

Huntsville Bar Association Last Chance Seminar  
2023 Legislative Recap  
Othni J. Lathram  
Director, Legislative Services Agency  
Gillian Purser  
Attorney, Legislative Services Agency  
gpurser@lsa.state.al.us

This article will cover noteworthy legislation that passed during the 2023 Legislative Session. During this session, there were 712 general bills, 149 local bills, and 15 proposed constitutional amendments introduced, for a total of 876 bills. At the end of the session, there were 397 total bills that were enacted, including 275 general bills, 118 local bills, and 4 proposed constitutional amendments. Given the volume of acts adopted, this article will only highlight select bills most likely to be encountered by practitioners around this state. Practice areas highlighted here include Alcoholic Beverages, Businesses and Financial Institutions, Crimes and Offenses, Criminal Law and Procedure, Courts, Economic Development, Education, Environment and Natural Resources, Family Law, Health, Motor Vehicles, State Government, and Taxation. Summaries of every general act can be found on the website of the Alabama Legislature at <https://alison.legislature.state.al.us/> under the Legislative Services Agency (LSA) Legal Division Publications.

#### **Alcoholic Beverages – Curbside Pick-up (Act 2023-287, HB166)**

Representative Parker Moore

This act modifies the amount of alcoholic beverages a licensee of the ABC Board may sell using curbside pick-up to a customer each day by: (1) increasing liquor for non-restaurants from 1 liter to 9,000 milliliters; (2) capping liquor at 375 milliliters for restaurants and requiring the liquor to accompany a food order; (3) increasing table wine from 1,500 milliliters to 9,000 milliliters; (4) increasing packaged beer from 288 ounces to 120 12-ounce containers; and (5) capping draft beer at 288 ounces. Effective August 1, 2023

#### **Alcoholic Beverages – Food and Beverage Trucks (Act 2023-523, HB304)**

Representative Neil Rafferty

This act amends the provision which authorizes and regulates alcoholic beverage sales by food and beverage trucks within Class 1 municipalities to: (1) remove the provision limiting this section to Class 1 municipalities to effectively expand the provisions to an entertainment district within any municipality; (2) prohibit a food or beverage truck licensee from serving food or beverage within 150 feet of any entrance to any permanent restaurant or Alcoholic Beverage Control Board licensee; and (3) authorize the board, by rule, to require security cameras in all licensed food or beverage trucks. Effective September 1, 2023

#### **Business and Financial Institutions – Uniform Commercial Code Amendments (2022) (Act 2023-492, HB348)**

Representative David Faulkner

This act adopts the Uniform Commercial Code Amendments (2022) by amending a substantial portion of the Uniform Commercial Code and adding Article 12 to the Uniform Commercial Code, Title 7, Code of Alabama 1975, to: (1) govern the property rights of certain intangible

digital assets, including electronic rights to payment; (2) provide for a manner to establish the transfer and control of those assets; (3) provide a mechanism for evidencing certain rights of payment; (4) adopt special rules with regard to the payment obligations and conditions of discharge account debtors on controllable accounts and controllable payment intangibles; (5) provide transitional provisions for the Uniform Commercial Code (2022); (6) clarify the meaning of the term “chattel paper” and other definitions; and (7) provide for the perfection of security interests in controllable electronic records, documents of title, chattel paper, and other assets. Effective July 1, 2024

### **Business and Financial Institutions – Alabama Business and Nonprofit Entity Code (Act 2023-503, HB267)**

Representative Tim Wadsworth

This act (1) revises the Alabama Nonprofit Corporation Law to reflect the national standards set by the Model Nonprofit Corporation Act of 2021 and the Delaware General Corporation Law; and (2) makes conforming changes to effectuate the changes to the Alabama Nonprofit Corporation Law and conform with the other entities governed by the Alabama Business and Nonprofit Entity Code. Effective January 1, 2024

### **Crimes and Offenses - Trafficking Fentanyl (Act 2023-4, HB1)**

Representative Matt Simpson

This act (1) imposes a mandatory minimum sentence for trafficking fentanyl with the penalty based on the amount trafficked as follows: a minimum of three years for trafficking one or more grams but less than two grams, a minimum of 10 years for two or more grams but less than four grams, a minimum of 25 years for four or more grams but less than eight grams, and life imprisonment for eight or more grams; and (2) in addition to the mandatory minimum sentence, imposes an additional five-years for a second offense and an additional ten-years for a third or subsequent offense. Effective July 1, 2023

### **Crimes and Offenses – Loitering (Act 2023-245, HB24)**

Representative Reed Ingram

This act (1) prohibits loitering on a public highway or in the right-of-way of a public road; (2) prior to making an arrest for a violation of this act, allows a law enforcement officer to instruct a person in violation to leave the area and offer to transport him or her to a location in the jurisdiction that offers emergency housing; and (3) provides that a second or subsequent loitering violation in the same jurisdiction is a Class C misdemeanor. Effective August 1, 2023

### **Crimes and Offenses – Doxing (Act 2023-369, HB287)**

Representative Shane Stringer

This act creates the crime of doxing, which is committed when an individual does either of the following: (1) intentionally electronically publishes personal identifying information of another individual, with intent to cause harassment or harm to that individual, and the individual is actually harassed or harmed; or (2) intentionally electronically publishes personal identifying information of a law enforcement officer, firefighter, or public servant, with the intent to cause harassment or harm to that individual, and the individual is actually harassed, harmed, or impeded from performing his or her governmental function. A violation of this act is a Class A

misdemeanor, and a second or subsequent violation is a Class C felony. Effective September 1, 2023

