

SB193 INTRODUCED



1 SB193
2 VZ7XPVP-1
3 By Senator Elliott
4 RFD: County and Municipal Government
5 First Read: 20-Feb-25



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SYNOPSIS:

Under existing law, occupational and professional licensing boards are responsible for regulating different professions and occupations.

This bill would establish the Office of Occupational and Professional Licensing within the Alabama Department of Workforce to serve as a centralized entity providing leadership, support, and oversight to certain professional or occupational licensing boards operating within the state.

This bill would provide for the appointment of an executive director, deputy directors, and other staff for the office, including investigators, and would provide uniformity for certain provisions relating to licensing, fees, funding, and expenses.

Commencing on October 1, 2026, this bill would transfer to the office the Board of Examiners of Assisted Living Administrators, Alabama Athletic Commission, Alabama Board of Athletic Trainers, State Board of Auctioneers, Alabama Professional Bail Bonding Board, Board of Examiners in Counseling, Alabama Board of Electrical Contractors, Alabama Electronic Security Board of Licensure, State Board of Genetic Counseling, Board of Home Medical Equipment, Alabama Board for Registered Interior Designers, Alabama Licensure Board



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29 for Interpreters and Transliterations, Alabama Board of
30 Examiners of Landscape Architects, Alabama Board of
31 Examiners in Marriage and Family Therapy, Alabama
32 Massage Therapy Licensing Board, State Board of
33 Midwifery, Alabama Private Investigation Board, Alabama
34 State Board of Prosthetists and Orthotists, and the
35 Alabama Security Regulatory Board.

36 This bill would maintain the validity of
37 occupational and professional licenses issued before
38 the transfer and the continuance of the rules of a
39 transferred occupational or professional licensing
40 board adopted before the transfer.

41 This bill would transfer the Sickle Cell
42 Oversight and Regulatory Commission and all documents,
43 records, functions, and responsibilities of the
44 commission to the Department of Public Health.

45 This bill would also transfer the Alabama
46 Drycleaning Environmental Response Trust Fund Advisory
47 Board and all documents, records, functions, and
48 responsibilities of the board to the Alabama Department
49 of Environmental Management.

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A BILL

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TO BE ENTITLED

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AN ACT

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57 To establish the Office of Occupational and
58 Professional Licensing within the Alabama Department of
59 Workforce; to add Chapter 2B to Title 25, Code of Alabama
60 1975; to provide for the leadership, support, and oversight of
61 certain occupational and professional licensing boards; to
62 provide for an executive director, deputy directors, and the
63 employment of staff for the boards; to provide uniform
64 standards for fees and; to continue existing licenses and
65 rules; to provide for the transfer of the following boards
66 commencing on October 1, 2026: the Board of Examiners of
67 Assisted Living Administrators, Alabama Athletic Commission,
68 Alabama Board of Athletic Trainers, State Board of
69 Auctioneers, Alabama Professional Bail Bonding Board, Board of
70 Examiners in Counseling, Alabama Board of Electrical
71 Contractors, Alabama Electronic Security Board of Licensure,
72 State Board of Genetic Counseling, Board of Home Medical
73 Equipment, Alabama Board for Registered Interior Designers,
74 Alabama Licensure Board for Interpreters and Transliteratedors,
75 Alabama Board of Examiners of Landscape Architects, Alabama
76 Board of Examiners in Marriage and Family Therapy, Alabama
77 Massage Therapy Licensing Board, State Board of Midwifery,
78 Alabama Private Investigation Board, Alabama State Board of
79 Prosthetists and Orthotists, and the Alabama Security
80 Regulatory Board by amending sections of the Code of Alabama
81 1975, in Chapter 2A, Title 34; Chapter 9, Title 41; Chapter
82 40, Title 34; Chapter 4, Title 34; Chapter 13, Title 15;
83 Chapter 8A, Title 34; Chapter 36, Title 34; Chapter 1A, Title
84 34; Chapter 13A, Title 34; Chapter 14C, Title 34; Chapter 15C,



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85 Title 34; Chapter 16, Title 34; Chapter 17, Title 34; Chapter
86 17A, Title 34; adding Chapter 43A, Title 34; amending in
87 Chapter 19, Title 34; Chapter 25B, Title 34; Chapter 25A,
88 Title 34; and Chapter 27C, Title 34; to amend Section
89 22-10B-3, to transfer the Sickle Cell Oversight and Regulatory
90 Commission to the Department of Public Health; to amend
91 Section 22-30D-8, Code of Alabama 1975, to transfer the
92 Alabama Drycleaning Environmental Response Trust Fund Advisory
93 Board to the Alabama Department of Environmental Management;
94 to repeal Sections 34-4-53, 34-17-25, 34-36-5, and 34-40-7,
95 Code of Alabama 1975, relating to member compensation and
96 fees; and to provide for various effective dates.

97 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

98 Section 1. Chapter 2B is added to Title 25 of the Code
99 of Alabama 1975, to read as follows:

100 CHAPTER 2B. OFFICE OF OCCUPATIONAL AND PROFESSIONAL
101 LICENSING.

102 §25-2B-1

103 For the purposes of this chapter, the following terms
104 have the following meanings:

105 (1) BOARD. A board, commission, or other entity
106 established for the primary purpose of licensing and
107 regulating a specific occupation or profession that is subject
108 to oversight and administration by the Office of Occupational
109 and Professional Licensing of the Alabama Department of
110 Workforce.

111 (2) EXECUTIVE DIRECTOR. The individual appointed by the
112 Secretary of Workforce as executive director of the office.



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113 (3) FUND. The Occupational and Professional Licensing
114 Fund created by this chapter.

115 (4) LICENSE. The certificate or license issued to an
116 individual that certifies he or she is qualified to perform a
117 particular occupation or profession. The term includes a
118 certificate of registration, temporary license, or similar
119 formal grant of permission.

120 (5) OFFICE. The Office of Occupational and Professional
121 Licensing within the Alabama Department of Workforce,
122 responsible for the oversight and administration of certain
123 occupational and professional licensing boards.

124 §25-2B-2

125 (a) There is created within the Alabama Department of
126 Workforce the Office of Occupational and Professional
127 licensing. The mission of the office is to protect the health,
128 safety, and welfare of the public by licensing qualified
129 individuals and entities and enforcing standards of
130 professional conduct for professions and occupations.

131 (b) (1) The Secretary of Workforce shall appoint and
132 shall set the qualifications for an executive director and
133 shall appoint deputy directors, as needed, who shall act in
134 the absence of the executive director and who shall perform
135 other functions of the executive director as the executive
136 director may direct. The executive director and deputy
137 directors shall serve in the exempt service. The compensation
138 of the executive director and deputy directors shall be fixed
139 by the Secretary of Workforce, and they shall hold office at
140 the pleasure of the Secretary of Workforce.



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141 (2) The executive director may employ additional
142 personnel, including administrative law judges, attorneys, and
143 investigators, as necessary to carry out this chapter and to
144 provide leadership, support, and oversight required for each
145 board to exercise its powers and fulfill its duties. Except as
146 otherwise provided in this chapter, all personnel shall be
147 subject to the state Merit System Act.

148 (c) An individual hired to conduct investigations for
149 the boards shall meet standards established by the executive
150 director.

151 §25-2B-3

152 (a) The executive director, with the approval of the
153 Secretary of Workforce, may enter into and terminate contracts
154 on behalf of the office or any board, subject to the State
155 Procurement Law, as necessary to implement this chapter.

156 (b) The rights, privileges, entitlements, or duties of
157 parties to contracts, leases, agreements, or other
158 transactions entered into by a board on or before the date a
159 board becomes subject to this chapter, shall continue to exist
160 and shall not be impaired or diminished by reason of the board
161 being subject to this chapter. After the date a board becomes
162 subject to this chapter, no existing agreement or contract
163 between a board and a third party may be renewed or otherwise
164 amended unless the agreement or contract complies with this
165 chapter.

166 §25-2B-4

167 On the date a board becomes subject to this chapter,
168 all the rights, duties, assets, employees, records,



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169 liabilities, property, real or personal, and all other effects
170 existing in the name of each board shall be transferred to,
171 and under the jurisdiction of, the office. By resolution, a
172 board may transfer its rights, duties, assets, employees,
173 records, liabilities, property, or other effects to the office
174 before the date specified by this act if approved by the
175 Secretary of Workforce or the executive director.

176 §25-2B-5

177 (a) The Occupational and Professional Licensing Fund is
178 created within the State Treasury. The office shall collect,
179 on behalf of each board, all funds the board is entitled to
180 receive. Collected funds shall be deposited into the fund and
181 shall be used to implement this chapter and perform required
182 board functions. The executive director shall allocate and
183 disburse funds budgeted and allotted pursuant to the Budget
184 Management Act and Article 4 of Chapter 4 of Title 41.

185 (b) For purposes of this section, required board
186 functions include the maintenance of existing board programs
187 that benefit an occupation or profession including, but not
188 limited to, grant, wellness, and training programs, if the
189 executive director determines that maintenance of the program
190 will not require a material increase in any fee collected by
191 the office. The authority provided by this subsection shall
192 expire on September 31, 2029.

193 §25-2B-6

194 (a) The executive director shall possess all powers
195 necessary and proper to provide administrative support and
196 oversight to each board, including all of the following:



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197 (1) To serve as the custodian of all board records.

198 (2) To receive and process all license applications.

199 (3) By rule, to set all administrative fees including,
200 but not limited to application, license, renewal, examination,
201 and wellness program fees and set the dates, times, and
202 locations of license examinations.

203 (4) To schedule the time and place for all hearings.

204 (5) To issue all licenses.

205 (6) To conduct investigations on behalf of each board
206 and issue subpoenas when authorized.

207 (7) To collect all fees, fines, and other monies due
208 each board and deposit all monies collected into the fund.

209 (8) To implement and enforce the rules and
210 administrative decisions of each board.

211 (b) All board orders shall be signed and attested to by
212 the executive director, or his or her designee, in the name of
213 the applicable board, with the seal of that board attached.
214 Any notice or legal process necessary to be served upon a
215 board may be served upon the executive director.

216 (c) Any document, material, or other information in the
217 possession or control of the office that is obtained by or
218 disclosed in the course of an application, examination, or
219 investigation is confidential, privileged, and not subject to
220 subpoena or discovery.

221 §25-2B-7

222 (a) Each board member shall be paid a per diem amount
223 of one hundred dollars (\$100) for each day spent attending a
224 board meeting or other official function of the board and



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225 shall be reimbursed for travel expenses at the same rate and
226 under the same circumstances as a state employee is paid for
227 each day he or she attends to business of the board. A board
228 member's request for per diem or reimbursement of travel
229 expenses is subject to approval by the executive director.

230 (b) Board meetings and hearings shall be held in the
231 City of Montgomery, at a site determined by the executive
232 director, or at a different site upon request of the chair and
233 approval by the executive director.

234 (c) Nothing in this chapter shall be construed to alter
235 the requirements of the Open Meetings Act, Chapter 25A, Title
236 36.

237 §25-2B-8

238 (a) The executive director shall adopt rules pursuant
239 to the Alabama Administrative Procedure Act relating to
240 administrative fees and to the administration of examinations
241 of applicants for licensing by each board pursuant to Section
242 25-2B-6. The rules may provide for the setting of fees, dates,
243 times, and locations of examinations, and other similar
244 matters related to the administration of an examination.

245 (b) Nothing in this chapter shall preclude a board from
246 adopting rules to establish examination standards including,
247 but not limited to, criteria, grading procedures, passing
248 score requirements, and other matters pertaining to
249 substantive material included on an examination.

250 (c) A board, by rule, may establish examination
251 standards developed in agreement or in conjunction with a
252 national association of state boards, or other related



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253 national association, for the administration of a nationally
254 recognized uniform examination.

255 (d) Rules adopted by a board before the date of
256 transfer to the office, that are under the jurisdiction of the
257 executive director, shall continue in effect until the
258 executive director expressly amends, repeals, or adopts new
259 rules pursuant to the Alabama Administrative Procedure Act.

260 §25-2B-9

261 (a) The executive director, by rule, may establish
262 administrative fees necessary for the operation of a board
263 including, but not limited to, an application fee, original
264 license fee, license renewal fee, inspection fee, permit fee,
265 wellness program fee, and late penalty fee. Each fee shall be
266 reasonable and shall be determined in a manner that the total
267 amount of fees charged by the board shall approximate the
268 total of the direct and indirect costs to the state of the
269 operations of the board. Fees may be refunded as determined by
270 the executive director.

271 (b) The executive director, by rule, shall determine
272 the term, expiration, renewal period, and late penalty dates
273 for each license issued by a board through the office.

274 §25-2B-10

275 (a) The executive director, on behalf of each board,
276 may issue or deny a temporary license to an applicant who
277 otherwise satisfies all of the qualifications and criteria
278 required for the issuance of a license.

279 (1) If a temporary license is issued to an applicant by
280 the executive director, that decision shall be reviewed by the



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281 applicable board at the next meeting of the board, during
282 which time the board may decide to grant or deny a full
283 license to the temporary licensee.

284 (2) If the executive director denies issuing a
285 temporary license to an applicant, that decision shall be
286 reviewed by the applicable board at the next meeting of the
287 board, during which time the board may decide to grant or deny
288 a full license to the applicant.

289 (b) The executive director, on behalf of each board,
290 may temporarily renew a license pursuant to criteria
291 established by the board for the renewal of a license. A
292 temporary renewal issued by the executive director shall be
293 reviewed by the applicable board at the next meeting of the
294 board, during which time the board may decide to grant or deny
295 the license renewal.

296 §25-2B-11

297 Each board remains subject to the Alabama
298 Administrative Procedure Act. Any rule adopted, amended, or
299 repealed by a board, as authorized by this chapter, shall be
300 approved by the executive director before certification
301 pursuant to Section 41-22-6. An emergency rule shall be
302 approved before filing pursuant to Section 41-22-5.

303 §25-2B-12

304 (a) Nothing in this chapter shall be construed to
305 invalidate, override, or amend the Military Family Jobs
306 Opportunity Act, Section 31-1-6, or any licensing compact
307 entered into by this state or any board.

308 (b) The provisions of this chapter are cumulative and



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309 supplemental and shall be construed in pari materia with other
310 laws relating to the boards placed under the oversight of the
311 office pursuant to this chapter. Those laws or parts of laws
312 in direct conflict or inconsistent with this chapter are
313 superseded to the extent of the conflict or inconsistency.

314 §25-2B-13

315 (a) Each board shall continue to be subject to the
316 Alabama Sunset Law in the same manner and schedule as provided
317 by law.

318 (b) Commencing with the 2029 Regular Session of the
319 Alabama Legislature, and every fourth regular session
320 thereafter, the Secretary of Workforce, through the executive
321 director of the office, shall submit to the co-chairs of the
322 Alabama Sunset Committee, a report recommending the
323 continuation, consolidation, or termination of those boards
324 regulated by this chapter.

325 Section 2. Relating to the Board of Examiners of
326 Assisted Living Administrators; to amend Sections 34-2A-1,
327 34-2A-2, 34-2A-3, 34-2A-6, 34-2A-8, 34-2A-9, 34-2A-10,
328 34-2A-11, 34-2A-12, and 34-2A-13 of the Code of Alabama 1975,
329 to read as follows:

330 "§34-2A-1

331 For purposes of this chapter, the following terms ~~shall~~
332 have the following meanings:

333 (1) ASSISTED LIVING ADMINISTRATOR. Any individual who
334 is charged with the general administration of an assisted
335 living facility or a ~~speciality~~ specialty care assisted living
336 facility, whether or not the individual has an ownership



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337 interest in the facility, and whether or not his or her
338 functions and duties are shared with one or more other
339 individuals.

340 (2) ASSISTED LIVING FACILITY. Any facility, including
341 both assisted living facilities and ~~speciality~~ specialty care
342 assisted living facilities, that is defined as such for
343 licensing purposes pursuant to Section 22-21-20. For purposes
344 of this chapter, the term ~~"assisted living facility"~~ shall not
345 include family assisted living facilities as the term is
346 defined in the rules and regulations promulgated by the
347 Department of Public Health.

348 (3) BOARD. The Board of Examiners of Assisted Living
349 Administrators of ~~the State of Alabama~~ this state.

350 (4) EXECUTIVE DIRECTOR. The executive director of the
351 ~~board~~ Office of Occupational and Professional Licensing as
352 defined in Section 25-2B-1.

353 (5) PRACTICE OF ASSISTED LIVING ADMINISTRATION. The
354 planning, organizing, directing, and control of the operation
355 of an assisted living facility.

356 ~~(6) PROVISIONAL ASSISTED LIVING ADMINISTRATOR. An~~
357 ~~individual who has been issued a provisional license by the~~
358 ~~board.~~

359 ~~(7) PROVISIONAL LICENSE. A temporary license issued to~~
360 ~~a provisional assisted living administrator by the board."~~

361 "§34-2A-2

362 (a) ~~All administrators of assisted living facilities or~~
363 ~~specialty care assisted living facilities as recorded in the~~
364 ~~records of the State Department of Public Health shall be~~



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365 ~~issued a provisional license, as defined herein, upon the~~
366 ~~effective date of this act. On and after September 1, 2003, no~~
367 No assisted living facility in the state may operate unless it
368 is under the supervision of an administrator who holds a
369 currently valid assisted living administrator's license, ~~or~~
370 ~~new initial provisional license~~, issued by the board. No
371 person shall practice or offer to practice assisted living
372 administration in this state or use any title, sign, card, or
373 device to indicate that he or she is an assisted living
374 administrator unless the person shall have been duly licensed
375 as an assisted living administrator ~~or as a provisional~~
376 ~~assisted living administrator~~ in this state. In the event an
377 assisted living administrator dies, unexpectedly resigns,
378 becomes incapacitated, or has his or her license revoked, the
379 person or persons then responsible for the management of the
380 assisted living facility shall immediately notify the board
381 and the State Board of Health. The board may issue an
382 emergency permit to a person performing the functions of
383 administrator in the assisted living facility for a reasonable
384 period of time from the date of death, unexpected resignation,
385 incapacitation, or revocation of the license of the assisted
386 living administrator, but not to exceed 120 days. Although the
387 State Board of Health, in its discretion, may permit the
388 assisted living facility to continue to operate under the
389 supervision of a person issued an emergency permit, nothing in
390 this section shall be construed as prohibiting the State Board
391 of Health from denying or revoking the license of the assisted
392 living facility where the State Board of Health has determined



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393 that the person with the emergency permit does not demonstrate
394 an ability or willingness to comply with State Board of Health
395 rules governing assisted living facilities or where the State
396 Board of Health has determined that the facility is not
397 otherwise in compliance with those rules.

398 (b) Nothing in this section shall be construed to
399 prohibit a licensed assisted living administrator from
400 supervising more than one assisted living facility if specific
401 permission is granted by the State Department of Public
402 Health."

403 "§34-2A-3

404 (a) (1) There is created a Board of Examiners of
405 Assisted Living Administrators. Commencing on October 1, 2026,
406 the board shall be subject to the leadership, support, and
407 oversight of the Executive Director of the Office of
408 Occupational and Professional Licensing pursuant to Chapter 2B
409 of Title 25.

410 (2) The board shall be composed of nine members, seven
411 members as set out in this subsection, and two additional
412 consumer members as set out in subsection (b). The membership
413 of the board shall be inclusive and reflect the racial,
414 gender, geographic, urban/rural, and economic diversity of the
415 state. The seven original members shall be composed as
416 follows: Five members shall be assisted living administrators
417 duly licensed and registered under this chapter; one member
418 shall be a physician licensed under the laws of the state; and
419 one shall be a licensed nursing home administrator who in the
420 same or contiguous facility manages assisted living beds.



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421 Appointments to the board for those positions to be held by
422 assisted living administrators shall be made by the Governor
423 from a list of three nominees for each position to be
424 submitted to the Governor by the Assisted Living Association
425 of Alabama, Inc. The appointment of the nursing home
426 administrator shall be made from a list of three nominees
427 submitted to the Governor by the Alabama Nursing Home
428 Association, Inc. The appointment to the board of the member
429 for the position to be held by a physician shall be made from
430 a list of three nominees submitted to the Governor by the
431 Medical Association of the State of Alabama.

432 (b) Within 30 days of March 1, 2002, the Governor shall
433 appoint two consumer members of the board. The consumer
434 members shall vote in all matters. At least one consumer
435 member shall be 65 years of age or older and no consumer
436 member, or a spouse or immediate family member of a consumer
437 member, shall be a licensee of the board or be employed in the
438 assisted living profession.

439 (c) When the terms of all members of the board expire
440 in April 2005, the Governor shall appoint five members to
441 two-year terms and four members to three-year terms as
442 follows: Three assisted living administrators, the licensed
443 nursing home administrator, and one consumer member shall be
444 appointed to two-year terms; two assisted living
445 administrators, the licensed physician, and one consumer
446 member shall be appointed to three-year terms. Thereafter, all
447 members shall serve three-year terms of office.

448 (d) All members of the board shall be citizens of the



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449 United States and shall be residents of the state.

450 (e) Except as otherwise provided in this section, each
451 member shall serve three-year staggered terms and no board
452 member shall serve more than two consecutive full three-year
453 terms. All members shall continue to serve until the Governor
454 appoints a successor.

455 (f) The Governor may remove any board member for
456 misconduct, incapacity, incompetence, or neglect of duty after
457 the board member so charged has been served with a written
458 statement of charges and has been given an opportunity to be
459 heard. Absence from any three consecutive meetings of the
460 board within a calendar year, without cause acceptable to the
461 Governor and the board, shall be deemed cause for removal.

462 (g) Any vacancy created by the death, resignation, or
463 removal of any board member shall be filled by the Governor
464 for the unexpired term in the same manner as required by this
465 chapter to make appointments.

466 ~~(h) Each member of the board shall receive a per diem~~
467 ~~fee of not less than fifty dollars (\$50) nor more than one~~
468 ~~hundred dollars (\$100) to be determined by the board for the~~
469 ~~time spent in the performance of official duties. Each member~~
470 ~~shall be reimbursed for all necessary and proper travel and~~
471 ~~incidental expenses incurred in implementing this chapter as~~
472 ~~is provided to state employees by the laws of the state and~~
473 ~~regulations of the State Personnel Director. In setting the~~
474 ~~per diem fee, the board shall give due consideration to funds~~
475 ~~which are available for that purpose.~~

476 ~~(i)~~ (h) The board shall hold four or more meetings a



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477 year. A majority of the members of the board shall constitute
478 a quorum at any meeting except as provided in Section
479 34-2A-13. A majority vote of the members present shall be
480 sufficient to transact the business of the board except as
481 provided in Section 34-2A-13. Meetings may be called by the
482 chair or by a majority of the members of the board. Members
483 shall be given seven days' written notice of all meetings.

484 ~~(j)~~ (i) The board shall annually elect from its members
485 a chair and a vice-chair, at the first meeting of the board
486 held after October 1 of each year, and each shall serve until
487 the first meeting held after October 1 of the following year.
488 In the event of the death, resignation, or removal of the
489 chair from the board, the vice-chair shall succeed as chair
490 for the remainder of the unexpired term. In the event of the
491 death, resignation, removal, or succession to the office of
492 chair or a vice-chair, a successor shall be elected by the
493 board to fill the remainder of the unexpired term as
494 vice-chair. The chair, or in the absence of the chair, the
495 vice-chair, shall preside at all meetings of the board. ~~The~~
496 ~~chair of the board may appoint an executive director to the~~
497 ~~board, with the consent of the members of the board, who shall~~
498 ~~serve at the pleasure of the board. The board shall fix the~~
499 ~~salary of the executive director.~~ The executive director shall
500 be the executive officer to the board but may not be a member
501 of the board. The executive director shall have those powers
502 and shall perform those duties as are prescribed by law and
503 the rules ~~and regulations~~ of the board. ~~A clerk and sufficient~~
504 ~~deputy clerks to adequately assist the board and executive~~



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505 ~~director in the keeping of the records and in the performance~~
506 ~~of their duties may be appointed by the board subject to the~~
507 ~~Merit System~~ consistent with Chapter 2B of Title 25.

508 ~~(k)~~ (j) The board is subject to the Alabama Sunset Law
509 of 1981, and is classified as an enumerated agency pursuant to
510 Section 41-20-3. The board shall automatically terminate on
511 October 1, 2004, and every four years thereafter, unless a
512 bill is passed that the board be continued, modified, or
513 reestablished."

514 "§34-2A-6

515 ~~There is hereby established a separate special revenue~~
516 ~~trust fund in the State Treasury to be known as the Board of~~
517 ~~Examiners of Assisted Living Administrators Fund.~~ All receipts
518 collected by the board under the provisions of this chapter
519 shall be deposited into ~~this fund and shall be used only to~~
520 ~~carry out the provisions of this chapter. Receipts may be~~
521 ~~disbursed only by warrant of the state Comptroller upon the~~
522 ~~State Treasury, upon itemized vouchers approved by the chair~~
523 ~~of the board. No funds may be withdrawn or expended except as~~
524 ~~budgeted and allotted according to Sections 41-4-80 to~~
525 ~~41-4-98, inclusive, and Section 41-19-12, and only in amounts~~
526 ~~as stipulated in the general appropriation bill or other~~
527 ~~appropriation bills.~~ the Occupational and Professional
528 Licensing Fund. A financial audit shall be conducted by the
529 Examiners of Public Accounts of all receipts and expenditures,
530 and a written report of the audit shall be given to each board
531 member."

532 "§34-2A-8



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533 (a) The board shall admit to examination for licensure
534 as an assisted living administrator any candidate who submits
535 evidence of good moral character and suitability as prescribed
536 by the board and who submits evidence to the board that he or
537 she is at least 19 years of age, a citizen of the United
538 States or, if not a citizen of the United States, a person who
539 is legally present in the United States with appropriate
540 documentation from the federal government, that he or she is a
541 high school graduate or has completed an educational program
542 equivalent thereto, and that he or she has completed any
543 additional educational requirements prescribed by the board.
544 The board may exempt the educational requirements for
545 practicing administrators on March 1, 2002, based on
546 acceptable experience and tenure in the applicant's current
547 position. Each candidate shall also be required, prior to
548 admission to the examination, to pay an examination fee
549 established by ~~the board pursuant to its rule-making authority~~
550 rule of the executive director.

551 (b) The ~~board~~ executive director may establish an
552 application fee for the internship or administrator in
553 training (AIT) program, if such a program is established, and
554 a fee for preceptor, certification, and recertification of any
555 administrator in training (AIT) program ~~pursuant to its~~
556 ~~rule-making authority~~.

557 (c) The ~~board~~ executive director may establish a
558 replacement license fee for any licensing card previously
559 issued by the board that has been stolen, lost, or misplaced."

560 "§34-2A-9



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561 (a) The board shall determine the subjects of
562 examinations for applicants for licensure as assisted living
563 administrators, or licensure or certification of specialty
564 care assisted living administrators if established, and the
565 scope, content, and format of the examinations, which in any
566 examination shall be the same for all candidates. The
567 examinations shall include examination of the applicant to
568 demonstrate his or her proficiency in the rules and
569 regulations of health and safety; ~~provided, however, that the~~
570 ~~examination given to initial provisional licensees shall be~~
571 ~~limited to these rules and regulations.~~ The examinations may
572 consist of written or oral questions, or both.

573 (b) Examinations shall be held at least four times each
574 year, at times and places designated by the ~~board~~ executive
575 director."

576 "§34-2A-10

577 (a) The board shall issue a license to an applicant, on
578 a form provided for that purpose by the board, certifying that
579 the applicant has met the requirements of the laws, rules, and
580 regulations entitling him or her to serve, act, practice, and
581 otherwise hold himself or herself out as a duly licensed
582 assisted living administrator and has paid a fee established
583 by the ~~board pursuant to its rule-making authority~~ executive
584 director for original licensure, provided the applicant meets
585 all of the following qualifications:

586 (1) Has successfully complied with the educational and
587 training requirements of this chapter and of the rules ~~and~~
588 ~~regulations~~ of the board promulgated under this chapter.



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589 (2) Has paid an application fee established by the
590 ~~board pursuant to its rule-making authority for all applicants~~
591 executive director.

592 (3) Has qualified for and passed the examination
593 provided for in this chapter.

594 (b) The ~~board~~ executive director may establish and
595 collect a fee ~~pursuant to its rule-making authority~~ for the
596 issuance of a temporary emergency permit issued pursuant to
597 Section 34-2A-2."

598 "§34-2A-11

599 (a) The board ~~may~~, subject to this chapter and the
600 rules ~~and regulations~~ of the board prescribing the
601 qualifications for an assisted living administrator license,
602 may issue a license to an assisted living administrator who
603 has been issued a license by the proper authorities of any
604 other state or issued a certificate of qualification by any
605 national organization, upon complying with the provisions of
606 licensure, payment of a fee established by the ~~board pursuant~~
607 ~~to its rule-making authority~~ executive director, and upon
608 submission of evidence satisfactory to the board of all of the
609 following:

610 (1) That the other state or national organization
611 maintained a system and standards of qualification and
612 examinations for an assisted living administrator license or
613 certificate which were substantially equivalent to those
614 required in this state at the time the other license or
615 certificate was issued by the other state or national
616 organization.



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617 (2) That the other state gives similar recognition and
618 endorsement to assisted living administrator licenses of this
619 state. The ~~board~~ executive director may charge a fee for
620 completion of a reciprocity questionnaire, pursuant to its
621 rule-making authority.

622 (b) Any person who has a license in good standing in
623 this state, and continuously maintains such license as a
624 licensed nursing home administrator, shall be exempt from the
625 licensure requirement herein if the person at the time of
626 application has responsibility for administration of an
627 assisted living facility subject to the following conditions:

628 (1) If the person wishes to also be issued a license as
629 an assisted living administrator, the person shall pay an
630 annual administrative fee as determined by the ~~board~~ executive
631 director and document initially and annually thereafter the
632 good standing of the nursing home administrator license.

633 ~~(2) If any person requests an exemption from the~~
634 ~~licensure requirements provided herein during the initial~~
635 ~~18-month licensing period described in subsection (a) of~~
636 ~~Section 34-2A-2, the initial license issued shall be a~~
637 ~~provisional license until the end of the 18-month period at~~
638 ~~which time, and thereafter, an active license shall be issued.~~

639 ~~(3)~~ (2) Any assisted living administrator license issued
640 according to subdivision (1) ~~or subdivision (2) of this~~
641 ~~subsection~~ shall become void if the requisite nursing home
642 administrator license becomes void. Further, the license shall
643 become inactive, as described in subsection (e) of Section
644 34-2A-12, if the licensee no longer has responsibility for an



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645 assisted living facility. After ~~12 months~~ a period of time in
646 inactive status, as determined by the executive director, the
647 license shall expire and become void.

648 (c) Any person who is an administrator/chief executive
649 officer of an acute care hospital in this state shall be
650 exempt from the licensure requirement herein if the person at
651 the time of application has responsibility for administration
652 of an assisted living facility subject to the following
653 conditions:

654 (1) If the person wishes to also be issued a license as
655 an assisted living administrator, the person shall pay an
656 annual administrative fee as determined by the ~~board~~ executive
657 director and document initially and annually thereafter their
658 continued employment as an administrator/chief executive
659 officer of an acute care hospital.

660 ~~(2) If any person requests an exemption from the~~
661 ~~licensure requirements provided herein during the initial~~
662 ~~18-month licensing period described in subsection (a) of~~
663 ~~Section 34-2A-2, the initial license issued shall be a~~
664 ~~provisional license until the end of the 18-month period at~~
665 ~~which time, and thereafter, an active license shall be issued.~~

666 ~~(3)~~ (2) Any assisted living administrator license issued
667 according to subdivision (1) or subdivision (2) of this
668 subsection shall become void if the person no longer is the
669 administrator/chief executive officer of a hospital. Further,
670 the license shall become inactive, as described in subsection
671 (e) of Section 34-2A-12 if the licensee no longer has
672 responsibility for an assisted living facility. After ~~12~~



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673 ~~months~~ a period of time in inactive status, as determined by
674 the executive director, the license shall expire and become
675 void.

676 ~~(4)~~ (3) For the purpose of this subsection, the term
677 "acute care hospital" shall be defined as a health institution
678 planned, organized, and maintained for offering to the public
679 generally facilities and beds for use in the diagnosis and/or
680 treatment of illness, disease, injury, deformity, abnormality,
681 or pregnancy, when the institution offers such care of service
682 for not less than 24 consecutive hours in any week to two or
683 more individuals not related by blood or marriage to the owner
684 and/or chief executive officer/administrator and, in addition,
685 the hospital may provide for the education of patients,
686 medical and health personnel, as well as conduct research
687 programs to promote progress and efficiency in clinical and
688 administrative medicine."

689 "§34-2A-12

690 (a) Every individual who holds a valid current license
691 as an assisted living administrator issued by the board under
692 this chapter shall immediately upon issuance have the right
693 and privilege of acting and serving as an assisted living
694 administrator and of using the abbreviation "A.L.A." after his
695 or her name. Thereafter, the individual shall annually be
696 required to make application to the board for a renewal of
697 license and to report any facts requested by the board on
698 forms provided for that purpose.

699 (b) Upon making application for a renewal of a license,
700 the individual shall pay an annual license fee established ~~as~~



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701 ~~determined~~ by the ~~board pursuant to the rule-making authority~~
702 executive director and, at the same time, shall submit
703 evidence satisfactory to the board that during the year
704 immediately preceding application for renewal he or she has
705 complied with the requirements of the board concerning the
706 continuation of education of assisted living administrators.

707 (c) Upon receipt of the application for renewal of a
708 license, the renewal fee, and the evidence with respect to
709 continuing education, the board shall issue a license renewal
710 to the assisted living administrator.

711 (d) (1) Failure to secure an annual renewal of a license
712 based on a failure to meet the continuing education
713 requirements, shall result in the expiration of the license.
714 An expired license may not be reactivated. All persons holding
715 an expired license shall be required to submit a new
716 application and follow all procedures for new licensure and
717 pay a reapplication fee established by the board.

718 (2) A licensee who complies with the continuing
719 education requirements, but who does not renew within ~~90 days~~
720 a prescribed period following its due date as prescribed by
721 the executive director, shall be deemed delinquent and may
722 renew ~~within the 90-day period~~ by paying a late renewal fee
723 established by the ~~board pursuant to its rule-making authority~~
724 executive director. A license that is not renewed within the
725 ~~90-day prescribed~~ period shall be deemed expired and is
726 subject to reapplication as provided in subdivision (1).

727 (e) A licensee who holds a current license and who is
728 not practicing as an assisted living administrator may place



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729 that license into an inactive status upon written application
730 to the board. Any licensee whose license has been placed on
731 inactive status may not engage in the practice of assisted
732 living administration.

733 (f) A licensee whose license is on inactive status who
734 wishes to reactivate that license may do so by making
735 application to the board. The applicant shall attach proof of
736 having completed twice the annual hours' requirement of
737 approved continuing education credits within one year of
738 making application for license reactivation and shall pay a
739 reactivation fee established by the ~~board~~ executive director
740 pursuant to its rule-making authority. A licensee may not have
741 his or her license in inactive status for more than five
742 years. After five years in inactive status, the license
743 automatically expires.

744 (g) The board shall maintain a file of all applications
745 for licensure that includes the following information on each
746 applicant: Residence, name, age, the name and address of his
747 or her employer or business connection, the date of
748 application, educational experience qualifications, action
749 taken by the board, serial numbers of licenses issued to the
750 applicant, and the date on which the board acted on or
751 reviewed the application.

752 (h) The board shall maintain a list of current
753 licensees of the board and shall furnish the list on demand to
754 any person who pays a fee established by the ~~board pursuant to~~
755 ~~its rule-making authority~~ executive director. The State
756 Department of Public Health and other state agencies with a



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757 direct need shall be provided copies at no cost.

758 (i) The board shall adopt a program for continuing
759 education for its licensees ~~by September 1, 2002. After that~~
760 ~~date, successful.~~ Successful completion of the continuing
761 education program by board licensees shall be required in
762 order to obtain a renewal license.

763 (j) Continuing education shall not result in a passing
764 or failing grade."

765 "§34-2A-13

766 (a) The board may discipline its licensees by the
767 adoption and collection of administrative fines, not to exceed
768 five thousand dollars (\$5,000) per violation, and may
769 institute any legal proceedings necessary to effect compliance
770 with this chapter.

771 (b) The license of any person practicing or offering to
772 practice assisted living administration may be revoked or
773 suspended by the board, or the person may be reprimanded,
774 censured, or otherwise disciplined in accordance with the
775 provisions of this section upon decision and after due hearing
776 in any of, but not limited to, the following cases:

777 (1) Upon proof that the person has willfully or
778 repeatedly violated any of the provisions of this chapter or
779 the rules enacted in accordance with this chapter.

780 (2) Conduct or practices deemed to be detrimental to
781 the lives, health, safety, or welfare of the residents or
782 patients of any assisted living facility or health care
783 facility in this state or any other jurisdiction.

784 (3) Conviction in this state or any other jurisdiction



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785 of a felony or any crime involving the physical, sexual,
786 mental, or verbal abuse of an individual.

787 (4) Conviction in this state or any other jurisdiction
788 of any crime involving fraud.

789 (5) Pleas of nolo contendere, nolo contender, no
790 contender, no contest, or guilty in any case involving a lewd
791 or lascivious act against a child or an adult, inappropriate
792 sexual conduct with a child or an adult, or any other crime in
793 which the punishment could include a sentence of imprisonment
794 exceeding one year.

795 (c) The board shall have the jurisdiction to hear all
796 charges brought under this section against any person having
797 been issued a license as an assisted living administrator ~~or~~
798 ~~having been issued a license as a provisional assisted living~~
799 ~~administrator,~~ and, upon a hearing, shall determine the
800 charges upon their merits. If the board determines that
801 disciplinary measures should be taken, the board may revoke
802 his or her license, suspend him or her from practice, or
803 reprimand, censure, or otherwise discipline the person.

804 (d) All proceedings under this section shall be
805 conducted by the board, according to its administrative rules,
806 and the Alabama Administrative Procedure Act.

807 (e) Any party aggrieved by a final decision or order of
808 the board suspending, revoking, or refusing to issue a license
809 is entitled to a review of the decision or order by taking an
810 appeal to the circuit court of the county in which the
811 assisted living administrator or applicant resides. In such
812 cases, the appeal shall be taken by filing notice thereof with



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813 the circuit court within 30 days of the date of notice by the
814 board of its decision. Appeals from any order or judgment
815 rendered thereon by the circuit court to the Supreme Court of
816 Alabama shall be available as in other cases.

817 (f) The board shall report to the Department of Public
818 Health all final disciplinary actions taken under this
819 section."

820 Section 3. Relating to the Alabama Athletic Commission;
821 to amend Sections 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1025,
822 41-9-1026, 41-9-1028, 41-9-1029, 41-9-1030, and 41-9-1039 of
823 the Code of Alabama 1975, to read as follows:

824 "§41-9-1021

825 As used in this article, the following terms shall have
826 the following meanings:

827 (1) AMATEUR. An individual who engages in a match,
828 contest, or exhibition of boxing, tough man contests,
829 wrestling, mixed martial arts, or other form of unarmed
830 combat, for no compensation or thing of value for
831 participating, which is governed or authorized by any of the
832 following:

833 a. U.S.A. Boxing.

834 b. The Alabama High School Athletic Association.

835 c. The National Collegiate Athletic Association.

836 d. Amateur Athletic Union.

837 e. Golden Gloves.

838 f. The local affiliate of any organization listed in
839 this subdivision.

840 g. USA Wrestling.



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841 h. The National Junior College Athletic Association.

842 i. The National Association of Intercollegiate
843 Athletics.

844 j. The National Collegiate Wrestling Association.

845 k. Any organization licensed by the commission.

846 (2) BARE KNUCKLE BOXING. The original form of boxing,
847 involving two individuals fighting without boxing gloves or
848 other padding on their hands.

849 (3) BOXING MATCH. A contest between two individuals in
850 which contestants score points in rounds of two or three
851 minutes by striking with gloved fists the head and upper torso
852 of the opponent or by knocking the opponent down and rendering
853 the opponent unconscious or incapable of continuing the
854 contest by the blows, which contest is held in a square ring
855 supervised by a referee and scored by three judges.

856 (4) BOXING REGISTRY. A registry created or designated
857 pursuant to subsection (k) of Section 41-9-1024.

858 (5) CHARITABLE ORGANIZATION. An entity described by
859 either of the following:

860 a. Section 501(c)(3), Internal Revenue Code of 1986 (26
861 U.S.C. § 501(c)(3)).

862 b. Section 170(c), Internal Revenue Code of 1986 (26
863 U.S.C. § 170(c)).

864 (6) COMMISSION. The Alabama Athletic Commission.

865 (7) EXECUTIVE DIRECTOR. The executive director of the
866 Office of Occupational and Professional Licensing as defined
867 in Section 25-2B-1.

868 ~~(7)~~ (8) EXHIBITION. A contest where the participants



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869 engage in the use of boxing skills and techniques, bare
870 knuckle skills and techniques, tough man skills and
871 techniques, wrestling skills and techniques, or mixed martial
872 arts skills and techniques, or any or all of these, and where
873 the objective is to display the skills and techniques without
874 striving to win.

875 ~~(8)~~ (9) FACE VALUE. The dollar value of a ticket or
876 order shall reflect the dollar amount that the customer shall
877 pay in order to view the match, contest, exhibition, or
878 entertainment event. Face value shall include any charges or
879 fees, such as dinner, gratuity, parking, surcharges, or any
880 other charges or fees which are charged to and must be paid by
881 the customer in order to view the match, contest, exhibition,
882 or entertainment event. It shall exclude any portion paid by
883 the customer for federal, state, or local taxes.

884 ~~(9)~~ (10) GROSS RECEIPTS. Any of the following:

885 a. The gross price charged for the sale or lease of
886 broadcasting, television, closed circuit, or motion picture
887 rights without any deductions for commissions, brokerage fees,
888 distribution fees, production fees, advertising, or other
889 expenses or charges.

890 b. The face value of all tickets sold.

891 ~~(10)~~ (11) MANAGER. An individual who, under contract,
892 agreement, or other arrangement with a boxer, bare knuckle
893 boxer, or a mixed martial arts competitor, undertakes to
894 control or administer, directly or indirectly, a matter on
895 behalf of a boxer or a mixed martial arts competitor. The term
896 includes, but is not limited to, a person who functions as a



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897 booking agent, adviser, or consultant.

898 ~~(11)~~ (12) MATCHMAKER. A person who is employed by or
899 associated with a promoter in the capacity of booking and
900 arranging professional matches, contests, or exhibitions of
901 boxing, bare knuckle boxing, or mixed martial arts between
902 opponents or who proposes professional matches, contests, or
903 exhibitions of boxing, bare knuckle boxing, or mixed martial
904 arts and selects and arranges for the participants in such
905 events and for whose activities in this regard the promoter is
906 legally responsible.

907 ~~(12)~~ (13) MIXED MARTIAL ARTS. Unarmed combat involving
908 the use of any combination of techniques from different
909 disciplines of the martial arts, including, without
910 limitation, grappling, submission holds, throws, and striking
911 or kicking with the hands, feet, knees, or elbows. The term
912 mixed martial arts includes kickboxing.

913 ~~(13)~~ (14) PERSON. An individual, partnership, firm,
914 association, corporation, or combination of individuals of
915 whatever form or character.

916 ~~(14)~~ (15) PHYSICIAN. A doctor of medicine or doctor of
917 osteopathy licensed to practice medicine in the State of
918 Alabama.

919 ~~(15)~~ (16) PROFESSIONAL. A person who is participating or
920 has participated in a match, contest, or exhibition of boxing,
921 bare knuckle boxing, wrestling, or mixed martial arts which is
922 not governed or authorized by one or more of the organizations
923 listed in subdivision (1) and any of the following:

924 a. Has received or competed for or is receiving or



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925 competing for any cash as a salary, purse, or prize for
926 participating in any match, contest, or exhibition of boxing,
927 bare knuckle boxing, wrestling, or mixed martial arts.

928 b. Is participating or has participated in any match,
929 contest, or exhibition of boxing, bare knuckle boxing,
930 wrestling, or mixed martial arts to which admission is granted
931 upon payment of any ticket for admission or other evidence of
932 the right of entry.

933 c. Is participating or has participated in any match,
934 contest, or exhibition of boxing, bare knuckle boxing,
935 wrestling, or mixed martial arts which is or was filmed,
936 broadcast, or transmitted for viewing.

