobs were discussed but not voted this week and another is slated for committee consideration next week.

The Senate Finance and Taxation Education Committee conducted public hearings but took not vote Wednesday on:

- **[HB 159](#)**, a constitutional amendment that requires the state's voters to approve provisions of **[HB 160](#)** by Rep. Barry Mask, R-Wetumpka. The committee is considering changes to the measure that would allow companies to use some of the income tax they withhold from employees to make new hires or expand. Alabama Development Office Director Greg Canfield said a new version of the bill would address concerns over a provision that rewards companies for retaining existing jobs without creating new ones. The Senate Job Creation and Economic Development Committee has yet to take up **[SB 271](#)**, the companion measure to HB 160 by Sen. Phil Williams, R-Rainbow City.
- **[HB 243](#)** by Rep. Terri Collins, R-Decatur, which increases the incentives offered to companies to film movies and television shows in Alabama. Sen. Gerald Dial, R-Lineville, presented Collins' bill to expand from \$10 million to \$20 million the amount film productions must spend in the state to qualify for the tax incentives. The bill also incrementally raises the annual amount the state can spend overall on film production incentives from the current \$10 million to \$25 million a year by 2014.
- The House Economic Development and Tourism Committee next week is expected to discuss **[SB 48](#)** by Sen. Arthur Orr, R-Decatur, to allow companies that spend at least \$100 million on capital improvements and hire at least 100 people to delay the tax credit for up to four years. The committee has already approved the House companion, **[HB 140](#)** by Rep. Micky Hammon, R-Decatur.

The Alabama Education Association opposes all of these bills as drains on the state's Education Trust Fund, even though the jobs created would generate tax revenue the state currently doesn't have.

CONSTITUTION

House Approves Rewrites of Corporation, Banking Portions of Constitution

The Alabama House of Representatives made strides Thursday in the Legislature's goal to rewrite the state's 1901 constitution, article by article. The House passed constitutional amendments by Rep. Paul DeMarco, R-Homewood, that rewrite the articles relating to private corporations (**[HB 357](#)**) and banking (**[HB 358](#)**).

Similar legislation cleaning up these articles passed the House last year but did not come up for a vote in the Senate. If approved, the amendments will be submitted to voters for approval in November.

HEALTH REFORM

House Health Takes No Vote on Alabama Health Insurance Exchange

The House Health Committee conducted a public hearing Wednesday but took no vote on [HB 245](#) by Rep. Greg Wren, R-Montgomery, which creates the Alabama Health Insurance Exchange as required under federal healthcare reform (Patient Protection and Affordable Care Act). According to news reports compiled by the Center for Budget and Policy, Alabama is one of 12 states that plan to delay implementing the state-run exchanges called for in the controversial 2010 federal health law until June when the U.S. Supreme Court is expected to decide whether the health law is constitutional. Wren's bill specifies that if the federal law is repealed, declared unconstitutional or is no longer funded, the Alabama exchange will be dissolved. Monitoring this legislation is part of ARA's 2012 Legislative Agenda.

NEXT LEGISLATIVE DAY:

The Alabama House of Representatives will convene 1 p.m. Tuesday, March 20, for the 14th day of the 2012 regular session. The Senate meets at 2 p.m.

FEDERAL

Urge Congress to Stop Ambush Union Regulations

"Resolutions of Disapproval" are pending in Congress in attempt to nullify a National Labor Relations Board's regulation that would speed up union representation election procedures.

[SJR 36](#) by Sen. Mike Enzi, R-Wyo., is before the Senate Health, Education, Labor, and Pensions Committee. [HJR 103](#) by Rep. John Kline, R-Minn., has been assigned to the House Education and the Workforce Committee. Both would overturn what has become known as the *"quickie/ambush"* regulations. Currently, union elections take an average of 38 days to schedule. The pre-election process could be shortened to as little as 10 days under the new NLRB rule. Ten days is not enough time for employers to communicate with employees about the issue, nor enough time for employees to become familiar with the unionization issue so they can make an informed decision. Contact Alabama's senators and your representative and ask them to co-sponsor the resolutions and to vote for the resolutions when they come to the floor for a vote.

U.S. Senate Passes RESTORE Act for Gulf Coast

The U.S. Senate on Wednesday, approved [S. 1813](#), a transportation bill that includes the RESTORE Act. The RESTORE ACT requires 80 percent of the Clean Water Act fines against companies responsible

for the 2010 Deepwater Horizon oil spill to be split among Alabama and the four other Gulf Coast states. The transportation bill passed 74-22 with Alabama senators, Richard Shelby and Jeff Sessions, both voting in favor of it.

The U.S. House approved a less-binding version of the RESTORE Act, so the two chambers will have to work out their differences before the transportation bill becomes law.

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