### **Crimes and Offenses – Controlled Substances (Act 2023-387, HB82)**

Representative Chris Pringle

This act (1) further provides for the crime of manslaughter to include knowingly selling, furnishing, giving away, delivering, or distributing a controlled substance to a person in violation of Section 13A-12-211, Code of Alabama 1975, after which the person dies as a proximate use of the controlled substance; and (2) exempts licensed physicians, licensed pharmacists, and licensed dentists engaging in the scope of his or her practice from prosecution under this section. Effective September 1, 2023

### **Crimes and Offenses – Child Abuse (Act 2023-466, SB83)**

Senator April Weaver

This act revises the crime of child abuse to include willful mistreatment, defined as any intentional behavior that inflicts unnecessary or unjustifiable pain or suffering on a child without causing physical injury. Effective September 1, 2023.

### **Crimes and Offenses – Distracted Driving (Act 2023-478, SB301)**

Senator J.T. ‘Jabo’ Waggoner

This act (1) prohibits certain distracted driving including swerving, crossing traffic lanes without a signal, or otherwise operating a vehicle in an impaired manner while also physically holding, supporting, or using a wireless telecommunications device, except to use voice-based or hands-free communications, to use a navigational system, to use a device mounted to the vehicle and operational with one motion, in the case of an emergency, or when the vehicle is parked; (2) provides that a person who violates this act shall be guilty of a Class C misdemeanor and subject to a fine, except that a person who produces in court a device or proof of purchase of a device that would allow him or her to comply with the act shall not be guilty; and (3) provides that a law enforcement officer may only issue a written warning for a violation within the first 12 months after the effective date of this act. This act also (1) amends Section 32-5A-351, Code of Alabama 1975, to provide that a first conviction shall be a one-point violation on an individual’s driving record, a two-point violation for a second conviction, and a three-point violation for a third or subsequent conviction; and (2) repeals the former texting while driving law, Section 32-5A-350, Code of Alabama 1975. Effective June 14, 2023

### **Crimes and Offenses – Electronic Stalking (Act 2023-481, HB153)**

Representative Allen Treadaway

This act (1) creates the crime of electronic stalking; (2) provides that any person who places an electronic tracking device on the property of another with the intent to surveil, stalk, or harass, or for any other unlawful purpose, has committed electronic stalking and is guilty of a Class C felony; (3) creates the crime of electronic stalking in the second degree; (4) provides that any person who places an electronic tracking device on the property of another, except as authorized by law, has committed electronic stalking in the second degree and is guilty of a Class A misdemeanor; and (5) provides jurisdictional requirements for criminal proceedings relating to electronic stalking. Effective September 1, 2023

**Crimes and Offenses – Chemical Endangerment of a First Responder (Act 2023-486, HB230)**

Representative Matt Simpson

This act creates the crime of chemical endangerment of a first responder, which is committed when a person knowingly, recklessly, or intentionally causes or permits a first responder to be exposed to, to ingest or inhale, or to have contact with a Schedule 1 controlled substance or chemical substance in the performance of official duties. This act also provides a series of graduated criminal penalties for a violation based on the injury received by the first responder: (1) physical injury to the first responder is a Class C felony; (2) serious physical injury to the first responder is a Class B felony; and (3) death of the first responder is a Class A felony. Effective September 1, 2023

**Crimes and Offenses – Making a Terrorist Threat (Act 2023-493, HB37)**

Representative Jim Hill

This act (1) creates the crime of making a terrorist threat in the first degree and provides that a violation is a Class C felony; (2) creates the crime of making a terrorist threat in the second degree and provides that a violation is a Class A misdemeanor; and (3) repeals the existing crime of making a terrorist threat. Effective September 1, 2023

**Criminal Law and Procedure – Deputy Brad Johnson Act (Correctional Incentive Time) (Act 2023-22, SB1)**

Senator April Weaver

This act (1) reduces the amount of correctional incentive time a prisoner receives; (2) requires a prisoner remain in a certain classification, which determines the amount of correctional incentive time a prisoner receives, for a longer period of time before moving to a higher classification; (3) provides an additional circumstance in which a prisoner may not be in the highest classification that receives the greatest amount of correctional incentive time; (4) provides additional circumstances in which a prisoner’s correctional incentive time is forfeited; (5) provides additional circumstances in which a prisoner is not eligible to receive correctional incentive time; and (6) requires the Department of Corrections to provide reports including correctional incentive time to the Legislature, Governor, and Attorney General. Effective April 14, 2023

**Controlled Substances – Psychoactive Cannabinoids (Act 2023-169, SB66)**

Senator Tim Melson

This act (1) prohibits the sale, distribution, marketing, and possession of psychoactive cannabinoids found in hemp, including delta-8 products, to individuals under 21 years of age; (2) provides that any person who sells, distributes, or markets psychoactive cannabinoids to individuals under 21 years of age shall be guilty of a Class B misdemeanor; (3) provides that any individual under 21 years of age who is in possession of psychoactive cannabinoids shall be issued a citation and fined; and (4) requires psychoactive cannabinoids sold in this state to be packaged in child-resistant containers and located in an area in which individuals under 21 years of age are not permitted access. Effective August 1, 2023

