

1 SB121
2 172543-1
3 By Senator Sanford
4 RFD: Governmental Affairs
5 First Read: 02-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: This bill would abolish certain inactive
9 state boards, commissions, committees, authorities,
10 councils, and task forces established by the
11 Legislature.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to boards and commissions; to amend
18 Sections 20-2-190, 22-1-12, 22-23A-3, 24-10-2, 24-10-4,
19 24-10-5, and 41-23-23, Code of Alabama 1975; to repeal Article
20 1, commencing with Section 2-7-1, of Chapter 7 of Title 2,
21 Chapter 13A, commencing with Section 2-13A-1, of Title 2,
22 Chapter 2A, commencing with Section 4-2A-1, of Title 4,
23 Chapter 6A, commencing with Section 9-6A-1, of Title 9,
24 Sections 9-12-142, 9-13-25, and 14-1-18, Chapter 18A,
25 commencing with Section 16-18A-1, of Title 16, Article 2,
26 commencing with Section 16-55-20, of Chapter 55 of Title 16,
27 Section 16-25A-13, Chapter 4A, commencing with Section

1 22-4A-1, of Title 22, Article 2, commencing with Section
2 22-18-20, of Chapter 18 of Title 22, Sections 22-30E-12,
3 22-50-25, 24-10-8, and 24-10-9, Article 12, commencing with
4 Section 29-2-221, of Chapter 2 of Title 29, Chapter 3,
5 commencing with Section 32-3-1, of Title 32, Article 7,
6 commencing with Section 36-21-140, of Chapter 21 of Title 36,
7 Section 36-36-10, Chapter 7A, commencing with Section 38-7A-1,
8 of Title 38, Section 40-23-242, Article 7B, commencing with
9 Section 41-9-190, of Chapter 9 of Title 41, Article 18,
10 commencing with Section 41-9-490, of Chapter 9 of Title 41,
11 Article 20A, commencing with Section 41-9-540, of Chapter 9 of
12 Title 41, Article 22, commencing with Section 41-9-570, of
13 Chapter 9 of Title 41, Article 30, commencing with Section
14 41-9-780, of Chapter 9 of Title 41, Article 32, commencing
15 with Section 41-9-830, of Chapter 9 of Title 41, Article 7,
16 commencing with Section 41-10-200, of Chapter 10 of Title 41,
17 Article 15, commencing with Section 41-10-490, of Chapter 10
18 of Title 41, and Chapter 25, commencing with 41-25-1, of Title
19 41, Code of Alabama 1975; to repeal Act 1975-1178, Act
20 1979-43, Act 1984-319, Act 1985-138, Act 1985-280, Act
21 1985-301, Act 1985-811, Act 1987-02, Act 1988-213, Act
22 1991-259, Act 1991-325, Act 1992-56, Act 1994-764, Act
23 1996-289, Act 1997-68, Act 1997-818, Act 1998-107, Act
24 1998-156, Act 2000-8, Act 2001-62, Act 2002-318, Act 2004-421,
25 Act 2004-540, Act 2005-257, Act 2006-430, Act 2007-171, Act
26 2007-421, Act 2007-507, Act 2007-565, Act 2007-592, Act
27 2008-25, Act 2008-121, Act 2008-337, Act 2008-386, Act

1 2009-142, Act 2009-180, Act 2009-794, Act 2009-798, Act
2 2009-806, Act 2010-458, Act 2010-638, Act 2011-132, Act
3 2011-356, Act 2012-25, Act 2012-597, and Act 2014-194.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following provisions of the Code of
6 Alabama 1975, are repealed:

7 (1) Article 1, commencing with Section 2-7-1, of
8 Chapter 7 of Title 2, Code of Alabama 1975, relating to the
9 Agricultural and Industrial Exhibit Commission.

10 (2) Chapter 13A, commencing with Section 2-13A-1, of
11 Title 2, Code of Alabama 1975, relating to the Southern Dairy
12 Compact and the Southern Dairy Compact Commission.

13 (3) Chapter 2A, commencing with Section 4-2A-1, of
14 Title 4, Code of Alabama 1975, relating to the Alabama
15 International Airport Authority.

16 (4) Chapter 6A, commencing with Section 9-6A-1, of
17 Title 9, Code of Alabama 1975, relating to the Synfuels
18 Development Authority.

19 (5) Section 9-12-142, Code of Alabama 1975, relating
20 to the Fishing Reef Ship Commission.

21 (6) Section 9-13-25, Code of Alabama 1975, relating
22 to the Forestry Study Committee.

23 (7) Section 14-1-18, Code of Alabama 1975, relating
24 to the Capital Outlay Oversight Commission.

25 (8) Chapter 18A, commencing with Section 16-18A-1,
26 of Title 16, Code of Alabama 1975, relating to the Private
27 Colleges and Universities Facilities Authority.

1 (9) Section 16-25A-13, Code of Alabama 1975,
2 relating to the Public Education Employees' Health Insurance
3 Board Legislative Advisory Committee.

4 (10) Article 2, commencing with Section 16-55-20, of
5 Chapter 55 of Title 16, Code of Alabama 1975, relating to the
6 Alabama High School Legislative Leadership Academy.

7 (11) Chapter 4A, commencing with Section 22-4A-1, of
8 Title 22, Code of Alabama 1975, relating to the Family
9 Practice Rural Health Board.

10 (12) Article 2, commencing with Section 22-18-20, of
11 Chapter 18, Title 22, Code of Alabama 1975, relating to the
12 Alabama Emergency Medical Services Education Commission.

13 (13) Section 22-30E-12, Code of Alabama 1975,
14 relating to the Alabama Land Recycling and Economic
15 Redevelopment Commission.

16 (14) Section 22-50-25, Code of Alabama 1975,
17 relating to the Mental Health Capital Outlay Oversight
18 Commission.

19 (15) Sections 24-10-8 and 24-10-9, Code of Alabama
20 1975, relating to the Alabama Housing Trust Fund Advisory
21 Committee.