937 d. Is participating or has participated in any match,
938 contest, or exhibition of boxing, bare knuckle boxing,
939 wrestling, or mixed martial arts which provides a commercial
940 advantage by attracting persons to a particular place or
941 promoting a commercial product or enterprise.

942 ~~(16)~~ (17) PROFESSIONAL MATCH OF BOXING, BARE KNUCKLE
943 BOXING, WRESTLING, MIXED MARTIAL ARTS, OR UNARMED COMBAT. A
944 boxing match, contest, or exhibition; a bare knuckle boxing
945 match, contest, or exhibition; a wrestling match; a mixed
946 martial arts match, contest, or exhibition; or other unarmed
947 combat match, contest, or exhibition, which is not governed or
948 authorized by one or more of the organizations listed in
949 subdivision (1) and which does any of the following:

950 a. Rewards a boxer, bare knuckle boxer, wrestler, mixed
951 martial arts competitor, or other unarmed combat competitor
952 participating with cash as a salary, purse, or prize for such



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953 participation.

954 b. Requires for admission payment of a ticket or other
955 evidence of the right of entry.

956 c. Is filmed, broadcast, or transmitted for viewing.

957 d. Provides a commercial advantage by attracting
958 persons to a particular place or promoting a commercial
959 product or enterprise.

960 ~~(17)~~ (18) PROFESSIONAL WRESTLING. Any organized event
961 between two unarmed contestants in which participants compete
962 primarily for the purpose of providing entertainment to
963 spectators that may or may not comprise a bona fide athletic
964 contest or competition.

965 ~~(18)~~ (19) PROMOTER. The person primarily responsible for
966 organizing, promoting, and producing a match, contest, or
967 exhibition of professional boxing, bare knuckle boxing, tough
968 man contest, professional wrestling, or mixed martial arts and
969 who is legally responsible for the lawful conduct of the
970 professional match, contest, or exhibition.

971 ~~(19)~~ (20) PURSE or RING EARNINGS. The financial
972 guarantee or any other remuneration, or part thereof, which a
973 professional boxer, bare knuckle boxer, wrestler, or mixed
974 martial arts competitor participating in a match, contest, or
975 exhibition will receive and includes any share of any payment
976 received for radio broadcasting, television, or motion picture
977 rights.

978 ~~(20)~~ (21) TOUGH MAN CONTEST. A boxing match and
979 tournament where each contestant wears headgear and oversized
980 gloves. A contestant in a tough man contest is not an amateur



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981 or a professional and cash prizes may be awarded.

982 ~~(21)~~ (22) UNARMED COMBAT. Any form of competition
983 between human beings in which both of the following occurs:

984 1. One or more blows are struck which may reasonably be
985 expected to inflict injury on a human being.

986 2. There is some compensation or commercial benefit
987 arising from such competition, whether in the form of cash or
988 non-cash payment to the competitors or the person arranging
989 the competition; the sale of the right to film, broadcast,
990 transmit, or view the competition; or the use of the
991 competition to attract persons to a particular location for
992 some commercial advantage or to promote a commercial product
993 or commercial enterprise."

994 "§41-9-1023

995 (a) There is created the Alabama Athletic Commission
996 composed of six members. Commencing on October 1, 2026, the
997 commission shall be subject to the leadership, support, and
998 oversight of the Executive Director of the Office of
999 Occupational and Professional Licensing pursuant to Chapter 2B
1000 of Title 25.

1001 (b) (1) All appointing authorities shall coordinate
1002 their appointments so that diversity of gender, race, and
1003 geographical areas is reflective of the makeup of this state.
1004 The six initial members shall be as follows:

1005 a. Two members appointed by the Governor.

1006 b. One member appointed by the Alabama Athlete Agents
1007 Commission.

1008 c. One member appointed by the Speaker of the House of



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1009 Representatives.

1010 d. One member appointed by the President of the Senate.

1011 e. One member appointed by the President Pro Tempore of
1012 the Senate.

1013 (2) Initial appointments by the Governor shall be for
1014 one and three years, the initial appointment by the Speaker of
1015 the House of Representatives shall be for four years, the
1016 initial appointment of the President of the Senate shall be
1017 for two years, and the initial appointment of the President
1018 Pro Tempore of the Senate shall be for one year. The initial
1019 appointment by the commission shall be for four years. All
1020 subsequent appointments shall be for terms of four years.
1021 Vacancies shall be filled for the unexpired terms under the
1022 same procedures and requirements as appointments for full
1023 terms. Each member of the commission shall be a resident of
1024 this state.

1025 (c) The commission shall elect a chair from among its
1026 membership for a term of one year. While serving as chair, a
1027 member may not vote on any matter coming before the
1028 commission. The commission may elect a vice chair from its
1029 membership for a term of one year. Any member serving as chair
1030 shall be eligible for successive election to the office by the
1031 commission. The chair may designate another member of the
1032 commission to perform the duties of chair in his or her
1033 absence. The ~~commission may employ an~~ executive director ~~to~~
1034 shall manage the day-to-day operations of the commission
1035 ~~within the available funds of the commission.~~

1036 (d) A medical advisory panel of the commission shall be



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1037 appointed by the Governor and shall consist of four persons
1038 licensed to practice medicine in this state, with one member
1039 each representing the specialties of ophthalmology and general
1040 medicine and two members representing the specialty of sports
1041 medicine. The medical advisory panel shall advise and assist
1042 the commission and its staff regarding issues and questions
1043 concerning the medical safety of professional boxers, bare
1044 knuckle boxers, tough man contestants, professional wrestlers,
1045 amateur mixed martial arts competitors, professional mixed
1046 martial arts competitors, and other unarmed combat competitors
1047 including, but not limited to, matters relating to medical
1048 suspensions. The medical advisory panel may meet separately
1049 from the commission to discuss and formulate recommendations
1050 for the commission in connection with medical safety. Members
1051 of the medical advisory panel shall not be counted in
1052 determining a quorum of the commission and shall not vote as
1053 commission members.

1054 (e) Each member of ~~the commission and~~ the medical
1055 advisory panel shall be reimbursed for expenses and travel as
1056 provided for public officials of this state."

1057 "§41-9-1024

1058 (a) (1) The commission shall be the sole regulator of
1059 professional boxing in this state and shall have authority to
1060 protect the physical safety and welfare of professional boxers
1061 and serve the public interest by closely supervising all
1062 professional boxing in this state.

1063 (2) The commission shall be the sole regulator of
1064 professional and amateur matches, contests, or exhibitions of



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1065 mixed martial arts and shall have the authority to protect the
1066 physical safety and welfare of professional competitors in
1067 mixed martial arts and serve the public interest by closely
1068 supervising all competitors in mixed martial arts. The
1069 commission shall regulate professional and amateur mixed
1070 martial arts to the same extent as professional boxing unless
1071 any rule of the commission is not by its nature applicable to
1072 mixed martial arts.

1073 (3) The commission shall be the sole regulator of
1074 professional matches, contests, or exhibitions of wrestling
1075 and shall have the authority to protect the physical safety
1076 and welfare of professional competitors in professional
1077 wrestling and serve the public interest by closely supervising
1078 all competitors in professional wrestling. The commission
1079 shall regulate professional wrestling to the same extent as
1080 professional boxing unless any rule of the commission is not
1081 by its nature applicable to professional wrestling.

1082 (4) The commission shall have the sole authority to
1083 license a wrestling sanctioning organization to safeguard the
1084 public health, to protect competitors, and to provide for
1085 competitive matches by requiring each licensed organization to
1086 abide by rules adopted by the commission. The commission, at
1087 the request of a licensed sanctioning organization, may
1088 provide direct oversight of any event sanctioned by the
1089 organization for a fee negotiated between the commission and
1090 the licensed sanctioning organization.

1091 (5) The commission shall have the sole authority to
1092 license the promoters of tough man contests to safeguard the



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1093 public health, to protect competitors, and to provide for
1094 competitive matches by requiring each licensed promoter to
1095 abide by rules adopted by the commission. The commission, at
1096 the request of a promoter, may provide direct oversight of any
1097 tough man match for a fee negotiated between the commission
1098 and the promoter.

1099 (6) The commission shall be the sole regulator of
1100 professional bare knuckle boxing matches, contests, or
1101 exhibitions of bare knuckle boxing and shall have the
1102 authority to protect the physical safety and welfare of
1103 professional competitors in bare knuckle boxing and serve the
1104 public interest by closely supervising all competitors in bare
1105 knuckle boxing. The commission shall regulate professional
1106 bare knuckle boxing to the same extent as professional boxing
1107 unless any rule of the commission is not by its nature
1108 applicable to bare knuckle boxing.

1109 (7) The commission shall be the sole regulator and
1110 shall have the sole authority to regulate any form of unarmed
1111 combat held in the state as the commission deems necessary.

1112 (b) The commission shall have the sole jurisdiction to
1113 license the promotion or holding of each match, contest, or
1114 exhibition of professional boxing, bare knuckle boxing, tough
1115 man contests, professional wrestling, amateur mixed martial
1116 arts, professional mixed martial arts, or other form of
1117 unarmed combat promoted or held within this state.

1118 (c) The commission shall have the authority to license
1119 participants in any match, contest, or exhibition of
1120 professional boxing, professional bare knuckle boxing,



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1121 professional wrestling, amateur mixed martial arts,
1122 professional mixed martial arts, or other form of unarmed
1123 combat held in this state.

1124 (d) The commission shall have the authority to direct,
1125 manage, control, and supervise all matches, contests, or
1126 exhibitions of professional boxing, professional bare knuckle
1127 boxing, tough man contests, professional wrestling, amateur
1128 mixed martial arts, or professional mixed martial arts
1129 including, but not limited to, the authority to enforce safety
1130 measures and restrict access to certain areas for the
1131 protection of the public and participants. The commission may
1132 adopt bylaws for its own management and adopt and enforce
1133 rules consistent with this article. The commission may
1134 immediately implement medical guidelines that have been vetted
1135 by the medical advisory panel and approved by the commission
1136 and competition guidelines that have been approved by the
1137 commission. Medical and competition guidelines approved by the
1138 commission pursuant to this subdivision are exempt from the
1139 Alabama Administrative Procedure Act.

1140 (e) The commission shall have the sole authority to
1141 inquire into the plans or arrangements for compliance of a
1142 licensed organization with rules adopted by the commission.
1143 The commission may require a wrestling sanctioning
1144 organization to pay an annual licensure fee and any other fee
1145 determined necessary by the ~~board~~ executive director and may
1146 penalize any organization for violation of this article or any
1147 rule adopted by the commission pursuant to this article.

1148 (f) The commission may appoint one or more inspectors



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1149 as duly authorized representatives of the commission to ensure
1150 that the rules are strictly observed. The inspectors shall be
1151 present at all professional matches, contests, or exhibitions
1152 of boxing, bare knuckle boxing, wrestling, or mixed martial
1153 arts.

1154 (g) The commission may designate physicians as duly
1155 authorized representatives of the commission to conduct
1156 physical examinations of boxers, bare knuckle boxers, or mixed
1157 martial arts competitors licensed under this article and shall
1158 designate a roster of physicians authorized to conduct
1159 prefight physicals and serve as ringside physicians in all
1160 professional boxing, professional bare knuckle boxing, tough
1161 man, or mixed martial arts matches held in this state.

1162 (h) (1) The commission ~~or any agent duly designated by~~
1163 ~~the commission~~ may do any of the following:

1164 a. Make investigations.

1165 b. Hold hearings.

1166 c. Issue subpoenas to compel the attendance of
1167 witnesses and the production of books, papers, and records.

1168 d. Administer oaths to and examine any witnesses for
1169 the purpose of determining any question coming before it under
1170 this article or under the rules adopted pursuant to this
1171 article.

1172 e. Swear out a warrant of arrest against any person
1173 violating the criminal provisions of this article, and the
1174 commission shall not be liable in damages or to any action for
1175 damages by reason of swearing out a warrant or for causing the
1176 arrest and detention or imprisonment of any person under such



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1177 warrant, unless the commission or agent fails to act in a
1178 reasonably prudent manner.

1179 f. Assess fines, not to exceed ten thousand dollars
1180 (\$10,000) per violation, for violations of the rules and
1181 guidelines of the commission.

1182 (2) During an investigation of any allegation which, if
1183 proven, would result in criminal or civil sanctions as
1184 provided in this article, the commission may withhold all or a
1185 portion of the gross receipts to which the person under
1186 investigation is entitled until such time as the matter has
1187 been resolved.

1188 (i) The commission may engage in activities that
1189 promote amateur boxing, amateur wrestling, and amateur mixed
1190 martial arts in this state and contract with any nonprofit
1191 organization which is exempted from the taxation of income. To
1192 support amateur boxing, amateur wrestling, and amateur mixed
1193 martial arts in this state, the commission may promote
1194 voluntary contributions through the application process or
1195 through any fund-raising or other promotional technique deemed
1196 appropriate by the commission.

1197 (j) Pursuant to 15 U.S.C. § 6301, et seq., the
1198 commission may issue to each boxer who is a resident of this
1199 state an identification card bearing the photograph of the
1200 boxer and in such form and containing such information as the
1201 commission deems necessary and appropriate. The commission
1202 shall ensure that the form and manner of issuance of the
1203 identification cards comply with any applicable federal law or
1204 regulation. The commission may charge an amount not to exceed



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1205 one hundred dollars (\$100) per card for the issuance or
1206 replacement of each identification card.

1207 (k) The commission may create a boxing registry or
1208 designate a nationally recognized boxing registry and register
1209 each boxer who is a resident of this state or who is a
1210 resident of another state which has no boxing registry.

1211 (l) The commission may inquire into the financial
1212 backing of any professional match, contest, or exhibition of
1213 boxing, bare knuckle boxing, wrestling, or mixed martial arts
1214 and obtain answers to written or oral questions propounded to
1215 all persons associated with the professional event.

1216 (m) The commission, pursuant to rule, may license any
1217 concessionaire, ring announcer, photographer, or other person
1218 receiving any portion of the gate proceeds from a match,
1219 contest, or exhibition held in the state pursuant to this
1220 article."

1221 "§41-9-1025

1222 The ~~commission shall designate a person to serve as~~
1223 ~~executive director and the~~ executive director shall issue
1224 licenses and identification cards and perform other duties as
1225 the commission may direct in the enforcement of this article."

1226 "§41-9-1026

1227 ~~(a)~~ The commission shall meet upon the call of the
1228 chair or upon the call of any two members. The business of the
1229 commission shall be conducted by a majority vote of the
1230 members present. A majority of the commission members shall
1231 constitute a quorum.

1232 ~~(b) The chair, if necessary, may within 10 days of~~



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1233 ~~receiving an application and license fee call a meeting of the~~
1234 ~~commission for the purpose of approving or rejecting an~~
1235 ~~application for a license or match permit which has been~~
1236 ~~submitted to the commission. The meeting shall be held within~~
1237 ~~20 days of the call of the chair at a place designated by the~~
1238 ~~chair."~~

1239 "§41-9-1028

1240 A member ~~or employee~~ of the commission and any person
1241 who administers or enforces this article or rules adopted in
1242 accordance with this article shall not be a member of,
1243 contract with, or receive any compensation from any person or
1244 organization who authorizes, arranges, or promotes matches,
1245 contests, or exhibitions of professional boxing, professional
1246 bare knuckle boxing, tough man contests, professional
1247 wrestling, amateur mixed martial arts, or professional mixed
1248 martial arts or who otherwise has a financial interest in any
1249 activity or licensee regulated by the commission. The term
1250 compensation does not include funds held in escrow for payment
1251 to another person in connection with a professional match,
1252 contest, or exhibition of boxing, bare knuckle boxing,
1253 wrestling, or mixed martial arts."

1254 "§41-9-1029

1255 (a) ~~(1)~~ No person shall promote or hold a match,
1256 contest, or exhibition of professional boxing, professional
1257 bare knuckle boxing, tough man contests, professional
1258 wrestling, amateur mixed martial arts, or professional mixed
1259 martial arts within this state without first applying for and
1260 obtaining a promoter's license from the commission.



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1261 ~~(2) Licenses shall be issued annually and shall expire~~
1262 ~~on December 31 of each calendar year.~~

1263 (b) Promoters shall apply to the commission for a
1264 license required by subsection (a) ~~on a form provided by the~~
1265 ~~commission~~. The application shall be accompanied by a
1266 nonrefundable fee ~~not to exceed two hundred fifty dollars~~
1267 ~~(\$250). The application shall also be accompanied by~~
1268 established by the executive director and a performance bond
1269 in an amount and under any conditions required by the
1270 ~~commission~~ executive director.

1271 (c) (1) In addition to the license required by
1272 subsection (a), a match, contest, or exhibition of
1273 professional boxing, professional bare knuckle boxing, tough
1274 man contests, professional wrestling, amateur mixed martial
1275 arts, or professional mixed martial arts within this state
1276 shall not be staged unless a match permit has been issued by
1277 the commission for the match, contest, or exhibition.

1278 (2) Each application for a match permit shall be on a
1279 form provided by the ~~commission~~ executive director and shall
1280 be accompanied by a nonrefundable application fee ~~not to~~
1281 ~~exceed two hundred fifty dollars (\$250)~~ established by the
1282 executive director. The ~~commission~~ executive director may
1283 charge an additional match fee in accordance with rules
1284 adopted by the ~~commission~~ executive director.

1285 (d) The commission, prior to issuing any match permit,
1286 may require a performance bond in addition to that required in
1287 subsection (b).

1288 (e) The ~~commission~~ executive director may refund any



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1289 portion of the match permit fee in excess of two hundred fifty
1290 dollars (\$250) to any person who paid the excess fee if the
1291 match, contest, or exhibition of professional boxing,
1292 professional bare knuckle boxing, tough man contests,
1293 professional wrestling, amateur mixed martial arts, or
1294 professional mixed martial arts for which the fees were paid
1295 is not held.

1296 (f) The commission shall have the sole authority to
1297 certify the results of each amateur mixed martial arts match,
1298 contest, or exhibition held within the state."

1299 "§41-9-1030

1300 (a) Prior to participating in a match, contest, or
1301 exhibition of professional boxing, professional bare knuckle
1302 boxing, professional wrestling, amateur mixed martial arts, or
1303 professional mixed martial arts supervised by the commission,
1304 referees, judges, timekeepers, matchmakers, boxers, bare
1305 knuckle boxers, wrestlers, mixed martial arts competitors,
1306 managers, trainers, and each person who assists a boxer, bare
1307 knuckle boxer, wrestler, or mixed martial arts competitor
1308 immediately before and after a match, contest, or exhibition
1309 of boxing, bare knuckle boxing, wrestling, or mixed martial
1310 arts and between rounds during a match, contest, or exhibition
1311 of boxing, bare knuckle boxing, wrestling, or mixed martial
1312 arts shall be required by the commission to apply for and be
1313 issued a license. ~~Licenses shall be issued annually and shall~~
1314 ~~expire on December 31 of each calendar year.~~ Each applicant
1315 shall make application on a form provided by the ~~commission~~
1316 executive director and pay an annual license fee ~~not to exceed~~



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1317 ~~two hundred fifty dollars (\$250)~~ established by the executive
1318 director. The ~~commission~~ executive director may issue a
1319 temporary license to any applicant who applies for a license
1320 ~~less than 30 days~~ before participating in a scheduled,
1321 sanctioned event.

1322 (b) The nonrefundable initial licensing fee and annual
1323 renewal fee for a professional wrestling sanctioning
1324 organization ~~may not exceed one thousand dollars (\$1,000)~~
1325 shall be established by the executive director.

1326 (c) The ~~commission~~ executive director shall issue a
1327 license under this section only if:

1328 (1) The commission has determined to the best of its
1329 ability that the applicant has the training or skills
1330 necessary to perform in a manner appropriate to the license.

1331 (2) The applicant has complied with all applicable
1332 requirements of this article and any rules adopted pursuant to
1333 this article.

1334 (3) The commission or its designated representative has
1335 determined from information provided by the applicant and from
1336 any medical evaluation required by the commission that the
1337 health, welfare, and physical safety of the applicant will not
1338 be unduly jeopardized by the issuance of the license.

1339 (4) The applicant is a citizen of the United States or,
1340 if not a citizen of the United States, a person who is legally
1341 present in the United States with appropriate documentation
1342 from the federal government."

1343 "§41-9-1039

1344 ~~There is established a separate trust fund in the State~~



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1345 ~~Treasury to be known as the Alabama Athletic Commission Fund.~~
1346 All receipts collected by the commission shall be deposited
1347 into ~~this fund and used only to carry out the provisions of~~
1348 ~~this article. Monies shall be disbursed only by warrant of the~~
1349 ~~state Comptroller drawn upon the State Treasury supported by~~
1350 ~~itemized vouchers approved by the commission. No funds shall~~
1351 ~~be withdrawn or expended except as budgeted and allotted~~
1352 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
1353 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
1354 ~~stipulated in the general appropriations act or other~~
1355 ~~appropriation acts~~ the Occupational and Professional Licensing
1356 Fund."

1357 Section 4. Relating to the Alabama Board of Athletic
1358 Trainers; to amend Sections 34-40-2, 34-40-3, 34-40-5,
1359 34-40-8, 34-40-11, and 34-40-14 of the Code of Alabama 1975,
1360 to read as follows:

1361 "§34-40-2

1362 As used in this chapter, the following terms shall have
1363 the following meanings, respectively, unless the context
1364 clearly indicates otherwise:

1365 (1) ADVISORY COUNCIL. The Advisory Council of the State
1366 Board of Medical Examiners and the Alabama Board of Athletic
1367 Trainers created pursuant to Section 34-40-3.2.

1368 (2) ATHLETIC INJURY. An injury or condition sustained
1369 as a result of, or limiting the preparation for or
1370 participation in, an exercise, sport, game, recreational
1371 activity, or any other activity that requires a level of
1372 strength, endurance, flexibility, or agility that is



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1373 comparable to the level of strength, endurance, flexibility,
1374 or agility required for an exercise, sport, game, or
1375 recreational activity; or any injury that a physician deems
1376 would benefit from athletic training services.

1377 (3) ATHLETIC TRAINER. An individual licensed by the
1378 Alabama Board of Athletic Trainers and under the direction or
1379 referral, or both, of a licensed physician after meeting the
1380 requirements of this chapter and rules adopted pursuant to
1381 this chapter.

1382 (4) ATHLETIC TRAINING PRACTICE. Practice by an athletic
1383 trainer of any of the following:

1384 a. The application of care for an athletic injury,
1385 including the application or provision of: (i) principles,
1386 methods, and procedures of recognition, examination,
1387 assessment, clinical evaluation, prevention, management,
1388 emergency care, disposition, or rehabilitation and
1389 reconditioning of athletic injuries; (ii) appropriate
1390 preventive and supportive devices; (iii) treatment using
1391 physical modalities such as heat, cold, light, mechanical
1392 devices, electric stimulation, manual therapy techniques,
1393 aquatic therapy, sound, or therapeutic exercise; and (iv) any
1394 other physical agent that is included within the written
1395 protocols allowed by the State Board of Medical Examiners and
1396 prescribed by a physician.

1397 b. The organization and administration of athletic
1398 training programs, including health care administration and
1399 professional responsibility.

1400 c. The provision of athletic training, education, and



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1401 guidance to physically active individuals, coaches, medical
1402 personnel, and the community in the prevention and care of
1403 athletic injuries.

1404 d. The recognition of potential illnesses and referrals
1405 to a physician for diagnosis and treatment.

1406 e. The provision of injury prevention services
1407 developed for physically active individuals.

1408 (5) BOARD. The Alabama Board of Athletic Trainers.

1409 (6) EXECUTIVE DIRECTOR. The Executive Director of the
1410 Office of Occupational and Professional Licensing as defined
1411 in Section 25-2B-1.

1412 ~~(6)~~ (7) INJURY PREVENTION. Care and guidance related to
1413 risk management, including biomechanics, conditioning,
1414 flexibility, energy requirements, strength training, and
1415 fitness.

1416 ~~(7)~~ (8) PHYSICAL THERAPIST. A physical therapist
1417 licensed by the Alabama State Board of Physical Therapy.

1418 ~~(8)~~ (9) PHYSICIAN. A physician licensed by the Medical
1419 Licensure Commission of Alabama.

1420 ~~(9)~~ (10) PHYSICIAN SUPERVISION. a. An athletic trainer
1421 acting under the supervision of a physician if:

1422 1. The activities are undertaken pursuant to a verbal
1423 or written order of the physician who has evaluated the
1424 physically active individual; or

1425 2. The activity is undertaken in accordance with a
1426 written protocol signed by the physician which describes the
1427 athletic injury encountered and directs appropriate medical
1428 interventions consistent with the qualification, training, and



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1429 experience of the athletic trainer. The State Board of Medical
1430 Examiners shall establish medical criteria for any protocol
1431 used by athletic trainers and shall specify those conditions
1432 and circumstances that require referral to the physician for
1433 further evaluation.

1434 b. Physician supervision establishes a formal
1435 relationship between an athletic trainer and a physician under
1436 which the athletic trainer is authorized to practice as
1437 evidenced by a written protocol approved by the State Board of
1438 Medical Examiners and requires professional oversight and
1439 direction pursuant to the rules of the State Board of Medical
1440 Examiners and the Alabama Board of Athletic Trainers as
1441 recommended by the advisory council. No rule adopted pursuant
1442 to this paragraph shall be effective without the approval of
1443 both the State Board of Medical Examiners and the board."

1444 "§34-40-3

1445 (a) The Alabama Board of Athletic Trainers is created.
1446 Commencing on October 1, 2026, the board shall be subject to
1447 the leadership, support, and oversight of the Executive
1448 Director of the Office of Occupational and Professional
1449 Licensing pursuant to Chapter 2B of Title 25. The board shall
1450 be composed of nine members who shall serve four-year terms.
1451 Members may not serve more than three consecutive four-year
1452 terms. Three members shall be a member of a minority class,
1453 one of whom shall be a physician member. The composition of
1454 the board shall be as follows:

1455 (1) Six members who are athletic trainers, appointed by
1456 the Alabama Athletic Trainers' Association in accordance with



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1457 subsection (b), one of whom shall also be a physical
1458 therapist.

1459 (2) Three physicians actively engaged in the treatment
1460 of athletic injuries or illnesses, appointed by the Medical
1461 Association of the State of Alabama.

1462 (3) The President of the Alabama Athletic Trainers'
1463 Association who shall serve as an ex officio member of the
1464 board and whose term of office shall be yearly to coincide
1465 with his or her term as President of the Alabama Athletic
1466 Trainers' Association.

1467 (b) The Alabama Athletic Trainers' Association shall
1468 conduct an annual meeting at which all athletic trainers
1469 holding a current license under this article shall have the
1470 right to attend, nominate, and vote for the athletic trainer
1471 members of the board. The association shall regulate and
1472 prescribe the date, hour, and place of the meeting, the method
1473 of nomination, and the manner of voting. At least 30 days
1474 prior to the meeting, the board shall send notices to each
1475 current licensee at the address shown on the current
1476 registration notifying of the exact date, hour, and place of
1477 the meeting, the purpose of the meeting, and of the right to
1478 attend and vote. To qualify as a board member pursuant to this
1479 subsection, a person shall be a citizen of the United States
1480 and a resident of this state and have acted as an athletic
1481 trainer for three years within this state immediately
1482 preceding appointment.

1483 (c) In making the initial appointments, the Alabama
1484 Athletic Trainers' Association shall appoint one athletic



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1485 trainer whose term will expire in 1994, two athletic trainers
1486 whose terms will expire in 1995, one athletic trainer whose
1487 term will expire in 1996, and two athletic trainers whose
1488 terms will expire in 1997. The Medical Association of the
1489 State of Alabama shall appoint one physician whose term will
1490 expire in 1994, one physician whose term will expire in 1995,
1491 and one physician whose term will expire in 1996. All
1492 appointments expire on December 31 of the year specified.

1493 (d) Each appointee to the board shall qualify by taking
1494 an oath of office within 15 days from the date of the
1495 appointment. In the event of death, resignation, or removal of
1496 any member, except for physician members, the vacancy of the
1497 unexpired term shall be filled by the board.

1498 (e) The board shall elect a chair, a vice-chair, and a
1499 secretary from its members for a term of one year and may
1500 appoint any committees and formulate any rules it considers
1501 necessary to carry out its duties pursuant to this article.
1502 The board shall meet at least twice each year. Additional
1503 meetings may be held at the call of the chair or at the
1504 written request of any two members of the board. The secretary
1505 shall keep a record of the proceedings of the board. The board
1506 may adopt rules consistent with this chapter which are
1507 necessary for the performance of its duties. ~~The board may~~
1508 ~~employ an executive secretary and any officers and employees~~
1509 ~~as may be necessary to carry out the duties of the board.~~ The
1510 State Board of Medical Examiners and the board shall jointly
1511 approve any rule or policy that interprets, explains, or
1512 enumerates the permissible acts, functions, or services



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1513 rendered by an athletic trainer as those acts, functions, and
1514 services are defined in Section 34-40-2. Any rule or policy
1515 adopted in violation of this requirement is invalid. The ~~board~~
1516 executive director shall prescribe methods and forms for
1517 license applications, license certificate, license renewal,
1518 verification of license, continuing education verification,
1519 and any forms for information required from licensees to carry
1520 out the duties of the board. The board shall adopt an official
1521 seal and a license certificate of suitable design.

1522 ~~(f) Members of the board shall receive one hundred~~
1523 ~~dollars (\$100) for every day actually spent in the performance~~
1524 ~~of their duties and in addition thereto shall be reimbursed~~
1525 ~~according to the state travel policy for other expenses in the~~
1526 ~~same amounts and under the same conditions as state employees~~
1527 ~~are reimbursed.~~

1528 ~~(g)~~ (f) The ~~board~~ executive director shall pass upon the
1529 qualifications of applicants for licensure as an athletic
1530 trainer and issue licenses and annual renewals to athletic
1531 trainers. The ~~board~~ executive director shall fix fees for such
1532 applications, licenses, renewals, verification of licensure,
1533 replacement of licenses, name changes of licensees,
1534 publication fees, or other administration fees deemed
1535 necessary to carry out this article."

1536 "§34-40-5

1537 (a) Any individual seeking licensure as an athletic
1538 trainer shall be a citizen of the United States or, if not a
1539 citizen of the United States, an individual who is legally
1540 present in the United States with appropriate documentation



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1541 from the federal government, and meets at least one of the
1542 following requirements:

1543 (1) Satisfactory completion of all Board of
1544 Certification, Inc., or its successor organization,
1545 qualifications; certification as an athletic trainer in good
1546 standing by the Board of Certification, Inc.; and eligibility
1547 for a National Provider Identifier.

1548 (2) Licensure by reciprocity. The board shall grant,
1549 without examination, licensure to any qualified athletic
1550 trainer holding a license certificate or registration in
1551 another state if that state maintains licensure qualifications
1552 that are substantially equivalent to those required in this
1553 state, and gives similar reciprocity to licensees of this
1554 state.

1555 (b) Any individual desiring to be licensed, desiring a
1556 renewal of an existing license, desiring verification of
1557 licensure, reinstatement of a license, replacement of a
1558 license, or name changes for a licensee as an athletic trainer
1559 in this state shall make and file with the board a written
1560 application or request as prescribed by the ~~board~~ executive
1561 director. The application shall be accompanied by the payment
1562 of a fee, as set by the ~~board~~ executive director, to include
1563 publication fees or other administrative fees deemed necessary
1564 to carry out the provisions of this chapter. Any licensee who
1565 fails to renew his or her license ~~within 90 days following~~
1566 ~~expiration of the previous license~~ shall be required to file a
1567 new application and pay an application fee with the board."

1568 "§34-40-8



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1569 All licenses issued by the board to athletic trainers
1570 shall expire ~~on the last day of December each year~~ pursuant to
1571 rules adopted by the executive director. The license may be
1572 renewed on payment of a renewal fee, fixed by the ~~board~~
1573 executive director, completion of continuing education, and
1574 current licensee information, as may be needed. ~~The board may~~
1575 ~~reduce the renewal fee for a licensee who has been licensed~~
1576 ~~less than six months before his or her license expires.~~ The
1577 board shall adopt a program of continuing education for its
1578 licensees. The successful completion of the annual continuing
1579 education program shall be a requisite for the renewal of
1580 licenses issued pursuant to this chapter."

1581 "§34-40-11

1582 (a) Any person whose application for a license is
1583 denied is entitled to a hearing before the board if the person
1584 submits a written request to the board. Proceedings for
1585 revocation or suspension of a license shall be commenced by
1586 filing charges with the board in writing and under oath. The
1587 charges may be made by any person or persons. The ~~secretary~~
1588 executive director shall fix a time and place for a hearing
1589 and shall cause a written copy of the charges or reason for
1590 denial of a license, together with a notice of the time and
1591 place fixed for hearing to be served on the applicant
1592 requesting the hearing or the licensee against whom the
1593 charges have been filed at least 20 days prior to the date set
1594 for the hearing. Service of charges and notice of hearing may
1595 be given by certified mail to the last known address of the
1596 licensee or applicant. At the hearing, the applicant or



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1597 licensee has the right to appear either personally or by
1598 counsel, or both, to produce witnesses, to have subpoenas
1599 issued by the board, and to cross-examine the opposing or
1600 adverse witnesses. The board is not bound by the strict rules
1601 of procedure or by the laws of evidence in the conduct of the
1602 proceedings, but the determination shall be founded upon
1603 sufficient legal evidence to sustain it. The board shall
1604 determine the charges on their merits and enter an order in a
1605 permanent record setting forth the findings of fact and law,
1606 and the action taken. On application, the board may reissue a
1607 license to a person whose license has been cancelled or
1608 revoked, but the application may not be made prior to the
1609 expiration of a period of six months after the order of
1610 cancellation or revocation has become final; and the
1611 application shall be made in the manner and form as the board
1612 may require.

1613 (b) A person whose application for a license has been
1614 refused or whose license has been cancelled, revoked, or
1615 suspended by the board may take an appeal, within 30 days
1616 after the order is entered in the judicial circuit of his or
1617 her residence or in the Montgomery County Circuit Court, to
1618 any court of competent jurisdiction.

1619 (c) Appeal from the judgment of the court lies as in
1620 other civil cases."

1621 "§34-40-14

1622 ~~There is hereby created in the State Treasury a fund to~~
1623 ~~be known as the Athletic Trainers Fund.~~ All receipts of the
1624 Alabama Athletic Trainers Board shall be deposited into ~~this~~



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1625 ~~fund. The expenses incurred by the Alabama Athletic Trainers~~
1626 ~~Board in carrying out the provisions of this chapter shall be~~
1627 ~~paid out of the Athletic Trainers Fund by warrant of the~~
1628 ~~Comptroller upon the Treasurer upon itemized vouchers,~~
1629 ~~approved by the chair of the board or his or her designee~~ the
1630 Occupational and Professional Licensing Fund. The Alabama
1631 Board of Athletic Trainers may make grants, and to otherwise
1632 arrange with qualified individuals, institutions, or agencies
1633 to develop and promote athletic training programs and
1634 continuing education programs for athletic trainers. ~~No funds~~
1635 ~~shall be withdrawn or expended except as budgeted and allotted~~
1636 ~~according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1~~
1637 ~~to 41-19-12, inclusive, and only in amounts as stipulated in~~
1638 ~~the general appropriations act or other appropriations acts."~~

1639 Section 5. Relating to the State Board of Auctioneers;
1640 to amend Sections 34-4-2, 34-4-21, 34-4-27, 34-4-30, 34-4-50,
1641 34-4-51, and 34-4-54 of the Code of Alabama 1975, to read as
1642 follows:

1643 "§34-4-2

1644 For the purposes of this chapter, the following words
1645 and phrases shall have the meanings respectively ascribed by
1646 this section:

1647 (1) AUCTIONEER. Any person who has graduated from an
1648 accredited auction school and has one year's experience as an
1649 apprentice auctioneer or has two years' experience as an
1650 apprentice auctioneer in bid calling, for a fee, commission or
1651 any other valuable consideration, or with the intention or
1652 expectation of receiving the same, by the means of or process



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1653 of an auction or sale at auction, offers, negotiates, or
1654 attempts to negotiate a listing contract, sale, purchase, or
1655 exchange of goods, chattels, merchandise, real or personal
1656 property or of any other commodity which may lawfully be kept
1657 or offered for sale by or at public auction.

1658 (2) BOARD. The State Board of Auctioneers.

1659 (3) APPRENTICE AUCTIONEER. Any person who for
1660 compensation or valuable consideration or otherwise is
1661 employed, directly or indirectly, by an auctioneer to deal or
1662 engage in any activity listed in subdivision (1) of this
1663 section.

1664 (4) GOODS. Any chattels, goods, merchandise, real or
1665 personal property or commodities of any form or type which may
1666 lawfully be kept or offered for sale.

1667 (5) PERSONS. Individuals, associations, partnerships,
1668 and corporations, and the word "persons" shall also include
1669 the officers, directors, and employees of a corporation.

1670 (6) AUCTION BUSINESS or BUSINESS OF AUCTIONEERING. The
1671 performing of any of the acts of an auctioneer or apprentice
1672 auctioneer as defined in this section.

1673 (7) EXECUTIVE DIRECTOR. The executive director of the
1674 Office of Occupational and Professional Licensing as defined
1675 in Section 25-2B-1."

1676 "§34-4-21

1677 (a) Any person desiring to enter into the auction
1678 business and obtain a license as an auctioneer or apprentice
1679 auctioneer shall make written application for a license to the
1680 board. Each application shall be accompanied by an examination



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1681 ~~fee of an amount not to exceed one hundred fifty dollars~~
1682 ~~(\$150), as set by rule of the board, which shall be collected~~
1683 ~~from each applicant to defray the expenses of the examination~~
1684 established by the executive director. The application shall
1685 be submitted on forms prepared and furnished by the ~~board~~
1686 executive director.

1687 (b) (1) Each applicant for a license as an auctioneer
1688 shall be 19 years of age or over, and each applicant for a
1689 license as an apprentice auctioneer shall be 18 years of age
1690 or over. Each applicant for an auctioneer's license shall have
1691 served one year as an apprentice auctioneer under the
1692 supervision of a licensed auctioneer in this state and have
1693 successfully completed a course of study consisting of not
1694 less than 85 hours of classroom instruction in the
1695 fundamentals of auctioneering that satisfies the requirements
1696 of the board.

1697 (2) An application shall also be accompanied by a
1698 recommendation of an employing auctioneer. If an applicant has
1699 not successfully completed an approved course of study that
1700 satisfies the requirements of the board, in lieu thereof, he
1701 or she shall be required to serve two years as an apprentice
1702 under the supervision of a licensed auctioneer in this state.

1703 (c) (1) Any person who files a complete application with
1704 the board in the proper manner shall be entitled to take an
1705 examination to determine his or her qualifications. The board
1706 may require applicants to take and pass an examination
1707 establishing, in a manner satisfactory to the board, that the
1708 applicant has a general knowledge of ethics, reading, writing,



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1709 spelling, elementary arithmetic, and the laws of this state
1710 relating to auctions and this chapter. The examination for an
1711 auctioneer's license shall be of a more exacting nature and
1712 scope than the examination for an apprentice auctioneer.

1713 (2) The board, through application and examination,
1714 shall determine whether the applicant is of good repute,
1715 trustworthy, honest, and competent to transact the business of
1716 an auctioneer, or of an apprentice auctioneer, in a manner
1717 that safeguards the interest of the public.

1718 (3) The board shall require, and it shall be the
1719 responsibility of any applicant for an initial, renewal, or
1720 reciprocal license to disclose any prior conviction, any
1721 pending criminal arrest of any nature except misdemeanor
1722 traffic violations, and any prior or pending disciplinary
1723 proceedings against the applicant before a board of
1724 auctioneers or real estate commission in this or any other
1725 state. If an applicant has been convicted of a crime in a
1726 court of competent jurisdiction of this or any other district,
1727 state, or territory of the United States or of a foreign
1728 country, the untrustworthiness of the applicant and the
1729 conviction, in itself, may be sufficient grounds for refusal
1730 of a license.

1731 (4) All auctioneers, apprentice auctioneers, and
1732 auction companies are under a continuing duty to report to the
1733 board any and all criminal arrests, charges, convictions, or
1734 disciplinary proceedings which they may incur, as well as any
1735 civil suits involving them. The board shall receive notice of
1736 any arrest, charge, criminal conviction, or commencement of



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1737 disciplinary proceedings within 30 days of its occurrence.
1738 Notice of the commencement of any civil suit shall be received
1739 by the board within 30 days after service of the complaint
1740 upon the defendant in the action.

1741 (d) The board may grant a single auction license once
1742 per calendar year to any nonresident individual who is duly
1743 licensed in good standing as an auctioneer in another state,
1744 or to an auction company in another state, who makes written
1745 application to the board and provides satisfactory proof of
1746 all of the following:

1747 (1) The applicant satisfies the age, reputation, and
1748 other qualifications to be licensed as an auctioneer.

1749 (2) The applicant has paid a fee as established by ~~rule~~
1750 ~~of the board~~ the executive director.

1751 (3) The applicant has not applied for or previously
1752 obtained a license under this chapter.

1753 (4) The applicant is not the subject of a disciplinary
1754 action in any state; has not had a professional license or
1755 business license for any company in which he or she is a
1756 principal in this, or any other licensing jurisdiction,
1757 disciplined, suspended, revoked, or denied; has not been
1758 convicted of a criminal offense; and has no criminal charges
1759 pending in any jurisdiction.

1760 (5) The applicant has provided proof of financial
1761 responsibility in the form of either an irrevocable letter of
1762 credit or a cash bond or surety bond in the amount of ten
1763 thousand dollars (\$10,000). If the applicant gives a surety
1764 bond, the bond shall be executed by a surety company



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1765 authorized to do business in this state. The bond shall be
1766 made payable to the board and shall be conditioned on
1767 compliance by the applicant with this chapter and the rules
1768 adopted by the board. All bonds shall be in a form approved by
1769 the board.

1770 (e) The license fee for each auctioneer, apprentice
1771 auctioneer, or auction company shall be an amount ~~to be~~
1772 determined by the ~~board, not to exceed two hundred fifty~~
1773 ~~dollars (\$250), and the license fee for each apprentice~~
1774 ~~auctioneer shall be an amount to be determined by the board,~~
1775 ~~not to exceed one hundred fifty dollars (\$150). The license~~
1776 ~~fees shall not be increased more than twenty-five dollars~~
1777 ~~(\$25) in any given year~~ executive director.

1778 (f) All licenses shall expire on ~~September 30 of each~~
1779 ~~year following issuance thereof~~ a date determined by the
1780 executive director and may be renewed upon payment of the
1781 appropriate license fee as required by this chapter. ~~Renewal~~
1782 ~~of a license may be effected at any time during the months~~
1783 ~~preceding the date of expiration.~~ No examination shall be
1784 required for the renewal of any license, unless the license
1785 has been revoked or suspended. ~~If a licensee fails to renew~~
1786 ~~his or her license by the deadline of each year, he or she may~~
1787 ~~renew his or her license within 60 days after the expiration~~
1788 ~~date, upon payment of the required fee and a late fee of~~
1789 ~~twenty-five dollars (\$25) for apprentices and fifty dollars~~
1790 ~~(\$50) for auctioneers and auction companies.~~ If a licensee
1791 ~~elects not~~ fails to pay the penalty and renew his or her
1792 license, he or she shall be required to submit an application,



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1793 pay the examination fee, and take the examination required for
1794 new licensees.

1795 (g) The board, by rule, shall adopt a program of
1796 continuing education for its licensees. No licensee shall have
1797 his or her license renewed unless, in addition to any other
1798 requirements of this chapter, the minimum annual continuing
1799 education requirements are met. The continuing education
1800 program shall not include testing or examination of the
1801 licensees in any manner. Any licensee 65 years of age or older
1802 shall be exempt from the continuing education requirement.

1803 (h) The board shall prepare and deliver to each
1804 licensee a license certificate and pocket card. The
1805 certificate shall be displayed openly at all times in the
1806 office of the licensee. The certificate and the pocket card of
1807 the apprentice auctioneer shall contain his or her name as
1808 well as that of the auctioneer under whose supervision he or
1809 she is employed.

1810 (i) When any auctioneer discharges an apprentice, or
1811 terminates his or her employment with the auctioneer for any
1812 reason, the auctioneer shall deliver or mail by registered or
1813 certified mail to the board the license of the discharged
1814 apprentice auctioneer. It shall be unlawful for any apprentice
1815 auctioneer to perform any of the acts contemplated by this
1816 chapter, either directly or indirectly under authority of his
1817 or her license, until the apprentice auctioneer receives a new
1818 license bearing the name and address of his or her new
1819 employer. No more than one license shall be issued to any
1820 apprentice auctioneer for the same period of time.