### **Criminal Law and Procedure – Criminal Enterprises (Act 2023-416, SB143)**

Senator Will Barfoot

This act (1) identifies criminal enterprise members; (2) enhances penalties for any criminal activity that benefits, promotes, or furthers the interest of a criminal enterprise; and (3) establishes a mandatory penalty of imprisonment for not less than five years for any firearm possession during the commission of any criminal activity that benefits, promotes, or furthers the interest of a criminal enterprise, and provide enhanced penalties based on the type and use of the firearm. This act also requires a person 16 years of age or older to be tried as an adult for criminal activity related to a criminal enterprise. Effective September 1, 2023

### **Criminal Law and Procedure – Criminal Conspiracy (Act 2023-461, SB198)**

Senator Arthur Orr

This act (1) adds additional offenses that would be subject to the presumptive sentencing guidelines; (2) modifies the criminal penalties for criminal solicitation, attempt, and criminal conspiracy to be a Class D felony if the solicited or attempted offense is a Class C felony, or if the object of the criminal conspiracy is a Class C felony; (3) gives a judge discretion when sentencing a person convicted of a Class C or Class D felony offense; and (4) authorizes a court to revoke probation if the offender failed to complete a court ordered rehabilitation program. Effective July 1, 2023

### **Criminal Law and Procedure – Child Physical and Sexual Abuse Victim Protection Act (Act 2023-462, SB223)**

Senator Vivian Davis Figures

This act provides that for the purposes of the Child Physical and Sexual Abuse Victim Protection Act, which provides certain conditions for the admissibility of out-of-court statements made by victims of certain crimes under 12 years of age or a protected person to include statements made by witnesses of those crimes who are under 12 years of age or protected persons. Effective September 1, 2023

### **Counties and Municipalities – Sheriff Vacancy (Act 2023-164, HB276)**

Representative Ron Bolton

This act provides that if the office of sheriff of a county becomes vacant or when certain other circumstances exist in the county, the highest ranking deputy sheriff in the office of the sheriff shall discharge the duties of the sheriff. Effective August 1, 2023

### **Courts – Attorney Compensation in a Commitment Hearing (Act 2023-61, SB44)**

Senator Bobby Singleton

This act provides that in addition to any other fee authorized by law, an appointed attorney in a commitment hearing may be awarded reasonable fees related to pre-appointment consultation and preparation of the petition prior to appointment. Effective July 1, 2023

## **Courts – Court Interpreter Certification (Act 2023-105, HB144)**

Representative Jim Hill

This article (1) provides that an individual may become certified as a court interpreter by passing a test created and administered by the Administrative Office of Courts (AOC); (2) authorizes AOC to establish a mandatory certification fee for court interpreters; and (3) authorizes AOC to use the funds collected from the certification fees. Effective August 1, 2023

## **Courts – Creation of Judgeships (Act 2023-315, SB39)**

Senator Sam Givhan

This act creates the following new judgeships to be filled at the 2024 General Election: (1) an additional circuit judgeship for the Eleventh Judicial Circuit to be designated as Circuit Judgeship Number 4; (2) an additional circuit judgeship for the Nineteenth Judicial Circuit to be designated as Circuit Judgeship Number 4; (3) an additional circuit judgeship for the Twenty-third Judicial Circuit to be designated as Circuit Judgeship Number 9; (4) an additional circuit judgeship for the Twenty-eighth Judicial Circuit to be designated as Circuit Judgeship Number 6; (5) an additional district judgeship for Baldwin County to be designated as District Judgeship Number 3; (6) an additional district judgeship for DeKalb County to be designated as District Judgeship Number 2; and (7) an additional district judgeship for Mobile County to be designated as District Judgeship Number 6. This act creates the following new judgeships to be filled at the 2026 General Election: (1) an additional circuit judgeship for the Sixth Judicial Circuit to be designated as Circuit Judgeship Number 7; (2) an additional circuit judgeship for the Nineteenth Judicial Circuit to be designated as Circuit Judgeship Number 5; (3) an additional circuit judgeship for the Twenty-eighth Judicial Circuit to be designated as Circuit Judgeship Number 7; (4) an additional circuit judgeship for the Thirty-seventh Judicial Circuit to be designated as Circuit Judgeship Number 4; (5) an additional district judgeship for Madison County to be designated as District Judgeship Number 5; and (6) an additional district judgeship for Shelby County to be designated as District Judgeship Number 3. This act also: (1) issues a moratorium on the reallocation of judges by the Judicial Resources Allocation Commission until January 1, 2027; and (2) requires the Administrative Office of Courts to annually provide certain statistics for each circuit. Effective May 30, 2023

## **Courts – Court Costs for Protection Orders (Act 2023-321, SB14)**

Senator Clyde Chambliss

This act prohibits court costs and fees from being assessed for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of certain protection orders or petitions for a protection order. Effective August 1, 2023.