22 (16) Article 12, commencing with Section 29-2-221,
23 of Chapter 2 of Title 29, Code of Alabama 1975, relating to
24 the Legislative Youth Advisory Council and Commission.

25 (17) Chapter 3, commencing with Section 32-3-1, of
26 Title 32, Code of Alabama 1975, relating to the State Safety
27 Coordinating Committee.

1 (18) Article 7, commencing with Section 36-21-140,
2 of Chapter 21 of Title 36, Code of Alabama 1975, relating to
3 the Alabama Law Enforcement and Firefighter Service Medals
4 Review Committee.

5 (19) Section 36-36-10, Code of Alabama 1975,
6 relating to the Permanent Legislative Oversight Committee on
7 Retirees' Health Care.

8 (20) Chapter 7A, commencing with Section 38-7A-1, of
9 Title 38, Code of Alabama 1975, relating to the Child Care
10 Commission.

11 (21) Section 40-23-242, Code of Alabama 1975,
12 relating to the ONE SPOT State and Local Advisory Committee.

13 (22) Article 7B, commencing with Section 41-9-190,
14 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
15 the Recycling Industry and Market Development Council.

16 (23) Article 18, commencing with Section 41-9-490,
17 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
18 the State Beautification Board.

19 (24) Article 20A, commencing with Section 41-9-540,
20 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
21 the Governor's Mansion Authority.

22 (25) Article 22, commencing with Section 41-9-570,
23 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
24 the Criminal Justice Advisory Commission.

25 (26) Article 30, commencing with Section 41-9-780,
26 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
27 the Tennessee Valley Exhibit Commission.

1 (27) Article 32, commencing with Section 41-9-830,
2 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
3 the Alabama Turkey Hunters Hall of Fame Board.

4 (28) Article 7, commencing with Section 41-10-200,
5 of Chapter 10 of Title 41, Code of Alabama 1975, relating to
6 the Alabama Shakespeare Festival Theatre Finance Authority.

7 (29) Article 15, commencing with Section 41-10-490,
8 of Chapter 10 of Title 41, Code of Alabama 1975, relating to
9 the Alabama State Parking Deck Authority.

10 (30) Chapter 25, commencing with 41-25-1, of Title
11 41, Code of Alabama 1975, relating to the Alabama Drug
12 Education and Awareness Oversight Council.

13 Section 2. The following Acts of Alabama are
14 repealed:

15 (1) Act 1975-1178 (HJR430), relating to the Interim
16 Committee to Study the Tax Structure of the State of Alabama
17 and the Distribution of Tax Revenues.

18 (2) Act 1979-43 (HJR19), relating to the Joint Study
19 Committee on Agriculture.

20 (3) Act 1984-319 (HJR81), relating to the Alabama
21 Historical Records Advisory Board Legislative Oversight
22 Committee.

23 (4) Act 1985-138 (SJR42), relating to the Joint
24 Legislative Children and Youth Study Committee.

25 (5) Act 1985-280 (SJR102), relating to the Alabama
26 Legislative Congressional Advisory Committee on Farm Programs.

1 (6) Act 1985-301 (HJR188), relating to the Alabama
2 Legislative Congressional Advisory Committee on the Textile
3 Industry.

4 (7) Act 1985-811 (HJR5), relating to the Interim
5 Committee to Study the Tax Structure of the State of Alabama
6 and the Distribution of Tax Revenues.

7 (8) Act 1987-02 (HJR5), relating to the Legislative
8 Parking Committee.

9 (9) Act 1988-213 (HJR66), relating to the
10 Legislative Commission on AIDS.

11 (10) Act 1991-259 (SJR119), relating to the Alabama
12 Commission on Aerospace Science and Industry.

13 (11) Act 1991-325 (SJR22), relating to the Committee
14 to Study and Provide for the Erection of a Vietnam Veterans
15 Monument on the State Capitol Grounds.

16 (12) Act 1992-56 (HJR29), relating to the
17 International Airport Permanent Legislative Oversight
18 Committee.

19 (13) Act 1994-764 (HJR58), relating to the Permanent
20 Joint Legislative Oversight Committee on Rehabilitation
21 Services.

22 (14) Act 1996-289 (SJR75), relating to the Joint
23 Legislative Committee for the Alabama Agricultural Center.

24 (15) Act 1997-68 (HJR29), relating to the Welfare to
25 Work Task Force to Study ONE STOP Centers.

26 (16) Act 1997-818 (SJR14), relating to the
27 Children's Health Insurance Program Commission.

1 (17) Act 1998-107 (HJR78), relating to the Alabama
2 Forestry Commission, Volunteer Fire Departments and the Rural
3 Community Fire Protection Institute Joint Permanent
4 Legislative Oversight Committee.

5 (18) Act 1998-156 (SJR74), relating to the
6 Children's Health Insurance Program Commission.

7 (19) Act 2000-8 (HJR44), relating to the Blackbelt
8 Infrastructure Legislative Committee.

9 (20) Act 2001-62 (HJR62), relating to the Alabama
10 Public-Private Heart Disease and Stroke Task Force.

11 (21) Act 2002-318 (HJR423), relating to the Alabama
12 Public-Private Heart Disease and Stroke Task Force.

13 (22) Act 2004-421 (SJR82), relating to the Emergency
14 Response Commission.

15 (23) Act 2004-540 (SJR89), relating to the
16 Commission on Government Accountability.

17 (24) Act 2005-257 (HJR40), relating to the
18 Legislative Task Force on Obesity.

19 (25) Act 2006-430 (SJR27), relating to the Emergency
20 Response Commission.

21 (26) Act 2007-171 (HJR176), relating to the Health
22 Information Technology Partnership.

23 (27) Act 2007-421 (HJR19), relating to the Joint
24 Legislative Children and Youth Study Committee.

25 (28) Act 2007-507 (SJR77), relating to the Joint
26 Legislative Committee on the New National Veterans Cemetery.