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1821 (j) Written notice shall be given immediately to the
1822 board by each licensee of any change in his or her mailing
1823 address and the board shall issue a new license for the
1824 unexpired period. A change of mailing address without
1825 notification to the board shall automatically cancel the
1826 license previously issued. For changing a mailing address and
1827 issuance of a new license, the board shall collect a fee in an
1828 amount determined by rule of the board. Each prior license
1829 shall be returned or accounted for to the board and be
1830 canceled before the issuance of the new license. The board may
1831 require other proof considered desirable with due regard to
1832 the paramount interest of the public in the issuance of the
1833 license.

1834 (k) (1) An auctioneer who is in good standing with the
1835 board may request inactive status by submitting to the board a
1836 written application, his or her current license certificate
1837 and pocket card, and a fee. The auctioneer shall certify on
1838 the application that he or she will not perform any business
1839 of auctioneering while on inactive status. An auctioneer who
1840 has a disciplinary or suspension hearing pending against him
1841 or her may only be granted inactive status upon approval of
1842 the board. Inactive status may be renewed annually upon
1843 written application and payment of a fee. The ~~board~~ executive
1844 director, by rule, shall determine the amount of the initial
1845 application fee and the annual renewal fee.

1846 (2) An auctioneer on inactive status may be restored to
1847 active status by submitting to the board a written application
1848 requesting reactivation and providing proof of satisfying all



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1849 continuing education requirements for the most recent
1850 licensure period during which the license was inactive.

1851 (l) Pursuant to Sections 41-22-1 to 41-22-27,
1852 inclusive, the Alabama Administrative Procedure Act, the board
1853 may make and enforce any necessary and reasonable rules
1854 pursuant to the application for any license.

1855 (m) The ~~board~~ executive director, by rule, may
1856 establish and charge reasonable fees relating to the
1857 administration and enforcement of this chapter for application
1858 or other processing costs; online service; continuing
1859 education provider services; copy, mailing, and filing
1860 services; and other fees as necessary to offset licensing and
1861 processing costs."

1862 "§34-4-27

1863 Each auctioneer shall ~~annually~~ pay one state license ~~in~~
1864 ~~an amount not to exceed two hundred fifty dollars (\$250)~~ fee.
1865 Each auctioneer shall also ~~annually~~ pay a county license fee
1866 ~~of twenty-five dollars (\$25)~~, established by the executive
1867 director, in each county where he or she sells by auction. No
1868 privilege license shall be required for any apprentice
1869 auctioneer when he or she is listed as the principal
1870 auctioneer. No license shall be required for any auctioneer
1871 who conducts an auction, without compensation for himself or
1872 herself, where all proceeds from the auction go to the benefit
1873 of any charitable organization. The term "auctioneer" shall
1874 include any person selling real estate, goods, wares,
1875 merchandise, automobiles, livestock, or other things of value
1876 by or at public auction. Sales at public auction involving any



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1877 of the following may be conducted for compensation without a
1878 license:

1879 (1) Sales at auction conducted by the owner of any part
1880 of the goods or real estate being offered, or an attorney
1881 representing the owner, unless the owner acquired the goods to
1882 resell.

1883 (2) Sales for the estate of a decedent by an
1884 administrator, executor, or any person acting under order of
1885 any court or the attorney of an administrator, executor, or
1886 any person acting under order of any court.

1887 (3) Sales of property conveyed by deed of trust,
1888 mortgage, judgment, or ordered to be sold according to the
1889 mortgage, judgment, order, or decree.

1890 (4) All sales under legal process."

1891 "§34-4-30

1892 (a) The board may administer oaths and prescribe all
1893 necessary and reasonable rules for the conduct of a hearing.
1894 The board may take testimony of any person by deposition, with
1895 the same fees and mileage and in the same manner as prescribed
1896 by law in judicial procedure of courts of this state in civil
1897 cases. The fees and mileage shall be paid by the party at
1898 whose request the witness is subpoenaed.

1899 (b) The affirmative vote of a majority of the members
1900 of the board shall be required before any disciplinary action
1901 may be taken against a licensee in accordance with this
1902 chapter.

1903 (c) The board is declared to be a quasi judicial body,
1904 and the members ~~or the employees of the board~~ are granted



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1905 immunity from civil liability and shall not be liable for
1906 damages therefrom when acting in the performance of their
1907 duties as described in this chapter. "

1908 "§34-4-50

1909 (a) (1) The State Board of Auctioneers is created.
1910 Commencing on October 1, 2026, the board shall be subject to
1911 the leadership, support, and oversight of the Executive
1912 Director of the Office of Occupational and Professional
1913 Licensing pursuant to Chapter 2B of Title 25.

1914 (2) The Governor shall appoint ~~a State Board of~~
1915 ~~Auctioneers to be comprised of~~ seven auctioneer members and
1916 one consumer member to the board. All appointments shall be
1917 for a term of five years, with each auctioneer member
1918 appointed being a resident of a different congressional
1919 district and the consumer member being a resident of and
1920 appointed from the state at-large. Appointments shall end on
1921 the anniversary date of the original appointments, except
1922 appointments to fill a vacancy which shall be for the
1923 unexpired term only. No member shall serve more than two
1924 consecutive terms of office. Each member of the board and his
1925 or her successor shall have been a resident of this state for
1926 at least five years prior to his or her appointment. Each
1927 auctioneer member of the board and his or her successor shall
1928 have been a licensed auctioneer in this state for at least
1929 five years. In the event a district has no qualified candidate
1930 for appointment, the appointment may come from the state
1931 at-large. Each member shall hold office until his or her
1932 successor is appointed by the Governor. The Governor shall



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1933 coordinate his or her appointments so that diversity of
1934 gender, race, and geographical area is reflective of the
1935 makeup of this state.

1936 (b) Each auctioneer member of the board shall be of
1937 good moral character and shall have been licensed by the board
1938 and actively engaged in the auction business for at least five
1939 years prior to the appointment.

1940 (c) On the appointment of a new auctioneer board
1941 member, the board, at its next meeting, shall elect one of its
1942 members as chair, one member as vice-chair, one member as
1943 secretary, and any other officers deemed necessary. The board
1944 may do all things necessary and convenient for carrying into
1945 effect this chapter. The board may adopt rules not
1946 inconsistent with this chapter or other general laws of the
1947 state.

1948 ~~(d) Except as otherwise provided in Section 34-4-53,~~
1949 ~~members of the board, board staff, and board attorneys shall~~
1950 ~~receive the same per diem and travel allowance paid to state~~
1951 ~~employees for each day they meet to conduct the official~~
1952 ~~business of the board.~~

1953 ~~(e) The board may employ an administrator who shall be~~
1954 ~~exempt from the classified service of the state, and other~~
1955 ~~staff members necessary to discharge board duties and~~
1956 ~~administer this chapter. The administrator shall be employed~~
1957 ~~on the basis of his or her education, experience, and skills~~
1958 ~~in administration and management. The board shall determine~~
1959 ~~the duties and fix the compensation of the administrator and~~
1960 ~~other staff members, subject to the general laws of the state.~~



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1961 ~~(f)~~ (d) The board shall provide by rule for the
1962 investigation of any auction activity that is being promoted,
1963 managed, or supervised by unlicensed individuals in violation
1964 of this chapter ~~and may employ an investigator to assist the~~
1965 ~~board in enforcement of the laws, rules, and policies adopted~~
1966 ~~thereunder. The investigator shall be employed on the basis of~~
1967 ~~his or her education, experience, and skills in law~~
1968 ~~enforcement. The board shall determine the duties and fix the~~
1969 ~~compensation of the investigator, subject to the general laws~~
1970 ~~of the state.~~

1971 ~~(g)~~ (e) The board shall adopt a seal by which the board
1972 shall authenticate records and documents. On the seal shall be
1973 the words State Board of Auctioneers. Copies of all records
1974 and documents in the office of the board that are duly
1975 certified and authenticated by the seal of the board shall be
1976 received in evidence in all courts equally and with the same
1977 effect as the original. All public records kept in the office
1978 of the board shall be open to public inspection during
1979 reasonable hours.

1980 ~~(h)~~ (f) Each board member shall be accountable to the
1981 Governor for the proper performance of his or her duties as a
1982 member of the board. The Governor shall investigate any
1983 complaints or unfavorable reports concerning the actions of
1984 the board and take appropriate action thereon, including
1985 removal of any board member for misfeasance, malfeasance,
1986 neglect of duty, commission of a felony, incompetence, or
1987 permanent inability to perform official duties. A board member
1988 may be removed at the request of the board for failing to



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1989 attend four consecutive, properly noticed meetings."

1990 "§34-4-51

1991 Each member of the board shall receive a certificate of
1992 appointment from the Governor before entering upon the
1993 discharge of the duties of his or her office. The board, ~~or~~
1994 ~~any committee thereof, shall be entitled to the services of~~
1995 ~~the state Attorney General, in connection with the affairs of~~
1996 ~~the board, or may, on approval of the Attorney General, employ~~
1997 ~~an attorney to assist or represent it in the enforcement of~~
1998 ~~this chapter before any court of competent jurisdiction, and~~
1999 ~~it~~ may take the necessary legal steps through the proper legal
2000 officers of the state to enforce the provisions of this
2001 chapter and collect the penalties provided herein. Complaints
2002 shall be prosecuted in the name of the State Board of
2003 Auctioneers."

2004 "§34-4-54

2005 The executive director of the board shall keep a record
2006 of the proceedings of the board. ~~The board shall deposit all~~
2007 ~~the funds received and credited by the board into the State~~
2008 ~~Treasury into an account hereby established to be known as the~~
2009 ~~"Alabama State Board of Auctioneers Fund."~~ All money derived
2010 under this chapter shall be deposited into the ~~fund and used~~
2011 ~~only to carry out the requirements of this chapter. No money~~
2012 ~~shall be paid out of the fund except by warrant of the~~
2013 ~~Comptroller upon the State Treasury after approval of itemized~~
2014 ~~vouchers by the executive director of the board or an~~
2015 ~~authorized designee~~ Occupational and Professional Licensing
2016 Fund."



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2017 Section 6. Relating to the Alabama Professional Bail
2018 Bonding Board; to amend Sections 15-13-201, 15-13-202,
2019 15-13-203, 15-13-204, 15-13-206, 15-13-207, 15-13-210,
2020 15-13-212, and 15-13-217 of the Code of Alabama 1975, to read
2021 as follows:

2022 "§15-13-201

2023 For the purposes of this article, the following terms
2024 shall have the following meanings:

2025 (1) BOARD. Alabama Professional Bail Bonding Board.

2026 (2) EXECUTIVE DIRECTOR. The Executive Director of the
2027 Office of Occupational and Professional Licensing as defined
2028 in Section 25-28-1.

2029 ~~(2)~~ (3) PROFESSIONAL BAIL COMPANY. A person, individual
2030 proprietor, partnership corporation, or other entity, other
2031 than a professional surety company, that furnishes bail or
2032 becomes surety for a person on an appearance bond and does so
2033 for a valuable consideration.

2034 ~~(3)~~ (4) PROFESSIONAL BONDSMAN. Any individual or agent
2035 who is employed by a professional bail company or professional
2036 surety company to solicit and execute appearance bonds or
2037 actively seek bail bond business for or on behalf of a
2038 professional bail company, including any individual who has a
2039 direct or indirect ownership interest in a professional bail
2040 company.

2041 ~~(4)~~ (5) PROFESSIONAL SURETY BONDSMAN. Any individual who
2042 is employed by a professional surety company to solicit and
2043 execute appearance bonds or actively seek bail bond business
2044 for or on behalf of a professional surety company, including



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2045 any individual who has a direct or indirect ownership interest
2046 in a professional surety company.

2047 ~~(5)~~ (6) PROFESSIONAL SURETY COMPANY. An insurance
2048 company, domestic or foreign corporation, or association
2049 engaged in the business of insurance, or a surety with a bail
2050 line of insurance to which has been issued a certificate of
2051 authority or certificate of compliance by the Department of
2052 Insurance to execute appearance bonds or bail bonds in
2053 criminal cases in the state.

2054 ~~(6)~~ (7) RECOVERY AGENT. Any individual, other than an
2055 attorney or law enforcement officer, utilized by a
2056 professional surety company, professional bail company, or
2057 professional bondsman to apprehend a defendant who was
2058 released on bail and who violated the terms of his or her
2059 bail."

2060 "§15-13-202

2061 (a) An individual may not hold himself or herself out
2062 to the public as a professional bondsman or a professional
2063 surety bondsman, operate as a recovery agent, or use any term,
2064 title, or abbreviation that expresses, infers, or implies that
2065 the individual is licensed as a professional bondsman unless
2066 the individual at the time holds a valid license as a
2067 professional bondsman as provided in this article.

2068 (b) All applicants shall pass an examination, unless
2069 exempted by this article, based on criteria established by the
2070 Alabama Professional Bail Bonding Board and established under
2071 Section 15-13-203 and shall comply with the continuing
2072 education requirements established by this article.



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2073 (c) The board may issue an apprentice license, which
2074 expires ~~120 days after issuance~~ at a time determined by the
2075 executive director, to any applicant who satisfies all
2076 criteria for licensure except passing the examination. The
2077 board may require an applicant for licensure as an apprentice
2078 to sign an affidavit, on a form provided by the board,
2079 attesting that the applicant has no felony convictions. The
2080 board, by rule, may also provide an age exception to allow any
2081 applicant who is 19 or 20 years of age to work as an
2082 apprentice until he or she reaches the age of 21 years. The
2083 ~~board~~ executive director may charge a fee, ~~not exceeding fifty~~
2084 ~~dollars (\$50)~~, for an apprentice license."

2085 "§15-13-203

2086 (a) The Alabama Professional Bail Bonding Board is
2087 created to administer and enforce this article. Commencing on
2088 October 1, 2026, the board shall be subject to the leadership,
2089 support, and oversight of the Executive Director of the Office
2090 of Occupational and Professional Licensing pursuant to Chapter
2091 2B of Title 25. The board shall consist of all of the
2092 following members:

2093 (1) Seven professional bondsmen, one from each of the
2094 seven congressional districts of the state, nominated by the
2095 Alabama Bail Bond Association and appointed by the Governor
2096 from a list of not more than four nominees for each position
2097 on the board. For the initial terms of office, the President
2098 of the Alabama Bail Bond Association shall be the professional
2099 bondsman member of the board who represents the congressional
2100 district in which he or she resides. Each professional



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2101 bondsman member appointed to the board shall be the owner of a
2102 professional bail bond company with at least five years of
2103 experience. Except as otherwise provided, no two professional
2104 bondsman members shall reside in the same congressional
2105 district. If no professional bondsman is available for
2106 nomination by the Alabama Bail Bond Association for a
2107 congressional district, the Alabama Bail Bond Association
2108 shall provide a list of four professional bondsman nominees
2109 from the state at large to the Governor for that congressional
2110 district, and the Governor shall appoint one of those nominees
2111 to fill that position on the board.

2112 (2) One serving circuit, district, or municipal court
2113 judge, nominated by the Alabama Bail Bond Association and
2114 appointed by the Governor from a list of four nominees.

2115 (3) One serving circuit or municipal court clerk,
2116 nominated by the Alabama Bail Bond Association and appointed
2117 by the Governor from a list of four nominees.

2118 (b) The appointments to the board shall be for terms of
2119 four years. The nominating and appointing authorities shall
2120 coordinate their nominations and appointments so that
2121 diversity of gender, race, and geographical areas is
2122 reflective of the makeup of this state. Vacancies shall be
2123 filled by appointment of the Governor for the unexpired
2124 portion of the term.

2125 (c) The board, pursuant to the Alabama Administrative
2126 Procedure Act, Chapter 22 of Title 41, shall adopt and enforce
2127 reasonable rules as the board determines necessary to
2128 effectively and efficiently carry out its official duty of



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2129 licensing and regulating professional bail bond companies and
2130 professional bondsmen.

2131 ~~(d) Each member of the board shall receive travel and~~
2132 ~~per diem compensation for expenses incurred in the conduct of~~
2133 ~~official duties while attending meetings and transacting the~~
2134 ~~business of the board, in accordance with applicable state~~
2135 ~~travel and per diem paid to state employees. The compensation~~
2136 ~~of members shall be paid from funds available to the board in~~
2137 ~~the same manner as other expenses are paid."~~

2138 "§15-13-204

2139 (a) Pursuant to Section 36-1-12, the members ~~and~~
2140 ~~employees~~ of the board are granted immunity from civil
2141 liability and may not be liable for damages when acting in the
2142 performance of their duties under this article.

2143 (b) Board members ~~and employees~~ shall be defended by
2144 the Attorney General in regard to any criminal or civil
2145 litigation filed against them based on the performance of
2146 their official duties under this article."

2147 "§15-13-206

2148 ~~(a) There is created in the State Treasury for the use~~
2149 ~~of the Alabama Professional Bail Bonding Board a fund to be~~
2150 ~~known as the Alabama Bail Bond Board Fund.~~

2151 ~~(b) All application, apprentice, and license fees,~~
2152 penalties, fines, late fees, and any other fees or funds
2153 collected by the board under this article are to be deposited
2154 ~~in this fund and used only to carry out the operations of the~~
2155 ~~board~~ into the Occupational and Professional Licensing Fund.

2156 ~~(c) For the purpose of carrying out the objectives of~~



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2157 ~~this article and for the exercise of the powers granted in~~
2158 ~~this article, the board may direct the disbursement of the~~
2159 ~~funds from the Alabama Bail Bond Board Fund necessary to cover~~
2160 ~~reasonable and necessary operating costs and board member~~
2161 ~~compensation and expenses as provided by this article, which~~
2162 ~~shall be paid on warrant of the Comptroller upon certificate~~
2163 ~~or voucher of the secretary of the board, approved by the~~
2164 ~~president or vice president of the board. Funds may not be~~
2165 ~~withdrawn or expended except as budgeted and allotted~~
2166 ~~according to the provisions of Article 4 of Chapter 4 of Title~~
2167 ~~41."~~

2168 "§15-13-207

2169 (a) The board may adopt rules necessary to implement
2170 this article and accomplish its objectives subject to the
2171 Alabama Administrative Procedure Act.

2172 (b) The board may adopt and establish canons of ethics
2173 and minimum acceptable professional standards of practice for
2174 licensees within any rules that it adopts.

2175 ~~(c) The board may hire personnel necessary or as~~
2176 ~~advisable to carry out the purposes of this article.~~

2177 ~~(d) The Attorney General shall provide legal services~~
2178 ~~to the board and its employees in connection with official~~
2179 ~~duties and actions of the board or the board may employ legal~~
2180 ~~counsel, when deemed necessary by the board, whose~~
2181 ~~compensation shall be fixed by the board and paid in the same~~
2182 ~~manner as the per diem and expenses of the board members are~~
2183 ~~paid."~~

2184 "§15-13-210



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2185 ~~(a)~~ An application and all information on an
2186 application for licensure pursuant to this article shall be
2187 treated as confidential and shall be filed with the board on
2188 forms prescribed by the ~~board~~ executive director. The
2189 application shall include all of the following information of
2190 the applicant:

2191 (1) His or her full name.

2192 (2) His or her date of birth.

2193 (3) All residences during the immediate past five
2194 years.

2195 (4) All employment or occupations engaged in during the
2196 immediate past five years.

2197 (5) A list of convictions and pending charges involving
2198 a felony or misdemeanor in any jurisdiction.

2199 ~~(b) On or before September 1 each year, the board shall
2200 send an email reminder to each licensee stating that the last
2201 day for submitting an application for a license renewal is
2202 September 30 of that year."~~

2203 "§15-13-212

2204 (a) (1) If an application for a license is denied, the
2205 board shall notify the applicant in writing and specify the
2206 grounds for denial. If the grounds are subject to correction
2207 by the applicant, the notice shall so state and specify a
2208 reasonable period of time within which the applicant shall
2209 make the required correction.

2210 (2) The applicant may submit an application for
2211 reconsideration to the board within 30 days from the date of
2212 receipt of the denial.



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2213 (b) The board shall issue a license to all licensees
2214 that shall be at least 8" x 10" in size and shall be displayed
2215 on a wall of the workplace of the licensee. This license shall
2216 be deemed property of the state and subject to forfeiture to
2217 the state upon revocation.

2218 (c) All licenses issued or renewed under this article
2219 shall be valid for a period ~~from the date of issuance until~~
2220 ~~October 31~~ determined by the executive director."

2221 "§15-13-217

2222 (a) A professional bondsman, professional surety
2223 bondsman, or recovery agent commencing business in any
2224 judicial circuit in this state on and after June 1, 2020,
2225 shall attend a 16-hour instructional course conducted by an
2226 educational provider approved by the board and pass an
2227 examination approved by the board and administered by an
2228 educational provider approved by the board. Upon completion of
2229 the course and passage of the examination, the individual
2230 shall be awarded a pre-licensure examination certificate by
2231 the board, copies of which may be submitted to the presiding
2232 circuit judge, or other judicial authority, along with the
2233 other requirements set forth in Section 15-13-159 or Section
2234 15-13-160. Those professional bondsmen, professional surety
2235 bondsmen, and recovery agents doing business immediately prior
2236 to June 1, 2020, are exempt from the initial instructional
2237 course and examination.

2238 (b) Unless exempted pursuant to subsection (i), a
2239 professional bondsman, professional surety bondsman, or
2240 recovery agent making an annual filing in any circuit in this



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2241 state pursuant to Section 15-13-159 or Section 15-13-160 on
2242 and after March 1, 2020, shall first complete eight hours of
2243 continuing education conducted by an educational provider
2244 approved by the board. A professional bail company owner, who
2245 is at least 55 years of age and has five years of experience
2246 in the profession, shall only be required to complete four
2247 hours of continuing education. The educational provider
2248 approved by the board shall provide the board with the name of
2249 all professional bondsmen, professional surety bondsmen, or
2250 recovery agents completing eight hours of continuing
2251 education. Upon completion of the eight hours of continuing
2252 education, the individual shall request issuance of an annual
2253 continuing education certificate from the board, copies of
2254 which may be submitted to the presiding circuit judge along
2255 with the other requirements set forth in Section 15-13-159 or
2256 Section 15-13-160.

2257 (c) The instructional course, examination, or
2258 continuing education courses shall be taught or sponsored by
2259 an educational provider approved by the board, which must
2260 apply annually for authority to offer such examination or
2261 courses.

2262 (d) A list of approved course providers shall be
2263 published on the website of the board.

2264 (e) The cost of the instructional course shall be set
2265 by the approved course provider but shall not exceed five
2266 hundred dollars (\$500) per course. Upon completion of the
2267 instructional course, the approved course provider shall issue
2268 an instructional course completion certificate in a form



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2269 approved by the board. This completion certificate, along with
2270 the application fee, must be presented to the board in order
2271 to take the pre-licensure examination. An instructional course
2272 completion certificate shall be valid for a period of 12
2273 months.

2274 (f) The cost of continuing education courses shall be
2275 set by the approved course provider but shall not exceed
2276 seventy-five dollars (\$75) per hour. Any fee required to be
2277 paid by a course provider for reporting continuing education
2278 course completion to the board may be added to the maximum
2279 charges provided in this subsection.

2280 (g) Each professional bondsman, professional surety
2281 bondsman, and recovery agent must renew his or her
2282 certification with the board by completing eight hours of
2283 approved continuing education ~~prior to September 30~~ each year.
2284 Late renewal ~~within the next 12 months~~ may be had by
2285 completing the eight hours of continuing education within a
2286 time period established by the executive director and paying a
2287 renewal license fee ~~of twice the amount otherwise required~~ and
2288 late penalty fee established by the executive director. If a
2289 professional bondsman, professional surety bondsman, or
2290 recovery agent fails to renew a certification ~~for a 12-month~~
2291 ~~period~~ as required, the professional bondsman, professional
2292 surety bondsman, or recovery agent will be required to take
2293 the instructional course and examination to again become
2294 certified.

2295 (h) The ~~board~~ executive director, by rule, shall set
2296 the fees to be paid ~~to the board in~~ as necessary for the



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2297 administration of this section, ~~not to exceed the maximum~~
2298 ~~amounts set forth below~~ including each of the following:

2299 (1)a. Application fee for a professional bondsman,
2300 professional surety bondsman, or a recovery agent, a
2301 nonrefundable fee to be paid to take the examination and for
2302 the issuance of the pre-licensure examination certificate, per
2303 examination attempt: ~~Up to five hundred dollars (\$500).~~

2304 b. Application fee for a professional bail company or a
2305 professional surety company, a nonrefundable fee to be paid
2306 for the issuance of an initial license: ~~Up to five hundred~~
2307 ~~dollars (\$500).~~ Payment of this fee does not alleviate the
2308 requirement that each individual professional bondsman,
2309 professional surety bondsman, and recovery agent be licensed
2310 under this chapter.

2311 (2)a. Annual license renewal fee for a professional
2312 bondsman, professional surety bondsman, or recovery agent, to
2313 be paid to receive the annual continuing education
2314 certificate: ~~From fifty dollars (\$50) up to five hundred~~
2315 ~~dollars (\$500).~~

2316 b. Annual license renewal fee for a professional bail
2317 company or a professional surety company, to be paid to
2318 receive the renewal license: Up to one hundred dollars (\$100).

2319 (i) Any professional bondsman or professional bail
2320 company owner who, ~~on August 1, 2021,~~ is at least 65 years of
2321 age and has 15 years of experience in the profession, shall be
2322 exempt from the continuing education requirements of this
2323 article.

2324 (j) The board shall adopt rules necessary to carry out



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2325 this section."

2326 Section 7. Relating to the Board of Examiners in
2327 Counseling; to amend Sections 34-8A-1, 34-8A-2, 34-8A-5,
2328 34-8A-6, 34-8A-7, 34-8A-8, 34-8A-10, 34-8A-13, 34-8A-14,
2329 34-8A-18, and 34-8A-81 of the Code of Alabama 1975, to read as
2330 follows:

2331 "§34-8A-1

2332 There is hereby created ~~a board to be known as~~ the
2333 Alabama Board of Examiners in Counseling composed of seven
2334 members, appointed by the Governor of this state ~~within 60~~
2335 ~~days after July 18, 1979~~, in the manner and for the term of
2336 office as hereinafter provided. The board shall perform such
2337 duties and have such powers as this chapter prescribes and
2338 confers upon it. Commencing on October 1, 2026, the board
2339 shall be subject to the leadership, support, and oversight of
2340 the Executive Director of the Office of Occupational and
2341 Professional Licensing pursuant to Chapter 2B of Title 25."

2342 "§34-8A-2

2343 For the purposes of this chapter, unless the context
2344 requires otherwise, the following words and phrases ~~shall~~ have
2345 the respective meanings ascribed by this section:

2346 (1) ASSOCIATE LICENSED COUNSELOR. Any person that has
2347 been licensed by the board to offer counseling services as
2348 defined in this section while under the supervision of a board
2349 approved supervisor.

2350 (2) BOARD. The Alabama Board of Examiners in
2351 Counseling.

2352 (3) COUNSELING SERVICES. Those acts and behaviors



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2353 coming within the private practice of counseling.

2354 (4) EXECUTIVE DIRECTOR. The Executive Director of the
2355 Office of Occupational and Professional Licensing as defined
2356 in Section 25-2B-1.

2357 ~~(4)~~ (5) LICENSED PROFESSIONAL COUNSELOR. Any person who
2358 represents to the public by any title or description of
2359 services incorporating the words "licensed professional
2360 counselor" or "licensed counselor"; and who offers to render
2361 professional counseling services in private practice to
2362 individuals, groups, organizations, corporations,
2363 institutions, government agencies, or the general public in
2364 settings of individual or group practice for a fee, salary, or
2365 other compensation, implying licensure and training,
2366 experience, or expertise in counseling, and who holds a
2367 current, valid license to engage in the private practice of
2368 counseling, with the exception of those practitioners listed
2369 in Section 34-8A-3.

2370 ~~(5)~~ (6) PRIVATE PRACTICE OF COUNSELING. Rendering or
2371 offering to render to individuals, groups, organizations, or
2372 the general public counseling services, in settings of
2373 individual or group practice, for a fee, salary, or other
2374 compensation, involving the application of principles,
2375 methods, or procedures of the counseling profession which
2376 include, but are not restricted to:

2377 a. Counseling. To render evaluation and therapy that
2378 includes, but is not limited to, providing individual
2379 counseling, family counseling, marital counseling, group
2380 therapy, school counseling, play therapy, rehabilitation



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2381 counseling, art therapy, human growth and development
2382 counseling, couples counseling, chemical abuse or dependency
2383 counseling, career counseling, and vocational disability
2384 counseling. The use of specific methods, techniques, or
2385 modalities within the practice of a licensed professional
2386 counselor is restricted to counselors appropriately trained in
2387 the use of these methods, techniques, or modalities. A
2388 licensed professional counselor or associate licensed
2389 counselor may diagnose and develop treatment plans but shall
2390 not attempt to diagnose, prescribe for, treat, or advise a
2391 client with reference to problems or complaints falling
2392 outside the boundaries of counseling services.

2393 b. Appraisal activities. Selecting, administering,
2394 scoring, and interpreting instruments designed to assess an
2395 individual's aptitudes, attitudes, abilities, achievements,
2396 interests, and personal characteristics, but shall not include
2397 the use of projective techniques in the assessment of
2398 personality.

2399 c. Counseling, guidance, and personnel consulting.
2400 Interpreting or reporting upon scientific fact or theory in
2401 counseling, guidance, and personnel services to provide
2402 assistance in solving some current or potential problems of
2403 individuals, groups, or organizations.

2404 d. Referral activities. The evaluating of data to
2405 identify problems and to determine advisability of referral to
2406 other specialists.

2407 e. Research activities. The designing, conducting, and
2408 interpreting of research with human subjects.



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2409 ~~(6)~~ (7) PROVISIONAL LICENSE. A one-year, temporary
2410 licensure status equal to that of a licensed professional
2411 counselor or associate licensed counselor with specified
2412 stipulations for establishing substantial equivalency
2413 according to subdivision (4) of Section 34-8A-7."

2414 "§34-8A-5

2415 ~~(a)~~ The board shall elect annually a chair and a vice
2416 chair. ~~Each member shall receive daily compensation as~~
2417 ~~established by the board for each day actively engaged in the~~
2418 ~~duties of the board and the same travel expense allowance as~~
2419 ~~is paid to state employees for travel in the service of the~~
2420 ~~board. At the request of the executive director, a board~~
2421 ~~member may work additional days on behalf of the board. For~~
2422 ~~such activities, the board member shall be compensated at the~~
2423 ~~same daily rate for scheduled board meetings and shall receive~~
2424 ~~the same travel expense allowance as is paid to state~~
2425 ~~employees for travel in the service of the board. The amounts~~
2426 ~~shall in no case exceed funds available to the board.~~ The
2427 board shall hold at least one regular meeting each year.
2428 Additional meetings may be held at the discretion of the chair
2429 or at the written request of any three members of the board.
2430 The board shall adopt a seal which shall be affixed to all
2431 licenses and certificates issued by the board. The board shall
2432 from time to time adopt those rules and regulations as the
2433 board may deem necessary for the performance of the duties of
2434 the board. ~~The board may appoint and employ a qualified person~~
2435 ~~possessing a high degree of professional skill, not subject to~~
2436 ~~the State Merit System, to serve as executive director. The~~



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2437 ~~compensation of the executive director shall be established by~~
2438 ~~the board. Four members of the board shall be empowered to~~
2439 ~~accept grants from foundations and institutions to carry on~~
2440 ~~the functions of the board.~~

2441 ~~(b) Notwithstanding any other contrary provision of~~
2442 ~~law, the executive director employed by the board may be a~~
2443 ~~practicing licensee of the board."~~

2444 "§34-8A-6

2445 (a) A licensee may request that the board designate his
2446 or her license with inactive status at any point prior to the
2447 date of renewal. Granting inactive status to a licensee
2448 revokes all privileges associated with this chapter until
2449 reactivation is requested by the licensee. Procedures for
2450 reactivating a license for practice status will be established
2451 by the ~~board~~ executive director.

2452 (b) All fees from applicants seeking licensing or
2453 certification for private practice under this chapter, and all
2454 license, certificate, or renewal fees received under this
2455 chapter shall be ~~paid to the board. No part of any fee shall~~
2456 ~~be returnable under any conditions. All fees collected in this~~
2457 ~~manner plus renewal fees and all~~ deposited in the Occupational
2458 and Professional Licensing Fund. All gifts or grants shall be
2459 deposited in the State Treasury to the credit of the ~~board.~~
2460 ~~There is appropriated from the Treasury funds to the credit of~~
2461 ~~the board to be used for printing, travel expenses of the~~
2462 ~~board, and for other necessary expenses as are necessary to~~
2463 ~~carry out the provisions of this chapter. Expenses shall be~~
2464 ~~paid under the written direction of the chair of the board, or~~



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2465 ~~designee of the chair of the board, in accordance with normal~~
2466 ~~state procedure~~ Occupational and Professional Licensing Fund.

2467 (c) The board ~~is required to~~ shall charge an
2468 application fee to be determined by the ~~board~~ executive
2469 director. In addition to the application fee, the ~~board~~
2470 executive director may establish by rule a reasonable
2471 application package fee, supervising counselor approval
2472 processing fee, examination fee, provisional licensure fee,
2473 licensure reactivation fee, and fee for written verification
2474 of licensee status to a third party. The board shall determine
2475 and collect additional reasonable fees in amounts determined
2476 by the ~~board~~ executive director.

2477 (d) Every licensed professional counselor engaging in
2478 private practice in this state is required to pay ~~biennially~~
2479 ~~to the board by August 1~~ a renewal fee to be determined by the
2480 ~~board~~ executive director. The chair thereupon shall issue a
2481 document renewing his or her license for a term ~~of two years~~
2482 prescribed by the executive director. The license of any
2483 licensed professional counselor who fails to have his or her
2484 license renewed ~~biennially by August 1~~ as prescribed shall
2485 lapse. Failure to renew a license, however, shall not deprive
2486 the licensed professional counselor of the right of renewal
2487 thereafter. A lapsed license may be renewed within a period ~~of~~
2488 ~~two years after lapse~~ prescribed by the executive director
2489 upon payment of fees in arrears, or thereafter, upon payment
2490 of a renewal fee as determined by the ~~board~~ executive
2491 director. Any licensed professional counselor whose license
2492 has lapsed beyond ~~six years~~ the time period prescribed by the



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2493 executive director must reapply under the ~~current regulations~~
2494 rules for initial licensure.

2495 (e) An associate licensed counselor engaging in private
2496 practice under the supervision of a supervising counselor in
2497 this state ~~is required to~~ shall pay ~~annually to the board by~~
2498 ~~the anniversary of his or her initial license issuance date~~ a
2499 renewal fee to be determined by the ~~board. The chair thereupon~~
2500 ~~shall issue a document renewing the license for a term of one~~
2501 ~~year~~ executive director. The license of any associate licensed
2502 counselor who fails to have his or her license renewed
2503 ~~annually by the anniversary of the initial license issuance~~
2504 ~~date~~ shall lapse. Failure to renew a license, however, shall
2505 not deprive the associate licensed counselor of the right of
2506 renewal thereafter. A lapsed license may be renewed within a
2507 ~~period of one year after lapse~~ time period prescribed by the
2508 executive director upon payment of fees in arrears or
2509 thereafter, upon payment of a renewal fee as determined by the
2510 ~~board~~ executive director. Any associate licensed counselor
2511 whose license has lapsed beyond ~~six years~~ the prescribed time
2512 period must reapply under the ~~current regulations~~ rules for
2513 initial licensure.

2514 (f) Any provision of law to the contrary
2515 notwithstanding, the license of any person licensed as a
2516 professional counselor who has allowed his or her license to
2517 lapse for 15 years or less, and who has been in a profession
2518 for at least eight years where counseling is a part of the
2519 daily routine of the profession including, but not limited to,
2520 service as a school principal, school vice principal, school



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2521 psychometrist, or school psychologist, shall be reinstated
2522 upon the payment of a fee ~~of five hundred dollars (\$500)~~
2523 established by the executive director and the completion of 40
2524 hours of continuing education."

2525 "§34-8A-7

2526 The board shall issue a license as a licensed
2527 professional counselor to each applicant who files an
2528 application upon a form and in a manner as the ~~board~~ executive
2529 director prescribes, accompanied by a fee ~~as is required in~~
2530 ~~this chapter~~ prescribed by the executive director, and who
2531 furnishes satisfactory evidence of the following to the board:

2532 (1) The applicant is at least 19 years of age.

2533 (2) The applicant is of good moral character.

2534 (3) The applicant is not in violation of any of the
2535 provisions of this chapter and the rules and regulations
2536 adopted hereunder.

2537 (4) The applicant has received a master's degree from a
2538 regionally accredited institution of higher learning which is
2539 primarily professional counseling in content based on national
2540 standards, or the substantial equivalent in both subject
2541 matter and extent of training. The board shall use the
2542 standards of nationally recognized professional counseling
2543 associations as guides in establishing the standards for
2544 counselor licensure.

2545 (5) The applicant submits documentation of completion
2546 of 3,000 hours of supervised experience in professional
2547 counseling acceptable to the board. An applicant may subtract
2548 1,000 hours of the required professional experience for every



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2549 15 graduate semester hours obtained beyond the master's
2550 degree, provided that those hours are clearly related to the
2551 field of professional counseling and are acceptable to the
2552 board. In no case may the applicant have less than 1,000 hours
2553 of the required professional supervised experience.

2554 (6) The applicant demonstrates competence and knowledge
2555 in professional counseling by passing an examination, as the
2556 board prescribes. A specialty designation may be added upon
2557 demonstration to the board that the applicant has met the
2558 recognized minimum standards as established by nationally
2559 recognized certification agencies. Upon successful passage of
2560 an examination, and upon receipt of credentials from
2561 certifying agencies the board may, by a majority of the board
2562 members present and voting, consider the credentials adequate
2563 evidence of professional competence and recommend to the chair
2564 of the board that a license with appropriate specialty
2565 designation, if any, be approved. A licensed professional
2566 counselor cannot claim or advertise a counseling specialty
2567 unless the qualifications of that specialty have been met and
2568 have been approved by the board.

2569 (7) The applicant is a citizen of the United States or,
2570 if not a citizen of the United States, a person who is legally
2571 present in the United States with appropriate documentation
2572 from the federal government."

2573 "§34-8A-8

2574 The board shall issue a license as an associate
2575 licensed counselor to each applicant who files an application
2576 upon a form and in such manner as the ~~board~~ executive director



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2577 prescribes accompanied by such fees as are required by this
2578 chapter, and who furnishes satisfactory evidence of the
2579 following to the board:

2580 (1) The applicant has complied with provisions outlined
2581 in subdivisions (1), (2), (3), and (4) of Section 34-8A-7;

2582 (2) The associate licensed counselor may not practice
2583 without direct supervision by a licensed professional
2584 counselor. The plan for supervision of the associate licensed
2585 counselor is to be approved by the board prior to any actual
2586 performance of counseling on the part of the associate
2587 licensed counselor;

2588 (3) Any associate licensed counselor after meeting the
2589 requirements specified in subdivisions (5) and (6) of Section
2590 34-8A-7 may petition the board for licensure as a professional
2591 counselor."

2592 "§34-8A-10

2593 The place of examination shall be designated in advance
2594 by the ~~board~~ executive director, and such examination shall be
2595 given ~~annually~~ at such time and place determined by the
2596 executive director and under the supervision as the board may
2597 determine, and specifically at such other times as in the
2598 opinion of the ~~board~~ executive director the number of
2599 applicants warrants."

2600 "§34-8A-13

2601 The board is required to preserve an examination score
2602 of each candidate, as part of its records for a period ~~of two~~
2603 ~~years~~ following the date of examination as determined by the
2604 executive director."



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2605 "§34-8A-14

2606 (a) Counselors licensed as a licensed professional
2607 counselor by the board shall be required to submit ~~biennially~~
2608 ~~at the time of renewal~~ a license renewal fee to be established
2609 by the ~~board~~ executive director. No license shall be renewed
2610 unless the renewal request is accompanied by evidence
2611 satisfactory to the board of the completion ~~during the~~
2612 ~~previous 24 months~~ of relevant professional and continued
2613 educational experience.

2614 (b) Counselors licensed as an associate licensed
2615 counselor by the board shall be required to submit ~~annually at~~
2616 ~~the time of renewal~~ a license renewal fee to be established by
2617 the ~~board~~ executive director. No license shall be renewed
2618 unless the renewal request is accompanied by evidence
2619 satisfactory to the board of the completion ~~during the~~
2620 ~~previous 12 months~~ of relevant professional and continued
2621 educational experience.

2622 (c) If any professional counselor or counselor
2623 associate duly licensed under this chapter, by virtue of
2624 additional training and experience, is qualified to practice
2625 in a specialty other than that for which he or she was deemed
2626 competent at the time of initial licensing, and wishes to
2627 offer such service under the provisions of this chapter, he or
2628 she is required to submit at the time of ~~biennial~~ renewal of
2629 licenses, additional credentials and he or she is to be given
2630 the opportunity to demonstrate his or her knowledge and
2631 application thereof in areas deemed relevant to his or her
2632 specialty. This procedure is considered a necessary part of



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2633 the renewal process. No charge in addition to the renewal fee
2634 is levied."

2635 "§34-8A-18

2636 (a) In addition to any other powers and functions which
2637 may be conferred upon it by law, the board may issue an order
2638 assessing a civil penalty not less than five hundred dollars
2639 (\$500) and not more than five thousand dollars (\$5,000)
2640 against any person who holds himself or herself out to the
2641 public as a licensed professional counselor or associate
2642 licensed counselor or who uses any title or description as
2643 prescribed in subdivisions (1) and (4) of Section 34-8A-2, or
2644 who shall engage in the private practice of counseling and
2645 does not then possess in full force and virtue a valid license
2646 to engage in private practice as a licensed professional
2647 counselor or associate licensed counselor under this chapter.

2648 (b) In determining the amount of any penalty, the board
2649 shall consider the seriousness of the violation, including any
2650 threat to the health, safety, or welfare of the public, the
2651 unlawful gain or economic benefit gained by the violation, the
2652 person's history of previous violations, and the person's
2653 efforts to mitigate and comply with this chapter.

2654 (c) Civil penalties assessed in an order under this
2655 section and not paid within 60 days from the effective date of
2656 the order may be recovered in a civil action brought by the
2657 board in the Circuit Court of Montgomery County or the county
2658 in which the defendant does business.

2659 (d) Judicial review of an order entered by the board
2660 under this section shall be conducted in accordance with the



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2661 pertinent provisions for the judicial review of contested
2662 cases as provided under the Alabama Administrative Procedure
2663 Act.

2664 (e) The board shall exercise its jurisdiction for
2665 disciplinary oversight of licensees during the period of their
2666 licensure. The board shall not accept voluntary surrender of a
2667 license on the part of a licensee to avoid possible
2668 disciplinary actions by the board. Securing inactive status of
2669 a license shall not negate jurisdiction of the board for a
2670 licensee's actions during any period of active licensure. If a
2671 former licensee or a licensee with inactive status is found to
2672 be in violation of the relevant state law or regulations, a
2673 public announcement of the decision of the board shall be
2674 proffered in a manner to be determined by the board.

2675 ~~(f) The Attorney General shall be the attorney of the~~
2676 ~~board, but the board may employ other counsel."~~

2677 "§34-8A-81

2678 (a) The board shall promote the early identification,
2679 intervention, treatment, and rehabilitation of licensees who
2680 may be impaired.

2681 (b) The ~~board~~ executive director may contract with any
2682 nonprofit corporation or medical professional association for
2683 the purpose of creating, supporting, and maintaining the
2684 Alabama Licensed Counselor Wellness Committee. The committee
2685 shall consist of not less than three nor more than nine
2686 licensees. Committee members shall be appointed by the board
2687 for terms of three years and shall be eligible for
2688 reappointment. The board, for just cause, may remove a



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2689 committee member before the expiration of his or her term.

2690 (c) The ~~board~~ executive director may expend any
2691 available funds as necessary to cover the operational expenses
2692 of the committee including, but not limited to, the actual
2693 cost of travel, office overhead, personnel expenses, and
2694 compensation of committee members and staff. Funds expended
2695 pursuant to this subsection are not subject to competitive bid
2696 laws.