## **Courts – Compensation of Interim Active Duty Judges (Act 2023-333, HB40)**

Representative Jim Hill

This act (1) increases the compensation received by a retired justice or judge called to active duty, in addition to his or her retirement benefits, to \$780 per day; (2) limits interim active duty status for a retired justice or judge to 50 calendar days per calendar year; (3) requires that an interim active duty judge complete at least six hours of continuing legal education annually; (4)

specifies the conditions under which a retired judge or justice may be called to interim active duty; (5) requires the Administrative Office of Courts to adopt policies and procedures relating to interim active duty judges; and (6) specifies that a retired judge called into interim active duty status under this section is not a public official for purposes of the Code of Ethics for Public Employees. Effective August 1, 2023

**Courts – Guardian ad Litem Compensation (Act 2023-368, HB244)**

Representative Danny Crawford

This act increases the compensation for an attorney appointed to serve as guardian ad litem in a juvenile dependency case from \$2,500 to \$5,000 per case. Effective September 1, 2023

**Courts – Expense Allowance for Jurors (Act 2023-403, SB99)**

Senator Sam Givhan

This act revises the expense allowance paid to jurors for each day of service from \$10 per day plus a mileage reimbursement of \$.05 per mile traveled, to an amount established by the Alabama Supreme Court. Effective September 1, 2023

**Courts – Notary Publics (Act 2023-548, SB322)**

Senator Sam Givhan

This act (1) increases the fee collected by the judge of probate for the commission of a notary to \$25; (2) requires each applicant for notary public commission to pay a \$10 application fee and complete an application developed by the Alabama Probate Judges Association and the Alabama Law Institute; (3) requires a judge of probate to deny an application for a notary public commission if the applicant is not a resident, has been convicted of certain crimes, is a debtor in a bankruptcy proceeding, is incapacitated, or is unable or unwilling to complete the required training; (4) requires each applicant for a notary public commission to complete a training program prepared by the Alabama Probate Judges Association and the Alabama Law Institute; (5) prohibits a notary public from performing an acknowledgement in any transaction where he or she has a pecuniary interest; (6) increases the bond required of a notary public from \$25,000 to \$50,000; (7) provides further for the acknowledgment of signatures; (8) increases the maximum fee which may be collected for notarial acts performed to \$10; and (9) provides criminal penalties for various violations of laws regulating notaries, including performing a notarial act without a license, charging a fee in excess of the maximum fee, and failing to verify the identity of the principal. Effective September 1, 2023

**Economic Development – Site Evaluation Economic Development Strategy (Act 2023-35, SB165)**

Senator Arthur Orr

This act (1) authorizes the State Industrial Development Authority to make site-assessment and site-development grants to companies at which the predominant trade or business activity conducted is industrial, warehousing, or research activities, or which qualifies as a headquarters facility; (2) requires grantees to contribute additional funding for every dollar of grant funds received based on the population of the county in which the site is located; and (3) creates the Alabama Site Development Fund. This act also: (1) provides an annual appropriation to the State Industrial Development Authority; and (2) authorizes the appropriation to be expended on site assessment or site development grants. Effective April 20, 2023

**Education – Competitive Bidding for City and County Boards of Education (Act 2023-203, HB65)**

Representative Terri Collins

This act (1) increases the minimum amount for city and county board of education contracts subject to competitive bid from \$15,000 to \$40,000; and (2) beginning October 1, 2027, provides a legislative process to increase the minimum threshold based on increases in the Consumer Price Index. Effective August 1, 2023

**Education – Leave for Public Education Employees (Act 2023-352, HB103)**

Representative Alan Baker

This act authorizes public education employees to use up to eight weeks of sick leave to attend to an adopted child who is three years of age or younger or attend to an ill child in the care and custody of the employee for whom the employee has filed an adoption petition. Effective September 1, 2023.

**Education – Tyler’s Law (Monitoring of Special Education Classrooms) (Act 2023-527, SB56)**

Senator Arthur Orr

This act (1) provides that if the funding to do so is available, local boards of education shall be required to install, maintain, and operate video cameras in self-contained classrooms in which at least half of the students receive special education services; (2) provides that if video cameras are used, the board of education must provide enough cameras to surveil all areas of the classroom during school hours and at any time a student is present; (3) provides that all recordings are confidential and shall only be released or viewed by certain individuals in the event of an incident of alleged abuse, neglect, harassment, or other inappropriate behavior, and if the board conceals the identity of any student not involved in the incident; (4) provides for the retention of recordings; and (5) prohibits the use of recordings for routine teacher evaluations or regular monitoring of a classroom, including via live stream. Effective September 1, 2023.

**Environment and Natural Resources – Inspection of Dams and Reservoirs (Act 2023-414, SB284)**

Senator Clyde Chambliss

This act (1) provides for the inspection of a participating owner’s dams and reservoirs and requires inspecting engineers to assign a hazard potential classification to each dam and reservoir; (2) requires participating owners of a dam or reservoir to develop and periodically update an emergency action plan and immediately implement the plan in the event of an emergency; and (3) requires participating owners to notify the local emergency management agency of any new dam construction or enlargement. Effective September 1, 2023

**Environment and Natural Resources – Brownfield Cleanup and Remediation (Act 2023-356, HB378)**

Representative Chip Brown



This act (1) limits the liability of potentially responsible parties who participate in a voluntary cleanup program; and (2) creates the Brownfield Remediation Reserve Fund and provides for the use of its funds to pay the post-remediation costs with respect to certain properties cleaned up or remediated in accordance with this act, provided the amount does not exceed \$4,000,000 per property. This act also (1) authorizes the owner or owners of an affected property to petition for, and the local governing body to approve by resolution, the creation of a brownfield redevelopment district; (2) provides for the governance of a brownfield redevelopment district by a board of directors appointed by the local governing body; and (3) provides for the power, scope, and authority of a brownfield redevelopment district. Effective September 1, 2023

