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## 2021 Legislative Update: Week 10

### Overview

Representatives and Senators met for three legislative days this week – Tuesday, Wednesday, and Thursday – and have now met for 21 of the session’s 30 days. It is expected that legislators will meet for two legislative days each of the next four weeks, take a one-week break, and then return for the 30<sup>th</sup> and final legislative day on Monday, May 17.

The tenth week of the session saw debate, some of it contentious, around a few of the more controversial topics that have been considered since the 2021 Regular Session began on February 2, including health care, gaming, medical marijuana, elections, and education policy.

### PBM Legislation

Legislation introduced by Sen. Tom Butler of Madison, Senate Bill 227, would have significantly altered the role that Pharmacy Benefit Managers, or PBMs, play in the prescription drug delivery system. From the beginning, the legislation was met with overwhelming grassroots support from pharmacists, particularly those from smaller, independent pharmacies. At the same time, however, the business community strongly objected to the bill, claiming that it could increase annual health insurance premiums by as much as \$1,000 per employee. Numerous stakeholder groups assembled for multiple behind-the-scenes mediation sessions led by Senate Majority Leader Clay Scofield of Arab. What resulted was a compromise bill adopted by the Senate Banking and Insurance Committee on Wednesday and by the full Senate on Thursday. The latest version of the bill requires the state’s Department of Insurance to increase its oversight role of PBMs but still allows employers to offer low-cost prescription drug delivery options, such as mail-order pharmacies. The legislation will likely be managed on the House side by Majority Leader Nathaniel Ledbetter of Rainsville, who sponsored a similar bill earlier this session.

### “Simple Lottery”

After the comprehensive gaming bill sponsored by Sen. Del Marsh failed to garner enough votes to advance out of the Senate, Sen. Jim McClendon of Springville introduced what he termed a “simple lottery” constitutional amendment, Senate Bill 319. The bill would authorize a lottery where tickets could be sold at stores, kiosks, and through a phone app. Though this bill lay dormant for a few weeks, it was back in the limelight on Tuesday and Wednesday. The Senate Tourism and Marketing approved the bill on Tuesday, setting up a floor debate for the next day. Fearing that he might not have the 21 votes required for passage, however, Sen McClendon asked for the bill to be carried over. Alabama remains one of five states without a state lottery, but plenty of time remains this session for McClendon’s bill to pass the Senate and House.

### Medical Marijuana

The House Judiciary Committee met on Wednesday to once again discuss Senate Bill 46, the medical marijuana bill sponsored by Sen. Tim Melson of Florence. The bill had been the subject of much debate over the past few

weeks and will have to be reported by both the House Judiciary and Health Committees before coming to the House floor. The committee held a very detailed session on the legislation, with two committee members, Rep. Ben Robbins of Sylacauga and Rep. David Faulkner of Mountain Brook, offering a total of 17 amendments to the bill. In the end, the committee adopted 10 of those amendments.

## **Elections**

At least two bills pertaining to elections advanced through the Legislature this week. House Bill 285, a bill sponsored by Rep. Wes Allen of Troy that bans curbside voting, was favorably reported by the Senate Governmental Affairs Committee on Wednesday. It is now in a position to be voted on by the full Senate. Additionally, matching constitutional amendments sponsored by Sen. Dan Roberts of Mountain Brook and Rep. Jim Carns of Birmingham would provide that any changes to election laws must be enacted at least six months before a general election. Both the House bill, House Bill 388, and the Senate bill, Senate Bill 326, passed out of its house of origin on Thursday. Each bill is now in a position to be considered by a House and Senate committee.

## **Education Policy**

The House Education Policy Committee, led by Rep. Terri Collins of Decatur, held a lengthy series of public hearings on Wednesday to discuss three bills: House Bill 9 by Rep. Tommy Hanes of Scottsboro, which would ban Chinese Confucius Institutes on Alabama public school campuses; House Bill 440 by Rep. Bob Fincher of Woodland, which would eliminate the usage of “Common Core” educational standards; and House Bill 559 by Rep. Charlotte Meadows of Montgomery, which would increase the amount of tax credits available for donating to a Scholarship Granting Organization. Each public hearing included a relatively large group of proponents and opponents, but ultimately no vote was taken on any of the bills.

## **Birmingham Retirement Systems**

The strangest floor vote of the week may have been on House Bill 510, a bill by Rep. Allen Treadaway of Morris designed to reform the pension system for the City of Birmingham. Treadaway, himself a former city employee and member of the Birmingham Pension Board, testified that the bill, which increases employee contributions by .5%, was needed to help close a \$400 million funding gap in the Birmingham retirement system. While the legislation had its supporters and detractors, the most interesting thing about it may have been the vote itself. Though the legislation applies only to the Magic City, House Bill 510 is a “general bill” and not a “local bill.” Still, many legislators, particularly in the House, are wary of voting on matters that are perceived to impact a locality that they do not represent. So, in the 105-member House, the final vote on this bill was 24-2, with a whopping 57 abstentions. The bill made its way to the Senate, where it was approved by a Senate committee on Thursday and is now in a position to be considered by the full Senate.

## **Statistics**

Through 21 of a possible 30 legislative days, Representatives and Senators have introduced 998 bills - 611 in the House and 387 in the Senate - and 284 resolutions. As of this writing, 168 have been enacted into law. The session must end on or before Monday, May 17. Legislators will return to Montgomery on Tuesday, April 13, for the 22<sup>nd</sup> legislative day.

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