2697 Section 8. Relating to the Alabama Board of Electrical
2698 Contractors; to amend Sections 34-36-3, 34-36-4, 34-36-7, as
2699 amended by Act 2024-375, 2024 Regular Session, 34-36-8,
2700 34-36-9, 34-36-11, and 34-36-17 of the Code of Alabama 1975,
2701 to read as follows:

2702 "§34-36-3

2703 The following terms shall have the meanings
2704 respectively ascribed to them used in this chapter, for the
2705 purposes of this chapter, unless the context clearly requires
2706 a different meaning:

2707 (1) BOARD. The Alabama Board of Electrical Contractors.

2708 (2) EXECUTIVE DIRECTOR. The Executive Director of the
2709 ~~Alabama Board of Electrical Contractors~~ Office of Occupational
2710 and Professional Licensing as defined in Section 25-2B-1.

2711 (3) ELECTRICAL CONTRACTING. Any job or project in the
2712 State of Alabama wherein the electrical contractor proposes to
2713 bid, install, maintain, alter, or repair any electric wiring
2714 devices or equipment.

2715 (4) ELECTRICAL CONTRACTOR. Any person, firm, or
2716 corporation who is engaged in the business of soliciting and



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2717 installing electrical power or control systems; maintaining,
2718 altering, or repairing electrical power or control systems,
2719 any electrical wiring devices, equipment, or any other
2720 electrical apparatus. A person who possesses the necessary
2721 qualifications, training, and technical knowledge to plan, lay
2722 out, and supervise the installation of electrical wiring,
2723 apparatus, or equipment for lighting, heating, power, or
2724 controls and who possesses any of the following
2725 qualifications:

2726 a. Four years of practical experience as a journeyman
2727 electrician in charge of jobs.

2728 b. Four years of experience in the design and
2729 construction of electrical systems.

2730 (5) JOURNEYMAN ELECTRICIAN. A person who possesses
2731 necessary qualifications, training, and technical knowledge to
2732 install electrical wiring, apparatus, or equipment lighting,
2733 heating, or power or control covered by this chapter. He or
2734 she shall work under a master or state certified electrical
2735 contractor and shall be capable of doing work according to
2736 plans and specifications furnished to him or her and in
2737 accordance with standard rules and regulations governing such
2738 work.

2739 (6) LICENSE. A valid and current certificate of
2740 registration issued by the executive director on behalf of the
2741 board which shall give the named person to whom it is issued
2742 authority to engage in the activity prescribed thereon.

2743 (7) LICENSEE. Any person holding a license.

2744 (8) PERSON. A human person, not a legal entity."



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2745 "§34-36-4

2746 (a) The Alabama Board of Electrical Contractors is
2747 created. Commencing on October 1, 2026, the board shall be
2748 subject to the leadership, support, and oversight of the
2749 Executive Director of the Office of Occupational and
2750 Professional Licensing pursuant to Chapter 2B of Title 25.

2751 (b) A person to be eligible for appointment to serve on
2752 the board shall be a citizen and resident of Alabama. Each
2753 person appointed to the board from each congressional district
2754 shall be actively engaged in the electrical construction
2755 business as a qualified person with electrical construction
2756 background of not less than five consecutive years, and shall
2757 hold certificates to validate his or her competence as an
2758 electrical contractor in the electrical construction field.
2759 The two persons appointed to the board as at-large members
2760 shall be members of the Alabama State Electrical Workers
2761 Association. The membership of the board should be inclusive
2762 and should reflect the racial, gender, geographic,
2763 urban/rural, and economic diversity of the state.

2764 (c) The board shall consist of nine members to be
2765 appointed by the Governor. One member shall be appointed from
2766 each congressional district, and there shall be two at-large
2767 members who shall be appointed from within the state. The
2768 board members from the First, Second, and Third Congressional
2769 Districts shall be appointed for terms of one year; the board
2770 members from the Fourth, Fifth, and Sixth Congressional
2771 Districts shall be appointed for terms of two years; and the
2772 board member from the Seventh Congressional District as well



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2773 as the at-large members shall be appointed for terms of three
2774 years. Thereafter, all board members shall be appointed for
2775 terms of three years. Each term shall expire on June 30 of the
2776 last year of the term, and no member shall serve more than two
2777 consecutive three-year terms. Vacancies on the board for any
2778 cause shall be filled by appointment by the Governor for the
2779 remainder of the unexpired term. Members shall serve until
2780 their successors are appointed.

2781 (d) The board shall meet at least semiannually and as
2782 often as necessary. The board shall meet annually to elect
2783 officers from its membership, whose initial terms shall expire
2784 on June 30 next following their election. Special meetings of
2785 the board may be held as the board provides in its rules and
2786 regulations. The board shall meet at least once in the first
2787 quarter and once in the third quarter of the year. Five
2788 members of the board shall constitute a quorum.

2789 (e) The board may adopt rules and regulations to carry
2790 out this chapter.

2791 (f) Any member of the board or duly appointed hearing
2792 officer designated by the board may administer oaths and take
2793 testimony concerning all matters within the jurisdiction of
2794 the board.

2795 (g) The board may sue and be sued in its official name.
2796 Absent negligence, wantonness, recklessness, or deliberate
2797 misconduct, members of the board are immune from liability for
2798 all good faith acts performed in the execution of their duties
2799 of the board.

2800 (h) The board shall adopt a seal for its use containing



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2801 the words: Alabama Electrical Contractors' Licensing Board.

2802 ~~(i) The board may employ, and at its pleasure~~
2803 ~~discharge, an executive director. The board may hire other~~
2804 ~~officers and administrative employees which may be necessary~~
2805 ~~to implement this chapter. The board may employ, on an as~~
2806 ~~needed basis, an investigator to investigate complaints. The~~
2807 ~~board shall not employ electrical inspectors nor provide for~~
2808 ~~any electrical inspections. The board shall outline the duties~~
2809 ~~and fix the compensation and expense allowances of all~~
2810 ~~employees pursuant to the Merit System Act of Alabama.~~

2811 ~~(j)~~ (i) The board is subject to the Alabama Sunset Law
2812 and is classified as an enumerated agency pursuant to Section
2813 41-20-3. The board shall automatically terminate on October 1,
2814 2012, and every four years thereafter, unless a bill is
2815 enacted that the board be continued, modified, or
2816 reestablished.

2817 ~~(k)~~ (j) Each board member shall be accountable to the
2818 Governor for the proper performance of his or her duties as a
2819 member of the board. The Governor shall investigate any
2820 complaints or unfavorable reports concerning the actions of
2821 the board and shall take appropriate action thereon, including
2822 removal of any board member for misfeasance, malfeasance,
2823 neglect of duty, commission of a felony, incompetence, or
2824 permanent inability to perform official duties. A board member
2825 may be removed at the request of the board after failing to
2826 attend three consecutive properly noticed meetings."

2827 "§34-36-7

2828 (a) All applicants for licensure as an electrical



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2829 contractor or journeyman electrician must submit a completed
2830 application, application fee, and supportive documentation of
2831 qualifications before taking an examination approved by the
2832 board. The board shall examine applicants ~~at least once every~~
2833 ~~three months~~ according to the method deemed by the board to be
2834 the most appropriate to test the qualifications of applicants.
2835 Any national standardized or written examination proctored by
2836 an independent third party which the board shall approve as
2837 substantially similar to the examination required to be
2838 licensed under this chapter may be administered to all
2839 applicants in lieu of or in conjunction with any other
2840 examination that the board shall give to test the
2841 qualifications of applicants. The board may establish norms of
2842 achievement required for a passing grade. The board, by rule,
2843 may adopt the National Electrical Code for the purpose of
2844 examinations.

2845 (b) The board may recognize a license issued by any
2846 other state that, in the opinion of the board, has standards
2847 of practice or licensure equal to or higher than those
2848 required by this state. The board shall actively seek to
2849 reciprocate with those states meeting such standards. The
2850 board shall actively seek to maintain those states currently
2851 under agreement.

2852 (c) No license shall be issued except in compliance
2853 with this chapter and none shall be issued except to a person
2854 or a person in a firm, partnership, association, or
2855 corporation. A firm, partnership, association, or corporation,
2856 as such, shall not be licensed. A licensee shall be a citizen



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2857 of the United States or, if not a citizen of the United
2858 States, a person who is legally present in the United States
2859 with appropriate documentation from the federal government.

2860 (d) Commencing May 15, 2024, no new provisional
2861 electrical contractor licenses may be issued by the board. Any
2862 person who is holding an active provisional electrical
2863 contractor license on May 15, 2024, may continue to apply for
2864 the annual renewal of that license by submitting to the ~~board~~
2865 executive director a completed application, application fee,
2866 and supportive documentation establishing that he or she holds
2867 a valid local license or permit. A local license or permit
2868 issued by a county or municipality authorizes the holder to
2869 perform electrical contractor tasks and functions only within
2870 the boundaries of the issuing county or municipality. The
2871 provisional electrical contractor license does not expand the
2872 limited geographical boundaries imposed by the local license
2873 or permit."

2874 "§34-36-8

2875 (a) All licenses shall expire ~~annually or~~ at ~~other~~
2876 times designated by the ~~board~~ executive director. All
2877 applications for renewal of licenses shall be filed with the
2878 executive director prior to the expiration date, accompanied
2879 by the annual renewal fee prescribed by the ~~board~~ executive
2880 director.

2881 (b) The board is authorized to establish or adopt, or
2882 both, education requirements and may approve the program or
2883 programs providing education to fulfill the requirements. The
2884 board shall set the minimum standards of education. All



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2885 persons holding an electrical contractor license shall be
2886 required to complete 14 hours of continuing education every
2887 two years.

2888 (c) The board may promulgate rules regarding the
2889 approval of continuing education courses and the accounting
2890 for continuing education hours.

2891 (d) Any person licensed by the board may elect an
2892 inactive status certificate by notifying the board in writing.
2893 The fee for the issuance and renewal of an inactive status
2894 certificate shall be established by the ~~board~~ executive
2895 director. The board shall provide by rule those activities
2896 which an inactive status certificate holder may engage in and
2897 for a procedure for the reinstatement as an active status
2898 certificate holder."

2899 "§34-36-9

2900 An expired license for an electrical contractor which
2901 has expired for failure to renew may only be restored within
2902 five years from the date of expiration after application and
2903 payment of the prescribed restoration fee and satisfaction of
2904 all continuing education requirements. The restoration fee
2905 shall be established by the ~~board~~ executive director and shall
2906 be due upon application for restoration. The restoration fee
2907 shall be in addition to all accrued renewal fees. Any license
2908 which has not been restored within five years following its
2909 expiration may not be renewed, restored, or reissued
2910 thereafter. The holder of such a cancelled license may apply
2911 for and obtain a valid license only upon compliance with all
2912 relevant requirements as prescribed by this chapter or by rule



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2913 for issuance of a new license."

2914 "§34-36-11

2915 The board ~~is empowered to~~ may establish and charge
2916 reasonable fees for the administration of examinations,
2917 issuance of all active and inactive licenses, and supplying
2918 information to applicants, licensees, and the general public.
2919 ~~Such fees shall be commensurate with the cost of fulfilling~~
2920 ~~the duties of the board as defined in this chapter."~~

2921 "§34-36-17

2922 ~~There is hereby established a separate fund in the~~
2923 ~~State Treasury to be known as the Alabama Board of Electrical~~
2924 ~~Contractors Fund.~~ All money derived under the provisions of
2925 this chapter shall be deposited ~~in this fund and used only to~~
2926 ~~carry out the provisions of this chapter. Such fund shall be~~
2927 ~~paid out only by warrant of the Comptroller upon the~~
2928 ~~Treasurer, upon itemized vouchers, approved by the director of~~
2929 ~~the board; provided, that no funds shall be withdrawn or~~
2930 ~~expended except as budgeted and allotted according to the~~
2931 ~~provisions of Sections 41-4-80 through 41-4-96 and Sections~~
2932 ~~41-19-1 through 41-19-12, and only in amounts as stipulated in~~
2933 ~~the general appropriation or other appropriation bills. Any~~
2934 ~~funds unspent and unencumbered at the end of any state fiscal~~
2935 ~~year in excess of one hundred thousand dollars (\$100,000)~~
2936 ~~shall be transferred into the State General Fund on or before~~
2937 ~~January 15 of the succeeding year. In addition, there is~~
2938 ~~hereby appropriated from the Alabama Board of Electrical~~
2939 ~~Contractors Fund to the Alabama Board of Electrical~~
2940 ~~Contractors the amount necessary to repay the State General~~



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2941 ~~Fund for any and all amounts expended therefrom and such~~
2942 ~~repayment to the State General Fund shall be made as soon as~~
2943 ~~funds are available~~ into the Occupational and Professional
2944 Licensing Fund."

2945 Section 9. Relating to the Alabama Electronic Security
2946 Board of Licensure; to amend Sections 34-1A-1, 34-1A-2,
2947 34-1A-3, 34-1A-5, and 34-1A-9 of the Code of Alabama 1975, to
2948 read as follows:

2949 "§34-1A-1

2950 For the purpose of this chapter, the following terms
2951 have the following meanings unless the context clearly
2952 indicates otherwise:

2953 (1) ADMINISTRATIVE EMPLOYEE. An individual who engages
2954 in clerical duties for a licensed company, whose work is
2955 restricted to office duties, and who has access to sensitive
2956 client information including, but not limited to, Social
2957 Security numbers, customer privacy codes, customer passwords,
2958 and similar information.

2959 (2) ADMINISTRATIVE FINE. A monetary fine assessed by
2960 the board for unlicensed activity or by an individual,
2961 company, corporation, firm, or business entity.

2962 (3) ALARM MONITORING COMPANY. Any individual, company,
2963 corporation, partnership, or business, or a representative or
2964 agency thereof, authorized to provide alarm monitoring
2965 services for alarm systems or other similar electronic
2966 security systems whether the systems are maintained on
2967 commercial business property, public property, or individual
2968 residential property.



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2969 (4) ALARM SYSTEM. Burglar alarms, security cameras, or
2970 other electrical or electronic device used to prevent or
2971 detect burglary, theft, shoplifting, pilferage, and other
2972 similar losses. The term does not include any fire detection,
2973 fire alarm, or fire communication system.

2974 (5) ALARM VERIFICATION. A reasonable attempt by an
2975 alarm monitoring company to contact the alarm site or alarm
2976 user by telephone or other electronic means to determine
2977 whether an alarm signal is valid prior to requesting law
2978 enforcement to be dispatched to the location and, if the
2979 initial attempted contact is not made, a second reasonable
2980 attempt to make a contact utilizing a different telephone
2981 number or electronic address or number.

2982 (6) BURGLAR ALARM. An assembly of equipment and
2983 devices, or a single device such as a solid-state unit which
2984 plugs directly into an AC line, designed to detect an
2985 unauthorized intrusion or an attempted robbery at a protected
2986 premises or signal public police or private guards to respond,
2987 or both.

2988 (7) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A
2989 combination of electronic equipment and devices designed and
2990 arranged for the viewing, monitoring, or recording of video
2991 signals transmitted from transmitters, such as cameras, to
2992 receivers, such as monitors, digital video recorders, and
2993 network video recorders (NVR) through a closed cable or other
2994 video signal transmission method.

2995 (8) ELECTRONIC ACCESS CONTROL SYSTEM. A system that is
2996 used as a process to grant or deny an individual access to a



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2997 specific area or object based upon his or her possession of an
2998 item, a code, or physical characteristic.

2999 (9) EXECUTIVE DIRECTOR. The Executive Director of the
3000 Office of Occupational and Professional Licensing as defined
3001 in Section 25-2B-1.

3002 ~~(9)~~ (10) HVAC SYSTEM. Heating, ventilation, or air
3003 conditioning devices or mechanisms to provide heating or
3004 cooling to a building or other structure or the devices used
3005 to control the temperature of the heating or cooling devices
3006 in a building or other structure.

3007 ~~(10)~~ (11) INSTALLATION. The initial placement of
3008 equipment or the extension, modification, or alteration of
3009 equipment after initial placement.

3010 ~~(11)~~ (12) LOCKSMITH.

3011 a. An individual or business entity in a commercial,
3012 residential, or automotive setting that does any of the
3013 following for compensation or other consideration:

3014 1. Repairs locks.

3015 2. Rebuilds locks.

3016 3. Rekeys locks.

3017 4. Services locks.

3018 5. Adjusts locks.

3019 6. Installs locks or mechanical locking devices.

3020 7. Installs or services egress controls devices.

3021 8. Installs or services vaults and safety deposit

3022 boxes, including those services performed by safe technicians.

3023 9. Creates or copies transponder keys and any other

3024 automotive keys and electronic operating devices connected to



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3025 motor vehicles.

3026 10. Creates or copies key fobs, proximity keys, smart
3027 keys, door and ignition key devices, or successive electronic
3028 or other high security key technology.

3029 11. Uses any other method of bypassing a locking
3030 mechanism of any kind including, but not limited to, shimming
3031 a lock or picking and popping a lock.

3032 b. The term does not include any of the following:

3033 1. An individual whose activities are limited to making
3034 a duplicate key of an existing key.

3035 2. An individual or business entity that does not
3036 advertise providing locksmith services to the public.

3037 3. An individual or business entity that is licensed by
3038 the board on July 1, 2018, to install or service electronic
3039 access control systems, provided any lock being serviced or
3040 installed has electronic access control capabilities.

3041 4. Police, fire, medical, or other government or
3042 emergency personnel performing activities within the scope of
3043 their official duties.

3044 5. An individual operating a licensed towing and
3045 recovery service who does not advertise services as a
3046 locksmith or otherwise perform locksmith services.

3047 6. An individual or business entity who owns or manages
3048 property, or his or her agent, and who does not advertise
3049 services as a locksmith to the public.

3050 ~~(12)~~ (13) MONITORING STATION. A location where alarm
3051 signals are received as a part of an alarm system and then
3052 relayed via operator to law enforcement officials.



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3053 ~~(13)~~ (14) QUALIFYING AGENT. A licensee of the board who
3054 serves in a management and supervisory position with a
3055 company.

3056 ~~(14)~~ (15) SALESPERSON. An individual who, for financial
3057 compensation or in exchange for a thing of value, sells goods
3058 or services to the public on behalf of any company, business,
3059 or other entity that sells, services, or installs alarm
3060 systems, CCTV systems, electronic access control systems, or
3061 mechanical locks.

3062 ~~(15)~~ (16) SERVICE. Necessary repair in order to return
3063 the system to operational condition.

3064 ~~(16)~~ (17) SYSTEM INSTALLER. An individual or business
3065 entity that offers to undertake, represents itself as being
3066 able to undertake, or does undertake the installation,
3067 service, or monitoring of alarm systems, CCTV systems,
3068 electronic access control systems, or mechanical locking
3069 systems for the public for any type of compensation or in
3070 exchange for a thing of value."

3071 "§34-1A-2

3072 (a) The Alabama Electronic Security Board of Licensure
3073 is created. Commencing on October 1, 2026, the board shall be
3074 subject to the leadership, support, and oversight of the
3075 Executive Director of the Office of Occupational and
3076 Professional Licensing pursuant to Chapter 2B of Title 25.

3077 (b) The board, which shall reflect the racial, gender,
3078 geographic, urban and rural, and economic diversity of the
3079 state, shall consist of the following members, who are
3080 citizens of this state, appointed by the Governor, and subject



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3081 to confirmation by the Alabama Senate:

3082 (1) Two members representing the alarm system industry
3083 selected from five nominees submitted by the Alabama Alarm
3084 Association.

3085 (2) One member of the Alabama Consulting Engineers
3086 Association selected from three nominees submitted by that
3087 association.

3088 (3) One member of the Alabama Sheriffs Association
3089 selected from three nominees submitted by that association.

3090 (4) One member who is a locksmith selected from three
3091 nominees submitted by the Alabama Locksmith Association.

3092 (5) A person who is a representative of the consumers
3093 of the state.

3094 (c) (1) The terms of the board members shall be four
3095 years.

3096 (2) Of these members first appointed, two shall be
3097 appointed to four-year terms, two for three-year terms, and
3098 one for a two-year term.

3099 (3) Any vacancy occurring other than by expiration of
3100 terms shall be filled for the remainder of the unexpired term
3101 by appointment by the Governor, subject to the nominating
3102 process specified in subsection (b).

3103 (4) No member shall serve more than two successive
3104 four-year terms.

3105 (5) A member shall serve until a successor is appointed
3106 and assumes office.

3107 ~~(d) Members shall be paid out of the funds of the board~~
3108 ~~the same per diem as prescribed by law for state employees for~~



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3109 ~~each day of attendance of a board or committee meeting.~~

3110 ~~(e)~~ (d) Meetings shall be held at least four times per
3111 year. Special meetings shall be held at the call of the chair
3112 or by a majority of the members.

3113 ~~(f)~~ (e) (1) The board may adopt rules of proceedings.

3114 (2) Three members of the board ~~who are physically~~
3115 ~~present~~ shall constitute a quorum.

3116 (3) The board shall elect a chair and a vice chair on
3117 an annual basis. The chair or vice chair shall call meetings
3118 of the board to order.

3119 ~~(4) Members of the board may participate in a board~~
3120 ~~meeting by means of video conference pursuant to the Alabama~~
3121 ~~Open Meetings Act. Participation by video conference shall~~
3122 ~~qualify as attendance at a meeting in person. The board may~~
3123 ~~not conduct official business unless at least three members of~~
3124 ~~the board are physically present at the board meeting.~~
3125 ~~Attendance by phone without video conference capability does~~
3126 ~~not constitute attendance at a board meeting.~~

3127 ~~(5) Members of a committee of the board may attend a~~
3128 ~~committee meeting by means of video conference pursuant to the~~
3129 ~~Alabama Open Meetings Act. Participation by video conference~~
3130 ~~shall qualify as attendance at a meeting in person. Except as~~
3131 ~~otherwise provided, a committee may not issue an order or~~
3132 ~~render a decision unless legal counsel for the board and a~~
3133 ~~member of the administrative or management staff of the board~~
3134 ~~is physically present. If legal counsel for the board is not a~~
3135 ~~member of the committee, only the physical presence of one~~
3136 ~~member of the administrative or management staff of the board~~



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3137 ~~and one committee member is required to conduct committee~~
3138 ~~business if the remainder of the quorum of the committee is~~
3139 ~~satisfied by the attendance of committee members by means of~~
3140 ~~video conference. A majority of committee members shall be~~
3141 ~~physically present to constitute a quorum, conduct official~~
3142 ~~committee business, or render a decision. Attendance by phone~~
3143 ~~without video conference capability does not constitute~~
3144 ~~attendance at a committee meeting."~~

3145 "§34-1A-3

3146 The board shall have all of the following powers:

3147 (1) License and regulate individuals and business
3148 entities who hold themselves out as engaging in the business
3149 of alarm system, CCTV, or electronic access control system
3150 installation or service, as a locksmith, or as an alarm
3151 monitoring company.

3152 (2) Establish the qualifications for licensure to
3153 ensure competency and integrity to engage in these businesses
3154 and allow graduates of technical school or community college
3155 programs in related fields to qualify. Qualifications for
3156 licensure shall include the requirement that the applicant is
3157 a United States citizen or legally present in this state.

3158 (3) Examine, or cause to be examined, the
3159 qualifications of each applicant for licensure including the
3160 preparation, administration, and grading of examinations, and
3161 when necessary, requiring the applicant to supply a board
3162 approved criminal background check. A nonresident who is not
3163 physically working in the state, located more than 100 miles
3164 from the nearest state border, and whose duties are limited to



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3165 administrative employee or monitoring station is exempt from
3166 the requirement of a criminal background check.

3167 (4) License qualified applicants regulated by the
3168 board. ~~Licensing of a qualified applicant should be completed~~
3169 ~~within six calendar weeks after the board receives all~~
3170 ~~required paperwork from the applicant. This time frame may be~~
3171 ~~extended during annual renewal.~~

3172 (5) Revoke, suspend, or fail to renew a license for
3173 just cause as provided in the rules of the board.

3174 (6) Levy and collect reasonable fees for licensure
3175 including, but not limited to, the application process and
3176 testing of applicants, and renewal, suspension, and reissuance
3177 of licenses, and costs of necessary hearings, that are
3178 sufficient to cover all expenses for the administration and
3179 operation of the board.

3180 (7) Levy and collect administrative fines for violation
3181 of the board's Code of Ethics, noncompliance with this chapter
3182 including, but not limited to, unlicensed activity and
3183 unethical or fraudulent behavior, and collect the costs of
3184 necessary hearings pursuant to the Alabama Administrative
3185 Procedure Act. The board may collect fines imposed by a court
3186 of competent jurisdiction. The board may file a civil action
3187 to collect all fines.

3188 (8) Adopt rules in accordance with the Alabama
3189 Administrative Procedure Act necessary to perform board
3190 duties, to ensure continued competency, to prevent deceptive,
3191 misleading, or criminal practices by board licensees, and to
3192 effectively administer the regulatory system administered by



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3193 the board.

3194 (9) Register or by other means monitor employees of a
3195 licensee to ensure the employees do not impair the ability of
3196 the licensee to satisfy the requirements of this chapter.

3197 (10) Receive and investigate complaints concerning the
3198 conduct of any individual or business entity whose activities
3199 are regulated by the board, conduct hearings in accordance
3200 with procedures established by the board pursuant to the
3201 Alabama Administrative Procedure Act, and take appropriate
3202 disciplinary action if warranted.

3203 (11) Ensure that periodic inspections are conducted
3204 relating to the operations of licensees to ensure competency
3205 and lawful compliance.

3206 (12) Require the purchase of comprehensive liability
3207 insurance related to business activities in a minimum
3208 specified amount.

3209 (13) Require licensees and employees of licensees to
3210 have visible on their person a photo identification card
3211 issued by the board at all times when providing licensed
3212 services.

3213 (14) Adopt canons of ethics under which the regulated
3214 professional activities of individuals and business entities
3215 shall be conducted.

3216 ~~(15) Employ or contract for necessary personnel,~~
3217 ~~including an executive director, and provide necessary~~
3218 ~~offices, supplies, and equipment to fulfill the requirements~~
3219 ~~of this chapter.~~

3220 ~~(16)~~ (15) Delegate board powers and duties by resolution



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3221 to ~~a named designee~~ the executive director.

3222 ~~(17) Enter into contracts and expend funds of the board~~
3223 ~~to fulfill the requirements of this chapter.~~

3224 ~~(18) Borrow money for the initial start-up operation of~~
3225 ~~the board until sufficient receipts are paid into the special~~
3226 ~~revenue trust fund specified in Section 34-1A-9.~~

3227 ~~(19)~~ (16) Work with the Office of the Attorney General
3228 and other law enforcement agencies to prohibit any violation
3229 of this chapter.

3230 ~~(20)~~ (17) Establish volunteer procedures for those
3231 individuals or business entities that are exempt from this
3232 chapter.

3233 ~~(21)~~ (18) Conduct inspections relating to the operations
3234 of unlicensed individuals, firms, or corporations to include
3235 the solicitation, installation, servicing, monitoring of
3236 burglar alarm systems, locking systems, or mechanisms, the
3237 holding of privacy codes for burglar alarm systems of a
3238 customer, or the selling, installation, or servicing of access
3239 control systems or CCTV to or for a customer to ensure lawful
3240 compliance with this chapter.

3241 ~~(22)~~ (19) Issue a cease and desist order to any
3242 unlicensed individual, company, corporation, firm, or business
3243 entity engaged in any activity, conduct, or practice
3244 constituting a violation of this chapter or rule adopted by
3245 the board pursuant to this chapter."

3246 "§34-1A-5

3247 (a) The board shall issue licenses authorized by this
3248 chapter to all qualified individuals in accordance with rules



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3249 adopted by the board.

3250 (b) ~~(1) Effective beginning January 1, 2014, the license~~
3251 ~~fee for a two-year period as set by the board shall not exceed~~
3252 ~~three hundred dollars (\$300) for an individual and one~~
3253 ~~thousand five hundred dollars (\$1,500) for a business entity.~~

3254 ~~(2) Effective for the license year beginning January 1,~~
3255 ~~2014, and thereafter, the board may provide for the licenses~~
3256 ~~to be renewed on a staggered basis as determined by rule of~~
3257 ~~the board and, in order to stagger the license renewals, may~~
3258 ~~issue the license for less than a two-year period. The amount~~
3259 ~~of the license fees provided in subdivision (1) shall be~~
3260 ~~prorated by the board on a monthly basis for the number of~~
3261 ~~months the board issues the licenses in order to convert to~~
3262 ~~any staggered system of renewals.~~

3263 ~~(c)~~ The license shall not be transferred or assigned
3264 and is valid only with respect to the person to whom it is
3265 issued.

3266 ~~(d)~~ (c) (1) No license shall be granted if the applicant
3267 has had any prior business license revoked for fraud,
3268 misrepresentation, or any other act that would constitute a
3269 violation of this chapter.

3270 (2)a. An applicant shall not be refused a license
3271 solely because of a prior criminal conviction, unless the
3272 criminal conviction directly relates to the occupation or
3273 profession for which the license is sought. The board may
3274 refuse a license if, based on all the information available,
3275 including the applicant's record of prior convictions, the
3276 board finds that the applicant is unfit or unsuited to engage



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3277 in the business.

3278 b. The board may consult with appropriate state or
3279 federal law enforcement authorities to verify whether an
3280 applicant has a criminal record prior to granting any license
3281 and, as an aid to this duty, each applicant may be required to
3282 provide his or her fingerprints and complete an affidavit of
3283 his or her criminal record, if any, as a part of the
3284 application. The board may periodically consult with state and
3285 federal law enforcement officials to determine whether current
3286 licensees have new criminal convictions. The ~~administrative or~~
3287 ~~management staff~~ executive director of the board may also
3288 consult with state or federal law enforcement authorities to
3289 determine if a current or potential employee has a criminal
3290 conviction. Dissemination of criminal history record
3291 information shall be handled in accordance with the rules and
3292 procedures of the Alabama State Law Enforcement Agency or the
3293 Federal Bureau of Investigation, as applicable.

3294 ~~(d) (e) Any license granted pursuant to this chapter~~
3295 ~~shall be issued for a two-year period, but may be staggered~~
3296 ~~for renewal as otherwise provided.~~ Any license shall expire on
3297 a schedule established by rule of the ~~board~~ executive
3298 director, unless it is renewed pursuant to rules adopted by
3299 the ~~board~~ executive director or unless it is suspended or
3300 revoked.

3301 ~~(f) (e)~~ (e) An affirmative vote of a majority of board
3302 members shall be required before any action to suspend or
3303 revoke a license, to impose a sanction on a licensee, or to
3304 levy an administrative fine. A board member shall disqualify



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3305 himself or herself and withdraw from any case in which he or
3306 she cannot accord fair and impartial consideration.

3307 ~~(g)~~ (f) A nonresident of this state may be licensed by
3308 meeting one of the following requirements:

3309 (1) Conforming to this chapter and the rules of the
3310 board.

3311 (2) Holding a valid license in another state with which
3312 reciprocity has been established by the board.

3313 ~~(h)~~ (g) A licensee shall display the license at its
3314 normal place of business and in a manner easily readable by
3315 the general public.

3316 ~~(i)~~ (h) A notice shall be displayed prominently in the
3317 place of business of each licensee regulated pursuant to this
3318 chapter containing the name, mailing address, and telephone
3319 number of the board, and a statement informing consumers that
3320 complaints against licensees may be directed to the board.

3321 ~~(j)~~ (i) An individual, company, corporation, firm,
3322 business, or trademarked entity shall be licensed by the name
3323 advertised. The license number of a licensee or an Internet
3324 address where licensing information can be found shall be
3325 displayed in all advertising, including in social media or
3326 Internet advertising, or on any vehicle displaying advertising
3327 information, as provided by rule of the board.

3328 ~~(k)~~ (j) The board shall prepare information of consumer
3329 interest describing the regulatory functions and describing
3330 the procedures of the board by which consumer complaints shall
3331 be filed with and resolved by the board. The board shall make
3332 the information available to the general public and



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3333 appropriate state agencies. The board shall provide, upon
3334 request, a listing of all licensees. The board may collect a
3335 fee for the cost of duplicating and mailing materials.

3336 ~~(j)~~ (k) Each written contract for services in the state
3337 of a licensee shall contain the name, mailing address, and
3338 telephone number of the board and a statement informing
3339 consumers that complaints against licensees may be directed to
3340 the board.

3341 ~~(m)~~ (l) Notice of the issuance, revocation,
3342 reinstatement, or expiration of every license issued by the
3343 board shall be furnished to the sheriff of the county and the
3344 chief of police, as appropriate, and the inspection department
3345 of the city where the principal place of business of a
3346 licensee is located.

3347 ~~(n)~~ (m) Information contained in alarm system records
3348 held by the board concerning the location of an alarm system,
3349 the name of the occupant residing at the alarm system
3350 location, or the type of alarm system used shall be
3351 confidential and disclosed only to the board or as otherwise
3352 required by law.

3353 ~~(o)~~ (n) A licensee, upon completing an installation,
3354 shall provide a paper copy or electronic copy of all contracts
3355 to the consumer, or his or her designee.

3356 ~~(p)~~ (o) To be eligible for a qualifying agent license,
3357 an individual applicant shall serve in a management and
3358 supervisory position with a company for not less than 33 hours
3359 per week. A qualifying agent may be subject to disciplinary
3360 action for the actions of individuals employed under his or



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3361 her supervision. With the exception of a company that only
3362 performs monitoring work, each licensed company, corporation,
3363 firm, and business entity is required to have at least one
3364 licensed employee designated as a qualifying agent. "

3365 "§34-1A-9

3366 ~~A separate special revenue trust fund in the State~~
3367 ~~Treasury to be known as the Alabama Electronic Security Board~~
3368 ~~of Licensure Fund is established.~~ All receipts collected by
3369 the board under this chapter are to be deposited into ~~this~~
3370 ~~fund and shall be used only to carry out the provisions of~~
3371 ~~this chapter. The receipts shall be disbursed only by warrant~~
3372 ~~of the state Comptroller upon the State Treasury, upon~~
3373 ~~itemized vouchers approved by the chair of the board. No funds~~
3374 ~~shall be withdrawn or expended except as budgeted and allotted~~
3375 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
3376 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
3377 ~~stipulated in the general appropriations bill or other~~
3378 ~~appropriations bills~~ the Occupational and Professional
3379 Licensing Fund."

3380 Section 10. Relating to the State Board of Genetic
3381 Counseling; to amend Sections 34-13A-2, 34-13A-3, 34-13A-4,
3382 34-13A-5, 34-13A-7, and 34-13A-10 of the Code of Alabama 1975,
3383 as follows:

3384 "§34-13A-2

3385 For the purposes of this chapter, the following terms
3386 ~~shall~~ have the following meanings:

3387 (1) ABGC. The American Board of Genetic Counseling, or
3388 its successor or equivalent.



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3389 (2) ABMGG. The American Board of Medical Genetics and
3390 Genomics, or its successor or equivalent.

3391 (3) ACGC. The Accreditation Council for Genetic
3392 Counseling, or its successor or equivalent.

3393 (4) BOARD. The Alabama Board of Genetic Counseling.

3394 (5) EXAMINATION FOR LICENSURE. The ABGC or ABMGG
3395 certification examination, or the examination provided by a
3396 successor entity to the ABGC or ABMGG, to test the competence
3397 and qualifications of applicants to practice genetic
3398 counseling.

3399 (6) EXECUTIVE DIRECTOR. The Executive Director of the
3400 Office of Occupational and Professional Licensing as defined
3401 in Section 25-2B-1.

3402 ~~(6)~~ (7) GENETIC COUNSELING. The provision of services by
3403 a genetic counselor to do any of the following:

3404 a. Obtain and evaluate individual, family, and medical
3405 histories to determine genetic risk for genetic or medical
3406 conditions and diseases in a patient, his or her offspring, or
3407 other family members.

3408 b. Discuss the features, natural history, means of
3409 diagnosis, genetic and environmental factors, and management
3410 of risk for genetic or medical conditions and diseases.

3411 c. Identify, recommend, and coordinate genetic tests
3412 and other genetic related diagnostic studies as appropriate
3413 for the genetic assessment consistent with practice-based
3414 competencies provided by the ACGC.

3415 d. Integrate genetic test results and other
3416 genetic-related diagnostic studies with personal and family



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3417 medical history to assess and communicate risk factors for
3418 genetic or medical conditions and diseases.

3419 e. Explain the clinical implications of genetic tests
3420 and other genetic-related diagnostic studies and their
3421 results.

3422 f. Evaluate the responses of the client or family to
3423 the condition or risk of recurrence and provide
3424 client-centered counseling and anticipatory guidance.

3425 g. Identify and utilize community resources that
3426 provide medical, educational, financial, and psychosocial
3427 support and advocacy.

3428 h. Provide written documentation of medical, genetic,
3429 and counseling information for families and health care
3430 professionals.

3431 ~~(7)~~ (8) GENETIC COUNSELING INTERN. A student enrolled in
3432 a genetic counseling program accredited by the ACGC or ABMGG.

3433 ~~(8)~~ (9) GENETIC COUNSELOR. An individual licensed by the
3434 board to engage in the practice of genetic counseling.

3435 ~~(9)~~ (10) GENETIC TEST or GENOMIC TEST.

3436 a. A test or analysis of human genes, gene products,
3437 Deoxyribonucleic acid, Ribonucleic acid, chromosomes,
3438 proteins, or metabolites that does any of the following:

3439 1. Detects genotypes, mutations, chromosomal changes,
3440 abnormalities, or deficiencies, including carrier status, that
3441 are linked to physical or mental disorders or impairments.

3442 2. Indicates a susceptibility to illness, disease,
3443 impairment, or other disorders, whether physical or mental.

3444 3. Demonstrates genetic or chromosomal damage due to



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3445 environmental factors.

3446 b. The terms genetic test and genomic test do not
3447 include any of the following:

3448 1. Routine physical measurements.

3449 2. Chemical, blood, and urine analyses that are widely
3450 accepted and in use in clinical practice.

3451 3. Tests for the use of drugs.

3452 4. Tests for the presence of a pathogen.

3453 5. Analyses of proteins or metabolites that do not
3454 detect genotypes, mutations, chromosomal changes,
3455 abnormalities, or deficiencies.

3456 6. Analyses of proteins or metabolites that are
3457 directly related to a manifested disease, disorder, or
3458 pathological condition that could reasonably be detected by a
3459 health care professional with appropriate training and
3460 expertise in the field of medicine involved.

3461 ~~(10)~~ (11) NSGC. The National Society of Genetic
3462 Counselors, or its successor or equivalent.

3463 ~~(11)~~ (12) QUALIFIED SUPERVISOR. Any individual licensed
3464 as a genetic counselor, a physician licensed to practice
3465 medicine or osteopathy in this state, or an individual
3466 certified in molecular genetic pathology by the American Board
3467 of Pathology and the ABMGG.

3468 ~~(12)~~ (13) SUPERVISION. The overall responsibility of a
3469 qualified supervisor to assess the work of a genetic counselor
3470 with a temporary license, including regular meetings and chart
3471 review, if an annual supervision contract signed by the
3472 supervisor and the temporarily licensed genetic counselor is



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3473 on file with both parties. The presence of a qualified
3474 supervisor is not required during the performance of the
3475 genetic counseling service."

3476 "§34-13A-3

3477 (a) The State Board of Genetic Counseling is created to
3478 implement and administer this chapter. Commencing on October
3479 1, 2026, the board shall be subject to the leadership,
3480 support, and oversight of the Executive Director of the Office
3481 of Occupational and Professional Licensing pursuant to Chapter
3482 2B of Title 25.

3483 (b) The membership of the board shall consist of all of
3484 the following:

3485 (1) One individual appointed by the Department of
3486 Genetics at the University of Alabama at Birmingham.

3487 (2) Four individuals who practice genetic counseling in
3488 Alabama and who hold a master's degree or doctoral degree in
3489 genetic counseling from an ACGC or ABMGG accredited training
3490 program, or an equivalent program approved by the ACGC or the
3491 ABMGG, appointed by the Governor.

3492 (3) One physician appointed by the Medical Association
3493 of the State of Alabama.

3494 (4) One physician appointed by the State Board of
3495 Medical Examiners.

3496 (5) One physician who specializes in pediatric genetics
3497 appointed by the Lieutenant Governor.

3498 (6) One physician appointed by the Speaker of the House
3499 of Representatives.

3500 (c) Board members appointed by the Governor shall serve



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3501 for terms of two years and, upon the expiration of a term, may
3502 continue to serve until replaced or reappointed. All other
3503 board members shall serve until they are replaced by their
3504 respective appointing authority.

3505 (d) The board shall annually elect from its membership
3506 a chair, a vice chair, and a secretary.

3507 (e) The appointing authorities shall coordinate their
3508 appointments to assure the board membership is inclusive and
3509 reflects the racial, gender, geographic, urban, rural, and
3510 economic diversity of ~~this~~ the state.

3511 (f) Unless acting unreasonably or in bad faith, no
3512 member of the board shall be civilly liable for acting within
3513 the scope of his or her duties as a board member.

3514 ~~(g) Members of the board shall serve without~~
3515 ~~compensation but, to the extent funds are available, may~~
3516 ~~receive the same per diem and travel allowance as state~~
3517 ~~employees.~~

3518 ~~(h) (1) Except as provided in subdivision (2), members~~
3519 ~~of the board may participate in a regular meeting of the board~~
3520 ~~by means of telephone conference, video conference, or similar~~
3521 ~~communications equipment pursuant to the Alabama Open Meetings~~
3522 ~~Act, Chapter 25A of Title 36.~~

3523 ~~(2) Members of the board may only participate in a~~
3524 ~~meeting of the board relating to a disciplinary action in~~
3525 ~~person."~~

3526 "§34-13A-4

3527 (a) The board may issue a license to practice genetic
3528 counseling to any individual who satisfies all of the



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3529 following qualifications:

3530 (1) Is at least 21 years of age.

3531 (2) Has applied in writing to the board in a form and
3532 substance that is satisfactory to the board.

3533 (3) Has not engaged in conduct or activities that would
3534 constitute grounds for discipline under this chapter.

3535 (4) Has successfully completed either of the following:

3536 a. A master's degree in genetic counseling from an ACGC
3537 or ABMGG accredited training program, or an equivalent program
3538 approved by the ACGC or the ABMGG.

3539 b. A doctoral degree and an ABMGG accredited medical
3540 genetics training program, or an equivalent program approved
3541 by the ABMGG.

3542 (5) Has successfully completed an examination for
3543 licensure, as approved by the board.

3544 (6) Has paid fees established by board rule.

3545 (7) Has satisfied the requirements for certification
3546 established by the ABGC or its successor, or the ABMGG or its
3547 successor, if required by board rule.

3548 (8) Has satisfied any additional requirements for
3549 licensure established by board rule.

3550 (b) The ~~board~~ executive director may issue a temporary
3551 license to practice genetic counseling to any individual who
3552 has made application ~~to the board~~, has submitted evidence ~~to~~
3553 ~~the board~~ of admission to examination for licensure, and has
3554 satisfied all other requirements or conditions for licensure
3555 as provided in this section and by board rule, except for the
3556 examination requirement. A temporary license shall be valid



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3557 for no more than one year. The holder of a temporary license
3558 shall practice only under the supervision of a qualified
3559 supervisor. Nothing in this subsection shall prohibit an
3560 applicant from reapplying for a temporary license if he or she
3561 otherwise satisfies the qualifications of this subsection."

3562 "§34-13A-5

3563 (a) A license issued by the board pursuant to this
3564 chapter shall be valid for ~~no more than two years, unless~~
3565 ~~otherwise specified by this chapter or board rule,~~ a term
3566 prescribed by the executive director and shall be renewable on
3567 a renewal date established by ~~board rule~~ the executive
3568 director.

3569 (b) An individual who holds an expired license, or a
3570 license on inactive status, may have the license restored by
3571 doing all of the following:

3572 (1) Making application to the board.

3573 (2) Submitting proof acceptable to the board of his or
3574 her fitness to have the license restored including, but not
3575 limited to, sworn evidence certifying his or her active
3576 practice in another jurisdiction that is satisfactory to the
3577 board.

3578 (3) Paying the required restoration fees as established
3579 by ~~board rule~~ the executive director.

3580 (c) If an individual has not maintained an active
3581 practice in another jurisdiction that is satisfactory to the
3582 board pursuant to subdivision (2) of subsection (b), the
3583 board, pursuant to an evaluation program established by rule,
3584 shall determine the fitness of an individual to resume active



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3585 status and may require the individual to complete a period of
3586 evaluated clinical experience and successful completion of an
3587 examination for licensure.

3588 (d) A licensee may elect to place his or her license on
3589 inactive status by notifying the board, in writing, on a form
3590 prescribed by board rule. An inactive licensee may not
3591 practice genetic counseling in this state and shall be excused
3592 from the payment of renewal fees until he or she notifies the
3593 board of his or her desire to resume active status. An
3594 individual requesting restoration to active status shall pay
3595 the current renewal fee and shall satisfy the requirements of
3596 subsection (b)."