**Family Law – Alabama Adoption Code (Act 2023-92, HB101)**

Representative Ginny Shaver

This act repeals the Alabama Adoption Code and replaces it with the Alabama Minor Adoption Code and the Alabama Adult Adoption Code to: (1) provide for jurisdictional and procedural requirements relating to adoptions and adoption contests; (2) provide for the communication of courts handling adoption-related proceedings; (3) provide that certain individuals must consent to an adoption and provide limitations as to when consent may be withdrawn; (4) provide for investigative requirements for the adoption of a minor; (5) clarify procedures for a relative or stepparent to adopt a minor; (6) provide procedures to adopt an adult, including that an investigation is not required for the adoption of an adult; and (7) provide procedures related to adoption records. Effective January 1, 2024

**Family Law – The Colby Act (Supported Decision-Making Agreements) (Act 2023-134, SB55)**

Senator Arthur Orr

This act (1) provides conditions by which an adult may enter into a supported decision-making agreement as an alternative to a guardianship or conservatorship; (2) provides for the contents and scope of a supported decision-making agreement and provides a model form; (3) sets requirements for a supporter of an adult with a supported decision-making agreement and prohibits a supporter from exerting undue influence, receiving compensation for his or her services, or obtaining information about the adult without the adult's consent; (4) provides for the termination and revocation of a supported decision-making agreement; and (5) requires mandatory reporting if an individual suspects an adult with a supported decision-making agreement is being abused, neglected, or exploited. Effective August 1, 2023

**Family Law – Domestic Violence Victims (Act 2023-494, HB76)**

Representative Matt Simpson

This act expands the definition of “domestic violence victims” to include a grandparent, step-grandparent, grandchild, and step-grandchild. Effective September 1, 2023.

**Family Law – Surrender of Infants (Act 2023-508, HB473)**

Representative Donna Givens

This act (1) authorizes an emergency services provider to accept donations or grants for the purposes of installing and maintaining a baby safety device; (2) provides for the installation of a baby safety device at an emergency medical services provider, provided that the device meets

certain criteria established by the Department of Public Health; (3) authorizes a parent to anonymously surrender an infant 45 days old or younger by placing the infant in a baby safety device or delivering the infant to an emergency medical services provider; (4) authorizes a mother, following labor and delivery, to anonymously surrender a newborn infant to the hospital and not be placed on the birth certificate; (5) requires an emergency medical services provider to immediately notify the Department of Human Resources if the provider takes possession of an infant, and take the infant to a licensed hospital for a medical evaluation; (6) authorizes the Department of Human Resources to take immediate custody of any infant surrendered pursuant to this act; (7) requires the department to contact the local law enforcement agency where the infant was surrendered to determine if the infant is a missing child; (8) provides that an individual or entity who takes possession of a surrendered infant is immune from liability; and (9) provides that damaging a baby safety device may constitute the crime of criminal mischief. Effective September 1, 2023

### **Family Law – Parental Rights (Act 2023-555, HB6)**

Representative Kenneth Paschal

This act provides that in disputes between parents and the government or third parties, the government may not burden the fundamental right of parents to direct the education, upbringing, care, and control of their child, unless doing so is narrowly tailored to a compelling state interest and the government uses the least restrictive means possible to further that interest. Effective September 1, 2023

### **Firearms – Unlawful Aliens Prohibited from Possession (Act 2023-487, HB64)**

Representative Ron Bolton

This act prohibits aliens unlawfully in the United States or aliens admitted under a nonimmigrant visa from possessing a firearm, and provide that a violation is a Class C felony. Effective September 1, 2023.

### **Health – Harold Sachs and Anne Roberts Act (Hospital Visitation) (Act 2023-24, SB113)**

Senator Garlan Gudger

This act (1) provides that each patient of a health care facility has the right to be visited during the facility's visiting hours; (2) requires each health care facility to establish a visitation policy (3) prohibits a health care facility from requiring visitors to show proof of vaccination; (4) allows each patient to designate one essential caregiver each day who is entitled to two hours of daily in-person visitation; (5) provides a procedure for an individual to designate an essential caregiver on behalf of a patient who is incapacitated; (6) provides that clergy members have the same visitation rights as essential caregivers; (7) requires each health care facility to allow visitation in certain situations; (8) requires each health care facility to provide its visitation policies to the Alabama Department of Public Health when applying for licensure and require the visitation policies to be published online; and (9) exempts certain health care facilities from the visitation requirements. Effective April 18, 2023

### **Health – The Genesis Act (Certificates of Nonviable Birth) (Act 2023-198, HB55)**

Representative Juandalynn Givan

This act: (1) allows a parent of a nonviable birth occurring before 20 weeks of gestation to request that a report of fetal death be filed with the Office of Vital Statistics; (2) authorizes the State Registrar of Vital Statistics to issue, upon a parent's request, a Certificate of Nonviable Birth; (3) provides for the contents of a Certificate of Nonviable Birth; and (4) requires the State Board of Health to adopt rules to implement and administer this act. Effective November 1, 2023.