1 (29) Act 2007-565 (HJR306), relating to the
2 Legislative Task Force on Morbid Obesity.

3 (30) Act 2007-592 (HJR153), relating to the Task
4 Force to Study and Recommend Strategies to Assist Existing
5 Industries in Alabama.

6 (31) Act 2008-25 (SJR13), relating to the Commission
7 to Enhance the Enforcement of Alabama's Litter Laws.

8 (32) Act 2008-121 (SJR121), relating to the Family
9 Law Task Force.

10 (33) Act 2008-337 (HJR640), relating to the Services
11 for Alabama Families Study Commission.

12 (34) Act 2008-386 (HJR656), relating to the Alabama
13 Waterfront Access Study Committee.

14 (35) Act 2009-142 (SJR61), relating to the
15 Commission on Mining Safety Laws.

16 (36) Act 2009-180 (HJR297), relating to the Services
17 for Alabama Families Study Commission.

18 (37) Act 2009-794 (HJR592), relating to the
19 Statewide Public Transit Commission.

20 (38) Act 2009-798 (SJR26), relating to the Alabama
21 Amistad Commission.

22 (39) Act 2009-806 (SJR123), relating to the Equal
23 Pay Commission.

24 (40) Act 2010-458 (HJR840), relating to the Alabama
25 Waterfront Access Study Committee.

26 (41) Act 2010-638 (HJR832), relating to the Alabama
27 Innovation Council Study Commission.

1 (42) Act 2011-132 (SJR63), relating to the Alabama
2 Waterfront Access Study Committee.

3 (43) Act 2011-356 (SJR118), relating to the Alabama
4 Clean Water Task Force.

5 (44) Act 2012-25 (HJR28), relating to the Alabama
6 Task Force on Homeowners Associations.

7 (45) Act 2012-597 (HJR433), relating to the
8 Alzheimer's Disease Task Force.

9 (46) Act 2014-194 (HJR231), relating to the
10 Alzheimer's Disease Task Force.

11 Section 3. Sections 20-2-190, 22-1-12, 22-23A-3,
12 24-10-2, 24-10-4, 24-10-5, and 41-23-23, Code of Alabama 1975,
13 are amended to read as follows:

14 "§20-2-190.

15 "(a) Any person who manufactures, sells, transfers,
16 receives, or possesses a listed precursor chemical violates
17 this article if the person:

18 "(1) Knowingly fails to comply with the reporting
19 requirements of this article;

20 "(2) Knowingly makes a false statement in a report
21 or record required by this article or the rules adopted
22 thereunder;

23 "(3) Is required by this article to have a listed
24 precursor chemical license or permit, and is a person as
25 defined by this article, and knowingly or deliberately fails
26 to obtain such a license or permit. An offense under this
27 subsection shall constitute a Class C felony.

1 "(b) Notwithstanding the provisions of Section
2 20-2-188, a person who possesses, sells, transfers, or
3 otherwise furnishes or attempts to solicit another or
4 conspires to possess, sell, transfer, or otherwise furnish a
5 listed precursor chemical or a product containing a precursor
6 chemical or ephedrine or pseudoephedrine, their salts or
7 optical isomers, or salts of optical isomers commits an
8 offense if the person possesses, sells, transfers, or
9 furnishes the substance with the knowledge or intent that the
10 substance will be used in the unlawful manufacture of a
11 controlled substance. An offense under this subsection shall
12 constitute a Class B felony.

13 "(c) (1) It shall be unlawful for any person,
14 business, or entity to knowingly sell any ephedrine or
15 pseudoephedrine, their salts or optical isomers, or salts of
16 optical isomers unless sold from a pharmacy licensed by the
17 Alabama Board of Pharmacy. Any ephedrine or pseudoephedrine,
18 their salts or optical isomers, or salts of optical isomers
19 sold within a pharmacy must be sold by an individual licensed
20 as a pharmacist, a pharmacy technician licensed by the Alabama
21 Board of Pharmacy, or by an employee of the pharmacy under the
22 direct supervision and control of a licensed pharmacist.

23 "(2) Products whose sole active ingredient is
24 ephedrine or pseudoephedrine in strength of 30 mg. or more per
25 tablet cannot be offered for retail sale loose in bottles, but
26 must be sold only in blister packages.

1 "(3) All packages of tablets containing ephedrine or
2 pseudoephedrine shall be stored by a pharmacy by placing the
3 products behind a counter, within the pharmacy where the
4 public is not permitted.

5 "(4) No person shall deliver, sell, or purchase
6 products sold over-the-counter that contain a combined total
7 of more than 3.6 grams per calendar day or more than 7.5 grams
8 per 30 days, of ephedrine base or pseudoephedrine base. It
9 shall not be a defense under this subdivision if no money was
10 exchanged during a transaction that would otherwise be
11 unlawful under this subdivision.

12 "(5)a. Each pharmacy selling an over-the-counter
13 product in compliance with paragraph b. of this subdivision
14 shall require the purchaser of the product or products to be
15 at least 18 years of age, to provide a valid, unsuspended
16 driver's license or nondriver identification card issued by
17 this state, a valid, unsuspended driver's license or nondriver
18 identification card issued by another state, a United States
19 Uniformed Services Privilege and Identification Card, or a
20 United States or foreign passport, and to sign a record of
21 each transaction. A record of each transaction shall include
22 the magnetic transfer or electronic entry of information data
23 from the identification card into the system, as well as the
24 type of identification card used, including the number, name,
25 date of birth, and current, valid address of the purchaser,
26 the date and time of the sale, the name of the product being
27 sold, as well as the total quantity in grams, of ephedrine or