3597 "§34-13A-7

3598 The board may do all of the following:

3599 (1) Determine the qualifications and fitness of
3600 applicants for licensure and renewal of licensure.

3601 (2) Consistent with the laws of this state, adopt and
3602 revise rules as necessary to conduct its business, carry out
3603 its duties, and administer this chapter.

3604 (3) Examine for, approve, issue, deny, revoke, suspend,
3605 sanction, and renew the license of any applicant or genetic
3606 counselor, as applicable, pursuant to this chapter and conduct
3607 hearings in connection with those actions.

3608 (4) Conduct hearings on complaints concerning
3609 violations of this chapter, and any rule adopted pursuant to
3610 this chapter, and cause the prosecution and enjoinder of any
3611 violation.

3612 ~~(5) Establish licensure, application, examination,~~



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3613 ~~certification, and other administrative fees as necessary.~~

3614 ~~(6)~~ (5) Establish continuing education requirements.

3615 ~~(7)~~ (6) Impose administrative fines, not to exceed one
3616 thousand dollars (\$1,000) per violation, for a violation of
3617 this chapter, a board rule, or a condition of a license.

3618 ~~(8)~~ (7) Accept grants from foundations, individuals, and
3619 institutions ~~to further the purposes of the board.~~

3620 ~~(9) To the extent funding is available, employ a~~
3621 ~~director and additional staff as necessary for the proper~~
3622 ~~performance of the duties of the board."~~

3623 "§34-13A-10

3624 ~~There is established in the State Treasury a separate~~
3625 ~~special revenue trust fund known as the Genetic Counseling~~
3626 ~~Fund.~~ All receipts collected by the board pursuant to this
3627 chapter shall be deposited into the ~~fund and shall be used~~
3628 ~~only to implement this chapter. The receipts shall be~~
3629 ~~disbursed only by warrant of the Comptroller upon the State~~
3630 ~~Treasury, upon itemized vouchers approved by the executive~~
3631 ~~director, or the board if no executive director is employed~~
3632 Occupational and Professional Licensing Fund. The board may
3633 make grants and otherwise arrange with qualified individuals,
3634 institutions, or agencies to develop and promote genetic
3635 counseling programs and continuing education programs for
3636 licensees. ~~No funds may be withdrawn or expended except as~~
3637 ~~budgeted and allotted according to Sections 41-4-80 to~~
3638 ~~41-4-96, inclusive, and Sections 41-19-1 to 41-19-12,~~
3639 ~~inclusive, and only in amounts as stipulated in the general~~
3640 ~~appropriations bill or other appropriations bills."~~



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3641 Section 11. Relating to the Board of Home Medical
3642 Equipment; to amend Sections 34-14C-1, 34-14C-2, 34-14C-4,
3643 34-14C-4.1, 34-14C-6, and 34-14C-7 of the Code of Alabama
3644 1975, to read as follows:

3645 "§34-14C-1

3646 As used in this chapter, the following terms shall have
3647 the following meanings:

3648 (1) BOARD. The Board of Home Medical Equipment as
3649 established by this chapter.

3650 (2) EXECUTIVE DIRECTOR. The Executive Director of the
3651 Office of Occupational and Professional Licensing as defined
3652 in Section 25-2B-1.

3653 ~~(2)~~ (3) HOME MEDICAL EQUIPMENT. Medical devices usable
3654 in a residential setting, as defined in regulations
3655 established by the board.

3656 ~~(3)~~ (4) HOME MEDICAL EQUIPMENT SERVICES. The
3657 advertisement, sale, rental, delivery, installation,
3658 maintenance, replacement of, or instruction in the use of
3659 medical equipment and related supplies used by a sick or
3660 disabled individual to allow that individual to obtain care or
3661 treatment and be maintained in a residential setting.

3662 ~~(4)~~ (5) HOME MEDICAL EQUIPMENT SERVICES PROVIDER. A
3663 corporation, other business entity, or person engaged in the
3664 business of providing home medical equipment services, either
3665 directly or through a contractual arrangement, to an unrelated
3666 sick or disabled individual in the residence of that
3667 individual."

3668 "§34-14C-2



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3669 (a) (1) The Board of Home Medical Equipment is created.
3670 Commencing on October 1, 2026, the board shall be subject to
3671 the leadership, support, and oversight of the Executive
3672 Director of the Office of Occupational and Professional
3673 Licensing pursuant to Chapter 2B of Title 25.

3674 (2) The Governor shall appoint a minimum of nine
3675 persons to serve on the ~~Board of Home Medical Equipment~~ board,
3676 such persons to include a majority who are employed in the
3677 home medical equipment industry, and at least one person from
3678 each of the following categories: A consumer of home medical
3679 equipment services, a physician, a representative from the
3680 acute-care hospital community, and a representative from the
3681 home health agency community. Those persons employed in the
3682 home medical equipment industry shall be selected from a list
3683 submitted by the Alabama Durable Medical Equipment
3684 Association, or its successor. The consumer member shall be
3685 selected from a list of names submitted by the Governor's
3686 Office on Disability, or its successor. The physician member
3687 shall be selected from a list of names submitted by the
3688 Medical Association of Alabama, or its successor. The
3689 acute-care hospital community member shall be selected from a
3690 list submitted by the Alabama Hospital Association, or its
3691 successor. The home health agency community member shall be
3692 selected from a list of names submitted by the Home Care
3693 Association of Alabama, or its successor. All lists submitted
3694 for nominations shall include at least two names for each
3695 appointed position to be filled. Board members shall each be
3696 citizens of this state and shall have no record of sanctions



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3697 related to fraud under federal or state law. The membership of
3698 the board shall be inclusive and reflect the racial, gender,
3699 geographic, urban/rural, and economic diversity of the state.

3700 (b) The initial members appointed to the board shall
3701 serve for terms of three to five years, with one-third of the
3702 board being replaced each year, beginning in year four.
3703 Thereafter, subsequent appointments shall be for a term of
3704 four years. No member shall serve more than two consecutive
3705 terms of office. An appointment shall end on October 1, four
3706 years from the date of the last term, and each member shall
3707 hold office until his or her successor is appointed by the
3708 Governor.

3709 ~~(c) Members of the board shall not be entitled to~~
3710 ~~compensation for service, but shall be reimbursed for~~
3711 ~~reasonable travel and meeting expenses, according to a budget~~
3712 ~~developed and approved by the board.~~

3713 ~~(d)~~ (c) The board shall have the responsibility for
3714 creating, establishing, maintaining, and enforcing regulations
3715 governing the operation of home medical equipment services
3716 providers, including the qualifications of inspectors, the
3717 nature of inspections, and the process for appeals.

3718 ~~(e)~~ (d) Whenever a vacancy occurs on the board due to
3719 the death or resignation of a currently appointed board
3720 member, or other like cause, the vacancy shall be filled by
3721 appointment by the Governor for the remainder of the unexpired
3722 term of the member, as provided under subsection (b). If a
3723 vacancy occurs among those members who are employed in the
3724 home medical equipment industry, the appointment shall be made



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3725 from a list submitted by the Alabama Durable Medical Equipment
3726 Association or its successor.

3727 ~~(f)~~ (e) At the request of the board, the Governor may
3728 remove a member for failing to attend three consecutive and
3729 properly noticed meetings. The Governor may also remove a
3730 board member for any of the following reasons:

3731 (1) Misfeasance.

3732 (2) Malfeasance.

3733 (3) Neglect of duty.

3734 (4) Conviction of a felony.

3735 (5) Permanent inability to perform official duties.

3736 ~~(g) The board may hire personnel necessary to carry out~~
3737 ~~the provisions of this chapter. With the exception of the~~
3738 ~~executive director, all personnel shall be subject to the~~
3739 ~~provisions of the state Merit System Act.~~

3740 ~~(h)~~ (f) The board shall adopt a seal, which shall be
3741 affixed to all licenses issued by the board, and shall have
3742 all other powers necessary and proper for performing official
3743 duties.

3744 ~~(i)~~ (g) The ~~board~~ executive director may establish and
3745 charge reasonable fees relating to the administration and
3746 enforcement of this chapter including, but not limited to,
3747 application, processing, copying, mailing, filing, and other
3748 fees as necessary to offset costs.

3749 ~~(j)~~ (h) Absent negligence, recklessness, wantonness, or
3750 deliberate misconduct, members of the board are immune from
3751 liability for all good faith acts performed in the exercise of
3752 their duties as members of the board."



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3753 "§34-14C-4

3754 (a) Except as otherwise provided in this chapter, a
3755 home medical equipment services provider shall be licensed
3756 ~~annually~~ by the board before the provider may engage in the
3757 provision of home medical equipment services. In Alabama, when
3758 a single business entity provides home medical equipment
3759 services from more than one location within the state, each
3760 such location shall be licensed. A provider of home medical
3761 equipment services that has a principal place of business
3762 outside this state shall maintain at least one physical
3763 location within this state, each of which shall be licensed.

3764 (b) A license applicant shall submit the application
3765 for licensing or renewal to the board on a form promulgated
3766 and required by the ~~board~~ executive director. Applicants shall
3767 pay a reasonable nonrefundable fee established by the ~~board~~
3768 executive director at the time the application is submitted.
3769 The ~~board shall have the authority to~~ executive director may
3770 set reasonable fees for applicants to obtain a license. Upon
3771 satisfaction of all applicable standards and requirements for
3772 licensure, the board shall issue a license certificate
3773 permitting the licensee to engage in providing home medical
3774 equipment services. The certificate shall be displayed
3775 prominently at each licensed location. No person, partnership,
3776 corporation, or other legal entity that is not otherwise
3777 exempted under this chapter shall provide home medical
3778 equipment services without first obtaining a license issued by
3779 the board.

3780 (c) Accreditation by the Joint Commission on



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3781 Accreditation of Healthcare Organizations, the Community
3782 Health Accreditation Program, or other accrediting entities
3783 shall not be substituted for compliance with this chapter.

3784 ~~(d) Commencing on June 1, 2014, licenses issued~~
3785 ~~pursuant to this chapter shall expire on August 31 of the year~~
3786 ~~following issuance. A license may be renewed within the 60-day~~
3787 ~~period after August 31 upon payment of both the required fee~~
3788 ~~and a late fee as established by rule of the board. Any~~
3789 ~~license that is not renewed before the end of the 60-day grace~~
3790 ~~period shall lapse. A lapsed license may not be renewed unless~~
3791 ~~the holder reapplies and satisfies then current requirements~~
3792 ~~for initial licensure.~~

3793 ~~(e)~~ (d) License applicants who, upon initial inspection,
3794 are found not to comply with applicable licensing standards,
3795 shall be notified by the ~~board~~ executive director of the areas
3796 of noncompliance and shall be reinspected for compliance upon
3797 application and payment of a reasonable reinspection fee
3798 established by the ~~board of up to three hundred dollars (\$300)~~
3799 executive director.

3800 ~~(f)~~ (e) Except as provided in this chapter, the board
3801 may inspect all license applicants to determine compliance
3802 with the requirements of this chapter prior to the issuance of
3803 a license.

3804 ~~(g)~~ (f) The board may conduct random inspections upon
3805 application for renewal of a license, for cause, and as
3806 necessary to ensure the integrity and effectiveness of the
3807 licensing process.

3808 ~~(h)~~ (g) At any time upon the filing of a substantive,



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3809 relevant complaint of a consumer of services or other
3810 qualified source as identified by the board, the board may
3811 inspect the operations of the provider to determine compliance
3812 with the requirements of this chapter.

3813 ~~(i)~~ (h) The board shall adopt and maintain standards for
3814 the individuals charged with conducting the inspections for
3815 the purpose of determining compliance with the requirements of
3816 this chapter. ~~Board employees or contractors may conduct~~
3817 ~~inspections.~~

3818 ~~(j)~~ (i) Upon notice of a failure to pass an inspection
3819 and obtain a license, a provider shall have 30 days to appeal
3820 the inspection results or be subject to penalties pursuant to
3821 Section 34-14C-6. Upon appeal, a provider shall have the right
3822 to an inspection review or a new inspection in accordance with
3823 procedures promulgated by the board."

3824 "§34-14C-4.1

3825 The ~~Board of Home Medical Equipment~~ executive director
3826 may establish by rule, and charge and collect, reasonable
3827 inspection fees pursuant to the Alabama Administrative
3828 Procedure Act."

3829 "§34-14C-6

3830 (a) The board may deny, suspend, or revoke a license as
3831 provided in this section.

3832 (b) A license may not be denied, suspended, or revoked
3833 except by majority vote of the board and with prior notice and
3834 opportunity for hearing in accordance with this chapter and
3835 the Alabama Administrative Procedure Act.

3836 (c) The board may institute a hearing for denial,



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3837 suspension, or revocation of a license or any person may file
3838 a written complaint with the board seeking the denial,
3839 suspension, or revocation of an application for licensure or
3840 license issued by the board or the investigation of any
3841 unlicensed person or entity providing home medical equipment
3842 services. The complaint shall be in a form prescribed by the
3843 board.

3844 (d) A copy of the charges, including notice of the time
3845 and place of hearing, shall be served by certified mail,
3846 return receipt requested, at least 21 days before the
3847 scheduled hearing date to the most recent address of the
3848 applicant or licensee on file with the board, or to the last
3849 known address of any unlicensed person or entity providing
3850 home medical equipment services. If the notice and opportunity
3851 for hearing is refused or the return receipt has not been
3852 received by the board within 10 days before the scheduled
3853 hearing, the applicant, licensee, or unlicensed person or
3854 entity may be served by mailing the charges and notice by
3855 first class mail, at least seven days before the hearing date,
3856 to the most recent address on file with the board, or to the
3857 last known address of the unlicensed person or entity
3858 providing home medical equipment services.

3859 (e) The board may invoke disciplinary action as
3860 outlined in subsection (f) whenever it is established to the
3861 satisfaction of the board, after a hearing held in accordance
3862 with this chapter and the Alabama Administrative Procedure
3863 Act, that any person is guilty of any of the following acts:

3864 (1) Violation of this chapter or a rule of the board.



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3865 (2) Making a material misrepresentation in furnishing
3866 information to the board.

3867 (3) Making a misrepresentation to obtain licensure or
3868 to otherwise violate this chapter.

3869 (4) Conviction of or entry of a plea of guilty or nolo
3870 contendere to any crime that is a felony under the laws of the
3871 United States, or any state or territory of the United States,
3872 or to any crime that is a misdemeanor, if an essential element
3873 of the crime is dishonesty or is directly related to providing
3874 home medical equipment services.

3875 (5) Gross negligence or gross misconduct in providing
3876 home medical equipment services.

3877 (6) Aiding, assisting, or willingly permitting another
3878 person to violate any provision of this chapter or rule of the
3879 board.

3880 (7) Failing, within 30 days, to provide information in
3881 response to a written request of the board.

3882 (8) Failing to cooperate with an inspection or with an
3883 investigation conducted by the board.

3884 (9) Engaging in dishonorable, unethical, or
3885 unprofessional conduct of a character likely to deceive,
3886 defraud, or harm the public.

3887 (10) Denial, revocation, suspension, or restriction of
3888 a license in another state or jurisdiction to provide home
3889 medical equipment services for a reason other than failure to
3890 renew the license.

3891 (11) Directly or indirectly giving to or receiving from
3892 any person, partnership, corporation, or other legal entity



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3893 any fee, commission, rebate, or other form of compensation for
3894 services not actually or personally rendered.

3895 (12) A finding that a licensee on probationary status
3896 has violated the terms of the probation.

3897 (13) Willfully making or filing false records, reports,
3898 or billings in the course of providing home medical equipment
3899 services including, but not limited to, false records,
3900 reports, or billings filed with state or federal agencies or
3901 departments.

3902 (14) The use of any words, abbreviations, figures, or
3903 letters with the intention of indicating practice as a home
3904 medical equipment services provider without having first
3905 obtained a license from the board.

3906 (15) Failure to comply with state or federal laws and
3907 regulations concerning home medical equipment services
3908 providers.

3909 (16) Solicitation of home medical equipment services
3910 using false or misleading advertising.

3911 (17) Failure to display a license in accordance with
3912 this chapter.

3913 (18) Failure to report a change of name, address,
3914 control, ownership, or administration to the board within 30
3915 days after the date of change.

3916 (f) When the board finds any person guilty of any of
3917 the grounds set forth in subsection (e), the board may enter
3918 an order imposing one or more of the following penalties:

3919 (1) A letter of reprimand.

3920 (2) Imposition of probation for a period of time and



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3921 subject to such conditions as may be prescribed by the board.

3922 (3) Denial of an application for an initial or renewal
3923 license.

3924 (4) Suspension of a license for a period of time
3925 established by the board, with or without automatic
3926 reinstatement.

3927 (5) Revocation of a license.

3928 (6) Payment of restitution to each consumer negatively
3929 affected by the prohibited act. Proof of such restitution
3930 shall be a signed and notarized release executed by the
3931 consumer or the estate of the consumer.

3932 (7) Assessment of the costs of the disciplinary
3933 proceedings.

3934 (g) Failure to comply with any final order of the board
3935 is also cause for suspension or revocation of a license. The
3936 board may suspend or revoke any license which has been issued
3937 based on false or fraudulent representations.

3938 (h) The board may informally resolve any alleged
3939 violation of this chapter or rule of the board by stipulation,
3940 agreed settlement, or consent order, in lieu of an
3941 administrative hearing.

3942 (i) Any entity or person found to be providing home
3943 medical equipment services without a license as required by
3944 this chapter shall be subject to an administrative fine of up
3945 to one thousand dollars (\$1,000) per day that services were
3946 provided without a license. ~~Funds collected pursuant to this~~
3947 ~~chapter shall be allocated to the administration of the~~
3948 ~~program.~~



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3949 (j) Any entity or person found to be providing home
3950 medical equipment services without a license as required by
3951 this chapter may be administratively enjoined by the board
3952 from providing services until such time as the entity or
3953 person complies with this chapter.

3954 (k) In addition to any other disciplinary action
3955 authorized by this chapter, the board may levy and collect
3956 administrative fines for violations of this chapter or the
3957 rules or standards of the board in an amount of up to one
3958 thousand dollars (\$1,000) for each violation.

3959 (l) Any person or entity violating this chapter, upon
3960 conviction, shall be guilty of a Class A misdemeanor, and
3961 subject to fine or imprisonment, or both.

3962 (m) Any entity or person subject to the penalties
3963 prescribed by subsections (i) and (j) may pursue an appeal
3964 through the board according to rules promulgated by the board.

3965 (n) Any hearings related to matters before the board
3966 shall be conducted in Montgomery County.

3967 (o) In addition to any other penalty or disciplinary
3968 action authorized by this chapter, the board may seek an
3969 injunction against any person or entity found in violation of
3970 this chapter. In an action for an injunction, the board may
3971 demand and recover a civil penalty of fifty dollars (\$50) per
3972 day for each violation, reasonable attorney fees, and court
3973 costs. No civil penalty shall be awarded to the board if an
3974 administrative fine is assessed pursuant to subsection (i).

3975 (p) Upon the revocation or suspension of a license, the
3976 licensee shall immediately surrender the license to the board,



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3977 and if the licensee fails to do so, the board may seize the
3978 license.

3979 (q) Any person aggrieved by an adverse action of the
3980 board may appeal the action to the Circuit Court of Montgomery
3981 County in accordance with the Alabama Administrative Procedure
3982 Act."

3983 "§34-14C-7

3984 ~~There is hereby established a separate special revenue~~
3985 ~~trust fund in the State Treasury to be known as the Home~~
3986 ~~Medical Equipment Fund.~~ All receipts collected by the board
3987 under the provisions of this chapter are to be deposited into
3988 ~~this fund and shall be used only to carry out the provisions~~
3989 ~~of this chapter. The receipts shall be disbursed only by~~
3990 ~~warrant of the state Comptroller upon the State Treasury, upon~~
3991 ~~itemized vouchers approved by the executive director. No funds~~
3992 ~~shall be withdrawn or expended except as budgeted and allotted~~
3993 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
3994 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
3995 ~~stipulated in the general appropriations bill or other~~
3996 ~~appropriations bills~~ the Occupational and Professional
3997 Licensing Fund."

3998 Section 12. Relating to the Alabama Board for
3999 Registered Interior Designers; to amend Sections 34-15C-3,
4000 34-15C-4, 34-15C-5, 34-15C-6, 34-15C-11, and 34-15C-14 of the
4001 Code of Alabama 1975, to read as follows:

4002 "§34-15C-3

4003 For the purposes of this chapter, the following terms
4004 shall have the following meanings:



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4005 (1) BOARD. The Alabama Board for Registered Interior
4006 Designers.

4007 (2) EXECUTIVE DIRECTOR. The Executive Director of the
4008 Office of Occupational and Professional Licensing as defined
4009 in Section 25-2B-1.

4010 ~~(2)~~ (3) NCIDQ. The National Council for Interior Design
4011 Qualification.

4012 ~~(3)~~ (4) REGISTERED INTERIOR DESIGNER. An interior design
4013 professional, as defined by the NCIDQ, who is approved and
4014 registered by the board and the Secretary of State."

4015 "§34-15C-4

4016 (a) There is created the Alabama Board for Registered
4017 Interior Designers, ~~to~~. Commencing on October 1, 2026, the
4018 board shall be subject to the leadership, support, and
4019 oversight of the Executive Director of the Office of
4020 Occupational and Professional Licensing pursuant to Chapter 2B
4021 of Title 25. The board shall be comprised of seven members
4022 appointed by the Governor in the manner set forth in this
4023 section. The members of the Alabama State Board of
4024 Registration for Interior Design serving on August 1, 2010,
4025 pursuant to former Section 34-15B-4, shall immediately serve
4026 as board members of the Alabama Board for Registered Interior
4027 Designers created by this chapter. For continuity purposes, a
4028 board member serving on August 1, 2010, shall continue to
4029 serve under this chapter for the remainder of his or her term,
4030 and according to the appointment schedule, for which he or she
4031 was appointed by the Governor pursuant to former Section
4032 34-15B-4.



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4033 (b) All appointments occurring after August 1, 2010,
4034 shall be for terms of four years, except an appointment to
4035 fill a vacancy, which shall be for the unexpired term only. No
4036 member shall serve more than two consecutive terms of office.
4037 All members shall continue to serve until a successor is
4038 appointed by the Governor.

4039 (c) The composition of the board shall be as follows:

4040 (1) Five members of the board shall be registered
4041 interior designers, shall be engaged in the full-time practice
4042 of interior design, and shall be appointed from districts
4043 provided in subsection (e).

4044 (2) One member shall be a professional educator, who
4045 teaches in a college or university level interior design
4046 program, and who is a registered interior designer or was
4047 previously registered or certified by the former Alabama State
4048 Board of Registration for Interior Design. If no educator with
4049 these qualifications is willing and able to serve on the
4050 board, this position shall be filled by an educator who has
4051 the necessary credentials to be registered and who agrees to
4052 apply for a certificate of registration within the first year
4053 of his or her service on the board.

4054 (3) One member shall be a consumer who is not a design
4055 professional. The consumer member may not be employed in the
4056 fields of construction, architecture, engineering, interior
4057 design, interior decorating, or any related field.

4058 (d) Of the seven members listed in subsection (c), at
4059 least one shall be a member of a minority race, and the total
4060 membership of the board shall reflect the racial, gender,



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4061 urban/rural, and economic diversity of the state.

4062 (e) The five registered interior design members of the
4063 board, appointed by district, shall be appointed as follows:

4064 (1) Five districts shall be created: Northern, Central,
4065 Western, Eastern, and Southern. One practicing registered
4066 interior designer shall be appointed from each district.

4067 a. The Northern District shall be comprised of
4068 Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman,
4069 Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun,
4070 and Cleburne Counties.

4071 b. The Central District shall be comprised of Blount,
4072 Jefferson, St. Clair, and Talladega Counties.

4073 c. The Western District shall be comprised of Marion,
4074 Winston, Lamar, Fayette, Franklin, Walker, Pickens,
4075 Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas,
4076 Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties.

4077 d. The Eastern District shall be comprised of Randolph,
4078 Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore,
4079 Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale, Henry,
4080 Barbour, Russell, and Crenshaw Counties.

4081 e. The Southern District shall be comprised of Butler,
4082 Covington, Conecuh, Escambia, Houston, Monroe, Clarke,
4083 Washington, Mobile, Geneva, and Baldwin Counties.

4084 (2) When appropriate, the chair of the board shall
4085 notify in writing each registered interior designer, by
4086 district of residence, of the time and place for a district
4087 nomination meeting. The purpose of the district nomination
4088 meeting shall be to select members to serve on a statewide



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4089 nominating committee. The district nomination meeting, held
4090 for the purpose of selecting new members to serve on the
4091 statewide nominating committee, shall be held every four
4092 years, or as required, for the purpose of filling vacancies on
4093 the statewide nominating committee.

4094 (3) At the district nomination meeting, the members of
4095 each district shall select a chair for their respective
4096 district for that meeting, shall proceed according to Robert's
4097 Rules of Order, as most recently revised, and shall select one
4098 person to serve on the statewide nominating committee. Minutes
4099 of the meeting shall be recorded, signed by the chair of the
4100 meeting, and a copy of the signed minutes shall be provided to
4101 the chair of the board and the chair of the statewide
4102 nominating committee. The person shall be selected by a
4103 plurality of the vote and shall be a registered interior
4104 designer who resides in the district.

4105 (f) (1) The statewide nominating committee shall be
4106 composed of one person from each of the five districts listed
4107 in subsection (e). Each person selected for the statewide
4108 nominating committee shall immediately notify the chair of the
4109 board and the chair of the statewide nominating committee of
4110 his or her selection.

4111 (2) A new statewide nominating committee shall be
4112 elected every four years for the purpose of filling any
4113 vacancies or expired terms which may occur on the board. The
4114 statewide nominating committee shall be convened, by call of
4115 the chair of the statewide nominating committee or notice from
4116 a majority of the members thereof, as soon as practical



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4117 whenever a vacancy occurs on the board or at any time within
4118 60 days preceding the expiration of the term of a board
4119 member. All appointments to the board shall be made in the
4120 manner provided in this section.

4121 (3) If a vacancy occurs on the statewide nominating
4122 committee, the chair of the statewide nominating committee
4123 shall notify the chair of the board, who shall call a district
4124 nominating committee meeting to fill the vacancy. Only
4125 practicing registered interior designers may vote in a
4126 district nomination meeting or serve upon the statewide
4127 nominating committee.

4128 (4) The statewide nominating committee shall be
4129 convened, by call of the chair of the statewide nominating
4130 committee or notice from a majority of the members thereof, as
4131 soon as practical whenever a vacancy occurs on the board or at
4132 any time within 60 days preceding the expiration of the term
4133 of a board member. All appointments to the board shall be made
4134 in the manner provided in this section.

4135 (5) Each board member nominated by the statewide
4136 nominating committee shall reside in the district from which
4137 he or she is appointed.

4138 (6) The statewide nominating committee shall select and
4139 submit the names of at least two registered interior designers
4140 to the Governor no later than 60 days of the expiration of the
4141 term of a board member, or no later than 60 days of any
4142 vacancy on the board.

4143 (g) The Governor may remove any member of the board for
4144 misconduct, incapacity, incompetence, or neglect of duty after



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4145 the member so charged has been served with a written notice of
4146 the same and has been given an opportunity to be heard by the
4147 Governor. Absence from any three consecutive meetings of the
4148 board, without cause acceptable to the Governor, shall be
4149 deemed cause for removal of any member.

4150 ~~(h) Each member of the board shall receive the same per~~
4151 ~~diem, travel, and expense allowance as is paid by law to state~~
4152 ~~employees for the time spent in the performance of duties and~~
4153 ~~in necessary travel.~~

4154 ~~(i)~~ (h) The board shall hold two or more meetings per
4155 year for the purpose of performing its duties pursuant to this
4156 chapter. A simple majority of the members of the board shall
4157 constitute a quorum at any meeting. A simple majority vote of
4158 the members present shall be sufficient to transact the
4159 business of the board. A new chair shall be elected 60 days
4160 before the end of the term of the previous chair. If no new
4161 chair is elected before the end of the term of the previous
4162 chair, the previous chair shall continue to serve until a
4163 successor is elected. Vacancies in such chair position shall
4164 be filled by act of the board.

4165 ~~(j) The chair may appoint a full-time or part-time~~
4166 ~~executive director or administrative assistant to the board,~~
4167 ~~with the consent of the majority of the members of the board.~~
4168 ~~The executive director or administrative assistant shall serve~~
4169 ~~at the pleasure of the board. The salary of the executive~~
4170 ~~director or administrative assistant shall be set by the~~
4171 ~~board. The executive director or administrative assistant~~
4172 ~~shall serve as the executive officer to the board, but shall~~



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4173 ~~not be a member of the board. The board, by majority vote of~~
4174 ~~its members, may employ additional persons, who shall serve at~~
4175 ~~the pleasure of the board, to assist the board and the~~
4176 ~~executive director or administrative assistant in the keeping~~
4177 ~~of the records and in the performance of its duties, subject~~
4178 ~~to available funding."~~

4179 "§34-15C-5

4180 The board shall perform the following duties, subject
4181 to the other provisions of this chapter:

4182 (1) Administer fully this chapter and any rules
4183 promulgated by the board pursuant to this chapter.

4184 (2) Prescribe, make, adopt, and amend such rules
4185 pursuant to the Alabama Administrative Procedure Act as the
4186 board deems necessary to carry out the provisions of this
4187 chapter.

4188 (3) For the purpose of enforcing this chapter, conduct
4189 investigations and hearings concerning charges against
4190 registered interior designers, at any time or place within the
4191 state, administer oaths and affirmations, examine witnesses,
4192 and receive evidence in the course of any such hearings.

4193 (4) Issue, in conjunction with the Secretary of State,
4194 any documentation necessary to prove that a registered
4195 interior designer is practicing in accordance with and abiding
4196 by the requirements of this chapter, for which an annual fee,
4197 in an amount determined by the ~~board~~ executive director, shall
4198 be assessed and collected.

4199 (5) Institute legal proceedings pursuant to subsection
4200 (c) of Section 34-15C-12.



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4201 (6) Grant, deny, revoke, suspend, or reinstate
4202 certificates of registration.

4203 (7) Keep a record of its proceedings and make an annual
4204 report thereon to the Governor and the Legislature.

4205 (8) Establish standards and requirements of continuing
4206 education for registered interior designers.

4207 (9) Maintain an official roster of registered interior
4208 designers including, but not limited to, information required
4209 by the board for enforcement of this chapter.

4210 (10) When necessary, require the attendance of
4211 witnesses and the production of all necessary papers, books,
4212 records, documentary evidence, and materials in any hearing,
4213 investigation, or other proceeding before the board, by means
4214 of discovery as provided in the Alabama Rules of Civil
4215 Procedure.

4216 ~~(11) Employ attorneys, accountants, and other persons~~
4217 ~~as may be necessary to assist the board in carrying out this~~
4218 ~~chapter when there is a need for such services and when funds~~
4219 ~~are available for such services.~~

4220 ~~(12)~~ (11) Adopt rules providing for a registered
4221 interior designer to be classified as inactive and to avoid
4222 the payment of annual fees, so long as the inactive registered
4223 interior designer does not use the titles, stamps, or seals
4224 restricted by subsection (a) or subsection (b) of Section
4225 34-15C-9 during inactive status.

4226 ~~(13) Establish, by administrative rule, procedures for~~
4227 ~~the assessment of fees for the administration of this~~
4228 ~~chapter."~~



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4229 "§34-15C-6

4230 (a) Applications for registration shall be submitted on
4231 forms prescribed and furnished by the ~~board~~ executive
4232 director. The ~~board~~ executive director shall promptly notify
4233 any applicant of the requirements and the schedule of fees
4234 established by the ~~board~~ executive director for registration.

4235 (b) The board shall register an applicant to become a
4236 registered interior designer, and to use the title of
4237 registered interior designer in the State of Alabama, only if
4238 the applicant satisfies all of the following requirements:

4239 (1) The applicant is determined by the board to be of
4240 good ethical character.

4241 (2) The applicant either:

4242 a. Has satisfied all requirements, including all
4243 education and experience requirements, for eligibility to take
4244 the NCIDQ examination; or

4245 b. Holds a degree from a National Architectural
4246 Accreditation Board (NAAB) accredited school and has met NCIDQ
4247 eligibility requirements to take the NCIDQ examination, or is
4248 a registered architect who satisfies NCIDQ eligibility
4249 requirements to take the NCIDQ examination. Such applicants
4250 may take the NCIDQ examination.

4251 (3) The applicant has successfully passed the NCIDQ
4252 examination.

4253 (4) The applicant is at least 21 years of age.

4254 (c) Notwithstanding the requirements of subsection (b),
4255 any person registered with the Alabama State Board of
4256 Registration for Interior Design on August 1, 2010, shall be



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4257 registered by the Alabama Board for Registered Interior
4258 Designers, as created by this chapter, on August 1, 2010,
4259 without penalty, for the time remaining on the certificate of
4260 registration of the registered interior designer and any
4261 renewals of that certificate.

4262 (d) Certificates of registration shall expire on
4263 ~~September 30 of each year,~~ a schedule prescribed by the
4264 executive director and shall become invalid ~~on October 1 of~~
4265 ~~each year,~~ unless renewed.

4266 (e) Renewal of a certificate of registration may be
4267 accomplished at any time ~~prior to and during the month of~~
4268 ~~September by~~ before expiration by:

4269 (1) The payment of an annual fee, as prescribed by the
4270 ~~board~~ executive director, through such procedures as may be
4271 developed by the ~~board~~ executive director.

4272 (2) Submission of proof, on forms approved by the ~~board~~
4273 executive director, of compliance with all continuing
4274 education requirements established by the board.

4275 (f) A certificate of registration held by a registered
4276 interior designer serving in the Armed Forces of the United
4277 States shall not expire until ~~September 30~~ a time prescribed
4278 by the executive director following his or her discharge or
4279 final separation from the Armed Forces of the United States.

4280 (g) A registered interior designer shall maintain and
4281 post his or her certificate of registration in the primary
4282 business office where he or she practices."

4283 "§34-15C-11

4284 The board may revoke, suspend, or refuse to issue a



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4285 certificate of registration, issue a private or public
4286 reprimand regarding a registered interior designer, assess and
4287 collect administrative fines against a registered interior
4288 designer not exceeding two thousand dollars (\$2,000), or
4289 proceed with any combination of the foregoing, for any of the
4290 following conduct:

4291 (1) Fraud, deceit, dishonesty, or misrepresentation,
4292 whether knowing or unknowing, in the pursuit of his or her
4293 practice or in obtaining any certificate of registration.

4294 (2) Gross negligence, misconduct, or incompetence in
4295 the pursuit of his or her practice.

4296 (3) Conviction of a felony, until civil rights are
4297 restored.

4298 (4) Incompetency as adjudged by a court having
4299 jurisdiction.

4300 (5) Violating or directly or indirectly aiding or
4301 abetting in a violation of Section 34-15C-9.

4302 (6) Practicing in this state in violation of any
4303 standards of professional conduct as may be established by
4304 rule of the board.

4305 (7) Failure to pay any ~~fee or~~ fine assessed by the
4306 board.

4307 (8) Failure to comply with any order of the board."

4308 "§34-15C-14

4309 All fees received by the board shall be deposited into
4310 ~~a fund in the State Treasury known as the Alabama Board for~~
4311 ~~Registered Interior Designers Fund, which is hereby~~
4312 ~~established. The fund shall be utilized, in the discretion of~~



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4313 ~~the board, to regulate the practice of registered interior~~
4314 ~~designers and to pay any necessary expenses of the board,~~
4315 ~~including the cost of employees, legal expenses,~~
4316 ~~administrative expenses, and other expenses associated with~~
4317 ~~enforcing and administering this chapter~~ the Occupational and
4318 Professional Licensing Fund. All fees collected prior to
4319 August 1, 2010, and collected pursuant to former Chapter 15A
4320 or former Chapter 15B of this title are ratified, validated,
4321 and transferred to the fund."

4322 Section 13. Relating to the Alabama Licensure Board for
4323 Interpreters and Translitterators; to amend Sections 34-16-3,
4324 34-16-4, 34-16-5, 34-16-6, 34-16-7, 34-16-8, 34-16-9, and
4325 34-16-10 of the Code of Alabama 1975, to read as follows:

4326 "§34-16-3

4327 For purposes of this chapter, the following terms shall
4328 have the following meanings:

4329 (1) BOARD. The Alabama Licensure Board for Interpreters
4330 and Translitterators, created pursuant to Section 34-16-4.

4331 (2) CODE OF ETHICS. The tenets established by the
4332 Registry of the Interpreters for the Deaf which set guidelines
4333 governing professional conduct for interpreters and
4334 translitterators, and any other code of ethics approved by the
4335 board.

4336 (3) CONSUMER. A hard of hearing, deaf, or speech
4337 disabled person or any other person or an agency that requires
4338 the services of an interpreter or translitterator to
4339 effectively communicate and comprehend signed or spoken
4340 discourse.



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4341 (4) CONTINUING EDUCATION PROGRAM or CEP. A program
4342 approved by the board to improve the skill level of licensees
4343 and permit holders.

4344 (5) EXECUTIVE DIRECTOR. The Executive Director of the
4345 Office of Occupational and Professional Licensing as defined
4346 in Section 25-2B-1.

4347 ~~(5) (6)~~ FUND. The ~~Alabama Licensure Board for~~
4348 ~~Interpreters and Transliterators Fund~~ Occupational and
4349 Professional Licensing Fund, created pursuant to Section
4350 ~~34-16-9~~ 25-2B-5.

4351 ~~(6) (7)~~ INTERMEDIARY INTERPRETER. A person who is
4352 credentialed as an interpreter and who serves in an
4353 intermediary capacity between another deaf person and another
4354 licensed or permitted interpreter or between two or more deaf
4355 persons.

4356 ~~(7) (8)~~ INTERPRETER. A person who is credentialed as a
4357 professional interpreter and who engages in the practice of
4358 interpreting among consumers. Fluency in all languages
4359 interpreted is required.

4360 ~~(8) (9)~~ INTERPRETING or TRANSLITERATING. The process of
4361 providing accessible communication between and among consumers
4362 who do not share a common means of communication. For the
4363 purposes of this chapter, interpreting means those processes
4364 known as interpretation and transliteration and includes
4365 communication modalities, including, but not limited to,
4366 visual, gestural, and tactile channels.

4367 ~~(9) (10)~~ NATIONALLY RECOGNIZED CERTIFICATION. A
4368 certification awarded to individuals who successfully complete



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4369 an evaluation of interpreting skills at a professional level.
4370 The term includes a Registry of Interpreters for the Deaf
4371 certification, or an equivalent such as the National
4372 Association for the Deaf/Alabama Association for the Deaf
4373 Interpreter Assessment Program Level 4 or Level 5, or Cued
4374 Speech Certification at a national level.

4375 ~~(10)~~ (11) ORGANIZATIONS. The Alabama Association of the
4376 Deaf (AAD), a state chapter of the National Association of the
4377 Deaf (NAD); Alabama Registry of Interpreters for the Deaf
4378 (ALRID), an affiliate state chapter of the Registry of
4379 Interpreters for the Deaf, Inc., (RID).

4380 ~~(11)~~ (12) SIGN LANGUAGE. Includes all of the following
4381 communication systems:

4382 a. American Sign Language (ASL) Based. The language of
4383 the deaf community that is linguistically independent from
4384 English. The term refers to the visual gestural language used
4385 in the United States and parts of Canada and includes all
4386 regional variations.

4387 b. English Based Sign Systems. Includes, but is not
4388 limited to, all visual representations of the English language
4389 such as manually coded English, Pidgin Sign English, and Oral
4390 Interpreting.

4391 c. Sign Language. A generic term used to describe a
4392 continuum of visual-manual language and communication systems.

4393 d. Cued Speech. A system of handshapes which represents
4394 groups of consonant sounds, combined with hand placements
4395 which represent groups of vowel sounds, used with natural
4396 speech to represent a visual model of spoken language.



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4397 ~~(12)~~ (13) TRANSLITERATOR. A person who is credentialed
4398 as a professional transliterator and who engages in the
4399 practice of transliteration between consumers utilizing two
4400 different modes of the same language. Fluency in both modes of
4401 language is required."

4402 "§34-16-4

4403 (a) There is created the Alabama Licensure Board for
4404 Interpreters and Transliterators. Commencing on October 1,
4405 2026, the board shall be subject to the leadership, support,
4406 and oversight of the Executive Director of the Office of
4407 Occupational and Professional Licensing pursuant to Chapter 2B
4408 of Title 25.

4409 (b) The board shall consist of nine members appointed
4410 by the Governor as follows:

4411 (1) Four members certified as interpreters or
4412 transliterators at a professional level by a nationally
4413 recognized certification, one of whom shall work in an
4414 educational setting. A list of three nominations for each of
4415 these positions shall be submitted to the Governor by ALRID.

4416 (2) Three deaf or hard of hearing members who are
4417 knowledgeable in the field of professional interpreting. A
4418 list of three nominations for each of these positions shall be
4419 submitted to the Governor by AAD.

4420 (3) Two members at-large who have an interest in and
4421 are experienced in dealing with issues that affect the deaf,
4422 hard of hearing, and interpreting communities.

4423 (c) All members of the board shall be citizens of the
4424 United States and the State of Alabama. In appointing members



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4425 to the board, the nominating organizations and the Governor,
4426 to the extent possible, shall select those persons whose
4427 appointments ensure that the membership of the board is
4428 inclusive and reflects the racial, gender, geographic,
4429 urban/rural, and economic diversity of the state.

4430 (d) A list of three nominees for each position, except
4431 for the at-large positions, shall be submitted to the Governor
4432 by the designated organizations by October 1, 1998. The
4433 initial terms shall begin January 1, 1999.

4434 (e) The initial members of the board shall serve the
4435 following terms as designated by the Governor:

4436 (1) Four of the initial members shall serve for two
4437 years.

4438 (2) Three of the initial members shall serve for three
4439 years.

4440 (3) Two of the initial members shall serve for four
4441 years.

4442 (f) Subsequent terms of office shall be four years. No
4443 board member may serve more than two consecutive terms. In the
4444 event of a vacancy, the Governor shall fill the vacancy from
4445 the remaining names on the list of nominees for that position.
4446 Each board member shall serve until his or her successor is
4447 duly appointed and qualified.

4448 (g) At its first meeting each year, the board shall
4449 elect a chair, a vice chair, and a secretary. No member shall
4450 be elected to serve more than two consecutive years in the
4451 same office.

4452 (h) After the initial appointments to the board are



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4453 made, the board shall meet by January 31 of the following year
4454 for the purpose of organizing and transacting business as may
4455 properly come before the board. Subsequently, the board shall
4456 meet not less than twice annually, and as frequently as it
4457 deems necessary, at such time and places as it designates. A
4458 quorum necessary to transact business shall consist of five of
4459 the members of the board.

4460 (i) The board shall have all of the following duties:

4461 (1) Act on matters concerning licensure and permitting,
4462 and the process of granting, suspending, reinstating, and
4463 revoking a license or permit.

4464 ~~(2) Set a fee schedule for granting licenses and~~
4465 ~~permits, for renewing licenses and permits, for reinstating a~~
4466 ~~lapsed license or permit, and for assessing penalties for late~~
4467 ~~renewal. The fees shall be sufficient to cover the cost of the~~
4468 ~~continued operation and administration of the board.~~

4469 ~~(3) Develop a mechanism for processing applications for~~
4470 ~~licenses, permits, and renewals.~~

4471 ~~(4)~~ (2) Establish a procedure to enable the
4472 investigation of complaints concerning the violation of
4473 ethical practices for licensed or permitted interpreters.

4474 ~~(5)~~ (3) Maintain a current register of licensed
4475 interpreters and a current register of permitted interpreters.
4476 These registers shall be matters of public record.

4477 ~~(6)~~ (4) Maintain a complete record of all board
4478 proceedings.

4479 ~~(7)~~ (5) Submit an annual report detailing the
4480 proceedings of the board to the Governor and file a copy with



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4481 the Secretary of State.

4482 ~~(8)~~ (6) Adopt continuing education requirements no later
4483 than October 1 of the year in which the initial board is
4484 appointed. These requirements shall be implemented by January
4485 1 of the year following for renewal of a license or permit.