### **Law Enforcement – Sexual Assault Case Reporting (Act 2023-197, HB21)**

Representative Chip Brown

This act (1) requires every law enforcement agency and the Alabama Department of Forensic Sciences to submit an annual report containing certain data relating to sexual assault cases to the Alabama State Law Enforcement Agency; and (2) requires the Alabama State Law Enforcement Agency to submit an annual summary report relating to sexual assault cases to the Chairs of the House and Senate Judiciary Committees. Effective August 1, 2023

### **Law Enforcement – Violations of Parole or Probation (Act 2023-475, SB157)**

Senator Chris Elliot

This act allows a law enforcement officer to arrest a parolee or probationer without a warrant if he or she violates conditions of parole or probation in the presence of the arresting officer. This act also (1) requires the Board of Pardons and Paroles and any sentencing court to report to the Alabama State Law Enforcement Agency (ALEA) the conditions of parole or probation for any individual released on parole or probation; and (2) requires ALEA to make the conditions available to law enforcement officers or other authorized persons through the Law Enforcement Tactical System. Effective September 1, 2023

### **Law Enforcement – Alabama Bail Reform Act of 1993 (Act 2023-476, SB213)**

Senator David Sessions

This act (1) allows a sheriff or jailer to accept certain filing fees; (2) limits the definition of "property bail" to apply to real property; (3) prohibits the charge of a surety for the bondsman's process or for a certified copy of the bond; (4) increases the time frame for a court to set a hearing relating to bond forfeiture from 90 days to 120 days, the time frame for a written response from 28 days to 30 days after service of notice, and the time frame in which a court has full power and jurisdiction over procedures under the Alabama Bail Reform Act from six months to one year; (5) authorizes a surety to sign for a forfeiture; (6) requires professional surety companies to annually submit proof of licensure to the presiding circuit judge; (7) requires corporate surety bonds and escrow agreements made after September 1, 2023, in counties with populations of 200,000 or more to be in the amount of \$50,000; (8) prohibits a professional bondsman from owning a professional bail company until he or she has been licensed for at least three years; (9) provides procedures for the sale of a bail bond company to an unlicensed individual in the event the owner dies; and (10) provides that any individual who provides false information to the court or surety on any bond form or contract shall be guilty of a Class A misdemeanor, and any surety who exchanges sexual services in exchange for bail bond services shall be guilty of a Class C felony. Effective September 1, 2023

**Law Enforcement – Disclosure of Recordings Made by Law Enforcement (Act 2023-507, HB289)**

Representative Juandalynn Givan

This act (1) provides that recordings captured by a body-worn camera, dashboard camera, or other video or audio recording by or on behalf of a law enforcement agency are not personnel records of the state or local law enforcement agency; (2) provides circumstances under which such recordings are required to be disclosed, including when a written request is received by any individual, or his or her personal representative, who is the subject of the recording, and the personal representative of any minor, adult individual under lawful guardianship, incapacitated adult, or deceased individual who is the subject of the recording; and (3) authorizes the custodial law enforcement agency to either disclose the requested recording or, if the disclosure would affect an ongoing investigation or prosecution, notify the requestor of the decision not to disclose the recording. Effective September 1, 2023

**Law Enforcement – The Cade Noah Act (Training on Individuals with Sensory Needs) (2023-354, HB356)**

Representative Leigh Hulsey

This act (1) requires the Alabama Peace Officers’ Standards and Training Commission to require each certified law enforcement officer to complete one hour of training on interacting with individuals with sensory needs or invisible disabilities every other year; (2) requires the commission to collaborate with a nonprofit company to provide the training at no cost; and (3) authorizes the commission to adopt rules to implement and administer the act. Effective January 1, 2024

**Liability – Dram Shop Liability (Act 2023-25, SB104)**

Senator Chris Elliot

This act (1) provides that a person who sells, furnishes, or serves alcoholic beverages to an individual of lawful drinking age shall not be liable for injury or death caused by the intoxication of the individual, provided the person did not knowingly sell, furnish, or serve the alcoholic beverage to the individual while the individual was visibly intoxicated; and (2) specifies that the establishment of a “knowing” element establishes a new standard of liability for damages resulting from intoxication due to alcoholic beverages, repealing in effect the former strict liability standard of liability. Effective April 19, 2023

**Liability – Alabama Medical Liability Act of 1996 (Act 2023-103, HB162)**

Representative Ed Oliver

This act provides that, for the purposes of the Alabama Medical Liability Act of 1996, the term “health care provider” includes emergency medical services personnel and any emergency medical provider service. Effective August 1, 2023

**Liability – Public Road and Bridge Contractors (Act 2023-316, SB159)**

Senator Clay Scofield

This act (1) further provides for the exceptions to the general rule of nonliability of a contractor who constructs or repairs a public road or bridge following the project's acceptance by the awarding authority; (2) provides that in an action for injury, damages, or wrongful death against an awarding authority or its contractors arising from any negligent act or omission in the construction or maintenance of a public road, where it is established that the operator of the vehicle was driving under the influence, texting while driving, or traveling at a rate of 25 or more miles per hour over the applicable speed limit, there is a rebuttable presumption that the prohibited conduct was the proximate cause of the injury, damages, or wrongful death, but provide that the presumption may be overcome by the plaintiff establishing that the prohibited conduct was not the proximate cause of injury, damages, or death; and (3) requires in such complaints a detailed specification and factual description of each act and omission alleged. Effective August 1, 2023

### **Motor Vehicles – Smoking in a Vehicle (Act 2023-93, HB3)**

Representative Rolanda Hollis

This act (1) prohibits smoking or vaping in any motor vehicle, in motion or at rest, when a child 14 years of age or younger is present in the vehicle; (2) provides a fine for a violation of not more than \$100; and (3) provides that a violation may be charged only as a secondary violation. Effective August 1, 2023