1 pseudoephedrine being sold. The system required pursuant to
2 this section shall be available to the state and to pharmacies
3 accessing the system without cost. Effective January 1, 2011,
4 provided a system is available to the state without cost to
5 the state or pharmacies for accessing the system, before
6 completing a sale of a product covered by this section, a
7 pharmacy shall submit the required information to the
8 electronic sales tracking system established under subdivision
9 (1) of subsection (i). The seller shall not complete the sale
10 if the system generates a stop sale alert except when the
11 seller follows the procedure described under subsection (i)
12 for overriding the stop sale alert when the seller has fear of
13 bodily harm. Any seller who fails to comply with this
14 subdivision shall be guilty of a Class A misdemeanor upon a
15 first offense, and a Class C felony on a second or subsequent
16 offense, except that sellers who exercise the override feature
17 described under subdivision (3) of subsection (i) when a stop
18 sale alert is generated shall not be subject to misdemeanor or
19 felony charges. Absent negligence, wantonness, recklessness,
20 or deliberate misconduct, any retailer maintaining the
21 electronic sales tracking system in accordance with this
22 subdivision shall not be civilly liable as a result of any act
23 or omission in carrying out the duties required by this
24 subsection and shall be immune from liability to any third
25 party unless the retailer has violated any provision of this
26 subsection in relation to a claim brought for such violation.
27 Any excessive or suspicious sales of such a product by any

1 wholesaler, manufacturer, or repackager as defined in Section
2 34-23-1 shall be reported to the Alcohol Beverage Control
3 Board and the Board of Pharmacy. Any person who fails to
4 comply with this subdivision shall be guilty of a Class A
5 misdemeanor upon a first offense, and a Class C felony upon a
6 second or subsequent offense.

7 "b. If a pharmacy selling an over-the-counter
8 product in compliance with subdivision (3) experiences
9 mechanical or electronic failure of the electronic sales
10 tracking system and is unable to comply with paragraph a. of
11 this subdivision, the pharmacy shall maintain a written log or
12 an alternative electronic recordkeeping mechanism that
13 complies with all identification and documentation
14 requirements of Act 2012-237, until the pharmacy is able to
15 comply with paragraph a. of this subdivision.

16 "(6) This subsection does not apply to products
17 dispensed pursuant to a legitimate prescription.

18 "(7) This subsection shall preempt all local
19 ordinances or regulations governing the sale or purchase of
20 products containing ephedrine or pseudoephedrine.

21 "(8) A pharmacist who is the general owner or
22 operator of an establishment where ephedrine or
23 pseudoephedrine products are available for sale shall not be
24 penalized pursuant to this section for conduct of an employee
25 if the retailer documents that an employee training program
26 was conducted by or approved by the Alabama Drug Abuse Task
27 Force (ADATF), pursuant to subsection (h). As provided in

1 subsection (h), the Alabama Board of Pharmacy shall develop or
2 approve all training programs for those pharmacy employees
3 referenced in subdivision (1) and submit such programs to the
4 ADATF for approval. The ADATF must review any training
5 programs submitted by the Alabama Board of Pharmacy at its
6 next subsequent called or scheduled public meeting and within
7 7 days, report its decision in writing to the Alabama Board of
8 Pharmacy.

9 "(9) A violation of subdivision (1), (2), (3), or
10 (4) shall constitute a Class A misdemeanor on a first offense
11 and a Class C felony on subsequent offenses. The violations
12 shall be punishable as provided by law.

13 "(d) Any person who resides within any state that
14 requires a prescription for any purchase of ephedrine or
15 pseudoephedrine, their salts or optical isomers, or salts of
16 optical isomers, or who presents a valid identification as
17 provided in subdivision (5) of subsection (c) from any state
18 that requires a prescription for any purchase of ephedrine or
19 pseudoephedrine, their salts or optical isomers, or salts of
20 optical isomers, may purchase those products only upon
21 presentation of a valid prescription for the ephedrine or
22 pseudoephedrine, their salts or optical isomers, or salts of
23 optical isomers. The electronic system established in Act
24 2012-237 shall generate a stop sale and block any purchase in
25 violation of this subsection, absent a valid lawful
26 prescription.

1 "(e) Beginning October 1, 2005, any wholesaler,
2 manufacturer, or repackager of drug products as defined in
3 Section 34-23-1, other than a wholesaler, manufacturer, or
4 repackager licensed by the Board of Pharmacy, shall obtain a
5 registration annually from the Alcoholic Beverage Control
6 Board which may promulgate and implement administrative rules
7 for the registrations. Beginning October 1, 2010, any
8 wholesaler, manufacturer, or repackager shall keep complete
9 records of all sales and transactions involving a listed
10 precursor chemical or a product containing a precursor
11 chemical including the names of all parties involved in the
12 transaction, the name of the products being sold, as well as
13 the total quantity in grams, of the precursor chemical or
14 product involved. Any wholesaler, manufacturer, or repackager
15 selling a listed precursor chemical or product to an
16 individual shall require the purchaser of the product or
17 products to be at least 18 years of age and to provide
18 government-issued photographic identification of himself or
19 herself. The records shall be maintained for at least 36
20 months and the records shall be available for inspection by
21 any law enforcement officer or inspector of the Board of
22 Pharmacy during normal business hours. Failure to comply with
23 subsection (d) and this subsection shall be a Class A
24 misdemeanor for a first offense and a Class C felony for a
25 second or subsequent offense.

26 "(f) Beginning October 1, 2005, every retailer of
27 ephedrine or pseudoephedrine, or a product containing

1 ephedrine or pseudoephedrine, is required to be registered
2 with the Alcoholic Beverage Control Board to lawfully sell
3 ephedrine or pseudoephedrine products to consumers.

4 "(g) In addition to any other penalty that may be
5 provided, a sale of ephedrine or pseudoephedrine by a
6 wholesaler, manufacturer, repackager, or retailer without a
7 license as required by subsection (e) and (f) is a Class A
8 misdemeanor for a first offense and a Class C felony for a
9 second or subsequent offense. In addition to any other penalty
10 that may be provided, a sale of ephedrine or pseudoephedrine
11 in violation of this section by a wholesaler, manufacturer,
12 repackager, or retailer who is licensed as required by
13 subsection (d) or (e) or (f) shall result in cancellation of
14 the required registration and forfeiture of the right to sell
15 the products for at least two years or longer as determined by
16 the Alcoholic Beverage Control Board.

