

## HB148 INTRODUCED



1 HB148  
2 HG17788-1  
3 By Representative Paschal (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 12-Jan-26



SYNOPSIS:

Existing state statute enacted by the Legislature in 2023 recognizes the fundamental rights of parents to direct the education, upbringing, care, and control of their children and references the recognition of those parental rights by the Alabama Supreme Court and the United States Supreme Court.

This bill would propose an amendment to the Constitution of Alabama of 2022, to provide that: (i) parents have a fundamental right to direct the education, upbringing, care, custody, and control of their children; and (ii) the government may not burden that right unless the government demonstrates that the burden as applied to the parent is in furtherance of a compelling government interest and the government uses the least restrictive means possible to further that interest.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, to provide that parents have a fundamental right to



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direct the education, upbringing, care, custody, and control of their children; and to provide that the government may not burden certain fundamental rights of parents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

### PROPOSED AMENDMENT

(a) Each parent has the fundamental right to direct the education, upbringing, care, custody, and control of his or her child.

(b) The government may not burden the fundamental right of a parent to direct the education, upbringing, care, custody, and control of his or her child unless the government demonstrates that the application of the burden as applied to the parent is in furtherance of a compelling governmental interest and the government uses the least restrictive means possible to further that interest.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

### END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment



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shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to provide that each parent has a fundamental right to direct the education, upbringing, care, custody, and control of his or her children, and that the government may not burden that fundamental right unless the government demonstrates that the application of the burden as applied to the parent is in furtherance of a compelling governmental interest and uses the least restrictive means possible to further that interest.

Proposed by Act \_\_\_\_."

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as a part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.