4486 ~~(j) Board members shall receive the same travel~~
4487 ~~expenses and per diem as state employees pursuant to Article 2~~
4488 ~~of Chapter 7 of Title 36 and incidental and clerical expenses~~
4489 ~~necessarily incurred in carrying out this chapter. The~~
4490 ~~compensation and expenses shall be paid out of the funds of~~
4491 ~~the board. Reimbursement shall not be made if available funds~~
4492 ~~are insufficient for this purpose."~~

4493 "§34-16-5

4494 (a) ~~After March 15, 1998, any~~Any person who provides
4495 interpreting or transliterating services for remuneration
4496 shall be required ~~annually~~ to be licensed or permitted by the
4497 board unless that person is exempt from licensure or
4498 permitting pursuant to Section 34-16-7.

4499 (b) The initial license shall be issued upon submission
4500 of an application, an affidavit documenting current validation
4501 of a nationally recognized certification as approved by the
4502 board, and payment of the required nonrefundable annual fee ~~by~~
4503 ~~March 15~~. Licenses shall be renewed ~~annually~~, upon submission
4504 of an application and an affidavit documenting current
4505 nationally recognized certification at a professional level as
4506 approved by the board, payment of the required nonrefundable
4507 annual fee, and participation in a continuing education
4508 program approved by the board.



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4509 (c) All applicants for licensure who are initially
4510 certified after January 1, 1995, shall submit an affidavit
4511 documenting that the applicant has passed an interpreter code
4512 of ethics exam approved by the board.

4513 (d) Failure to renew a license ~~on or before March 15 of~~
4514 ~~any year,~~ by the date established by the executive director
4515 shall result in a lapse of the license. ~~A lapsed license that~~
4516 ~~is not renewed within 45 days after March 15 of the year of~~
4517 ~~the lapse, shall expire.~~ The holder of the lapsed license may
4518 be reinstated by the board if the licensee is in compliance
4519 with all other relevant requirements of the board, applies to
4520 the board for renewal pursuant to ~~this section~~ procedures
4521 established by the executive director, and pays the
4522 appropriate renewal, late penalty, and reinstatement fees
4523 prescribed by the ~~board~~ executive director."

4524 "§34-16-6

4525 (a) Any person who practices as an interpreter or
4526 transliterator for remuneration on August 1, 1998, but who
4527 does not otherwise meet the requirements for licensure, may
4528 obtain a renewable permit to practice interpretation or
4529 transliteration. An initial permit shall be issued upon
4530 submission of the application, documentation of a high school
4531 diploma or GED, current employment as an interpreter, and
4532 payment of the nonrefundable annual fee. Any person who does
4533 not obtain an initial permit by March 15, 1999, may obtain a
4534 nonrenewable provisional permit to practice interpretation or
4535 transliteration upon the submission of the application,
4536 documentation of a high school diploma or GED, payment of the



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4537 nonrefundable fee, and submission of three letters of
4538 recommendation from licensed interpreters that verify the
4539 skill level of the applicant.

4540 (b) In subsequent years, permit holders and
4541 nonrenewable permit holders may apply for a renewable annual
4542 permit that shall require the submission of an affidavit and
4543 supporting materials documenting that the applicant has passed
4544 an interpreter code of ethics exam as approved by the board
4545 and an interpreting performance assessment approved by the
4546 board, the payment of the required nonrefundable annual fee,
4547 and the participation in a continuing education program
4548 approved by the board. Each applicant shall also be a citizen
4549 of the United States or, if not a citizen of the United
4550 States, a person who is legally present in the United States
4551 with appropriate documentation from the federal government.
4552 ~~The affidavit shall be submitted no later than March 15~~
4553 ~~annually.~~

4554 (c) Subsequent renewal of a permit by a cued speech
4555 transliterator shall require submission of an affidavit and
4556 supporting materials documenting that the applicant has passed
4557 an interpreter code of ethics exam as approved by the board
4558 and payment of the required nonrefundable annual fee and
4559 participation in a continuing education program approved by
4560 the board. Each applicant shall also be a citizen of the
4561 United States or, if not a citizen of the United States, a
4562 person who is legally present in the United States with
4563 appropriate documentation from the federal government. ~~The~~
4564 ~~affidavit shall be submitted no later than March 15 annually.~~



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4565 (d) Failure to renew a permit ~~on or before March 15 of~~
4566 ~~any year,~~ by the date established by the executive director
4567 shall result in a lapse of the permit. The holder of the
4568 lapsed permit may be reinstated by the board if the permittee
4569 is in compliance with all other relevant requirements of the
4570 board, applies to the board for renewal pursuant to this
4571 section, and pays the appropriate renewal, late penalty, and
4572 reinstatement fees prescribed by the ~~board~~ executive
4573 director."

4574 "§34-16-7

4575 The following persons shall be exempt from licensure or
4576 permitting pursuant to this chapter:

4577 (1) Any student who is enrolled in a formal American
4578 sign language program, a formal interpreter training program,
4579 or a formal interpreter or transliterator internship program.
4580 The student shall be allowed to interpret or transliterate as
4581 part of his or her training for a maximum of 16 weeks in an
4582 educational setting or 120 hours in an agency or business.

4583 (2) Any person who interprets or transliterates solely
4584 in a church, synagogue, temple, or other religious setting.

4585 (3) Any person residing outside of the State of Alabama
4586 may provide interpreting and transliterating services for up
4587 to 14 working days per calendar year without a license.

4588 (4) Any person desiring to interpret for remuneration
4589 where circumstances do not allow for fulfillment of the stated
4590 requirements for licensure or permitting may petition the
4591 board for exemption status.

4592 (5) Those public education personnel and State



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4593 Department of Rehabilitation personnel, who are not hired as
4594 interpreters and transliterators and who are not as a part of
4595 their job description responsible for providing interpreting
4596 or transliteration services, in circumstances that may
4597 necessitate their function as interpreters and transliterators
4598 in emergency or incidental situations.

4599 (6) All other public education personnel hired prior to
4600 March 15, 2000, who provide interpreting and transliterating
4601 services to students. These personnel shall apply for and
4602 receive a permit specifying that their permits are restricted
4603 to interpreting and transliteration services provided in the
4604 public education setting only. The application for this permit
4605 shall be submitted to the board prior to October 1, 2000. It
4606 shall be the responsibility of the permit holder to ~~annually~~
4607 renew the permit by earning continuing education units in
4608 compliance with the requirements of the interpreters and
4609 transliterators licensure law. If personnel, who have been
4610 grandfathered in pursuant to this subdivision, for any reason
4611 should allow their permits to lapse or expire, those personnel
4612 shall lose all privileges of this exemption and shall adhere
4613 to all requirements of the interpreters and transliterators
4614 licensure law to renew their permits."

4615 "§34-16-8

4616 (a) The board may enter into a reciprocal agreement
4617 with any state, agency, or other organization that licenses,
4618 certifies, or registers professional interpreters or
4619 transliterators, or both, if the board finds that the state,
4620 agency, or organization has substantially the same



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4621 requirements or more stringent requirements.

4622 (b) The reciprocity agreement shall provide that the
4623 board shall license anyone who is currently licensed,
4624 certified, or registered in that state or by that agency or
4625 other organization if that state, agency, or other
4626 organization agrees to license, certify, or register any
4627 practitioners who are currently licensed pursuant to this
4628 chapter.

4629 (c) The ~~board~~ executive director shall set by
4630 ~~regulation~~ rule the fees appropriate in processing
4631 reciprocity."

4632 "§34-16-9

4633 ~~(a) The annual fee may be increased or decreased by the~~
4634 ~~board, provided, the board shall not set an annual fee at an~~
4635 ~~amount which would not provide sufficient revenues to pay all~~
4636 ~~the costs and expenses incurred by the board in enforcing this~~
4637 ~~chapter.~~

4638 ~~(b) The annual fee shall cover a license or permit for~~
4639 ~~the 12-month period beginning March 15 of each year.~~

4640 ~~(c) There is created in the State Treasury the Alabama~~
4641 ~~Licensure Board for Interpreters and Translators Fund. All~~
4642 fees collected by the board shall be paid into the State
4643 Treasury to the credit of the ~~fund. Monies in the fund shall~~
4644 ~~be subject to withdrawal only upon warrant of the state~~
4645 ~~Comptroller to be issued upon certification of the secretary~~
4646 ~~or treasurer of the board~~ Occupational and Professional
4647 Licensing Fund.

4648 ~~(d) Any funds remaining in the State Treasury to the~~



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4649 ~~credit of the board at the end of each year in excess of two~~
4650 ~~hundred fifty thousand dollars (\$250,000) shall be available~~
4651 ~~to provide for the education and training of interpreters and~~
4652 ~~transliterators in postsecondary programs. At all times the~~
4653 ~~board may retain a sum not in excess of two hundred fifty~~
4654 ~~thousand dollars (\$250,000) to meet any emergency which may~~
4655 ~~affect the efficient operation of the board. No funds shall be~~
4656 ~~withdrawn or expended except as budgeted and allocated~~
4657 ~~pursuant to Sections 41-4-80 to 41-4-96, inclusive, and~~
4658 ~~Sections 41-19-1 to 41-19-12, inclusive, and only in amounts~~
4659 ~~as stipulated in the general appropriations bill or other~~
4660 ~~appropriations bills. There shall be appropriated from the~~
4661 ~~fund to the board for the fiscal years 1997-1998 and 1998-1999~~
4662 ~~an amount deemed necessary by the board to fund the costs of~~
4663 ~~its operations."~~

4664 "§34-16-10

4665 (a) Any person may apply for a license or a permit
4666 pursuant to this chapter by filing a written application on a
4667 form prescribed by the ~~board not less than 30 days prior to~~
4668 ~~the next meeting of the board~~ executive director. The
4669 application shall be accompanied by the payment of the annual
4670 nonrefundable license fee or permit fee. The credentials of
4671 the applicant shall be reviewed according to the rules of the
4672 board.

4673 (b) If the board finds the credentials in order, a
4674 license or permit shall be issued to the applicant.

4675 (c) If the board rejects the credentials, the applicant
4676 will be notified in writing informing him or her of the



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4677 reasons for rejection."

4678 Section 14. Relating to the Alabama Board of Examiners
4679 of Landscape Architects; to amend Sections 34-17-1, 34-17-2,
4680 34-17-3, 34-17-4, 34-17-6, 34-17-7, 34-17-22, 34-17-24, and
4681 34-17-26 of the Code of Alabama 1975, to read as follows:

4682 "§34-17-1

4683 For purposes of this chapter, the following words and
4684 phrases shall have the respective meanings ascribed by this
4685 section:

4686 (1) BOARD. The Alabama-~~State~~ Board of Examiners of
4687 Landscape Architects.

4688 (2) EXECUTIVE DIRECTOR. The Executive Director of the
4689 Office of Occupational and Professional Licensing as defined
4690 in Section 25-2B-1.

4691 ~~(2)~~ (3) LANDSCAPE ARCHITECT. A person who is engaged or
4692 offers to engage in the practice of landscape architecture, as
4693 hereinafter defined in this state.

4694 ~~(3)~~ (4) LANDSCAPE ARCHITECTURE. The performance of
4695 professional services such as consultation, investigation,
4696 research, planning, design, preparation of drawings and
4697 specifications and responsible supervision in connection with
4698 the development of land areas where, and to the extent that
4699 the dominant purpose of such services is the preservation,
4700 enhancement, or determination of proper land uses, natural
4701 land features, planting, naturalistic and aesthetic values,
4702 the settings and approaches to structures or other
4703 improvements, the setting of grades and determining drainage
4704 and providing for standard drainage structures, and the



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4705 consideration and determination of environmental problems of
4706 land including erosion, blight, and other hazards. This
4707 practice shall include the design of such tangible objects and
4708 features as are incidental and necessary to the purpose
4709 outlined herein but shall not include the design of structures
4710 or facilities with separate and self-contained purposes such
4711 as are ordinarily included in the practice of engineering or
4712 architecture, and shall not include the making of land surveys
4713 of final plats for official approval or recordation. Nothing
4714 contained herein shall preclude a duly licensed landscape
4715 architect from performing any of the services described in the
4716 first sentence of this subsection in connection with the
4717 settings, approaches, or environment for buildings,
4718 structures, or facilities. Nothing contained in this chapter
4719 shall be construed as authorizing a landscape architect to
4720 engage in the practice of architecture, engineering, or land
4721 surveying as these terms are defined in Section 34-17-27."

4722 "§34-17-2

4723 (a) (1) There is created the Alabama Board of Examiners
4724 of Landscape Architects ~~which~~. Commencing on October 1, 2026,
4725 the board shall be subject to the leadership, support, and
4726 oversight of the Executive Director of the Office of
4727 Occupational and Professional Licensing pursuant to Chapter 2B
4728 of Title 25.

4729 (2) The board shall consist of three members. The board
4730 shall be appointed by the Governor with the advice and consent
4731 of the Senate. In appointing members to the board, the
4732 Governor shall select those persons whose appointments, to the



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4733 extent possible, ensure that the membership of the board is
4734 inclusive and reflects the racial, gender, urban/rural, and
4735 economic diversity of the state. The members of the board,
4736 after the appointment of the original board, shall be
4737 registered landscape architects of recognized standing having
4738 engaged in the practice of landscape architecture in the State
4739 of Alabama for a period of two years or more at the time of
4740 their appointments and shall be citizens of this state. The
4741 terms of office of the members shall be three years, of which
4742 one term expires each year. Any vacancy occurring at any time
4743 in the membership of the board shall be filled by the Governor
4744 appointing a successor for the unexpired term.

4745 ~~(b) The members of the board shall receive no salary or~~
4746 ~~other compensation for their services as members but shall be~~
4747 ~~reimbursed for reasonable and necessary expenses incurred in~~
4748 ~~carrying out their duties.~~

4749 ~~(e)~~ (b) The board shall elect annually from its members
4750 a chair and a secretary, and the board shall hold at least two
4751 or more meetings each year.

4752 ~~(d)~~ (c) Each member of the board shall take the oath of
4753 office as prescribed by the Constitution of Alabama of ~~1901~~
4754 2022."

4755 "§34-17-3

4756 (a) The board shall have the powers and duties listed
4757 in this section.

4758 ~~(b) The board shall have such employees as may be~~
4759 ~~provided in the annual state budget.~~

4760 ~~(e)~~ (b) The board may make, adopt, and amend such rules



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4761 and regulations as it deems necessary to carry out the
4762 provisions of this chapter.

4763 ~~(d)~~ (c) The board shall hold at least one meeting per
4764 year for the purpose of examining candidates for registration
4765 as landscape architects. It may hold such other meetings and
4766 hearings as required for the proper performance of its duties
4767 under this chapter.

4768 ~~(e)~~ (d) The board may adopt a seal for use in
4769 transacting its official business.

4770 ~~(f)~~ (e) The board shall keep a record of its proceedings
4771 and shall make an annual report thereon to the Governor.

4772 ~~(g)~~ (f) For the purpose of enforcing the provisions of
4773 this chapter, the board:

4774 (1) May conduct investigations and hold hearings
4775 concerning any matter covered by this chapter at any time or
4776 place within the State of Alabama.

4777 (2) May administer oaths and affirmations, examine
4778 witnesses, and receive evidence."

4779 "§34-17-4

4780 (a) The right to engage in the practice of landscape
4781 architecture is a personal right, based upon the
4782 qualifications of the individual evidenced by his or her
4783 license and is not transferable. All final drawings,
4784 specifications, plans, reports, or other papers or documents
4785 involving the practice of landscape architecture, as defined
4786 in Section 34-17-1, when issued or filed for public record,
4787 shall be dated and bear the signature and seal of the
4788 landscape architect or landscape architects who prepared or



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4789 approved them.

4790 (b) A corporation, limited liability company, or
4791 partnership may be formed as a vehicle for the practice of
4792 landscape architecture, and may use any form of the title
4793 "landscape architect" in connection with the name of the
4794 business entity if both of the following conditions are
4795 satisfied:

4796 (1) One or more of the corporate officers in the case
4797 of a corporation, one or more of the managers or members in
4798 the case of a limited liability company, or one or more of the
4799 partners in the case of a partnership, is designated as being
4800 responsible for the professional services described in Section
4801 34-17-1 of the business entity and is a landscape architect
4802 under this chapter.

4803 (2) All personnel of the business entity, who act in
4804 its behalf as landscape architects, are licensed under this
4805 chapter.

4806 (c) An individual desiring to use any form of the title
4807 "landscape architect" in connection with the name of a
4808 business entity shall file with the board, as part of his or
4809 her application for licensure or any subsequent renewal, a
4810 listing of relevant information, including the names and
4811 addresses of all officers and members of the corporation,
4812 managers and members of the limited liability company, or
4813 officers and partners of the partnership, and shall indicate
4814 those individuals duly licensed to practice landscape
4815 architecture in this state who shall be in responsible charge
4816 of the practice of landscape architecture in this state



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4817 through the business entity, and any other information
4818 required by the board. A form, giving the same information,
4819 shall accompany the ~~annual~~ renewal fee to be determined by the
4820 ~~board~~ executive director. In the event there is a change in
4821 any of these individuals during the year, the change shall be
4822 designated on the same form and filed with the board within 30
4823 days after the effective date of the change. If all of the
4824 requirements of this section are satisfied, the business
4825 entity may contract for and collect fees for landscape
4826 architectural services.

4827 (d) No business entity shall be relieved of
4828 responsibility for conduct or acts of its agents, employees,
4829 or officers by reason of its compliance with this section, nor
4830 shall any individual practicing landscape architecture as
4831 defined in Section 34-17-1 be relieved of responsibility for
4832 landscape architectural services performed by reason of his or
4833 her employment or relationship with the business entity.

4834 (e) This chapter shall not be interpreted to prevent a
4835 business entity and its employees from performing landscape
4836 architectural services for the business entity, subsidiary, or
4837 affiliated business entities."

4838 "§34-17-6

4839 ~~The secretary of the board shall receive and account~~
4840 ~~for all moneys derived under the provisions of this chapter~~
4841 ~~and shall not later than the tenth day of each month pay all~~
4842 ~~such moneys collected during the previous month to the State~~
4843 ~~Treasurer, who shall keep such moneys in a separate fund to be~~
4844 ~~known as the "Landscape Architect's Fund." Such fund shall be~~



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4845 ~~kept separate and apart from all other moneys in the Treasury~~
4846 ~~and shall be paid out for the expenses and compensation of the~~
4847 ~~board and for enforcing this chapter only by warrant of the~~
4848 ~~Comptroller upon the Treasurer, upon itemized vouchers,~~
4849 ~~approved by the president and attested by the secretary of the~~
4850 ~~board; provided, that no funds shall be withdrawn or expended~~
4851 ~~except as budgeted and allotted according to the provisions of~~
4852 ~~Article 4 of Chapter 4 of Title 41 of this Code. Under no~~
4853 ~~circumstances shall the total amount of warrants issued by the~~
4854 ~~Comptroller in payment of the expenses and compensation of the~~
4855 ~~board and of enforcing this chapter exceed the amount provided~~
4856 ~~therefor by the Legislature in the general appropriation~~
4857 ~~bill.~~ All receipts of the board shall be deposited into the
4858 Occupational and Professional Licensing Fund."

4859 "§34-17-7

4860 (a) Any individual who, without possessing a valid,
4861 unrevoked certificate as provided in this chapter, uses the
4862 title or term "landscape architect" in any sign, card,
4863 listing, advertisement, or in any other manner implies or
4864 indicates that he or she is a landscape architect, as defined
4865 in this chapter, shall be guilty of a Class A misdemeanor and,
4866 upon conviction thereof, shall be punished as provided by law.
4867 All fines collected pursuant to this section shall be remitted
4868 by the court or officer collecting them to the State Treasurer
4869 and credited to the ~~Landscape Architect's Fund~~ Occupational
4870 and Professional Licensing Fund in the State Treasury.

4871 (b) (1) The board may institute proceedings in a court
4872 of law to enjoin any individual or business entity from



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4873 violating this chapter. The proceedings shall be brought by
4874 the board in the circuit court of the city or county in which
4875 the alleged violation occurred or in which the defendant
4876 resides.

4877 (2) Upon a showing by the board that the individual or
4878 business entity has engaged in any activity, conduct,
4879 practice, or performance of any work prohibited by this
4880 chapter, the court shall grant injunctive relief enjoining the
4881 individual or business entity from engaging in the unlawful
4882 activity, conduct, practice, or performance of work.

4883 (3) Upon the issuance of a permanent injunction, the
4884 court may fine the offending party up to five thousand dollars
4885 (\$5,000) plus costs, including investigative costs and
4886 attorney fees for each offense. A judgment for a civil fine,
4887 attorney fees, and costs may be rendered in the same order in
4888 which the injunction is made absolute."

4889 "§34-17-22

4890 ~~Examinations for the license shall be held by the board~~
4891 ~~at least once each year.~~ The board shall adopt rules and
4892 regulations covering the subjects and scope of the
4893 examinations, shall publish appropriate announcements and
4894 shall conduct the examinations at the times designated by the
4895 executive director. Except as hereinafter provided in this
4896 chapter to the contrary, every applicant for licensing as a
4897 landscape architect shall be required, in addition to all
4898 other requirements, to establish by a board approved
4899 examination, which may be digital, his or her competence to
4900 plan, design, specify, and supervise the installation of



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4901 landscape projects. Each board approved examination may be
4902 supplemented by such oral examinations as the board shall
4903 determine."

4904 "§34-17-24

4905 (a) Every landscape architect shall pay ~~an annual~~ a
4906 license fee to the board. ~~The fee shall be due and payable on~~
4907 ~~the first day of January of each year and shall become~~
4908 ~~delinquent after the thirty-first day of January~~ in an amount
4909 determined by the executive director.

4910 (b) If the ~~annual~~ license fee is not paid before it
4911 becomes delinquent, a delinquent penalty fee shall be added to
4912 the amount thereof ~~per year.~~

4913 (c) If the annual license fee and penalty are not paid
4914 ~~before the fifteenth day of March in the year in which they~~
4915 ~~become due~~ before the date determined by the executive
4916 director, the landscape architect's license shall be deemed
4917 expired. A landscape architect may reinstate an expired
4918 license for up to five years after the date of the original
4919 expiration by submitting to the board a complete renewal
4920 application, proof of completion of any required continuing
4921 education, payment of any accrued license fees and delinquent
4922 penalty fees, and payment of a reinstatement fee. The holder
4923 of a license that is expired for five or more years may only
4924 reinstate a license by submitting a new license application
4925 and fulfilling all then current license requirements.

4926 (d) A landscape architect may place his or her license
4927 on inactive status by ~~annually~~ submitting to the board,
4928 ~~between January 1 and January 31,~~ a request for inactive



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4929 status and an inactive status fee as determined by the
4930 executive director. The holder of an inactive status license
4931 may reactivate his or her license by submitting to the board a
4932 renewal form, current license fee, and one year of continuing
4933 education credits.

4934 (e) The board shall issue a receipt to each landscape
4935 architect promptly upon payment of the ~~annual~~ license fee."

4936 "§34-17-26

4937 The board, subject to the provisions of this chapter
4938 and the rules and regulations of the board promulgated
4939 thereunder prescribing the qualifications for a landscape
4940 architect license, may permit the practice of landscape
4941 architecture in this state under a landscape architect license
4942 issued under the laws of any other state or country, upon
4943 payment of the current fee established by the ~~board~~ executive
4944 director, and upon submission of all of the following evidence
4945 satisfactory to the board:

4946 (1) That the other state or country maintained a system
4947 and standard of qualifications and examinations for a
4948 landscape architect license which were substantially
4949 equivalent to those required in this state at the time the
4950 license was issued by the other state or country.

4951 (2) That the other state or country gives similar
4952 recognition and endorsement to landscape architect licenses of
4953 this state."

4954 Section 15. Relating to the Alabama Board of Examiners
4955 in Marriage and Family Therapy; to amend Sections 34-17A-3,
4956 34-17A-6, 34-17A-7, 34-17A-8, 34-17A-11, 34-17A-12, 34-17A-13,



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4957 and 34-17A-25 of the Code of Alabama 1975, to read as follows:

4958 "§34-17A-3

4959 As used in this chapter, the following terms have the
4960 following meanings, respectively, unless the context clearly
4961 indicates otherwise:

4962 (1) ADVERTISE. The issuing or causing to be distributed
4963 any card, sign, or device to any person; or the causing,
4964 permitting, or allowing any sign or marking on or in any
4965 building, radio or television, transmission or broadcast, or
4966 advertising by any media or other means designed to secure
4967 public attention.

4968 (2) BOARD. The Alabama Board of Examiners in Marriage
4969 and Family Therapy.

4970 (3) EXECUTIVE DIRECTOR. The Executive Director of the
4971 Office of Occupational and Professional Licensing as defined
4972 in Section 25-2B-1.

4973 ~~(3)~~ (4) MARRIAGE AND FAMILY THERAPIST. A person to whom
4974 a valid, current license has been issued pursuant to this
4975 chapter.

4976 ~~(4)~~ (5) MARRIAGE AND FAMILY THERAPY ASSOCIATE. An
4977 individual who has graduated from a program that meets the
4978 board course requirements, has completed the required
4979 internship, and is continuing training in marriage and family
4980 therapy under a board approved supervisory arrangement to
4981 complete a minimum two-year postgraduate supervision
4982 requirement prior to applying for his or her marriage and
4983 family therapist license.

4984 ~~(5)~~ (6) MARRIAGE AND FAMILY THERAPY INTERN. An



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4985 individual who is training for designation as a marriage and
4986 family therapy associate in accordance with board requirements
4987 and under a board approved supervisory arrangement.

4988 ~~(6)~~ (7) PERSON. Any individual, firm, corporation,
4989 partnership, organization, political body, or other entity.

4990 ~~(7)~~ (8) PERSON IN TRAINING. An individual who is
4991 preparing for the practice of marriage and family therapy
4992 under qualified supervision in a training institution or
4993 facility.

4994 ~~(8)~~ (9) PRACTICE OF MARRIAGE AND FAMILY THERAPY. The
4995 process of providing professional marriage and family therapy
4996 to individuals, couples, and families, either alone or in a
4997 group. The practice of marriage and family therapy utilizes
4998 established principles that recognize the interrelated nature
4999 of the individual problems and dysfunctions in family members
5000 in order to diagnose, assess, and treat mental and emotional
5001 disorders within a marriage and family therapy treatment
5002 context. Marriage and family therapy includes, without being
5003 limited to, individual, group, couple, sexual, family, and
5004 divorce therapy and psychotherapy, whether the services are
5005 offered directly to the general public or through
5006 organizations, either public or private, for a fee or other
5007 compensation. Marriage and family therapy is a specialized
5008 mode of treatment for the purpose of resolving mental and
5009 emotional disorders and modifying intrapersonal and
5010 interpersonal dysfunctions. The terms "diagnose," "assess,"
5011 and "treat," as used in this subdivision, when considered in
5012 isolation or in conjunction with the rules of the board, shall



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5013 not be construed to permit the performance of any act which
5014 marriage and family therapists are not educated and trained to
5015 perform, including, but not limited to, administering and
5016 interpreting psychological tests, intellectual,
5017 neuropsychological, personality, and projective instruments,
5018 admitting persons to hospitals for treatment for the foregoing
5019 conditions, treating persons in hospitals without medical
5020 supervision, prescribing medicinal drugs, authorizing clinical
5021 laboratory procedures or radiological procedures, or use of
5022 electroconvulsive therapy. In addition, this definition shall
5023 not be construed to permit any person licensed pursuant to
5024 this chapter to describe or label any test, report, or
5025 procedure as "psychological," or as a "psychological
5026 evaluation." A licensed marriage and family therapist may
5027 diagnose and develop treatment plans, but shall not attempt to
5028 diagnose, treat, or advise a client with reference to problems
5029 or complaints falling outside the boundaries of marriage and
5030 family therapy services. Nothing in this chapter shall be
5031 construed to authorize persons licensed under this chapter to
5032 practice medicine.

5033 ~~(9)~~ (10) QUALIFIED SUPERVISION. The supervision of
5034 clinical services in accordance with standards established by
5035 the board. The supervisor shall be recognized by the board as
5036 an approved supervisor or other designation indicating an
5037 approved supervisory position.

5038 ~~(10)~~ (11) RECOGNIZED EDUCATIONAL INSTITUTION. Any
5039 educational institution that grants a bachelor's, master's, or
5040 doctoral degree and that is recognized by the board and by a



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5041 regional educational accrediting body or a postgraduate
5042 training institute accredited by the Commission on
5043 Accreditation for Marriage and Family Therapy Education.

5044 ~~(11)~~ (12) USE A TITLE OR DESCRIPTION. To hold oneself
5045 out to the public as having a particular status by means of
5046 stating on signs, mailboxes, address plates, stationery
5047 announcements, calling cards, or other instruments of
5048 professional identification."

5049 "§34-17A-6

5050 (a) There is created the Alabama Board of Examiners in
5051 Marriage and Family Therapy. Commencing on October 1, 2026,
5052 the board shall be subject to the leadership, support, and
5053 oversight of the Executive Director of the Office of
5054 Occupational and Professional Licensing pursuant to Chapter 2B
5055 of Title 25. The board shall consist of five members who are
5056 citizens of this state and appointed by the Governor. In
5057 appointing members to the board, the Governor shall select
5058 those persons whose appointments would ensure that, to the
5059 extent possible, the membership of the board reflects the
5060 geographic, gender, and racial diversity of the state as a
5061 whole. The board shall perform the duties and have the powers
5062 as prescribed and conferred by this chapter. No member of the
5063 board shall be civilly liable for any act performed in good
5064 faith for the performance of his or her duties as a member of
5065 the board.

5066 (b) The professional membership of the board shall be
5067 licensed pursuant to this chapter.

5068 (c) Vacancies on the board shall be filled for the



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5069 remainder of the unexpired term. Members of the board shall
5070 serve until their successors are appointed and have qualified.
5071 Board members shall be ineligible for reappointment for a
5072 period of three years following completion of their five-year
5073 term.

5074 (d) Appointments to the board shall be made by the
5075 Governor as provided in this subsection. Not later than
5076 October 1 of each year, the Board of Directors of the Alabama
5077 Association for Marriage and Family Therapy shall submit to
5078 the Governor the names of two qualified candidates for each
5079 position on the board to be vacated by reason of expiration of
5080 a term of office. From the two candidates, the Governor shall
5081 appoint one member to serve on the board for a term of five
5082 years. Other vacancies occurring on the board shall be filled
5083 for the unexpired term by appointment of the Governor from two
5084 candidates for each vacancy submitted by the Alabama
5085 Association for Marriage and Family Therapy within 30 days
5086 after the vacancy occurs. Composition of the board shall
5087 consist of one public member, one marriage and family therapy
5088 educator, and three practicing marriage and family therapists.

5089 (e) The Governor may remove a member of the board only
5090 for neglect of duty, malfeasance, or conviction of a felony or
5091 crime of moral turpitude while in office. Notwithstanding the
5092 foregoing, no member may be removed until after a public
5093 hearing of the charges against him or her, and at least 30
5094 days' prior written notice to the accused member of the
5095 charges against him or her and of the date fixed for the
5096 hearing. No board member shall participate in any matter



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5097 before the board in which he or she has a pecuniary interest,
5098 personal bias, or other similar conflict of interest."

5099 "§34-17A-7

5100 ~~(a) The board may employ a director, secretary,~~
5101 ~~attorneys, experts, and other employees as it may from time to~~
5102 ~~time find necessary for the proper performance of its duties,~~
5103 ~~and for whom the necessary funds are appropriated.~~

5104 ~~(b)~~ (a) The board shall elect annually a chair and a
5105 vice chair. ~~Each member shall receive the same per diem and~~
5106 ~~travel allowance as state employees for each day of attendance~~
5107 ~~at an official meeting of the board.~~ The board shall hold at
5108 least one regular meeting each year. Additional meetings may
5109 be held at the discretion of the chair or at the written
5110 request of any two members of the board. A majority of the
5111 current appointed members of the board shall constitute a
5112 quorum.

5113 ~~(c)~~ (b) The board shall examine and pass on the
5114 qualifications of all applicants and shall issue a license to
5115 each successful applicant attesting to his or her professional
5116 qualifications as a marriage and family therapist. The board
5117 shall adopt a seal which shall be affixed to all licenses
5118 issued by the board. ~~The board may authorize expenditures~~
5119 ~~deemed necessary to carry out this chapter from the fees which~~
5120 ~~it collects and other available appropriations, but in no~~
5121 ~~event shall expenditures exceed the revenues of the board~~
5122 ~~during any fiscal year.~~ The board may accept grants from
5123 foundations, individuals, and institutions ~~to carry on its~~
5124 ~~function.~~



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5125 ~~(d) By rule, the board shall assess and collect fees as~~
5126 ~~required for the enforcement of this chapter."~~

5127 "§34-17A-8

5128 (a) Each applicant for licensure as a practicing
5129 marriage and family therapist shall submit to the board a
5130 completed application on forms prescribed by the ~~board~~
5131 executive director. The completed application shall contain
5132 the following information:

5133 (1) Satisfactory evidence that the applicant is of good
5134 moral character and has not engaged or is not engaged in any
5135 practice or conduct that would make the applicant ineligible
5136 to receive a license pursuant to Section 34-17A-14.

5137 (2) Satisfactory evidence that the applicant meets the
5138 education and experience requirements for licensure pursuant
5139 to Section 34-17A-10.

5140 (3) Other information that the executive director or
5141 board may require.

5142 (b) Applicants also shall pass an examination which has
5143 been approved by the board and shall be citizens of the United
5144 States or, if not citizens of the United States, legally
5145 present in the United States with appropriate documentation
5146 from the federal government."

5147 "§34-17A-11

5148 The board shall approve applicants for an examination
5149 ~~at least once a year~~ at a time and place designated by the
5150 ~~board~~ executive director. Examinations shall include questions
5151 in theoretical and applied fields as the board deems most
5152 suitable to test the knowledge and competence of the applicant



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5153 to engage in the practice of marriage and family therapy."

5154 "§34-17A-12

5155 The board shall issue a license by examination of
5156 credentials to any person licensed or certified as a marriage
5157 and family therapist in another state which has requirements
5158 for licensure that are equivalent to or exceed the
5159 requirements of this state, provided the applicant submits an
5160 application on forms prescribed by the ~~board~~ executive
5161 director and pays the original licensure fee prescribed by
5162 ~~this chapter~~ the executive director."

5163 "§34-17A-13

5164 (a) A fee, in an amount to be determined by the ~~board~~
5165 executive director, shall be paid to the board for original
5166 licensure.

5167 (b) Licenses shall be valid for ~~two years~~ a time period
5168 prescribed by the executive director and shall be renewed
5169 biennially prior to the expiration date. The amount of the
5170 renewal fee shall be determined by the ~~board~~ executive
5171 director. Any applicant for renewal of a license that has
5172 expired shall also be required to pay a late renewal fee
5173 determined by the ~~board~~ executive director.

5174 (c) ~~On or before October 1 of the year preceding~~
5175 ~~expiration of a license, the secretary of the board shall~~
5176 ~~forward to the holder of the license a form of application for~~
5177 ~~renewal thereof.~~ No license shall be renewed unless the
5178 renewal request is accompanied by satisfactory evidence of the
5179 completion ~~during the previous 24 months~~ of relevant
5180 professional and continued educational experience. Upon the



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5181 receipt of the completed application form, evidence of
5182 satisfactory professional and continued educational
5183 experience, and the renewal fee, the ~~secretary~~ executive
5184 director shall issue a new license for the renewal period.

5185 (d) Necessary administrative fees may be charged by the
5186 ~~board, including, but not limited to, reasonable costs for~~
5187 ~~copying, labels, and lists~~ executive director. Examination and
5188 license fees may be adjusted as the ~~board~~ executive director
5189 shall deem appropriate."

5190 "§34-17A-25

5191 ~~There is established a separate revenue trust fund in~~
5192 ~~the State Treasury to be known as the "Alabama Board of~~
5193 ~~Examiners in Marriage and Family Therapy Fund."~~ All receipts
5194 and disciplinary fines collected by the board under this
5195 chapter shall be deposited ~~in this fund and used only to~~
5196 ~~implement this chapter. Monies shall be disbursed only by~~
5197 ~~warrant of the state Comptroller upon the State Treasury, upon~~
5198 ~~itemized vouchers approved by the chair of the board or an~~
5199 ~~authorized designee. No funds shall be withdrawn or expended~~
5200 ~~except as budgeted and allotted according to Sections 41-4-80~~
5201 ~~to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and~~
5202 ~~only in amounts stipulated in general appropriations bills and~~
5203 ~~other appropriations bills~~ into the Occupational and
5204 Professional Licensing Fund."

5205 Section 16. Relating to the Alabama Massage Therapy
5206 Licensing Board; Sections 34-43A-2, 34-43A-5, 34-43A-6, and
5207 34-43A-12, of the Code of Alabama 1975, are amended to read as
5208 follows:



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5209 "§34-43A-2

5210 For purposes of this chapter, the following terms have
5211 the following meanings:

5212 (1) ADVERTISE. To distribute a card, flier, sign, or
5213 device to any individual or entity, or allow any sign or
5214 marking on any building, radio, television, or to publicize by
5215 any other means designed to attract public attention.

5216 (2) BOARD. The Alabama Massage Therapy Licensing Board
5217 created by this chapter.

5218 (3) EXAMINATION. The National Certification Board for
5219 Therapeutic Massage and Bodywork Examination or the Federation
5220 of State Massage Therapy Board's Massage and Bodywork
5221 Licensing Examination administered by an independent agency or
5222 another nationally or internationally accredited examination
5223 administered by an independent agency approved by the board,
5224 or state examination administered by the board. The national
5225 examination shall be accredited by the National Commission for
5226 Certifying Agencies. The board may also administer a written,
5227 oral, or practical examination.

5228 (4) EXECUTIVE DIRECTOR. The Executive Director of the
5229 ~~Alabama Massage Therapy Licensing Board~~ Office of Occupational
5230 and Professional Licensing as defined in Section 25-2B-1.

5231 (5) LICENSE. The credential issued by the board which
5232 allows the holder to engage in the safe and ethical practice
5233 of massage therapy.

5234 (6) MASSAGE THERAPIST. An individual licensed pursuant
5235 to this chapter who practices or administers massage therapy
5236 or related touch therapy modalities to a client for



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5237 compensation.

5238 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
5239 business where massage therapy is practiced by a massage
5240 therapist.

5241 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
5242 is approved by the board to teach the practice of massage
5243 therapy.

5244 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
5245 MODALITIES. a. The mobilization of the soft tissue which may
5246 include skin, fascia, tendons, ligaments, and muscles for the
5247 purpose of establishing and maintaining good physical
5248 condition.

5249 b. The term includes effleurage, petrissage,
5250 tapotement, compression, vibration, stretching, heliotherapy,
5251 superficial hot and cold applications, topical applications,
5252 or other therapy that involves movement either by hand,
5253 forearm, elbow, or foot for the purpose of therapeutic
5254 massage, and any massage, movement therapy, massage
5255 technology, myotherapy, massotherapy, oriental massage
5256 technique, structural integration, acupressure, or polarity
5257 therapy.

5258 c. The term may include the external application and
5259 use of herbal or chemical preparations and lubricants
5260 including, but not limited to, salts, powders, liquids,
5261 nonprescription creams, cups, mechanical devices such as
5262 T-bars, thumpers, body support systems, heat lamps, hot and
5263 cold packs, salt glow, steam cabinet baths, or hydrotherapy.

5264 d. The term does not include laser therapy, microwave,



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5265 injection therapy, manipulation of the joints, or any
5266 diagnosis or treatment of an illness that normally involves
5267 the practice of medicine, chiropractic, physical therapy,
5268 podiatry, nursing, midwifery, occupational therapy,
5269 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
5270 naturopathics.

5271 (10) MASSAGE THERAPY SCHOOL. A school approved by the
5272 board where massage therapy is taught and which is one of the
5273 following:

5274 a. If located in Alabama, approved by the board as
5275 meeting the minimum established standards of training and
5276 curriculum as determined by the board.

5277 b. If located outside of Alabama, recognized by the
5278 board and by a regionally recognized professional accrediting
5279 body.

5280 c. A postgraduate training institute accredited by the
5281 Commission on Massage Therapy Accreditation.

5282 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
5283 parlor, nude studio, modeling studio, love parlor, adult
5284 bookstore, adult movie theater, adult video arcade, adult
5285 motel, or other commercial enterprise which has the offering
5286 for sale, rent, or exhibit, or the exhibit of, items or
5287 services intended to provide sexual stimulation or sexual
5288 gratification to the client.

5289 (12) STUDENT. Any individual who is enrolled in a
5290 massage therapy school."

5291 "§34-43A-5

5292 (a) (1) There is created the Alabama Massage Therapy



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5293 Licensing Board. Commencing on October 1, 2026, the board
5294 shall be subject to the leadership, support, and oversight of
5295 the Executive Director of the Office of Occupational and
5296 Professional Licensing pursuant to Chapter 2B of Title 25.

5297 (2) The purpose of the board is to protect the health,
5298 safety, and welfare of the public by ensuring that massage
5299 therapists, massage therapy schools, and massage therapy
5300 instructors meet prescribed standards of education,
5301 competency, and practice. To accomplish this mission, the
5302 board shall establish standards to ensure completion of all
5303 board functions in a timely and effective manner and to
5304 provide open and immediate access to all relevant public
5305 information. The board shall communicate its responsibilities
5306 and services to the public as part of its consumer protection
5307 duties. The board shall develop and implement a long range
5308 plan to ensure effective regulation and consumer protection.

5309 ~~(2)~~ (3) All rights, duties, records, property, real or
5310 personal, and all other effects existing in the name of the
5311 Alabama Board of Massage Therapy, formerly created and
5312 functioning pursuant to Chapter 43, or in any other name by
5313 which that board has been known, shall continue in the name of
5314 the Alabama Massage Therapy Licensing Board under the
5315 jurisdiction of the Office of Occupational and Professional
5316 Licensing and the executive director. Any reference to the
5317 former Alabama Board of Massage Therapy, or any other name by
5318 which that board has been known, in any existing law,
5319 contract, or other instrument shall constitute a reference to
5320 the Alabama Massage Therapy Licensing Board as created in this



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5321 chapter. All actions of the former Alabama Board of Massage
5322 Therapy or the executive director of the former board taken
5323 prior to June 1, 2024, are approved, ratified, and confirmed.

5324 (3) The status of any individual or entity properly
5325 licensed, accredited, or registered by the former Alabama
5326 Board of Massage Therapy on June 1, 2024, shall continue under
5327 the jurisdiction of the Alabama Massage Therapy Licensing
5328 Board. Any license, accreditation, or registration subject to
5329 renewal on or before October 1, 2024, pursuant to this chapter
5330 may be temporarily extended by six months unless and until
5331 otherwise provided by rule of the board.

5332 (b) (1) The board shall consist of the following nine
5333 members:

5334 a. Three active licensees appointed by the Governor.

5335 b. Two active licensees appointed by the Lieutenant
5336 Governor and one at-large member appointed by the Lieutenant
5337 Governor.

5338 c. Two active licensees appointed by the Speaker of the
5339 House of Representatives and one at-large member appointed by
5340 the Speaker of the House of Representatives.

5341 (2) The seven active massage therapist licensee members
5342 of the board shall be appointed so that not more than one
5343 active licensee member from each United States Congressional
5344 District in the state is appointed to serve at the same time.
5345 The two members appointed from the state at large shall have
5346 never been licensed as massage therapists nor have had any
5347 direct financial interest in the massage therapy profession.
5348 One of the at-large members shall have extensive knowledge of



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5349 sex trafficking and related law enforcement efforts to defeat
5350 sex trafficking. The at-large member appointed by the
5351 Lieutenant Governor and the at-large member appointed by the
5352 Speaker of the House of Representatives shall be appointed
5353 from a list of three names each provided by the Minority
5354 Leader of the Senate and the Minority Leader of the House of
5355 Representatives, respectively. The appointing authorities
5356 shall coordinate their appointments to assure the board
5357 membership is inclusive and reflects the racial, gender,
5358 geographic, urban, rural, and economic diversity of the state.

5359 (3) The members initially appointed to the board shall
5360 be appointed not later than July 1, 2024. Each board member
5361 shall be selected upon personal merit and qualifications, not
5362 per membership or affiliation with an association. Each board
5363 member shall be a citizen of the United States and a resident
5364 of this state for two years immediately preceding appointment.
5365 No member of the board shall serve more than two full
5366 consecutive terms.

5367 (c) Of the initial nine appointees to the board, three
5368 members shall be appointed for terms of two years, three
5369 members shall be appointed for terms of three years, and three
5370 members shall be appointed for terms of four years as
5371 determined by lot. Thereafter, successors shall be appointed
5372 for terms of four years, each term expiring on June 30.