17 "(h) (1) The Alabama Drug Abuse Task Force (ADATF) is
18 established and given the authority to do all of the
19 following:

20 "a. Approve or develop drug awareness, enforcement,
21 education, prevention, and training programs. The programs
22 shall be designed to curb the abuse of all dangerous, illegal,
23 or abused drugs, including but not limited to, methamphetamine
24 precursors, other key, critical, common ingredients used to
25 make methamphetamine, or other illegal or abused drugs in the
26 State of Alabama. These programs may be targeted for, but not
27 limited to, employees of establishments where ephedrine or

1 pseudoephedrine products or other key or critical or common
2 ingredients in the illegal manufacture of methamphetamine or
3 other illegal or dangerous drugs are available for sale.
4 Education, prevention, and training programs also may be
5 targeted to law enforcement, prosecutors, the judiciary,
6 students, or that may further serve to protect, educate, and
7 inform the public. The programs may be administered by the
8 Alcoholic Beverage Control Board in conjunction with its
9 program to restrict access to tobacco products by minors
10 pursuant to Chapter 11, Title 28. The programs may be further
11 administered by any law enforcement drug abuse and violent
12 crime task force, the Alabama Department of Education, a
13 licensed private drug education or prevention entity approved
14 by the ADATF, or any other governmental or quasi-governmental
15 agency or entity partnering with the ADATF to serve the
16 purposes of this article. The Alabama Department of Public
17 Health, ADATF, and the Alabama State Board of Education, shall
18 enter into a memorandum of understanding to develop and
19 implement the training, education, or prevention programs
20 referenced in this section, and are authorized to expend any
21 funds necessary to further the requirements and objective of
22 the ADATF and this subsection or any other legitimate drug
23 abuse prevention or law enforcement purpose for the protection
24 of the citizens of this state.

25 "b. Advise the ABC Board, the Alabama Board of
26 Pharmacy, Alabama law enforcement, prosecutorial entities, or
27 other governmental or quasi-governmental agency or entity

1 partnering with the ADATF regarding its responsibilities
2 prescribed in this article.

3 "c. Report to the Legislature by the 10th day of
4 each legislative session, on the state of illegal drug abuse,
5 trends in the use, distribution, and manufacture of illegal or
6 synthetic drugs, and the use and misuse of related precursors
7 in Alabama. The ADATF may only gather such information from
8 legitimately verifiable sources or in a public forum. The
9 report may include recommendations with regard to public
10 policy, potential legislation, allocation of resources, or
11 other recommendations which may aid in the curbing of drug
12 abuse and drug crime or would best serve the safety and well
13 being of the state. The report may include, but is not limited
14 to, all of the following:

15 "1. Statistical data involving drug abuse, drug
16 crime, or drug related crime.

17 "2. Efforts within the state involving education,
18 prevention, and treatment of drug addiction.

19 "3. Critical needs of law enforcement.

20 "4. Organized crime efforts in the area of drug
21 distribution, trafficking, manufacturing, or related criminal
22 activity.

23 "5. Critical needs for prisons.

24 "6. Prosecution entities and the courts.

25 "7. Other critical threat assessments involving the
26 safety of the State of Alabama.

1 "(2) The task force shall consist of the following
2 members:

3 "a. The Attorney General, or his or her designee.

4 "b. The President of the Alabama State Board of
5 Pharmacy, or his or her designee.

6 "c. A representative appointed by the District
7 Attorney's Association.

8 "d. A member of a regional county drug task force as
9 appointed by the District Attorney's Association.

10 "e. The Director of the Department of Public Safety,
11 or his or her designee.

12 "f. A representative appointed by the Chiefs of
13 Police Association.

14 "g. A member of a regional county drug task force as
15 appointed by the Chiefs of Police Association.

16 "h. A representative appointed by the Sheriff's
17 Association.

18 "i. A representative appointed by the Narcotics
19 Officers Association.

20 "j. A representative of the Alabama Association of
21 Pharmacists.

22 "k. The Director to the Alabama Department of
23 Revenue, or his or her designee.

24 "l. A member or director of the Alabama Sentencing
25 Commission.

26 "m. The Chair of the Alabama Assistant District
27 Attorneys Association.

1 "n. The Director of the Alabama Department of Human
2 Resources, or his or her designee.

3 "o. A representative of the Alabama Retail
4 Association.

5 "p. A representative of the Alabama Administrative
6 Office of Courts.

7 "q. The Commissioner of the Alabama Department of
8 Corrections, or his or her designee.

9 "r. The State Superintendent of Education, or his or
10 her designee.

11 "s. A representative of the Commission of
12 Environmental Management.

13 "t. The Director of the Alabama Department of
14 Forensic Sciences, or his or her designee.

15 "u. The State Health Officer, or his or her
16 designee.

17 "v. The Director of the Alabama Department of
18 Homeland Security, or his or her designee.

19 "w. A representative of the mental illness and
20 substance abuse services of the Alabama Department of Mental
21 Health.

22 "x. The Director of the Office of Prosecution
23 Services, or his or her designee.

24 "y. A representative of the Alabama Criminal Justice
25 Information Center.

26 "z. A representative of the Board of Dental
27 Examiners.

1 "aa. A representative of the Alcoholic Beverage
2 Control Board.

3 "(3) The membership shall select a chair on a
4 bi-annual basis.

5 "(4) The membership of the task force shall be
6 inclusive and reflect the racial, gender, geographic,
7 urban/rural, and economic diversity of the state.

8 "(5) The chair of the task force shall be
9 responsible for the conduct of the meetings and any
10 correspondence or reports derived therefrom.