### **Motor Vehicles – Military Members Motor Vehicle Insurance (Act 2023-127, HB210)**

Representative Rhett Marques

This act allows active duty military members who have a motor vehicle registered in Alabama but are assigned to reside in another state to satisfy state mandatory motor vehicle liability requirements by purchasing liability coverage in the state where he or she is on active military duty or assignment. Effective January 1, 2024

### **Motor Vehicles – Suspension of Driver License (Act 2023-337, SB154)**

Senator Will Barfoot

This act (1) provides that a judge may order the suspension of an individual's driver license for failure to appear under the following conditions: a. the individual violated his or her written bond to appear for any pre-adjudication court date or trial date; or b. the individual failed to appear on two or more occasions when the court appearance was based on a court's post adjudication compliance review of conditions ordered; or c. the individual failed to make three or more court ordered payments for a fine, fee, or court costs and (2) requires the Alabama State Law Enforcement Agency to add points on an individual's driver license upon the receipt from a court that the individual was convicted of or entered a plea of guilty to a traffic violation. Effective October 1, 2023

### **Property – Termination of Uneconomic Trusts (Act 2023-176, SB11)**

Senator Will Barfoot

This act (1) increases from \$50,000 to \$100,000 the minimum threshold dollar amount at which the trustee of trust property may deem a trust to be uneconomic and terminate the trust under certain circumstances; and (2) beginning January 1, 2024, allows the minimum threshold to be

increased or decreased in subsequent years based on changes to the Consumer Price Index.  
Effective May 12, 2023

**Property – Wholesale Residential Real Estate Disclosures and Long-term Right to List Agreements (Act 2023-201, SB228)**

Senator Dan Roberts

This act (1) requires the buyer of a single-family residential property to make certain disclosures to homeowners and other interested parties if the buyer intends to acquire an equitable interest and assign the interest for a fee; (2) provides that any individual who violates this act shall be guilty of a Class C misdemeanor and may be financially liable to the person to whom disclosure is required; (3) designates an unfair service agreement as a deceptive act under the Alabama Deceptive Trade Practices Act; (4) deems unenforceable certain unfair service agreements that purport to establish a long-term right to list between real estate companies and residential real estate owners; (5) provides any interested party with the right to seek a court order declaring a service agreement void; and (6) holds a service provider who records an unfair service agreement liable to an affected party for \$10,000 in damages and other costs and attorney fees as proven.  
Effective August 1, 2023

**Public Contracts – Environmental, Social, and Corporate Governance (Act 2023-409, SB261)**

Senator Dan Roberts

This act (1) prohibits governmental entities from entering into certain contracts for goods and services with companies that boycott businesses because the business engages in the fossil fuel or firearm industry, does not meet certain environmental or corporate governance standards, or does not facilitate access to abortion or sex or gender change surgery; (2) prohibits governmental entities from requiring a company to engage in economic boycotts or other actions that further social, political, or ideological interests or penalizing a company for its refusal to engage in economic boycotts; (3) requires the Attorney General to seek to prevent federal laws or actions from penalizing or limiting the activities of companies or residents based on the economic boycott criteria; and (4) authorizes the Attorney General to enforce this act and investigate alleged violations. Effective September 1, 2023

**State Agencies – Personal Privacy Protection Act (Act 2023-128, SB59)**

Senator Rodger Smitherman

This act (1) prohibits public agencies from collecting, disclosing, or releasing certain personal information about members of, volunteers for, and financial and nonfinancial supporters to nonprofit organizations, except as required by law; (2) allows civil damages and injunctive relief for a violation; and (3) provides that any person who knowingly violates this act shall be guilty of a Class C misdemeanor. Effective August 1, 2023

**State Agencies – Digital Currency Prohibited (Act 2023-561, SB330)**

Senator Dan Roberts

This act prohibits governmental agencies from using Central Bank Digital Currency as payment and from participating in testing the use of the currency by the Federal Reserve. Effective September 1, 2023

**State Employees – Exempt Service Employees (Act 2023-538, SB294)**

Senator Robert Stewart

This act increases the number of exempt service employees allowable in each agency to three employees, provided that the Department of Conservation and Natural Resources, the Department of Corrections, the Department of Human Resources, the Department of Mental Health, the Department Public Health, the Department of Revenue, the Department of Transportation, and the Alabama State Law Enforcement Agency shall be entitled to an additional exempt employee. Effective September 1, 2023

**State Ethics Commission – Required Disclosure of Exculpatory Evidence (Act 2023-543, SB103)**

Senator Arthur Orr

This act (1) provides that prior to any hearing before the State Ethics Commission for a violation of the Code of Ethics for Public Employees, a lawyer or prosecutor assigned to or employed by the commission shall provide to the defendant-respondent the complaint against the defendant and any statement, evidence, or information received from the complainant, witnesses, or other individuals or discovered during the course of investigation; and (2) provides that this required disclosure of exculpatory evidence is not subject to the secrecy and nondisclosure of information requirements of the ethics laws. This act also clarifies that the statutory whistleblower protections which prohibit a public employer from discharging, demoting, transferring, or otherwise discriminating against an employee for reporting an ethics violation or giving testimony concerning an alleged ethics violation apply regardless of whether the employee is the individual who filed the ethics complaint. Effective September 1, 2023

