APLC

ALABAMA PRO-LIFE COALITION, INC.

1200 Corporate Drive, Suite 107
Birmingham, Alabama 35242
E-mail: Eric@aericjohnston.com

Respond to: **Telephone: (205) 408-8893**
A. Eric Johnston, President   **Facsimile: (205) 408-8894**

MEMORANDUM

FROM: A. Eric Johnston

DATE: July 2017

RE: Sanctity of Life Legislation in the 2017 Regular Session of the Alabama Legislature

THE STRATEGY

Last fall, the Alabama Pro-Life Coalition ("APLC") decided on a strategy that would pass some very important bills to protect the sanctity of life. During the years of the Democrat controlled legislature, it was a struggle to get pro-life bills passed, but a number of good ones were. When the Republicans gained control of the statehouse, legislators were vying for the opportunity to pass pro-life legislation. Although the intentions and bills were good, many did not pass and many that did ended up enjoined by the courts.

APLC's strategy was to identify three important needs, draft bills to meet those needs and ask the legislative leadership to work with APLC to pass all three of the bills. Three bills were selected (identified below), leadership for the Legislature was contacted, sponsors were arranged, and the plan went into effect. There were intense lobbying efforts, testifying before committees and communications from pro-lifers around the state. As a result, all three of the bills passed, along with a fourth bill especially requested by the House, which APLC supported. For the first time in Alabama pro-life legislative history, all of the bills requested have been signed into law.

THE BILLS

The bills selected, House and Senate sponsors names, and a brief explanation of each are as follows:

HB95 (Arnold Mooney)/SB185 (Paul Sanford) – Healthcare Rights of Conscience Act

This bill was first filed in 1995. Though it was not filed every year thereafter, it was in most. It had significant opposition in early years from the healthcare community. Ultimately, all interested parties were in agreement and the bill was able to pass. Alabama joined 47 other states each with varying degrees of protection of healthcare workers rights.

The bill provides that healthcare workers, *viz.,* doctors, nurses, physician's assistants, pharmacists, *etcetera,* cannot be required to participate in procedures for abortion, embryonic stem cell research, human cloning and sterilization, if it would violate their religious, ethical or moral beliefs. Obviously, these are hotly contested issues that are in the headlines today. Healthcare workers needed this protection. Employers and patients are protected in that if there is an emergency, the healthcare worker would be required to participate in the service. Practically, the very nature of the four exceptions precludes any foreseeable emergency procedure. The work scheduling by the employer is protected by requiring an employee who might have an objection to notify, in writing, in advance, his employer of his beliefs.

HB96 (Mack Butler)/SB198 (Phil Williams) – Assisted Suicide Ban Act

In 1994, the State of Oregon passed the first law permitting physician assisted suicide. As a result, several states immediately followed suit. At that time, a similar bill was filed in Alabama to avoid assisted suicide becoming a reality. The bill did not pass, but the nationwide effort to legalize assisted suicide waned. However, in the last few years, the efforts to legalize assisted suicide were renewed. In the general election of 2016, Colorado was the latest state to approve physician assisted suicide.

This bill prohibits a healthcare provider from actively aiding a person to die. This would be supplying some medical modality to purposefully and with intent to cause the death of a person. It would not include a collateral effect of medication, such as significant doses of morphine for pain, if death occurs. One's instructions in their advance directive for healthcare for end-of-life procedures are also an exception. The law is carefully constructed to protect the sanctity of life for the elderly, infirm and disabled.

HB24 (Rich Wingo)/SB165 (Bill Hightower) – The Alabama Child Placing Agency Inclusion Act

Adoption is a very important alternative to abortion. If women with troubled or unplanned pregnancies do not have adoption as an option, the number of abortions would increase.

Approximately 30% of Alabama adoptions are done by agencies which are ministries of religious denominations or religious nonprofit organizations, *viz.,* Alabama Baptist Children's Home, Catholic Social Services, Agape of North Alabama, Lifeline Children's Services, Inc., *etcetera.* They follow scriptural guidelines for their adoption placements. For all of these, marriage is only between a one man one woman.

In Massachusetts, Illinois, Washington, D.C., San Francisco and other places, laws were passed requiring all child placing agencies to make same sex adoption placements. This violated the religious beliefs of many agencies. They closed and ceased operations as a result of this.

With the legalization of same sex marriage by the *Obergefell* court decision in 2015, one of the rights to follow would be adoption by same sex couples. This is particularly true since they cannot naturally procreate. This would place adoption agencies in a position of having to make placements. This bill provides that the Alabama Department of Human Relations, which licenses child placing agencies, cannot discriminate against the religious agencies if they refused to make same sex placements. This bill ran into significant opposition in many ways. A separate report will be made on this bill.

HB98 (Matt Fridy) –

This is a proposed amendment to the Alabama Constitution which will be on the general election ballot in 2018. The amendment is a state acknowledgement and affirmation of its public policy to recognize and support the sanctity of unborn life and the rights of unborn children. It acknowledges and declares that it is the public policy of this state to protect the rights of unborn children in all lawful manners.

HB98 (James Hill)/SB376 (Jabo Waggoner) –

This bill would amend the existing parental consent law. There were some issues raised in a lawsuit by the ACLU on whether the Alabama law applied to nonresident minors who were seeking abortions. The bill was introduced late in the session and did not have time to pass. It was supported by APLC.

CONCLUSION

Governor Kay Ivey signed into law all of the bills, except the constitutional amendment which does not require the Governor's signature. After each bill number above we have named the sponsors. In addition, House Speaker Mack McCutcheon, Senate President Pro Tem Del Marsh and Senate Majority Leader Greg Reed, as well as each of the sponsors, worked hard to pass these bills. We believe these bills meet specific and necessary needs, and that they are constitutional and will not be contested in court. Please thank the Governor and each of these legislators for their efforts to protect the sanctity of life and to meet needs important to that protection. In order to find your own legislator go to the Alabama Legislature website www.legislature.state.al.us, click on the "Find My Legislator" link and there follow the instructions. For the Governor go to: www.governor.alabama.gov and click on the "Contact" link.

We are also grateful to the many member groups of APLC who assisted in the effort. We give special thanks to Deborah Love, Executive Director of Eagle Forum, for her work with social media and presence in the statehouse, including providing committee testimony, and for Joe Godfrey, Executive Director of ALCAP, for his presence in the statehouse and work on the issue. For successful "pro-life days," we are thankful to Hannah Ford and her family, John Kline, and others in their preparation. We do not mean to exclude groups or individuals, but they are legion and we are grateful for their help. APLC looks forward to a successful year next year. We hope this year set a template for success.

AEJ/pmm