11 "(6) The chair of the task force shall call an
12 organizational meeting of the task force within 60 days of
13 July 1, 2010, and the task force shall report its meeting
14 schedule and procedural rules to the Clerk of the House of
15 Representatives and the Secretary of the Senate within 10 days
16 of the meeting. The task force shall instruct the Alabama
17 Criminal Justice Information Center regarding the creation of
18 a drug abuse information system, as well as a drug offender
19 tracking system pursuant to Section 20-2-190.2, to further the
20 mission of the task force and assist law enforcement in the
21 prevention of illegal drug activity. This system shall
22 include, but not be limited to, data regarding illegal drug
23 manufacture, trafficking, distribution, and usage trends
24 across the state. This information shall be made available and
25 be in a form and method which will enable the task force to
26 have an accurate and detailed understanding of the nature of

1 drug abuse and the geographical impact of the various abused
2 drugs in Alabama.

3 "(7) The task force may expend any funds from any
4 source, including, but not limited to, donations, grants, and
5 appropriations of public funds received for purposes of this
6 subsection.

7 "(8) No function or duties of the Drug Abuse Task
8 Force shall be the responsibility or under the purview of the
9 Governor of Alabama.

10 "(9) The task force shall not be obligated to fund
11 the development of programs described in subdivision (1)
12 unless the Legislature appropriates funding to the task force
13 for this purpose.

14 ~~"(10)a. A subcommittee shall be created within the~~
15 ~~task force to study the availability of ephedrine and~~
16 ~~ephedrine products. Members of the subcommittee shall include:~~

17 ~~"1. The Attorney General.~~

18 ~~"2. A member of the Legislature appointed by the~~
19 ~~Speaker of the House of Representatives.~~

20 ~~"3. A member of the Legislature appointed by the~~
21 ~~President Pro Tempore of the Senate.~~

22 ~~"4. A district attorney, or his or her designee,~~
23 ~~appointed by the Alabama District Attorneys Association, from~~
24 ~~a jurisdiction with a significant and statistically verifiable~~
25 ~~number of methamphetamine laboratory seizures.~~

26 ~~"5. A sheriff appointed by the Alabama Sheriff's~~
27 ~~Association, from a jurisdiction with a significant and~~

1 ~~statistically verifiable number of methamphetamine laboratory~~
2 ~~seizures.~~

3 ~~"6. A chief of police appointed by the Alabama~~
4 ~~Chiefs of Police Association, from a jurisdiction with a~~
5 ~~significant and statistically verifiable number of~~
6 ~~methamphetamine laboratory seizures.~~

7 ~~"7. The Director of the Alabama Department of~~
8 ~~Forensic Sciences, or his or her designee.~~

9 ~~"8. The Chairman of the Alabama Drug Abuse Task~~
10 ~~Force.~~

11 ~~'b. On the tenth day of the next regular session of~~
12 ~~the Legislature, the subcommittee of the task force shall~~
13 ~~report to the ADATF and the Legislature a full and detailed~~
14 ~~assessment of all efforts to limit or ultimately eliminate the~~
15 ~~availability of ephedrine or ephedrine products to persons~~
16 ~~with the intent to use them for manufacturing methamphetamine.~~

17 ~~"c. The subcommittee of the task force shall~~
18 ~~evaluate and report the effectiveness of the electronic drug~~
19 ~~offender tracking system created in Section 20-2-190.2, as~~
20 ~~well as statutory provisions to track or block any illegal or~~
21 ~~inappropriate sales of ephedrine products. This evaluation and~~
22 ~~report shall include consideration of criminal statutes~~
23 ~~regarding the trafficking and manufacture of methamphetamine,~~
24 ~~industry efforts to prevent improper usage of ephedrine~~
25 ~~products, as well as other pertinent laws. Where possible, the~~
26 ~~task force shall also endeavor to project future capabilities~~
27 ~~to sustain or improve efforts to limit illegal access to~~

1 ~~ephedrine products for purposes of manufacturing~~
2 ~~methamphetamine.~~

3 ~~"d. The subcommittee of the task force, in its~~
4 ~~effort to provide a complete and accurate report, may utilize,~~
5 ~~but is not limited to, the use of the following resources:~~

6 ~~"1. Reports from any governmental or~~
7 ~~quasi-governmental entity.~~

8 ~~"2. Statistical data or reports from Alabama~~
9 ~~Criminal Justice Information Center, National Precursor Log~~
10 ~~Exchange, Alabama Fusion Center, Drug Enforcement~~
11 ~~Administration, or any entity that has membership on the task~~
12 ~~force.~~

13 ~~"3. Other appropriate law enforcement, drug~~
14 ~~treatment, drug prevention, or medical entities that gather~~
15 ~~verifiable data regarding drug usage, abuse, or any drug crime~~
16 ~~or drug related crime.~~

17 ~~"4. Relevant public hearings by the ADATF.~~

18 ~~"5. Anecdotal information from named and~~
19 ~~legitimately verifiable sources.~~

20 ~~"6. All data or information must be sourced and~~
21 ~~verifiable.~~

22 ~~"e.1. Any report of the ADATF subcommittee to any~~
23 ~~governmental entity shall first be submitted to the Alabama~~
24 ~~Department of Public Health. The department shall evaluate the~~
25 ~~report. In its review, the department shall evaluate the~~
26 ~~quality and authenticity of the underlying sourced data. The~~
27 ~~department shall also determine if the data contained within~~

1 ~~the report is verifiable and if the ADATF or subcommittee of~~
2 ~~the task force followed generally accepted scientific or~~
3 ~~statistical methods in the compilation of the report.~~

4 ~~"2. In making its determination, the department may~~
5 ~~consider, but is not limited to, evaluating any method,~~
6 ~~process, research, calculations, design, control, analysis,~~
7 ~~hypothesis, or program utilized in the report.~~

8 ~~"3. In the event that the department determines that~~
9 ~~the proper methods were not followed, it shall notify the task~~
10 ~~force or subcommittee of the task force of any deficiencies in~~
11 ~~the report and allow the task force or subcommittee to revise~~
12 ~~the report to correct the deficiencies. Otherwise, the report~~
13 ~~shall contain a notation of the findings of any deficiencies~~
14 ~~by the department.~~