**State Government – Unconscionable Pricing During an Emergency (Act 2023-122, SB62)**

Senator Sam Givhan

This act authorizes the Governor or the Legislature to specify the affected areas and time periods to which a prohibition against imposition of unconscionable pricing during a declared state of emergency would apply. Effective August 1, 2023

**State Government – Legislature and Legislative Council (Act 2023-224, SB222)**

Senator Sam Givhan

This act (1) provides that the regular session of the Legislature for the first year of the legislative quadrennium commences the first Tuesday of February; (2) designates as state property and authorizes the Legislature to control the usage of a parking lot used by personnel in the Alabama State House, and all of an additional lot adjacent to the Alabama State House in the City of Montgomery; (3) provides additional time for the Contract Review Committee to review a contract; (4) redacts certain contracts for professional services executed by the Attorney General until the conclusion of the litigation; (5) revises membership of the Joint Legislative Committee on Finances and Budgets to include the members of the Senate Committee on Finance and Taxation General Fund and the House Committee on Ways and Means General Fund; (6) provides that if a vacancy occurs in the Office of the Lieutenant Governor, the President Pro

Tempore of the Senate shall assume the budget, personnel, and statutory duties for the remainder of the term of office; (7) provides further for the roll of the Code Commissioner and the duties of the Legislative Council and the Legislative Services Agency; (8) authorizes the Legislative Council to contract with an appropriate party to construct and maintain a building that, upon completion, would be designated as the Alabama State House; and (9) provides that the term of the Speaker of the House of Representatives continues after the election when House members are elected until a new Speaker is elected and provide that, in the event of a vacancy in the office of the Speaker, the Speaker Pro Tempore of the House of Representatives shall assume the duties of the Speaker. Effective August 1, 2023

### **State Government – Division of Procurement (Act 2023-542, SB100)**

Senator Arthur Orr

This act (1) changes the name of the Office of the Chief Procurement Officer to the Division of Procurement; (2) authorizes the Chief Procurement Officer to make purchases, contracts, or leases for any county, municipal corporation, local board of education, or other local public body at the request of the local public body; (3) exempts from the state procurement code certain supplies and services that, by their nature, are impossible to award by competitive process; (4) provides for emergency procurements and the review of those procurements by the Contract Review Legislative Oversight Committee; (5) exempts the Alabama Medicaid Agency from the article for the purposes of procuring certain professional service providers; (6) revises the definition of professional services to include the management and administration of occupational licensing boards; (7) authorizes the procurement of supplies, services, and professional services by district attorneys and sheriffs; and (8) provides for the procurement of physicians retained to provide medical services to the State of Alabama. Effective June 15, 2023

### **Taxation – One-Time Tax Rebate (Act 2023-377, SB86)**

Senator Arthur Orr

This act (1) provides a one-time refundable income tax credit to qualified taxpayers who filed an Alabama individual income tax return for the taxable year beginning January 1, 2021, in the amount of \$150 for single, head of family, and married filing separate, and \$300 for married filing joint; (2) creates the Refundable Tax Credit Fund in the State Treasury and requires the State Comptroller to direct the amount necessary to implement this act to the fund from the Education Trust Fund; (3) requires the Department of Revenue to begin issuing refundable income tax credits no sooner than November 30, 2023; and (4) provides that refundable credits are not taxable for Alabama income tax purposes, subject to interest accrual, or subject to interception against any liability. Effective June 1, 2023

### **Taxation – Overtime Pay Exempt from Taxation (Act 2023-421, HB217)**

Representative Anthony Daniels

This act (1) provides that for the tax years beginning after December 31, 2023, and ending prior to June 30, 2025, any gross income received by a full-time, hourly wage-paid employee for overtime work performed in excess of 40 hours in a week is exempt from the state income tax; and (2) requires each employer to provide information to the Department of Revenue about the total amount of overtime provided to such full-time hourly wage-paid employees. Effective January 1, 2024



**Taxation – One-Time Tax Rebate (Act 2023-511, HB175)**

Representative Danny Garrett

This act (1) provides a one-time refundable income tax credit to qualified taxpayers who filed an Alabama individual income tax return for the taxable year beginning January 1, 2021, in the amount of \$150 for single, head of family, and married filing separate, and \$300 for married filing joint; (2) requires the Department of Revenue to begin issuing refundable income tax credits no sooner than November 30, 2023; and (3) provides that the refundable income tax credits are not taxable for Alabama income tax purposes, not subject to interest accrual, and not subject to interception against any liability. Effective June 15, 2023

**Taxation – Food Tax Reduction (Act 2023-554, HB479)**

Representative Danny Garrett

This act (1) reduces the state sales and use tax rate on food from four percent to three percent; (2) contingent upon the satisfaction of certain estimated growth requirements in the total net receipts to the Education Trust Fund, further reduces the states sales and use tax rate on food to two percent, effective September 1, 2024, provided, if the growth requirements are not satisfied, the state sales and use tax rate on food will be reduced to two percent in a subsequent fiscal year when the growth requirements are satisfied; (3) establishes each county or municipality's tax rate on food as of the effective date of this act as the general or retail sales tax rate on food, and prohibits any county or municipality from levying an additional sales and use taxes on food; and (4) authorizes counties and municipalities to reduce, by ordinance or resolution, the tax rate on food by 25 percent in any year in which the growth in that county or municipality's general fund exceeds two percent over the prior year. Effective June 15, 2023