5373 (d) Vacancies on the board occurring prior to the
5374 expiration of a term shall be filled by the original
5375 appointing authority within 30 days after the vacancy to serve
5376 for the remainder of the unexpired term. Each member of the



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5377 board shall serve until his or her successor has been duly
5378 appointed and qualified.

5379 (e) The board shall hold its first meeting within 30
5380 days after the initial members are appointed. At the first
5381 meeting and annually thereafter in the month of October, the
5382 board shall elect a chair and a vice chair from its
5383 membership. The board shall hold two biannual meetings for the
5384 purpose of reviewing license applications. The board may hold
5385 additional meetings at the discretion of the chair and four
5386 members of the board. A quorum of the board shall be a
5387 majority of the current appointed board members. Upon the
5388 written request of any individual, submitted to the board at
5389 least 24 hours in advance of a scheduled meeting, the meeting
5390 shall be recorded electronically, and a copy of the recording
5391 shall be made available, upon request, for 30 calendar days
5392 following the date of the recording.

5393 ~~(f) Board members shall not receive compensation for~~
5394 ~~their services, but shall receive the same per diem and~~
5395 ~~allowance as provided to state employees for each day the~~
5396 ~~board meets and conducts business.~~

5397 ~~(g) (1) Commencing on September 30, 2026, the board may~~
5398 ~~employ, and at its pleasure discharge, an executive director~~
5399 ~~in the unclassified service, officers, and employees subject~~
5400 ~~to the state Merit System as necessary to implement this~~
5401 ~~chapter.~~

5402 ~~(2) When necessary, the board may retain outside~~
5403 ~~counsel who satisfies the qualifications required of a deputy~~
5404 ~~attorney general.~~



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5405 ~~(h) An affirmative vote of a majority of the members of~~
5406 ~~the board shall be required to grant, suspend, or revoke a~~
5407 ~~license to practice massage therapy or a license to operate a~~
5408 ~~massage therapy establishment.~~

5409 ~~(i) The board shall be financed only from income~~
5410 ~~accruing to the board from fees, licenses, other charges and~~
5411 ~~funds collected by the board, and any monies that are~~
5412 ~~appropriated to the board by the Legislature.~~

5413 ~~(j)~~ (f) A board member may be removed at the request of
5414 the board for misfeasance, malfeasance, neglect of duty,
5415 commission of a felony, incompetence, permanent inability to
5416 perform official duties, or failing to attend two consecutive
5417 properly noticed meetings within a one-year period.

5418 ~~(k)~~ (g) Members of the board are immune from liability
5419 for all good faith acts performed in the execution of their
5420 duties as members of the board.

5421 ~~(l)~~ (h) Appointees to the board shall take the
5422 constitutional oath of office and shall file the oath in the
5423 office of the Governor before undertaking any duties as a
5424 board member. Upon receiving the oath, the Governor shall
5425 issue a certificate of appointment to each appointee."

5426 "§34-43A-6

5427 (a) The ~~board~~ executive director shall do all of the
5428 following:

5429 (1) Qualify applicants to take the licensing
5430 examination and issue licenses to successful applicants.

5431 (2) Adopt a seal and affix the seal to all licenses
5432 issued by the board. All licenses shall be on pre-printed,



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5433 sequentially numbered certification forms.

5434 (3) Create application forms for examination and
5435 licensing and assess and collect fees ~~pursuant to~~ established
5436 by the executive director and authorized by this chapter.

5437 (4) Maintain a complete record of all massage
5438 therapists and annually prepare a roster of the names and
5439 addresses of those licensees. A copy of the roster shall be
5440 provided to any individual upon request and the payment of a
5441 fee established by the ~~board~~ executive director in an amount
5442 sufficient to cover the costs of publication and distribution.

5443 (5) Provide for the investigation of any individual who
5444 is suspected of violating this chapter.

5445 (6) Adopt and revise rules as necessary to implement
5446 this chapter pursuant to the Administrative Procedure Act. All
5447 administrative rules of the former Alabama Board of Massage
5448 Therapy existing on June 1, 2024, which reference Chapter 43,
5449 unless in conflict with existing law, shall remain in effect
5450 as rules of the Alabama Massage Therapy Licensing Board until
5451 amended or repealed by that board.

5452 (7) Provide a copy of this chapter, upon request, to
5453 any licensee or applicant for a license.

5454 (8) By rule, require massage therapists, massage
5455 therapy establishments, and massage therapy schools to carry
5456 professional and general liability insurance with an "A" rated
5457 or better insurance carrier in the amount of at least one
5458 million dollars (\$1,000,000). Proof of coverage shall be
5459 provided to the board upon request.

5460 (9) Perform other functions necessary and proper for



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5461 the performance of official duties.

5462 (b) The board may do any of the following:

5463 (1) Accept or deny the application of any individual
5464 applying for a license as a massage therapist upon an
5465 affirmative vote of a majority of the board.

5466 (2) By rule, establish criteria for certifying massage
5467 therapy instructors.

5468 (3) Adopt an annual budget and authorize necessary
5469 expenditures from fees and other available appropriations. The
5470 expenditures of the board may not exceed the revenues of the
5471 board in any fiscal year.

5472 (4) Adopt a code of ethics.

5473 (5) Provide for the inspection of the business premises
5474 of any licensee during normal business hours, upon complaint.

5475 (6) Establish a list of approved massage therapy
5476 schools.

5477 "§34-43A-12

5478 (a) The ~~board~~ executive director, by rule, shall assess
5479 and collect all of the following fees ~~not to exceed~~:

5480 (1) ~~One hundred dollars (\$100) for~~ For an initial
5481 massage therapist license.

5482 (2) ~~One hundred dollars (\$100) for~~ For a biennial
5483 license renewal ~~postmarked or received at the office of the~~
5484 ~~board on or before the expiration date of the license.~~

5485 (3) ~~One hundred dollars (\$100) for~~ For an initial, and
5486 ~~fifty dollars (\$50)~~ for any renewal of, a massage therapy
5487 establishment license.

5488 (4) ~~One hundred fifty dollars (\$150) for~~ For an initial



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5489 registration, and any renewal registration, as a massage
5490 therapy school in this state.

5491 (5) ~~One hundred dollars (\$100) to~~ To register and renew
5492 registration as a massage therapy instructor in this state.

5493 (6) ~~Seventy-five dollars (\$75) to~~ To reactivate an
5494 expired license.

5495 ~~(7) Twenty-five dollars (\$25) shall be added to any~~
5496 ~~license fees not postmarked or received at the office of the~~
5497 ~~board on or before the expiration date of the license.~~

5498 ~~(8) (7) Ten dollars (\$10) for~~ For a duplicate license
5499 certificate or a name change on a license certificate. The
5500 board may issue a duplicate certificate for each massage
5501 therapy establishment on file with the board where the massage
5502 therapist practices massage therapy. The board may issue
5503 additional duplicate certificates only after receiving a sworn
5504 letter from the massage therapist that an original certificate
5505 was lost, stolen, or destroyed. The board shall maintain a
5506 record of each duplicate certificate issued.

5507 (b) Necessary administrative fees may be ~~charged~~
5508 established by the ~~board~~ executive director including, but not
5509 limited to, reasonable costs for copying, labels, and lists,
5510 and the actual costs for completing a criminal history
5511 background check. Examination and license fees may be adjusted
5512 by rule of the board.

5513 (c) ~~Commencing on June 1, 2024, the name of the~~
5514 ~~separate special revenue trust fund in the State Treasury~~
5515 ~~known as the Alabama Board of Massage Therapy Fund shall be~~
5516 ~~renamed and then known as the Alabama Massage Therapy~~



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5517 ~~Licensing Board Fund.~~ All receipts collected by the board
5518 under this chapter shall be deposited ~~in this fund and used~~
5519 ~~only to carry out this chapter. Receipts shall be disbursed~~
5520 ~~only by warrant of the Comptroller, upon itemized vouchers~~
5521 ~~approved by the chair of the board. No funds shall be~~
5522 ~~withdrawn except as budgeted and allotted according to~~
5523 ~~Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12,~~
5524 ~~and only in amounts as stipulated in the general~~
5525 ~~appropriations bill or other appropriations bills~~ into the
5526 Occupational and Professional Licensing Fund."

5527 Section 17. Relating to the State Board of Midwifery;
5528 to amend Sections 34-19-11, 34-19-12, 34-19-13, 34-19-14, and
5529 34-19-15 of the Code of Alabama 1975, to read as follows:

5530 "§34-19-11

5531 The following words and phrases ~~shall~~ have the
5532 following meanings, unless the context clearly indicates
5533 otherwise:

5534 (1) BOARD. The State Board of Midwifery.

5535 (2) EXECUTIVE DIRECTOR. The Executive Director of the
5536 Office of Occupational and Professional Licensing as defined
5537 in Section 25-2B-1.

5538 ~~(2)~~ (3) LICENSED MIDWIFE. A practitioner who holds a
5539 certified professional midwife credential and is licensed by
5540 the board to practice midwifery.

5541 ~~(3)~~ (4) MIDWIFERY. The provision of primary maternity
5542 care during the antepartum, intrapartum, and postpartum
5543 periods."

5544 "§34-19-12



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5545 (a) There is created and established a State Board of
5546 Midwifery to implement and administer this chapter. Commencing
5547 on October 1, 2026, the board shall be subject to the
5548 leadership, support, and oversight of the Executive Director
5549 of the Office of Occupational and Professional Licensing
5550 pursuant to Chapter 2B of Title 25.

5551 ~~(b) The board shall pay all of its expenses from its~~
5552 ~~own funds and no expenses shall be borne by the State of~~
5553 ~~Alabama from the State General Fund.~~

5554 ~~(e)~~ (b) The board shall consist of seven members
5555 appointed by the Governor and subject to confirmation by the
5556 Senate, from a list of qualified individuals nominated by the
5557 designated organization. Each list shall contain the names of
5558 at least two individuals for each position to be filled.

5559 ~~(d)~~ (c) The members of the board shall be appointed for
5560 staggered initial terms and subsequent terms shall be for a
5561 minimum of four years or until his or her successor has been
5562 appointed and qualified.

5563 ~~(e)~~ (d) The board shall meet at least twice each year,
5564 conducting its business in person or by electronic methods.

5565 ~~(f)~~ (e) The board shall elect one of its members to
5566 serve as chair for a two-year term. The chair may not serve
5567 consecutive terms.

5568 ~~(g)~~ (f) The composition of the board shall be as
5569 follows:

5570 (1) Four members shall hold a valid certified
5571 professional midwife credential from the North American
5572 Registry of Midwives. These members shall be appointed from a



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5573 list of names submitted by the Alabama Birth Coalition or its
5574 successor organization. One of these members shall be
5575 appointed to an initial term of four years, one to a term of
5576 three years, and two to a term of two years.

5577 (2) One member shall be a nurse practitioner. This
5578 member shall be appointed to an initial term of four years.

5579 (3) One member shall be a licensed certified nurse
5580 midwife or registered nurse licensed under Article 5 of
5581 Chapter 21. This member shall be appointed from a list
5582 submitted by the Alabama Board of Nursing. This member shall
5583 be appointed to an initial term of three years.

5584 (4) One member shall have used midwifery services in
5585 the state. This member shall be appointed from a list of names
5586 submitted by the Alabama Birth Coalition. This member shall be
5587 appointed to an initial term of three years.

5588 ~~(h)~~ (g) When choosing individuals to be considered by
5589 the Governor for appointment to the board, the nominating
5590 authorities shall strive to assure membership is inclusive and
5591 reflects the racial, gender, geographic, urban, rural, and
5592 economic diversity of the state.

5593 ~~(i)~~ (h) All members of the board shall be immune from
5594 individual civil liability while acting within the scope of
5595 their duties as board members, unless conduct is unreasonable.

5596 ~~(j)~~ (i) Vacancies shall be filled by the Governor and
5597 confirmed by the Senate in the same manner as other
5598 appointments are made. In the case of a vacancy, the new
5599 appointee shall serve for the remainder of the unexpired term.

5600 ~~(k) Members of the board shall serve without~~



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5601 ~~compensation but shall be allowed travel and per diem expenses~~
5602 ~~at the same rate paid to state employees, to be paid from the~~
5603 ~~funds collected for the administration of this chapter, as~~
5604 ~~funds are available.~~

5605 ~~(1) The board may employ, subject to the State Merit~~
5606 ~~System, investigators, inspectors, attorneys, and any other~~
5607 ~~agents, employees, and assistants as may from time to time be~~
5608 ~~necessary, and may use any other means necessary to enforce~~
5609 ~~the provisions of this chapter.~~

5610 ~~(m)~~ (j) (1) A licensed midwife shall file annually with
5611 the board the following information on a form prepared by the
5612 board and accessible on its website:

5613 a. The total number of births attended by the licensed
5614 midwife in the previous year, including births where the
5615 licensed midwife was assisting another licensed midwife.

5616 b. The number of maternal transfers to a health care
5617 facility from births attended by the licensed midwife,
5618 including instances where the licensed midwife was assisting
5619 another licensed midwife.

5620 c. The number of infant transfers to a health care
5621 facility from births attended by the licensed midwife,
5622 including instances where the licensed midwife was assisting
5623 another licensed midwife.

5624 d. The total number of maternal deaths from births
5625 attended by the licensed midwife, including instances where
5626 the licensed midwife was assisting another licensed midwife.

5627 e. The total number of infant deaths from births
5628 attended by the licensed midwife, including instances where



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5629 the licensed midwife was assisting another licensed midwife.

5630 (2) The board shall make the information collected
5631 under this subsection available to the public in accordance
5632 with federal law.

5633 ~~(n)~~ (k) The board shall be subject to the Alabama Sunset
5634 Law, Chapter 20, Title 41, as an enumerated agency as provided
5635 in Section 41-20-3, and shall have a termination date of
5636 October 1, 2021, and every four years thereafter, unless
5637 continued pursuant to the Alabama Sunset Law."

5638 "§34-19-13

5639 All funds received by the board under this chapter
5640 shall be deposited in the State Treasury to the credit of the
5641 ~~board and all such funds are to be appropriated to the board~~
5642 ~~to defray the expenses incurred in carrying out this chapter.~~
5643 ~~The expenses shall include printing, stamps, stationery,~~
5644 ~~clerical help, travel, and other necessary expenditures~~
5645 Occupational and Professional Licensing Fund. In all cases,
5646 any fee that is received by the board shall not be refunded,
5647 and no applicant shall have the right to recover any part of a
5648 fee accompanying his or her application for licensure or
5649 otherwise paid to the board except on the death, disability,
5650 or retirement from practice of any applicant or licensee
5651 between payment of any fee and the expiration of his or her
5652 current renewal or the issuance of the initial license. The
5653 books and records of the board shall be subject to audit in
5654 the same manner and to the same extent as any other state
5655 agency. The ~~board~~ executive director shall keep a true and
5656 accurate account of all funds received by the board and all



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5657 expenditures made by the board."

5658 "§34-19-14

5659 (a) The board shall do all of the following consistent
5660 with this chapter:

5661 (1) Approve, renew, suspend, or revoke licenses for the
5662 practice of midwifery.

5663 (2) Investigate and conduct hearings regarding
5664 complaints against a licensed midwife in order to determine if
5665 disciplinary action is warranted.

5666 ~~(3) Establish reasonable licensure fees, including, but~~
5667 ~~not limited to, initial application, renewal, and~~
5668 ~~reinstatement fees.~~

5669 ~~(4)~~ (3) Develop standardized forms including, but not
5670 limited to, a midwife disclosure form, informed consent form,
5671 emergency care form, and applications for licensure and
5672 renewal.

5673 ~~(5)~~ (4) Impose administrative fines, not to exceed one
5674 thousand dollars (\$1,000) per violation, for violating this
5675 chapter, a board rule, or a condition of a license.

5676 ~~(6)~~ (5) Establish levels of professional liability
5677 insurance that must be maintained by a licensed midwife at a
5678 limit of no less than one hundred thousand dollars (\$100,000)
5679 per occurrence and three hundred thousand dollars (\$300,000)
5680 aggregate.

5681 (b) (1) The board shall adopt rules pursuant to the
5682 Administrative Procedure Act to implement this chapter in a
5683 manner consistent with the most current North American
5684 Registry of Midwives Job Analysis and with essential documents



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5685 developed and published by the Midwives Alliance of North
5686 America. The rules shall include, but not be limited to,
5687 provision for all of the following:

5688 a. Licensing procedures and requirements.

5689 b. Minimum initial and continuing education
5690 requirements for licensure.

5691 c. Standards by which a licensed midwife shall conduct
5692 risk assessment.

5693 d. Standards for professional conduct.

5694 e. A standard procedure for investigating complaints.

5695 f. Requirements for clinical internships for
5696 individuals seeking midwifery training.

5697 (2) The rules shall ensure independent practice.

5698 (c) A licensed midwife may not administer or perform
5699 any of the following obstetric procedures which are outside of
5700 the scope of the licensed practice of midwifery:

5701 (1) An epidural, spinal, or caudal anesthetic.

5702 (2) Any type of narcotic analgesia.

5703 (3) Forceps or a vacuum extractor-assisted delivery.

5704 (4) Abortion.

5705 (5) Cesarean section or any surgery or surgical deliver
5706 except minimal episiotomies.

5707 (6) Pharmacological induction or augmentation of labor
5708 or artificial rupture of membranes prior to the onset of
5709 labor.

5710 (7) Except for the administration of local anesthetic,
5711 administration of an anesthetic.

5712 (8) Administration of any prescription medication in a



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5713 manner that violates the Alabama Uniform Controlled Substance
5714 Act.

5715 (9) Vaginal birth after a cesarean.

5716 (d) A licensed midwife may not perform either of the
5717 following:

5718 (1) Delivery of a diagnosed multiple pregnancy.

5719 (2) Delivery of a baby whose position is diagnosed as
5720 non-cephalic at the onset of labor."

5721 "§34-19-15

5722 (a) An individual desiring to be licensed as a midwife
5723 shall apply to the board on forms provided by the ~~board~~
5724 executive director. Applicants for licensure shall submit
5725 evidence satisfactory to the board that he or she has met all
5726 of the following requirements:

5727 (1) Is at least 21 years of age.

5728 (2) Is a citizen of the United States or, if not a
5729 citizen of the United States, is legally present in the United
5730 States with appropriate documentation from the federal
5731 government.

5732 (3) Has obtained a certified professional midwife
5733 credential through an education program or pathway accredited
5734 by the Midwifery Education Accreditation Council or by another
5735 accrediting agency recognized by the United States Department
5736 of Education.

5737 (b) Notwithstanding subdivision (3) of subsection (a),
5738 the board may license the following:

5739 (1) An applicant who has obtained a certified
5740 professional midwife credential prior to January 1, 2020,



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5741 through a nonaccredited pathway, provided the applicant
5742 obtains the Midwifery Bridge Certificate or completes an
5743 educational program or pathway accredited by the Midwifery
5744 Education Accreditation Council or by another accrediting
5745 agency recognized by the United States Department of
5746 Education.

5747 (2) An applicant who has maintained licensure in a
5748 state that does not require an accredited education, provided
5749 the applicant obtains the Midwifery Bridge Certificate or
5750 completes an educational program or pathway accredited by the
5751 Midwifery Education Accreditation Council or by another
5752 accrediting agency recognized by the United States Department
5753 of Education.

5754 ~~(c) Licenses shall be valid for a period of 24 months.~~

5755 ~~(d)~~ (c) Following the contested case provisions of the
5756 Administrative Procedure Act, the board may suspend or revoke
5757 a license, or it may refuse to grant a license to an applicant
5758 for licensure, if the licensee or applicant:

5759 (1) Has obtained a license by means of fraud,
5760 misrepresentation, or concealment of material facts, including
5761 making a false statement on an application or any other
5762 document required by the board for licensure.

5763 (2) Has engaged in unprofessional conduct pursuant to
5764 rules adopted by the board.

5765 (3) Has been convicted of any felony.

5766 (4) Has performed an act that exceeds the scope of
5767 practice granted by the board to the licensed midwife.

5768 (5) Has had his or her license revoked, suspended, or



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5769 denied in any other territory or jurisdiction of the United
5770 States for any act described in this subsection.

5771 ~~(e)~~ (d) The board shall maintain an up-to-date list of
5772 every individual licensed to practice midwifery pursuant to
5773 this chapter and individuals whose licenses have been
5774 suspended, revoked, or denied. The information on the list
5775 shall be available for public inspection during reasonable
5776 business hours and the information may be shared with others
5777 as deemed necessary and acceptable by the board. The list
5778 shall include the name of the individual, the date and the
5779 cause of action, the penalty incurred, and the length of the
5780 penalty."

5781 Section 18. Relating to the Alabama Private
5782 Investigation Board; to amend Sections 34-25B-2, 34-25B-4,
5783 34-25B-5, 34-25B-7, 34-25B-8, 34-25B-11, 34-25B-13, 34-25B-17,
5784 34-25B-25, 34-25B-26, 34-25B-27, 34-25B-51, and 34-25B-53 of
5785 the Code of Alabama 1975, to read as follows:

5786 "§34-25B-2

5787 As used in this chapter, the following terms have the
5788 following meanings:

5789 (1) BOARD. The Alabama Private Investigation Board.

5790 (2) EXECUTIVE DIRECTOR. The Executive Director of the
5791 Office of Occupational and Professional Licensing as defined
5792 in Section 25-2B-1.

5793 ~~(2)~~ (3) FELONY. A criminal offense that is defined and
5794 punishable under the laws of this state, or an offense
5795 committed outside the State of Alabama, which if committed in
5796 this state, would constitute a felony under Alabama law; a



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5797 crime in any other state or a crime against the United States
5798 which is designated as a felony; or an offense in any other
5799 state, territory, or country punishable by imprisonment for a
5800 term exceeding one year.

5801 ~~(3)~~ (4) PRIVATE INVESTIGATION. The compensated act of
5802 any individual or company engaging in the business of
5803 obtaining or furnishing information with reference to any of
5804 the following:

5805 a. A crime committed or threatened against the United
5806 States or any state or territory of the United States.

5807 b. The identity, habits, conduct, business, occupation,
5808 honesty, integrity, credibility, including, but not limited
5809 to, the credibility of an individual giving testimony in a
5810 criminal or civil proceeding, knowledge, trustworthiness,
5811 efficiency, loyalty, activity, movement, whereabouts,
5812 affiliations, associations, transactions, acts, reputations,
5813 or character of any individual.

5814 c. The location, disposition, or recovery of lost or
5815 stolen property.

5816 d. The cause or responsibility for fires, losses,
5817 accidents, damages, or injuries to individuals or to property.

5818 ~~(4)~~ (5) PRIVATE INVESTIGATION AGENCY. A corporation,
5819 firm, partnership, or other business entity that, for
5820 compensation, practices private investigation in this state
5821 and employs licensed private investigators. The term includes
5822 a business entity that practices private investigation through
5823 licensed private investigators who are solely independent
5824 contractors rather than employees.



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5825 ~~(5)~~ (6) PRIVATE INVESTIGATOR. a. An individual who, for
5826 compensation, performs one or more of the private
5827 investigation services defined and regulated by this article.

5828 b. An individual who, for consideration, advertises as
5829 providing or performing private investigation. The term does
5830 not include an informant who, on a one time or limited basis,
5831 as a result of a unique expertise, ability, or vocation, and
5832 who provides information or services while under the direction
5833 and control of a licensee of the board, that would otherwise
5834 be included in the definition of private investigation.

5835 c. An individual who is engaged in private
5836 investigation and who is licensed in accordance with this
5837 article.

5838 ~~(6)~~ (7) PRIVATE INVESTIGATOR APPRENTICE. An individual
5839 who is engaged in private investigation under the supervision
5840 of a licensed private investigator and who is licensed in
5841 accordance with this article. "

5842 "§34-25B-4

5843 (a) There is created the Alabama Private Investigation
5844 Board. Commencing on October 1, 2026, the board shall be
5845 subject to the leadership, support, and oversight of the
5846 Executive Director of the Office of Occupational and
5847 Professional Licensing pursuant to Chapter 2B of Title 25. The
5848 appointing authorities shall coordinate their appointments to
5849 assure the membership of the board is inclusive and reflects
5850 the racial, gender, geographic, urban, rural, and economic
5851 diversity of the state.

5852 (b) Private investigator members shall have had five



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5853 years of experience as an investigator prior to his or her
5854 appointment. Beginning on August 1, 2018, each private
5855 investigator member appointed to the board shall have been
5856 licensed pursuant to this article as a private investigator
5857 for a period of at least five years prior to his or her
5858 appointment.

5859 (c) The following members shall be appointed to the
5860 board:

5861 (1) Three individuals appointed by the Governor, two of
5862 whom shall be private investigators and one of whom shall be a
5863 consumer who will represent the public at large.

5864 (2) One individual appointed by the Lieutenant
5865 Governor, who shall be a private investigator.

5866 (3) One individual appointed by the Speaker of the
5867 House of Representatives who shall be a private investigator.

5868 (4) One individual appointed by the Attorney General
5869 who shall be a private investigator.

5870 (5) One individual appointed by the Alabama State Bar
5871 Association who shall be a member in good standing of the bar.

5872 (6) One individual appointed by the Alabama Private
5873 Investigators Association who shall be a private investigator.

5874 (d) All members of the board shall be appointed for a
5875 term of four years and shall serve until their successors are
5876 appointed and qualified by subscribing to the constitutional
5877 oath of office.

5878 (e) Any vacancy occurring on the board shall be filled
5879 by the appointing authority of the vacating member for the
5880 unexpired term.



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5881 (f) No member may be appointed to succeed himself or
5882 herself for more than three consecutive full terms.

5883 (g) The appointing authority may remove a member of the
5884 board for misconduct, incompetency, or willful neglect of
5885 duty. The board may recommend to the appointing authority
5886 suggested administrative actions that may be taken against a
5887 board member for missing an excessive number of meetings."

5888 "§34-25B-5

5889 ~~(a) The board is declared to be a quasi-judicial body.~~

5890 Absent negligence, wantonness, recklessness, or deliberate
5891 misconduct, the members and the employees of the board are
5892 granted immunity from civil liability and may not be liable
5893 for damages when acting in the performance of their duties
5894 under this chapter.

5895 (b) Board members ~~and employees~~ shall be defended by
5896 the Attorney General in regard to any criminal or civil
5897 litigation filed against them based on the performance of
5898 their official duties under this chapter."

5899 "§34-25B-7

5900 ~~(a) There is created in the State Treasury for the use~~
5901 ~~of the board a fund to be known as the Alabama Private~~
5902 ~~Investigation Board Fund.~~ All application and license fees,
5903 penalties, fines, and any other funds collected by the board
5904 related to private investigators, private investigator
5905 apprentices, private investigation agencies, and the
5906 implementation of this article, shall be deposited ~~in this~~
5907 ~~fund and used only to carry out the operations of the board~~
5908 into the Occupational and Professional Licensing Fund. The



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5909 executive director may establish fees ~~that the board may~~
5910 ~~charge, collect, and deposit into the fund shall include~~
5911 including, but not be limited to, all of the following:

5912 (1) An application fee for an original license and for
5913 an inactive status certificate.

5914 (2) A renewal fee for a license and for an inactive
5915 status certificate.

5916 (3) A reinstatement application fee.

5917 (4) A late renewal fee.

5918 (5) A change of information fee.

5919 (6) A replacement license fee.

5920 (7) An inactive license fee.

5921 (8) An issuance fee for a private investigator license,
5922 a private investigator apprentice license, or a private
5923 investigation agency license.

5924 (9) Reasonable and necessary administrative fees that
5925 reflect the actual cost of services provided.

5926 ~~(b) No monies shall be withdrawn or expended from the~~
5927 ~~fund for any purpose unless the monies have been appropriated~~
5928 ~~by the Legislature and allocated pursuant to this chapter. Any~~
5929 ~~monies appropriated shall be budgeted and allotted pursuant to~~
5930 ~~the Budget Management Act in accordance with Article 4,~~
5931 ~~commencing with Section 41-4-80, of Chapter 4 of Title 41, and~~
5932 ~~only in the amounts provided by the Legislature in the general~~
5933 ~~appropriations act or other appropriations act.~~

5934 ~~(c) All expenses incurred by the board in implementing~~
5935 ~~and administering this article shall be paid out of the fund."~~

5936 "§34-25B-8



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5937 (a) The board may ~~promulgate~~ adopt rules necessary to
5938 implement this chapter and accomplish its objectives subject
5939 to the Alabama Administrative Procedure Act.

5940 (b) The board may ~~promulgate~~ adopt and establish canons
5941 of ethics and minimum acceptable professional standards of
5942 practice for licensees within any rules that it adopts.

5943 ~~(c) The board may hire personnel necessary or as~~
5944 ~~advisable to carry out the purposes and provisions of this~~
5945 ~~chapter. With the exception of the Executive Director, all~~
5946 ~~personnel shall be subject to the provisions of the state~~
5947 ~~Merit System Act.~~

5948 ~~(d)~~ (c) The Attorney General shall provide legal
5949 services to the board ~~and board employees~~ in connection with
5950 official duties and actions of the board."

5951 "§34-25B-11

5952 (a) Except as provided in subsection (b), an
5953 application and all information on an application for
5954 licensure as a private investigator, private investigator
5955 apprentice, or private investigation agency shall be treated
5956 as confidential and shall be filed with the board on forms
5957 prescribed by the ~~board~~ executive director. The application
5958 shall include all of the following information of the
5959 applicant:

5960 (1) His or her full name.

5961 (2) His or her date and place of birth.

5962 (3) All residences during the immediate past five
5963 years.

5964 (4) All employment or occupations engaged in during the



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5965 immediate past five years.

5966 (5) Three sets of classifiable fingerprints or
5967 electronic fingerprints or criminal history background
5968 information, or both, as approved by the board for initial
5969 licensure.

5970 (6) A list of convictions and pending charges involving
5971 a felony or misdemeanor in any jurisdiction.

5972 (b) The board may publish the name of a licensee and
5973 his or her license number, date of licensure, and license
5974 status on the website of the board and in any licensee
5975 directory printed or distributed by the board. Additionally,
5976 with written permission of the licensee, the board may release
5977 or publish contact information for a licensee, including his
5978 or her email address, website, telephone number, and address."

5979 "§34-25B-13

5980 (a) Upon receipt of an application for a license as a
5981 private investigator pursuant to this article, nonrefundable,
5982 nonprorateable application fees shall be submitted to the
5983 board by the applicant for both of the following services:

5984 (1) A request that the Alabama State Law Enforcement
5985 Agency perform a state criminal history background check on
5986 the fingerprints submitted with the application. On subsequent
5987 applications, the Alabama State Law Enforcement Agency, at the
5988 request of the board, shall review its criminal history files
5989 based upon the name, date of birth, sex, race, and Social
5990 Security number of an applicant whose fingerprints have
5991 previously been submitted to the agency for any new
5992 information since the date of the initial fingerprint



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5993 submission, and shall furnish any information thereby derived
5994 to the board.

5995 (2) A request to submit the fingerprints to the Federal
5996 Bureau of Investigation for completion of a national criminal
5997 history background check.

5998 (b) After the approval of the application by the board,
5999 the board shall issue a license in a form prescribed by the
6000 board to each qualified applicant upon its receipt of a
6001 nonrefundable, nonprorateable private investigator license fee
6002 as set by the ~~board~~ executive director.

6003 (c) (1) If an application for a license is denied, the
6004 board shall notify the applicant in writing and specify the
6005 grounds for denial. If the grounds are subject to correction
6006 by the applicant, the notice shall so state and specify a
6007 reasonable period of time within which the applicant shall
6008 make the required correction.

6009 (2) The applicant may submit an application for
6010 reconsideration to the board within 30 days from the date of
6011 receipt of the denial.

6012 (d) The board shall issue a license to all licensees
6013 that shall be at least 8" x 10" in size and shall be displayed
6014 on a wall of the workplace of the licensee. All licenses and
6015 identification cards issued by the board shall be deemed
6016 property of the State of Alabama and subject to forfeiture to
6017 the state upon revocation."

6018 "§34-25B-17

6019 ~~(a) All licenses issued or renewed under this article~~
6020 ~~shall be valid for a period of two years from the month of~~



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6021 ~~issuance. The board shall mail to each licensee, at his or her~~
6022 ~~address of record, a notice of renewal at least 60 days prior~~
6023 ~~to the expiration of his or her license.~~ An application for
6024 renewal shall be available for download by the licensee on the
6025 website of the board. A licensee shall report any change of
6026 address to the board.

6027 (b) Each application for renewal shall be reviewed for
6028 criminal convictions and civil fraud findings.

6029 (c) An administrative late fee ~~not exceeding two~~
6030 ~~hundred dollars (\$200),~~ as prescribed by the ~~board~~ executive
6031 director, shall be assessed on any renewal application
6032 postmarked after the expiration date of the license.

6033 ~~(d) A renewal application may not be accepted by the~~
6034 ~~board more than 30 days after the expiration date of the~~
6035 ~~license. This subsection may be waived by the board for good~~
6036 ~~cause.~~

6037 ~~(e)~~ (d) A licensee may request, in writing, for the
6038 board to place his or her license on inactive status. The fees
6039 for issuing and renewing an inactive status certificate shall
6040 be established by rule of the ~~board~~ executive director. The
6041 board shall also provide, by rule, for the activities an
6042 inactive status certificate holder may engage in, and for the
6043 procedure ~~and fees~~ required to reinstate an inactive status
6044 license. Any holder of an inactive status certificate who
6045 violates the limitations of the certificate shall be subject
6046 to fines and disciplinary action established by rule of the
6047 board."

6048 "§34-25B-25



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6049 ~~(a) There is created within the board a Division of~~
6050 ~~Investigation that shall be the board's official investigative~~
6051 ~~agency.~~

6052 ~~(b)~~ (a) Each licensee shall provide to the ~~investigative~~
6053 ~~division staff~~ executive director all records that pertain to
6054 the exact nature of the complaint under investigation and upon
6055 the issuance of a subpoena.

6056 ~~(c)~~ (b) The board or ~~an~~ the executive director ~~of the~~
6057 ~~board~~ may subpoena those persons or documents necessary to any
6058 investigation undertaken under this chapter if other means
6059 including, but not limited to, notification by return receipt
6060 registered United States mail, have not produced the desired
6061 results. Any subpoena issued shall be limited to
6062 investigations by the board of its members and shall not
6063 extend to any other matter."

6064 "§34-25B-26

6065 (a) Each private investigator licensee shall complete
6066 16 hours of continuing professional education, including two
6067 hours of ethics instruction, acceptable to the board in each
6068 ~~two-year~~ renewable licensing period.

6069 (b) The board shall adopt rules as necessary to
6070 implement this section."

6071 "§34-25B-27

6072 (a) Any person offering private investigation training
6073 must first be certified by the board. The board shall ensure
6074 that the instructors employed by the training provider possess
6075 both the experience and academic credentials to ensure that
6076 the curriculum and instruction will be beneficial to those



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6077 seeking to enter the profession. In order to qualify as a
6078 certified trainer or instructor, or both, the trainer shall
6079 meet the following criteria that he or she:

6080 (1) Is at least 21 years of age.

6081 (2) Has had at least three years' experience
6082 satisfactory to the board with an investigative company or
6083 proprietary entity or with any federal, United States
6084 Military, state, county, or municipal law enforcement agency
6085 relating to the block of instruction.

6086 (3) Is personally qualified to conduct the training
6087 required by this chapter and is certified by the board which
6088 shall establish standards for the instruction process.

6089 (b) A certified trainer, in his or her discretion, may
6090 instruct personally or use a combination of personal,
6091 instruction, audio, and visual training aids.

6092 (c) To assist in the implementation of a training
6093 program, the certified trainer may use as an assistant trainer
6094 any person who meets each of the following requirements that
6095 the assistant:

6096 (1) Is at least 19 years of age.

6097 (2) Has had at least one year of experience with an
6098 investigative company or any United States Military, state,
6099 county, or municipal law enforcement agency.

6100 (d) A certified trainer may be an employee of a private
6101 investigative or propriety agency or, if not, employed by an
6102 agency as a company under this chapter.

6103 (e) The certified trainer shall certify that he or she
6104 has successfully completed the training and shall submit the



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6105 certification to the board.

6106 (f) The training program, ~~fees~~, and requirements shall
6107 be established by rules ~~promulgated~~ adopted by the board."

6108 "§34-25B-51

6109 (a) Application for a license as a private
6110 investigation agency shall be made in writing to the board, on
6111 forms prescribed by the ~~board~~ executive director, and shall
6112 include all of the following information:

6113 (1) The name of the applicant.

6114 (2) The business name and physical and email address of
6115 the applicant.

6116 (3) A telephone number and other contact information
6117 for the applicant.

6118 (4) If the applicant is not a domestic business entity
6119 in the state, the name and contact information for the
6120 registered agent of the applicant for service of process.

6121 (5) The name, address, and contact information of a
6122 principal contact for the applicant.

6123 (6) The name, address, and contact information for at
6124 least one officer or principal of the company who holds a
6125 valid private investigator license in this state.

6126 (7) An irrevocable uniform consent to service of
6127 process.

6128 (8) A designated physical address where the records of
6129 the applicant shall be kept.

6130 (9) Any other information required by the board and
6131 reasonably necessary to grant licensure, as established by
6132 rule of the board.



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6133 (b) Upon receipt of a properly completed application
6134 and payment of a license fee as ~~provided in this subsection~~
6135 established by the executive director, the board shall issue
6136 the applicant a private investigation agency license.

6137 ~~(1) For a private investigation agency domiciled within~~
6138 ~~this state, the license fee and renewal fee shall be in an~~
6139 ~~amount determined by the board, not exceeding fifty dollars~~
6140 ~~(\$50) for a private investigation agency that employs or~~
6141 ~~contracts with not more than two licensed private~~
6142 ~~investigators, and not exceeding two hundred dollars (\$200)~~
6143 ~~for a private investigation agency that employs or contracts~~
6144 ~~with three or more licensed private investigators.~~

6145 ~~(2) For a private investigation agency domiciled~~
6146 ~~outside of this state, the license fee shall be in an amount~~
6147 ~~determined by the board, not exceeding five hundred dollars~~
6148 ~~(\$500).~~

6149 (c) A private investigation agency license ~~shall be~~
6150 ~~valid for two years from the month of issuance and~~ may be
6151 renewed upon payment of the license fee provided in subsection
6152 (b) and the satisfaction of any other reasonable requirement
6153 established by rule by the board."

6154 "§34-25B-53

6155 (a) The board shall mail or email to each private
6156 investigation agency licensee a notice of renewal ~~at least 60~~
6157 ~~days~~ a reasonable time prior to the expiration of the license.
6158 An application for renewal shall be available for download by
6159 the licensee on the website of the board. A licensee shall
6160 report any change of address to the board.



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6161 (b) An administrative late fee, ~~not exceeding two~~
6162 ~~hundred dollars (\$200)~~ as prescribed by rule of the ~~board~~
6163 executive director, shall be assessed on any renewal
6164 application postmarked after the expiration date of the
6165 license.

6166 ~~(c) A renewal application may not be accepted by the~~
6167 ~~board more than 30 days after the expiration date of the~~
6168 ~~license. This subsection may be waived by the board for good~~
6169 ~~cause."~~

6170 Section 19. Relating to the Alabama State Board of
6171 Prosthetists and Orthotists; to amend Sections 34-25A-3,
6172 34-25A-5, 34-25A-7, 34-25A-8, 34-25A-9, 34-25A-10, 34-25A-11,
6173 and 34-25A-12 of the Code of Alabama 1975, to read as follows:

6174 "§34-25A-3

6175 As used in this chapter, the following terms have the
6176 following meanings:

6177 (1) ACCREDITED FACILITY. A facility where prosthetic,
6178 orthotic, prosthetic and orthotic, or pedorthic care is
6179 provided to patients needing such care and has met the
6180 requirements of the board for such designation. The board
6181 shall require that all accredited facilities meet the
6182 requirements of a national certifying board, recognized by the
6183 state board in prosthetics, orthotics, and pedorthics. The
6184 requirements may include custom and non-custom items the board
6185 may determine are necessary to perform quality care and are
6186 typical in the course of business.

6187 (2) ACCREDITED PEDORTHIC FACILITY. A facility where
6188 pedorthic care may be provided that has met the requirements



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6189 of the board for such designation. An accredited pedorthic
6190 facility shall contain a site that includes at least the
6191 following equipment: Sanding/grinding equipment suitable for
6192 use, an oven for plastics and foams used in the fabrication of
6193 pedorthic devices, and a vacuum device for forming pedorthic
6194 devices.

6195 (3) AUTHORIZED HEALTH CARE PRACTITIONER. A physician
6196 licensed to practice medicine or a person licensed or
6197 authorized to practice podiatry pursuant to Article 6,
6198 commencing with Section 34-24-230, of Chapter 24.

6199 (4) BOARD. The Alabama State Board of Prosthetists and
6200 Orthotists.

6201 (5) CHIROPRACTOR. A person licensed and acting within
6202 the definition as found in Section 34-24-120.

6203 (6) EXECUTIVE DIRECTOR. The Executive Director of the
6204 Office of Occupational and Professional Licensing as defined
6205 in Section 25-2B-1.

6206 ~~(6)~~ (7) MASTECTOMY FITTER. A health care professional
6207 who is specifically educated and trained in the provision of
6208 breast prostheses and post-mastectomy services, including
6209 patient assessment, formulation of a treatment plan,
6210 implementation of the treatment plan, and follow-up and
6211 practice management, which is consistent with national
6212 programs approved by the state board.

6213 ~~(7)~~ (8) OCCUPATIONAL THERAPIST/OCCUPATIONAL THERAPIST
6214 ASSISTANT/OCCUPATIONAL THERAPIST AIDE. A person who is
6215 licensed as an occupational therapist, or occupational therapy
6216 assistant, or occupational therapy aide as defined in Section



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6217 34-39-3.

6218 ~~(8)~~ (9) ORTHOSIS. A custom-fabricated, definitive brace
6219 or support that is designed for long-term use.

6220 Custom-fabricated orthoses, also known as custom-made
6221 orthoses, are devices designed and made from raw materials or
6222 commercially available components for a specific patient and
6223 require the generation of an image, form, or mold that
6224 replicates the patient's body or body segment and involves the
6225 rectification of dimensions, contours, and volumes to achieve
6226 proper fit, comfort, and function for that specific patient.
6227 Except for the treatment of scoliosis, orthosis does not
6228 include prefabricated or direct-formed orthotic devices, as
6229 defined in this subdivision and does not include any of the
6230 following items: Commercially available knee orthoses used
6231 following injury or surgery; upper extremity adaptive
6232 equipment; finger splints; leather wrist gauntlets; face masks
6233 used following burns; wheelchair seating that is an integral
6234 part of the wheelchair and not worn by the patient independent
6235 of the wheelchair; fabric or elastic supports; corsets; arch
6236 supports, also known as non-custom or prefabricated orthotics;
6237 low-temperature formed plastic splints; trusses; elastic hose;
6238 canes; crutches; cervical collars; dental appliances, and
6239 other similar devices as determined by the board, such as
6240 those commonly carried in stock by a pharmacy, hospital,
6241 rehabilitation facility, department store, corset shop, or
6242 surgical supply facility. Prefabricated orthoses, also known
6243 as custom-fitted or off-the-shelf, are devices that are
6244 manufactured as commercially available items for no particular



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6245 patient, but those devices that can be formed or shaped by a
6246 person licensed under this chapter are considered custom made.
6247 Direct-formed orthoses are devices formed or shaped during the
6248 molding process directly on the patient's body or body
6249 segment.

6250 ~~(9)~~ (10) ORTHOTIC FITTER. A health care practitioner,
6251 licensed with the board, who is specifically educated and
6252 trained in the provision of certain orthoses, including
6253 patient assessment, formulation of a treatment plan,
6254 follow-up, and practice management, consistent with national
6255 programs approved by the state board.

6256 ~~(10)~~ (11) ORTHOTICS. The science and practice of
6257 evaluating, measuring, designing, fabricating, assembling,
6258 fitting, adjusting, or servicing, as well as providing the
6259 initial training necessary to accomplish the fitting of, an
6260 orthosis for the support, correction, or alleviation of
6261 neuromuscular or musculoskeletal dysfunction, disease, injury,
6262 or deformity. The practice of orthotics encompasses
6263 evaluations and consultation and continuing care, with basic
6264 observational gait and posture analysis. Orthotists assess the
6265 need for and measure, design, manufacture, and fit orthoses to
6266 maximize function and provide not only the support but the
6267 alignment necessary to either prevent or correct deformity or
6268 to improve the safety and efficiency of mobility or
6269 locomotion, or both. Orthotic practice includes periodic
6270 evaluation and consultation to assess its effect on the
6271 patient's tissue and assure proper fit and function of the
6272 orthotic device.