15 ~~"(i) (1) The Alabama Criminal Justice Information~~
16 ~~Center shall implement a real-time electronic sales tracking~~
17 ~~system to monitor the over-the-counter, nonprescription sale~~
18 ~~of products in this state containing any detectable quantity~~
19 ~~of ephedrine or pseudoephedrine, their salts or optical~~
20 ~~isomers, or salts of optical isomers, provided that such~~
21 ~~system is available to the state without cost to the state or~~
22 ~~retailers for accessing the system. The electronic sales~~
23 ~~tracking system shall have the technological capability to~~
24 ~~receive ephedrine and pseudoephedrine sales data from retail~~
25 ~~establishments submitted pursuant to this subsection. The~~
26 ~~electronic sales tracking system shall be capable of bridging~~
27 ~~with existing and future operational systems used by retail at~~

1 no cost to such retail establishment. The Alabama Criminal
2 Justice Information Center may enter into a public-private
3 partnership, through a memorandum of understanding or similar
4 arrangement, to make the system available to retailers and law
5 enforcement in the state.

6 "(2) The information contained in this electronic
7 sales tracking system shall be available to:

8 "a. Any law enforcement agency or entity as
9 authorized by the Alabama Criminal Justice Information Center;

10 "b. Pursuant to a subpoena.

11 "(3) This database established pursuant to this
12 subsection shall be capable of generating a stop sale alert,
13 which shall be a notification that completion of the sale
14 would result in the seller or purchaser violating the quantity
15 limits set forth in subdivision (4) of subsection (c). The
16 system shall contain an override function for use by a
17 dispenser of ephedrine or pseudoephedrine who has a reasonable
18 fear of imminent bodily harm. Each instance in which the
19 override function is utilized shall be logged by the system.

20 "(j) (1) Upon conviction for any violation of Section
21 13A-12-260 or 20-2-190, or any violation of a controlled
22 substance or illegal drug crime under Title 13A or this title
23 and in addition to restitution and other costs that may be
24 ordered pursuant to Section 15-18-67, the primary
25 investigative law enforcement or prosecutorial entity shall be
26 entitled, upon request of the district attorney and an order
27 of the court, to recover restitution from any defendant for

1 any legitimate cost incurred in the course of the
2 investigation or prosecution.

3 "(2) Restitution may include, but shall not be
4 limited to, any cost incurred by the primary investigative law
5 enforcement entity of any hazardous material or environmental
6 cleanup of substances related to the manufacture of a
7 controlled substance.

8 "(3) Any real property owner that demonstrates to
9 the court that he or she had no knowledge of, or had no reason
10 to have knowledge of, any illegal manufacturing of controlled
11 substances on his or her property by a defendant convicted of
12 a violation of Section 13A-12-260 or 20-2-190, or any
13 violation of a controlled substance or illegal drug crime
14 under Title 13A or this title, through the district attorney,
15 may request a court order requiring the defendant to pay to
16 the real property owner all reasonable costs, if any,
17 associated with any legitimate environmental cleanup or
18 remediation or repair of the real property where the defendant
19 had committed a controlled substance crime.

20 "§22-1-12.

21 "(a) The Department of Public Health shall establish
22 a comprehensive cardiac arrest survival plan for the training,
23 credentialing, and certification of primary cardiac care
24 providers in the use of semiautomatic external defibrillators
25 based on national guidelines for life-saving interventions of
26 persons suffering sudden, non-traumatic cardiac arrest

1 promulgated by the National Institutes of Health and the
2 National Heart, Lung, and Blood Institute.

3 "(b) All funds from the appropriation in Act 99-372
4 of the 1999 Regular Session shall be used to assist in the
5 purchase or acquisition of semiautomatic external
6 defibrillators and training for emergency medical care
7 providers. To be eligible for assistance, emergency medical
8 care providers shall meet standards established by the
9 department.

10 ~~"(c) A Cardiac Arrest Survival Commission consisting~~
11 ~~of the State Health Officer, the State Emergency Medical~~
12 ~~Director, three members appointed by the Senate President Pro~~
13 ~~Tempore, three members appointed by the Speaker of the House,~~
14 ~~two members appointed by the Governor, and one member~~
15 ~~appointed by the Alabama Chapter of the American Heart~~
16 ~~Association shall make all awards of assistance by majority~~
17 ~~vote. The State Health Officer shall serve as chair of the~~
18 ~~commission. Assistance may be in the form of equipment awarded~~
19 ~~outright or purchased with matching funds from the provider.~~
20 ~~The commission shall establish by majority vote the~~
21 ~~methodology for making awards to eligible providers.~~

22 "§22-23A-3.

23 "The Governor, the Director of the Department of
24 Economic and Community Affairs, the Director of Finance, one
25 member of the House of Representatives appointed by the
26 Speaker, and one member of the Senate appointed by the
27 Lieutenant Governor may become a public corporation to be

1 known as the Alabama Water System Assistance Authority with
2 the power and authority hereinafter provided, by proceeding
3 according to the provisions of this chapter. ~~Provided,~~
4 ~~however, that actions taken by such authority shall be~~
5 ~~monitored, from time to time, by a special "Water Assistance~~
6 ~~Legislative Oversight Committee" composed of three members of~~
7 ~~the House of Representatives appointed by the Speaker of the~~
8 ~~House and three Senators appointed by the Lieutenant Governor.~~
9 ~~Members of the Legislature serving on this oversight committee~~
10 ~~shall be entitled to their regular legislative per diem and~~
11 ~~travel expenses on such committee's meeting days. The~~
12 ~~Lieutenant Governor shall appoint a chairperson for such~~
13 ~~committee and the Speaker of the House shall appoint the~~
14 ~~vice chairperson. Such committee shall meet, from time to~~
15 ~~time, on request of either the chairperson or the authority.~~
16 ~~The Lieutenant Governor and the Speaker of the House shall~~
17 ~~make the appointments to the authority and the Water~~
18 ~~Assistance Legislative Oversight Committee within 15 days of~~
19 ~~the effective date of this chapter.~~

20 "§24-10-2.

21 "When used in this chapter, the following words
22 shall have the following meanings:

23 "~~(1) ADVISORY COMMITTEE. The Alabama Housing Trust~~
24 ~~Fund Advisory Committee.~~

25 "~~(2)~~ (1) ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY
26 AFFAIRS (ADECA). As established by Section 41-23-1.

1 "~~(3)~~(2) ALABAMA HOUSING TRUST FUND. The trust fund
2 created pursuant to Section 24-10-4.

3 "~~(4)~~(3) SIXTY PERCENT OF MEDIAN FAMILY INCOME. A
4 person or persons living together whose annual income or
5 incomes do not exceed 60 percent of the median family income
6 of a geographic area, as determined by the U.S. Department of
7 Housing and Urban Development, with adjustments for smaller
8 and larger families.

9 "§24-10-4.

10 "The Alabama Affordable Housing Trust Fund is
11 created in the State Treasury for the collection and
12 distribution of designated funds for the purpose of increasing
13 the production of housing units, rehabilitating existing
14 housing units, and maintaining such housing so that it can be
15 made affordable to individuals and families whose incomes are
16 at or below 60 percent of the median family income. The
17 Alabama Housing Trust Fund shall be administered by ADECA
18 ~~which shall appoint an advisory committee as prescribed in~~
19 ~~Section 24-10-8 to advise the Director of ADECA as to program~~
20 ~~components and operations.~~

21 "§24-10-5.

22 "(a) The Alabama Housing Trust Fund shall be
23 maintained and administered by ADECA. ADECA is authorized and
24 directed to do all the following:

25 "(1) Invest and reinvest all money held in the trust
26 fund in investments under ADECA's investment policies, pending
27 its use for the purposes described in Section 24-10-6.

1 "(2) Keep books and records relating to the
2 investment, interest earnings, and uses of monies deposited
3 into the trust fund.

4 "(3) Establish procedures for the withdrawal,
5 allocation, and use of the monies held in the trust fund for
6 the purposes described in Section 24-10-6.

7 "(4) Publish, on an annual basis, criteria for
8 determining the distribution of funds.

9 "(5) Conduct an annual independent audit of the
10 trust fund.

11 "(6) Prepare, in collaboration with the advisory
12 committee, an annual performance report, which shall be
13 provided to the Governor, Speaker of the House of
14 Representatives, and the President Pro Tempore of the Senate,
15 outlining the use of the trust fund monies, including, but not
16 limited to, the trust fund's success in meeting its intended
17 purposes.

18 "(7) Conduct, or hire an outside entity to conduct a
19 statewide housing needs assessment, once every five years to
20 inform ADECA, its director, and the advisory committee of the
21 affordable housing needs in Alabama. The assessment should
22 include the housing needs for individuals with disabilities,
23 those living with HIV/AIDS, intellectual disability,
24 individuals experiencing homelessness, victims of domestic
25 violence, veterans, and the elderly.

26 "(8) Enter into contracts and agreements in
27 connection with the operation of the trust fund, including

1 contracts and agreements with federal agencies, local
2 governmental entities, community developers, and other
3 not-for-profit groups. This provision shall not authorize
4 contracts and agreements with for-profit entities.

5 "(9) Engage in ongoing efforts to increase funding
6 sources for the trust fund, including any additional ongoing
7 state-dedicated funding source.

8 "~~(b) ADECA shall seek the input of the Alabama~~
9 ~~Housing Trust Fund Advisory Committee, outlined in Section~~
10 ~~24-10-8, but the~~ The Director of ADECA has final
11 decision-making authority on all matters relating to the trust
12 fund and the programs administered under Section 24-10-4.

13 "(c) ADECA shall be periodically paid a reasonable
14 fee from amounts deposited to the trust fund to reimburse
15 ADECA for its services in administering the trust fund. On an
16 annual basis, ADECA shall not be paid in excess of 10 percent
17 of the total annual deposits to the trust fund.

18 "§41-23-23.

19 "Selection of zones and the general guidelines for
20 implementation of the provisions of this article shall be as
21 follows:

22 "(1) The Alabama Department of Economic and
23 Community Affairs shall see that all applications are
24 processed as follows:

25 "a. The state or any governmental entity in the
26 proposed area may submit an application for zone designation.

1 "b. Each application should provide a statement of
2 incentives being offered by the governmental entities, such
3 as:

4 "1. Regulatory relief or waiver;

5 "2. Services provided;

6 "3. Tax incentives;

7 "4. Other nontax incentives.

8 "c. It is contemplated that state, county and/or
9 municipal governments may devise an innovative package of
10 local incentives in their respective jurisdictions and
11 aggressively pursue zone designation.

12 "(2) Zones shall be selected by the department, with
13 input from the advisory council, which shall have the
14 responsibility for the general implementation of the law.

15 "(3) An Enterprise Zone Advisory Council consisting
16 of members of the Alabama Department of Commerce, Southern
17 Development Council, Department of Labor, Department of
18 Education, State Department of Transportation, Department of
19 Environmental Management, Department of Agriculture and
20 Industries, Department of Revenue and other qualified
21 individuals or organizations shall be appointed by the
22 Governor with provisions to insure geographic representation
23 of rural and urban areas. This council shall be limited to 11
24 representatives and shall serve at the pleasure of the
25 Governor.

26 ~~"(4) A legislative oversight committee shall be~~
27 ~~appointed by the Lieutenant Governor and the Speaker. Such~~

1 ~~committee shall consist of three members from the House of~~
2 ~~Representatives and three members from the Senate appointed by~~
3 ~~the respective officers of each body."~~

4 Section 4. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.