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6273 ~~(11)~~ (12) ORTHOTIC SUPPLIER. A person registered with
6274 the board who is employed by or has a contractual relationship
6275 with a manufacturer of orthoses or orthosis components and who
6276 has complied with the registration requirements of the board.

6277 ~~(12)~~ (13) ORTHOTIST. A person licensed to practice
6278 orthotics under this chapter.

6279 ~~(13)~~ (14) ORTHOTIST ASSISTANT. A person licensed under
6280 terms to be defined by the board and employed by the same
6281 agency as his or her licensed referring evaluator.

6282 ~~(14)~~ (15) PEDORTHIC DEVICE. Custom therapeutic shoes,
6283 diabetic shoes if prescribed by an authorized health care
6284 practitioner for the treatment of partial or complete
6285 amputation of the foot, foot ulceration, pre-ulcerative
6286 callous, or foot deformity, shoe modifications made for
6287 therapeutic purposes, partial foot prostheses, and foot
6288 orthoses and orthoses for use from the knee and below used for
6289 the treatment or alleviation, or both, of a condition that has
6290 its origin in the foot. A pedorthic device, custom or
6291 non-custom, addresses a medical condition of the foot below
6292 the ankle and is prescribed by an authorized health care
6293 practitioner.

6294 ~~(15)~~ (16) PEDORTHICS. The design, manufacture,
6295 modification, or fit of custom shoes, orthoses, and pedorthic
6296 devices to prevent or alleviate foot problems caused by
6297 disease, congenital defect, overuse, or injury.

6298 ~~(16)~~ (17) PEDORTHIST. A person who is licensed to
6299 practice pedorthics under this chapter.

6300 ~~(17)~~ (18) PHYSICAL THERAPIST/PHYSICAL THERAPIST



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6301 ASSISTANT/PHYSICAL THERAPIST TECHNICIAN. A person who is
6302 licensed to practice as defined in Section 34-24-191.

6303 ~~(18)~~ (19) PHYSICIAN. A person who is a doctor of
6304 medicine or a doctor of osteopathy licensed to practice.

6305 ~~(19)~~ (20) PODIATRIST. A person licensed or authorized to
6306 practice podiatry pursuant to Article 6 of Chapter 24.

6307 ~~(20)~~ (21) PROSTHESIS. A definitive artificial limb that
6308 is alignable or articulated or, in lower extremity
6309 applications, capable of bearing weight. Prosthesis means an
6310 artificial medical device that is not surgically implanted and
6311 that is used to replace a missing limb, appendage, or other
6312 external human body part and that includes an artificial limb,
6313 hand, or foot. The term does not include artificial eyes,
6314 ears, dental appliances, ostomy products, devices such as
6315 artificial breasts or eyelashes, wigs, or other devices as
6316 determined by the board that do not have a significant impact
6317 on the musculoskeletal functions of the body.

6318 ~~(21)~~ (22) PROSTHETICS. The science and practice of
6319 evaluating, measuring, designing, fabricating, assembling,
6320 fitting, aligning, adjusting, or servicing, as well as
6321 providing the initial education necessary to accomplish the
6322 wearing and use of a prosthesis, through the replacement of
6323 external parts of a human body lost due to amputation or
6324 congenital deformities or absences. The practice of
6325 prosthetics also includes the generation of an image, form, or
6326 mold that replicates the patient's body or body segment and
6327 that requires rectification of dimensions, contours, and
6328 volumes for use in the design and fabrication of a socket to



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6329 accept a residual limb to create an artificial appendage that
6330 is designed either to support body weight or to improve or
6331 restore function or cosmesis, or both. Involved in the
6332 practice of prosthetics is observational gait analysis and
6333 clinical assessment of the requirements necessary to refine
6334 and mechanically fix the relative position of various parts of
6335 the prosthesis to maximize the function, stability, and safety
6336 of the patient. The practice of prosthetics includes
6337 evaluation, consultation, and providing continuing patient
6338 care in order to assess the effect of the prosthetic device on
6339 the patient's tissues and to assure proper fit and function of
6340 the prosthetic device.

6341 ~~(22)~~ (23) PROSTHETIST. A person who is licensed to
6342 practice prosthetics under this chapter.

6343 ~~(23)~~ (24) PROSTHETIST ASSISTANT. A person licensed under
6344 terms to be defined by the board and employed by the same
6345 agency as his or her licensed referring evaluator.

6346 ~~(24)~~ (25) PROSTHETIST/ORTHOTIST. A person licensed to
6347 practice prosthetics and orthotics under this chapter.

6348 ~~(25)~~ (26) THERAPEUTIC SHOE FITTER. A health care
6349 professional who is licensed by the board and who is
6350 specifically educated and trained to provide non-custom
6351 therapeutic shoes and non-custom multi-density inserts. This
6352 includes patient assessment, formulation of a plan,
6353 implementation of the treatment plan, follow-up, and practice
6354 management."

6355 "§34-25A-5

6356 (a) Except as provided in subsection (h) or (i), no



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6357 person shall administer prosthetic, orthotic, or pedorthic
6358 care in this state unless licensed or registered to do so in
6359 accordance with this chapter. The ~~board~~ executive director
6360 shall issue approved forms for application ~~prior to January 1,~~
6361 ~~2003.~~

6362 (b) In order to obtain a license as a prosthetist,
6363 orthotist, or prosthetist/orthotist in this state, an
6364 applicant shall be a citizen of the United States or, if not a
6365 citizen of the United States, a person who is legally present
6366 in the United States with appropriate documentation from the
6367 federal government, and shall do the following:

6368 (1) File a written application on forms ~~to be~~ developed
6369 ~~and approved~~ by the ~~board~~ executive director. The applicant
6370 shall meet at least one of the following requirements after a
6371 one-year grandfather period:

6372 a. The applicant shall possess a baccalaureate degree
6373 in orthotics and prosthetics from a college or university
6374 accredited by a regional accrediting agency and complete 1,900
6375 hours per discipline sought of directed employment under the
6376 supervision of a certified/licensed prosthetist, a
6377 certified/licensed orthotist or a certified/licensed
6378 prosthetist/orthotist in an accredited facility, and be
6379 certified as a prosthetist, orthotist, or
6380 prosthetist/orthotist by a national certifying board in
6381 orthotics or prosthetics approved by the state board.

6382 b. The applicant shall possess a baccalaureate degree
6383 from a regionally accredited college or university and have
6384 successfully completed a post-baccalaureate certificate course



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6385 approved by the board and completed 1,900 hours of directed
6386 employment per discipline in which license is sought under the
6387 supervision of a certified/licensed prosthetist, a
6388 certified/licensed orthotist, or a certified/licensed
6389 prosthetist/orthotist in an accredited facility, and be
6390 certified by a national certifying board in prosthetics or
6391 orthotics approved by the state board.

6392 c. The applicant shall possess an associate's degree
6393 from a regionally accredited college or university, junior
6394 college, or community college and have successfully completed
6395 postsecondary coursework in anatomy, physiology, physics,
6396 biology, chemistry, algebra, and calculus and have worked
6397 under the supervision of a certified/licensed prosthetist, a
6398 certified/licensed orthotist, or a certified/licensed
6399 prosthetist/orthotist for not less than four consecutive years
6400 of the past six years in an accredited facility, and be
6401 certified by a national certifying board in prosthetics or
6402 orthotics approved by the state board.

6403 d. The applicant shall have successfully completed
6404 postsecondary coursework in anatomy, physiology, physics,
6405 biology, chemistry, algebra, and calculus and have worked
6406 under the supervision of a certified/licensed prosthetist, a
6407 certified/licensed orthotist, or a certified/licensed
6408 prosthetist/orthotist for not less than eight years of the
6409 last 12 years and be certified as a prosthetist, orthotist, or
6410 prosthetist/orthotist by a national certifying board approved
6411 by the state board.

6412 (2) Any applicant after the first year following the



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6413 board's issuance of applications shall meet the requirements
6414 of subdivision (b)(1) prior to receiving a license as a
6415 prosthetist, an orthotist, or a prosthetist/orthotist.

6416 (c) In order to obtain a license as a pedorthist in
6417 this state, an applicant shall be a citizen of the United
6418 States or, if not a citizen of the United States, a person who
6419 is legally present in the United States with appropriate
6420 documentation from the federal government, and shall file a
6421 written application on forms ~~to be~~ developed ~~and approved~~ by
6422 the ~~board~~ executive director. Applicants shall be in good
6423 standing as a certified pedorthist with a national certifying
6424 board approved by the state board.

6425 (d) In order to obtain registration as an orthotic
6426 supplier, an applicant shall be a citizen of the United States
6427 or, if not a citizen of the United States, a person who is
6428 legally present in the United States with appropriate
6429 documentation from the federal government, and shall do the
6430 following:

6431 (1) File a written application on ~~forms to be~~ a form
6432 developed ~~and approved~~ by the ~~board~~ executive director. ~~Such~~
6433 ~~forms~~ The form shall require personal information such as full
6434 name, current address, educational status and history, and
6435 work history for the last five years of employment.

6436 (2) The application forms shall be accompanied, when
6437 submitted, by attestation of employment by or contractual
6438 relationship with a manufacturer of orthoses or orthosis
6439 components whether registered with the United States Food and
6440 Drug Administration or not. Attestation shall be by notarized



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6441 statement signed by the president, chief operating officer, or
6442 other designated corporate official of the employing company.

6443 ~~(e) The board shall grant a license without an~~
6444 ~~examination for those qualified applicants who apply within~~
6445 ~~one year of the issuance of application forms by the board.~~
6446 ~~For purposes of this subsection, qualified applicants are~~
6447 ~~those who possess current credentials as a Certified~~
6448 ~~Prosthetist, Certified Orthotist, or Certified~~
6449 ~~Prosthetist/Orthotist issued by the American Board for~~
6450 ~~Certification in Orthotics and Prosthetics, Incorporated, or~~
6451 ~~the Board for Orthotist/Prosthetist Certification as a~~
6452 ~~prosthetist, orthotist, or prosthetist/orthotist.~~

6453 ~~(f)~~ (e) The ~~board~~ executive director may issue a
6454 ~~12-month~~ temporary license as a prosthetist, an orthotist, a
6455 pedorthist, or a prosthetist/orthotist to persons who have
6456 applied for licensure and are awaiting examination. The
6457 temporary license is renewable ~~once for a six-month period,~~ in
6458 a manner prescribed by the executive director, if the
6459 applicant fails to pass the examination at the first sitting.

6460 ~~(g)~~ (f) The board shall grant a license as a
6461 prosthetist, an orthotist, a prosthetist/orthotist, or
6462 pedorthist to an applicant in possession of a current license
6463 as a prosthetist, orthotist, prosthetist/orthotist, or
6464 pedorthist in another state or territory of the United States
6465 without examination if the board determines that the
6466 credentialing standards set by the other state or territory
6467 are substantially equivalent to the standards set by the board
6468 for this state.



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6469 ~~(h)~~ (g) No person may represent himself or herself as a
6470 licensed prosthetist, licensed orthotist, licensed
6471 prosthetist/orthotist, or licensed pedorthist, use a title or
6472 description of services, or engage in the practice of
6473 prosthetics, orthotics, or pedorthics without applying for
6474 licensure, meeting the required qualifications, and being
6475 licensed by the board unless otherwise exempted by this
6476 chapter. A person not licensed with the board may not
6477 represent himself or herself as being so licensed and may not
6478 use, in connection with his or her name, the words licensed
6479 orthotist, orthotist, licensed prosthetist, prosthetist,
6480 licensed prosthetist/orthotist, prosthetist/orthotist,
6481 licensed pedorthist, pedorthist, licensed orthotic fitter,
6482 orthotic fitter, licensed mastectomy fitter, mastectomy
6483 fitter, licensed therapeutic shoe fitter, therapeutic shoe
6484 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
6485 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
6486 letters, words, signs, numbers, or insignia indicating or
6487 implying that he or she is either a licensed prosthetist, a
6488 licensed orthotist, a licensed prosthetist/orthotist, a
6489 licensed pedorthist, a licensed mastectomy fitter, a licensed
6490 therapeutic shoe fitter, or a licensed orthotic fitter in the
6491 State of Alabama without first having a valid license. The
6492 license shall be posted in a conspicuous location at the
6493 person's work site.

6494 ~~(i)~~ (h) Nothing in this chapter shall be construed to
6495 prohibit or restrict the following:

6496 (1) The practice of prosthetics, orthotics, or



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6497 pedorthics by individuals authorized and performing services
6498 within their authorized scopes of practice as adopted by the
6499 Legislature including, but not limited to, authorized health
6500 care practitioners, doctors of podiatry, chiropractors,
6501 physical therapists, and occupational therapists licensed in
6502 this state.

6503 (2) The practice of prosthetics, orthotics, or
6504 pedorthics by an individual employed by, or in the service of,
6505 the government of the United States of America while engaged
6506 in the performance of duties prescribed by the laws of the
6507 United States of America.

6508 (3) The practice of prosthetics, orthotics, or
6509 pedorthics by any person not licensed as a prosthetist,
6510 orthotist, prosthetist/orthotist, orthotic fitter, therapeutic
6511 shoe fitter, or pedorthist in accordance with this chapter who
6512 is employed in a hospital, rehabilitation facility, or
6513 authorized health care practitioner's office under the
6514 direction of an authorized health care practitioner.

6515 (4) A person fulfilling the supervised residency or
6516 internship experience requirements described in this chapter.

6517 (5) The practice of prosthetics, orthotics, or
6518 pedorthics by a clinician who is certified or licensed in
6519 another state at meetings of the Alabama Prosthetic & Orthotic
6520 Association (APOA) or similar organizations or at training
6521 events approved by the board to provide clinical services
6522 performed by a certified or licensed clinician.

6523 (6) The practice of pharmacy by an individual subject
6524 to Chapter 23 of this title."



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6525 "§34-25A-7

6526 The board shall perform all the following duties:

6527 (1) Establish and publish continuing education
6528 requirements for persons licensed in this chapter.

6529 (2) Examine for, approve, deny, revoke, suspend,
6530 reinstate, and renew licensure accreditation or registration
6531 of duly qualified applicants and develop, promulgate, and
6532 establish fines, penalties, and requirements for reinstatement
6533 of licensure, accreditation, or registration.

6534 (3) Receive applications, issue licenses,
6535 accreditations, or registrations to applicants who have met
6536 the requirements for licensure, accreditation, or
6537 registration, and deny licenses, accreditations, or
6538 registrations to applicants who do not meet the minimum
6539 qualifications.

6540 ~~(4) Hire administrative, clerical, investigative, and~~
6541 ~~other staff as needed to implement this chapter and hire~~
6542 ~~individuals licensed under this chapter to serve as examiners~~
6543 ~~for any practical examinations required by the board either~~
6544 ~~within the state classified service or not within it.~~

6545 ~~(5)~~ (4) Promulgate Adopt and publish rules ~~and~~
6546 ~~regulations~~ in accordance with the Administrative Procedure
6547 Act to administer this chapter. Any rule ~~or regulation~~
6548 defining the scope of practice or permissible activities of a
6549 licensed orthotist, licensed prosthetist, or a licensed
6550 prosthetist/orthotist or a registered orthotic supplier shall
6551 be published jointly with the State Board of Medical
6552 Examiners.



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6553 ~~(6)~~ (5) Develop and ~~promulgate requirements and~~
6554 ~~establish fees~~ adopt rules for the licensure of mastectomy
6555 fitters, orthotic fitters, therapeutic shoe fitters, orthotic
6556 assistants, prosthetic assistants, or prosthetic/orthotic
6557 assistants. Such licenses shall be regulated and issued by the
6558 board.

6559 ~~(7)~~ (6) Prepare and administer, or approve the
6560 preparation and administration of, examinations for applicants
6561 for licensure."

6562 "§34-25A-8

6563 (a) ~~Effective October 1, 2009, the existing Alabama~~
6564 ~~State Board of Prosthetists and Orthotists is abolished.~~
6565 ~~Notwithstanding the foregoing, members on the board serving on~~
6566 ~~October 1, 2009, shall continue to serve until their~~
6567 ~~successors are appointed. Effective October 1, 2009, a new~~The
6568 Alabama State Board of Prosthetists and Orthotists is created
6569 to administer this chapter ~~and shall be composed of nine~~
6570 ~~members as provided in this section who shall be compensated~~
6571 ~~at the rate of one hundred dollars (\$100) per day plus travel~~
6572 ~~expenses for each day they perform their duties.~~ Commencing on
6573 October 1, 2026, the board shall be subject to the leadership,
6574 support, and oversight of the Executive Director of the Office
6575 of Occupational and Professional Licensing pursuant to Chapter
6576 2B of Title 25. The board shall be composed of nine members.
6577 The board membership shall reflect the racial, gender,
6578 geographic, urban and rural, and economic diversity of the
6579 state and each member of the board shall be a resident of this
6580 state. The Attorney General of the state shall act as legal



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6581 advisor of the board and shall render such legal assistance as
6582 may be necessary in carrying out the provisions of this
6583 chapter.

6584 (b) ~~After October 1, 2009, members~~Members of the board
6585 shall be appointed as follows:

6586 (1) Three by the Governor ~~of the State of Alabama, two~~
6587 ~~of whom shall be appointed for four-year initial terms and one~~
6588 ~~of whom shall be appointed to a one-year initial term~~, one of
6589 whom shall be licensed pursuant to this chapter; one of whom
6590 shall be a private resident of the State of Alabama who is a
6591 consumer of orthotic or prosthetic services; and one of whom
6592 shall be a physician licensed to practice medicine in the
6593 State of Alabama.

6594 (2) Two by the Lieutenant Governor ~~of the State of~~
6595 ~~Alabama, one for an initial term of four years and one for an~~
6596 ~~initial term of two years~~, both of whom shall be licensed
6597 pursuant to this chapter.

6598 (3) Two by the Speaker of the House of Representatives
6599 ~~of the State of Alabama for initial terms of three years~~, one
6600 of whom is a podiatrist licensed to practice in ~~the State of~~
6601 ~~Alabama~~ this state and one of whom shall be licensed pursuant
6602 to this chapter.

6603 (4) One by the President Pro Tempore of the Senate ~~of~~
6604 ~~the State of Alabama for an initial term of two years~~, who
6605 shall be licensed pursuant to this chapter.

6606 (5) One by the Speaker Pro Tempore of the House of
6607 Representatives ~~of the State of Alabama for an initial term of~~
6608 ~~one year~~, who shall be licensed pursuant to this chapter.



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6609 (c) Any actions of the ~~Alabama State Board of~~
6610 ~~Prosthetists and Orthotists~~ board consistent with the
6611 requirements of Act 2023-326 prior to May 30, 2023, are
6612 retroactively ratified and confirmed."

6613 "§34-25A-9

6614 (a) ~~Regarding the board created by Act 2009-300,~~
6615 ~~initial appointments shall be staggered such that two members~~
6616 ~~are appointed for one year, two members are appointed for two~~
6617 ~~years, and two members appointed for three years and three~~
6618 ~~members are appointed for four years. Thereafter all~~
6619 ~~members~~ Members shall be appointed for four-year terms. Members
6620 shall serve until their successors are appointed and
6621 qualified, provided, no member shall serve more than eight
6622 consecutive years or two consecutive terms, whichever is
6623 greater. ~~This legislation shall not include their initial~~
6624 ~~terms, and no hold-over term, under Section 34-25A-8(a), shall~~
6625 ~~exceed 12 months.~~

6626 (b) Upon the expiration of the initial terms and all
6627 terms of office thereafter, the appointing authorities shall
6628 appoint successors for terms of four years each. A quorum
6629 shall consist of five members.

6630 ~~(c) The board may employ an executive director and such~~
6631 ~~other officers and employees it deems necessary, with or~~
6632 ~~without regard to the state Merit System, and may set the~~
6633 ~~salary and terms of employment for such officers and~~
6634 ~~employees."~~

6635 "§34-25A-10

6636 ~~There is established a separate special revenue trust~~



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6637 ~~fund in the State Treasury to be known as the Alabama State~~
6638 ~~Board of Orthotists and Prosthetists Fund.~~ All receipts and
6639 administrative fines collected by the board pursuant to this
6640 chapter shall be deposited ~~in the fund and used only to~~
6641 ~~implement and administer this chapter. The receipts shall be~~
6642 ~~disbursed only by warrant of the state Comptroller, upon~~
6643 ~~itemized vouchers approved by the executive director, if one~~
6644 ~~is provided, otherwise by the chairperson of the board. Funds~~
6645 ~~shall be withdrawn or expended pursuant to Sections 41-4-80 to~~
6646 ~~41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and~~
6647 ~~only in amounts as stipulated in the general appropriations~~
6648 ~~bill or other appropriations bills~~ into the Occupational and
6649 Professional Licensing Fund."

6650 "§34-25A-11

6651 (a) The board shall issue a license or registration to
6652 any person who meets the qualifications required by this
6653 chapter and who pays the respective fees fixed by the ~~board~~
6654 executive director.

6655 (b) Any person who is issued a license as an orthotic,
6656 prosthetic, or prosthetic/orthotic practitioner or orthotic
6657 assistant, prosthetic assistant, or prosthetic/orthotic
6658 assistant under this chapter may use the words licensed
6659 orthotist, licensed prosthetist, licensed
6660 prosthetist/orthotist, licensed orthotist assistant, licensed
6661 prosthetist assistant, or licensed prosthetist/orthotist
6662 assistant, or the letters "L.O.," "L.P.," "L.P.O.," "L.O.A.,"
6663 "LPed," "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "C.M.F.,"
6664 "L.C.M.F.," or "L.T.S.F." in connection with his or her name to



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6665 denote his or her licensure. Any person issued a license as an
6666 orthotic supplier under this chapter may use the words
6667 licensed orthotic supplier or the letters "R.O.S." in
6668 connection with his or her name to denote his or her
6669 registration.

6670 (c) A license or registration issued under this chapter
6671 shall be subject to ~~annual or semiannual~~ renewal as prescribed
6672 by ~~rule or regulation duly promulgated and published by the~~
6673 ~~board~~ the executive director."

6674 "§34-25A-12

6675 (a) The ~~board shall promulgate rules and regulations~~
6676 ~~for~~ executive director shall set all licensure fees,
6677 registration fees, renewal fees, and accreditation fees. ~~The~~
6678 ~~application fee for licensure as an orthotist, prosthetist,~~
6679 ~~orthotist assistant, prosthetist assistant,~~
6680 ~~prosthetist/orthotist, or pedorthist shall not exceed two~~
6681 ~~hundred fifty dollars (\$250) and the application fee for~~
6682 ~~registration as an orthotic supplier shall not exceed one~~
6683 ~~hundred fifty dollars (\$150). The application fee for~~
6684 ~~accreditation shall not exceed three hundred fifty dollars~~
6685 ~~(\$350) per facility. The licensure fee shall not exceed nine~~
6686 ~~hundred fifty dollars (\$950) per discipline per term of~~
6687 ~~license. The accreditation fee shall not exceed nine hundred~~
6688 ~~fifty dollars (\$950) per term for each accredited facility.~~
6689 ~~Registration fees and renewal fees shall not exceed three~~
6690 ~~hundred fifty dollars (\$350) per term of registration or~~
6691 ~~renewal, and all other associated assistant fees shall not~~
6692 ~~exceed five hundred dollars (\$500) per term of license.~~



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6693 (b) ~~Maximum fees as defined in subsection (a) may be~~
6694 ~~exceeded when a~~ late renewal fee ~~is authorized or imposed by~~
6695 ~~the board~~ may be established by the executive director.

6696 (c) The board may prescribe by rule that individuals
6697 who due to age or physical disability are unable to practice,
6698 who have retired from the practice, who are licensed in the
6699 state but are practicing out of state, or who are on temporary
6700 active duty with any of the Armed Forces of the United States
6701 shall be allowed to pay a renewal fee in an amount less than
6702 the amount paid by individuals in current practice. The amount
6703 shall be established by the ~~board~~ executive director."

6704 Section 20. Relating to the Alabama Security Regulatory
6705 Board; to amend Sections 34-27C-1, 34-27C-2, 34-27C-3,
6706 34-27C-4, 34-27C-7, 34-27C-9, and 34-27C-15 of the Code of
6707 Alabama 1975, to read as follows:

6708 "§34-27C-1

6709 For the purposes of this chapter, the following terms
6710 shall have the following meanings:

6711 (1) ARMED SECURITY OFFICER. An individual whose
6712 principal duty is that of a security officer and who at any
6713 time wears, carries, possesses, or has access to a firearm in
6714 the performance of his or her duties.

6715 (2) BOARD. The Alabama Security Regulatory Board.

6716 (3) CERTIFICATION CARD or LICENSURE CARD. The
6717 identification card issued by the ~~board~~ executive director to
6718 an individual as evidence that he or she has met the basic
6719 qualifications required by this chapter and is currently
6720 certified or licensed with the board to perform the duties of



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6721 a security officer.

6722 (4) CERTIFIED TRAINER. Any person approved and
6723 certified by the board as qualified to administer, and certify
6724 as to the successful completion of, the basic training
6725 requirements for security officers required by this chapter.

6726 (5) CONTRACT SECURITY COMPANY. Any individual, firm,
6727 association, company, partnership, limited liability company,
6728 corporation, institution, or similar business entity engaged
6729 in the business of providing, or which undertakes to provide,
6730 a security officer on a contractual basis to another person or
6731 entity. The security officer provided by a contract security
6732 company is a contract security officer. In addition, any
6733 person who provides security services for more than one
6734 employer in any one week period, except for a permanent change
6735 of employment, shall be deemed to be engaged in the contract
6736 security company business and shall be licensed pursuant to
6737 this chapter.

6738 (6) EMPLOYER-EMPLOYEE RELATIONSHIP. The performance of
6739 any service for wages or under any contract of hire, written,
6740 oral, expressed, or implied by an individual, provided the
6741 employer has control or direction over the performance of the
6742 employee and provided the service is performed personally by
6743 the employee.

6744 (7) EXECUTIVE DIRECTOR. The Executive Director of the
6745 Office of Occupational and Professional Licensing as defined
6746 in Section 25-2B-1.

6747 ~~(7)~~ (8) LICENSEE. Any person or contract security
6748 company to which a license is granted in accordance with this



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6749 chapter.

6750 ~~(8)~~ (9) PUBLIC ENTITY. The federal government, the
6751 state, or any political subdivision, agency, department,
6752 branch, or service of either the state or federal government,
6753 or any county or municipality, or any other unit of local
6754 government.

6755 ~~(9)~~ (10) SECURITY OFFICER.

6756 a. A person employed under contract, whose principal
6757 purpose is to protect a person or persons or property from
6758 criminal activity, and whose duties include, but are not
6759 limited to, the following:

6760 1. The detection and prevention of unauthorized
6761 intrusion or entry, larceny, vandalism, abuse, arson, or
6762 trespass on private property.

6763 2. The prevention, observation, or detection of any
6764 unauthorized activity on private property.

6765 3. The control, regulation, or direction of the flow or
6766 movements of individuals, whether by vehicle, on foot, or
6767 otherwise.

6768 b. The term does not include persons whose duties are
6769 limited to custodial duties or the reporting of violations of
6770 inhouse administrative regulations only, and who do not wear a
6771 security uniform.

6772 ~~(10)~~ (11) SWORN PEACE OFFICER. Any individual who
6773 derives plenary or special law enforcement powers from, and is
6774 an employee of, or certified by, the federal government, the
6775 state, or any political subdivision, agency, department,
6776 branch, or service of either, or of any county or



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6777 municipality, or of any other unit of local government."

6778 "§34-27C-2

6779 (a) The Alabama Security Regulatory Board is created.
6780 Commencing on October 1, 2026, the board shall be subject to
6781 the leadership, support, and oversight of the Executive
6782 Director of the Office of Occupational and Professional
6783 Licensing pursuant to Chapter 2B of Title 25. Each member of
6784 the board shall be a citizen of the United States and a
6785 resident of this state, and the appointing authorities shall
6786 coordinate their appointments to assure the board membership
6787 is inclusive and reflects the racial, gender, geographic,
6788 urban, rural, and economic diversity of the state. The board
6789 shall consist of the following members:

6790 (1) Two members appointed by the Governor. The
6791 appointees shall not be qualified to be licensed under this
6792 chapter, not be engaged in the rendering of contract security
6793 service for a minimum of three years prior to appointment, not
6794 be employed by or affiliated with any other member of the
6795 board, and shall have served for five or more years in a
6796 supervisory position in law enforcement in any municipality,
6797 county, state, or district attorney's office. The members
6798 appointed by the Governor shall be selected from a list of
6799 names submitted by a recognized security association such as
6800 the American Society of Industrial Security (ASIS), the
6801 National Association of Security Companies (NASCO), or any
6802 state or private security service association that may be
6803 organized.

6804 (2) One member appointed by the Lieutenant Governor.



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6805 The appointee shall represent consumers and shall not be
6806 engaged in the rendering of contract security service, and not
6807 employed by, related to, or affiliated with any other member
6808 of the board or licensee of the board.

6809 (3) One member appointed by the Speaker of the House of
6810 Representatives. The appointee shall be from an entity that
6811 employs, or has an employer-employee relationship with, a
6812 contract security company.

6813 (4) One member appointed by the Attorney General. The
6814 appointee shall be selected from a list of names submitted by
6815 the Alabama Sheriffs Association.

6816 (b) Unless otherwise provided in subsection (a), board
6817 members shall serve three-year terms of office. A vacancy in
6818 any board position shall be filled for the duration of the
6819 unexpired term in the same manner as the original appointment.
6820 Should an appointing authority fail to make an appointment to
6821 fill an unexpired or new term within 60 days after receiving
6822 notice from the board of the vacancy, the board shall make the
6823 appointment of a qualified individual within the appropriate
6824 category by majority vote of the board members present. The
6825 board shall annually elect a chair from among the membership
6826 of the board at its first meeting. The board shall meet on a
6827 quarterly basis at a date, time, and place designated by the
6828 chair. ~~Actual expenses incurred by board members in the~~
6829 ~~performance of duties on behalf of the board shall be~~
6830 ~~reimbursed from the funds of the board.~~ Decisions of the board
6831 shall be determined by a majority vote of the board members
6832 present and voting.



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6833 ~~(c) The members of the board shall receive up to three~~
6834 ~~hundred dollars (\$300) per day, for a maximum of 12 days per~~
6835 ~~year, while performing their official duties, in addition to~~
6836 ~~the same per diem and mileage as provided to state employees.~~

6837 ~~(d)~~ (c) The board shall be subject to the Alabama Sunset
6838 Law, Title 41, Chapter 20, as an enumerated agency as provided
6839 in Section 41-20-3, and shall have a termination date of
6840 October 1, 2011, and every four years thereafter, unless
6841 continued pursuant to the Alabama Sunset Law."

6842 "§34-27C-3

6843 (a) The board shall have the following powers:

6844 (1) In accordance with the Administrative Procedure
6845 Act, to adopt rules not in conflict with the laws of this
6846 state which are reasonable, proper, and necessary to carry out
6847 the functions of the board in the regulation of persons
6848 engaged in providing security officers within this state. Any
6849 interested person may petition the board to adopt, amend, or
6850 repeal any rule and the board shall prescribe by rule any
6851 necessary forms for petitions and procedures for submission,
6852 consideration, and disposition of petitions.

6853 (2) To enforce compliance with this chapter.

6854 (3) To establish rules and procedures for the
6855 preparation and processing of examinations, applications,
6856 license certificates, certification cards, licensure cards,
6857 renewals, appeals, hearings, and rulemaking proceedings.

6858 (4) To determine the qualifications of licensees,
6859 certified trainers, and security officers consistent with this
6860 chapter.



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6861 ~~(5) To levy and collect fees in amounts determined~~
6862 ~~necessary by the board for licensing, application processing,~~
6863 ~~background checks, including fingerprints, inspections,~~
6864 ~~investigations, and hearings.~~

6865 ~~(6) To employ or contract for necessary personnel,~~
6866 ~~including a director, pursuant to the state Merit System,~~
6867 ~~provided such persons are employed by the board on a full-time~~
6868 ~~basis exceeding 32 hours per calendar week, and provide for~~
6869 ~~necessary offices, supplies, and equipment to fulfill the~~
6870 ~~requirements of this chapter.~~

6871 ~~(7)~~ (5) To delegate its power and duties by resolution
6872 to ~~a named designee~~ the executive director.

6873 ~~(8) To enter into contracts and expend funds of the~~
6874 ~~board to fulfill the requirements of this chapter.~~

6875 ~~(9) To borrow money.~~

6876 ~~(10)~~ (6) To work with the Attorney General and other law
6877 enforcement agencies to prohibit and punish any violation of
6878 this chapter.

6879 ~~(11)~~ (7) To establish volunteer procedures for those
6880 persons or businesses that are exempt from this chapter.

6881 ~~(12)~~ (8) To engage in dialogue and to enter into
6882 reciprocal licensing agreements with governmental entities in
6883 other states that supervise and regulate the provision of
6884 private contract security services in order to ensure that
6885 security officers and armed security officers licensed by the
6886 State of Alabama have full reciprocity to operate in other
6887 states.

6888 ~~(13)~~ (9) Upon the declaration of the Governor of a state



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6889 of emergency, to authorize the operation of out-of-state
6890 contract security companies and staff within the state for the
6891 duration of the state of emergency, and up to a maximum of 30
6892 days after the expiration of the state of emergency. To be
6893 eligible to operate within the state pursuant to this
6894 subdivision, the out-of-state contract security company shall
6895 satisfy all of the following requirements:

6896 a. Be licensed in another state in which the
6897 qualifications, insurance, training, and other requirements
6898 for licensure are substantially similar to those required by
6899 this chapter, as determined by the board.

6900 b. Provide notice to the board of an intention to
6901 operate in the state and submit to the board any information
6902 requested by the board.

6903 ~~(14)~~ (10) To inspect the business premises of any
6904 licensee, licensed contract security company, or unlicensed
6905 contract security company during normal business hours.

6906 ~~(15)~~ (11) To hold hearings, conduct investigations,
6907 subpoena witnesses, subpoena documents, administer oaths, and
6908 take testimony as necessary to provide for the implementation
6909 of this chapter.

6910 (b) All powers granted in this chapter and any other
6911 powers granted to the board are public and governmental
6912 functions, exercised for a public purpose, and matters of
6913 public necessity."

6914 "§34-27C-4

6915 (a) ~~Commencing on May 21, 2009, any~~ Any security
6916 officer, armed security officer, or contract security company



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6917 providing private security services in this state shall apply
6918 to the board for a license or certification. Any security
6919 officer, armed security officer, or contract security company
6920 providing security services in this state before May 21, 2009,
6921 may continue to engage in business operations pending a final
6922 determination by the board, provided the security officer,
6923 armed security officer, or contract security company files an
6924 application for license. This chapter shall not abrogate the
6925 terms of a contract existing on May 21, 2009.

6926 (b) An application for licensure or certification shall
6927 include all of the following information:

6928 (1) The full name, home address, post office box, and
6929 actual street address of the business of the applicant.

6930 (2) The name under which the applicant intends to do
6931 business.

6932 (3) The full name and address of any partners in the
6933 business, principal officers, directors, and business manager,
6934 if applicable.

6935 (4) The names of at least three unrelated and
6936 disinterested individuals to be used as references for board
6937 inquiries regarding the character, standing, and reputation of
6938 the applicant.

6939 (5) Any other information, evidence, statements, or
6940 documents as may be required by the board.

6941 (c) (1) A contract security company applying for a
6942 license or certification shall include proof that the business
6943 entity has at least one individual in its employ serving as a
6944 qualifying agent who is licensed by the board as a security



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6945 officer and, in addition to meeting the requirements of
6946 subsection (d), possesses three years of experience as a
6947 manager, supervisor, or administrator with a contract security
6948 company or possesses three years of supervisory experience
6949 with any federal, military, state, county, or municipal law
6950 enforcement agency.

6951 (2) No individual may serve as the qualifying agent for
6952 more than one contract security company without prior written
6953 approval of the board.

6954 (3) A contract security company shall notify the board
6955 within 10 working days if the qualifying agent for the company
6956 ceases to perform his or her duties as qualifying agent and
6957 shall obtain a substitute qualifying agent within 30 days
6958 after the original qualifying agent ceases to serve. The board
6959 may grant an extension to the company for good cause, for not
6960 more than three months.

6961 (d) Every applicant for licensure or certification
6962 shall provide the following to the board:

6963 (1) Proof that the applicant is 21 years of age or
6964 older, or 18 years of age if the individual is not allowed to
6965 carry any type of firearm in the course of his or her
6966 employment with the contract security company.

6967 (2) Proof that the applicant is a citizen of the United
6968 States or, if not a citizen of the United States, an
6969 individual who is legally present in the United States with
6970 appropriate documentation from the federal government.

6971 (3) A statement of the applicant, made under oath,
6972 declaring all of the following:



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6973 a. That he or she has never been convicted in any
6974 jurisdiction of the United States of any felony or crime
6975 involving moral turpitude for which a full pardon has not been
6976 granted.

6977 b. That he or she has never been declared, by any court
6978 of competent jurisdiction, incompetent by reason of mental
6979 defect or disease, and competency has not been restored.

6980 c. That he or she is not suffering from habitual
6981 drunkenness or from narcotics addiction or dependence. The
6982 board may require certified results of medical tests for drug
6983 or alcohol use.

6984 (e) (1) In addition to the requirements of subsection
6985 (d), an applicant for licensure or certification, or renewal
6986 of licensure or certification, shall submit to the board a
6987 form, sworn to by the applicant, containing the name, date of
6988 birth, and Social Security number for completion of a criminal
6989 history background check. The applicant shall submit two
6990 complete sets of fingerprints to the board. The board shall
6991 submit the fingerprints to the Alabama State Law Enforcement
6992 Agency (ALEA) for a state criminal history record check. The
6993 fingerprints shall be forwarded by ALEA to the Federal Bureau
6994 of Investigation (FBI) for a national criminal history record
6995 check. Costs associated with conducting a criminal history
6996 background check for initial licensure or certification, or
6997 for the renewal of licensure or certification, shall be borne
6998 by the applicant. The board shall keep information received
6999 pursuant to this section confidential, except that the
7000 information received and relied upon in denying the issuance



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7001 of a certificate of qualification for a license or
7002 certification to a security officer in this state may be
7003 disclosed if necessary to support the denial of the license or
7004 certification, if required by court order, or for any other
7005 reason allowed by law.

7006 (2) In addition to the requirements of subsection (d),
7007 an applicant for renewal of licensure or certification shall
7008 complete a supplemental criminal history background check
7009 approved by the board.

7010 (f) Applications for licensure and certification shall
7011 be filed with the board on a form developed by the ~~board~~
7012 executive director. The ~~board~~ executive director shall
7013 prescribe the procedures and methods of submission,
7014 consideration, and disposition of applications. An applicant
7015 corporation incorporated under the laws of this state or any
7016 other state shall be required to qualify with a certificate of
7017 authority issued by the Secretary of State and shall designate
7018 an agent for service of process. The applicant shall be issued
7019 a license or denied a license in writing within a reasonable
7020 period after receipt by the board of all required information.

7021 (g) (1) Each contract security company requesting or
7022 renewing a license shall pay a security license fee upon
7023 application to be determined by the ~~board that does not exceed~~
7024 ~~three hundred fifty dollars (\$350) and may not be increased~~
7025 ~~more than fifty dollars (\$50) per licensing period~~ executive
7026 director. A license shall expire ~~on September 30~~ and an
7027 application for renewal shall be submitted ~~to~~ on a schedule
7028 determined by the ~~board~~ executive director ~~before October 1.~~ A



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7029 ~~renewal application may not be accepted by the board after~~
7030 ~~October 31.~~ The ~~board~~ executive director may impose a
7031 reasonable late fee on renewals not timely filed ~~by October 1.~~
7032 The board shall promptly notify an applicant if the board
7033 refuses to issue or renew a license or certification. If the
7034 board refuses to issue or renew a license or certification,
7035 the applicant or licensee may appeal the decision of the board
7036 and may request a hearing, in accordance with the rules of the
7037 board and the Administrative Procedure Act. A licensee may
7038 continue to engage in the security business while his or her
7039 appeal or renewal application is pending. The board may impose
7040 a reasonable late fee established by the executive director on
7041 any renewal that is not filed before the expiration date of
7042 the license.

7043 (2) Each security officer or armed security officer
7044 requesting or renewing a license or certification shall pay a
7045 nonrefundable security license fee to the board upon
7046 application to be determined by the ~~board that does not exceed~~
7047 ~~one hundred dollars (\$100) and may not be increased more than~~
7048 ~~twenty-five dollars (\$25) per licensing period. The license or~~
7049 ~~certification issued to a security officer or armed security~~
7050 ~~officer shall expire two years from the date of issuance~~
7051 executive director. If the board refuses to issue or renew a
7052 license or certification, the applicant or licensee shall be
7053 promptly notified. If the board refuses to issue or renew a
7054 license or certification, the applicant or licensee may appeal
7055 the decision of the board and may request a hearing, in
7056 accordance with the rules of the board and the Administrative



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7057 Procedure Act. A licensee may continue to serve as a security
7058 officer or armed security officer while his or her appeal or
7059 renewal application is pending. The board may impose a
7060 reasonable late fee established by the executive director on
7061 renewals not filed before the date of expiration of the
7062 license.

7063 (h) No license or certification issued pursuant to this
7064 chapter shall be assigned or transferred by operation of law
7065 or in any other manner. A new license for an assignee or
7066 transferee of a business shall be applied for using the same
7067 procedures and requirements as set forth in this chapter for
7068 an initial license or certification applicant. The security
7069 operation of a security company may continue until the final
7070 disposition of the pending license or certification
7071 application.

7072 (i) The current license or certificate or duplicate
7073 copy of the license or certificate shall be posted and
7074 displayed at all times at all business offices of the licensee
7075 within the state.

7076 (j) The board shall be notified within 30 days of any
7077 changes in officers, directors, or management of a licensee or
7078 any changes that may reasonably affect the right of a licensee
7079 to hold a license or certificate under this chapter."

7080 "§34-27C-7

7081 (a) Within 30 days after initial employment, a security
7082 officer or armed security officer shall apply to the board for
7083 a license or certification. ~~On or after May 21, 2009, all~~All
7084 security officers or armed security officers not exempted



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7085 under Section 34-27C-17, shall apply to the board for a
7086 license or certification in accordance with this chapter. A
7087 license or certification card issued by the board shall be
7088 carried by each security officer and armed security officer
7089 while performing his or her duties. A temporary card shall be
7090 issued by the board and be in the possession of the applicant
7091 or licensee while working as a security officer or armed
7092 security officer pending the application process, the
7093 completion of training, and the issuance of his or her license
7094 or certification. Licensure and certification shall be renewed
7095 every two years on the date on which original licensure or
7096 certification was granted. A contract security company that
7097 employs a security officer or armed security officer who is in
7098 violation of this subsection shall be in violation of this
7099 chapter.

7100 (b) Each applicant for licensure or certification or
7101 renewal of licensure or certification shall submit to the
7102 board, within 30 days after initial employment or 30 days
7103 before licensure or certification expiration, the appropriate
7104 form ~~as developed by the board, a fee of twenty-five dollars~~
7105 ~~(\$25)~~ and fee as developed and established by the executive
7106 director, and proof of completion of a certified training
7107 program or refresher course.

7108 (c) Licensure or certification shall be denied or not
7109 renewed if a security officer or armed security officer does
7110 not meet the standards of a security officer or armed security
7111 officer established by the board pursuant to this chapter. In
7112 the event of denial or nonrenewal of a license or



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7113 certification by the board, the applicant may appeal the
7114 action of the board. Upon receipt of a notice of appeal from
7115 the applicant, the ~~board~~ executive director shall set a
7116 hearing date and promptly notify the applicant of the hearing
7117 date. The hearing shall be held in accordance with the rules
7118 of the board and the Administrative Procedure Act.

7119 (d) A contract security company shall notify the board
7120 within 10 days after discovering any adverse information
7121 pertaining to the eligibility of an individual to be licensed
7122 or certified or any adverse information that may affect the
7123 licensure or certification status of a security officer or
7124 armed security officer.

7125 (e) The board may issue a license or certification to a
7126 security officer who has been licensed or certified as a
7127 security officer in another state if the board determines that
7128 the applicant is currently a resident of this state and the
7129 qualifying and training requirements of the issuing state are
7130 equivalent, or substantially similar, to those required by
7131 this chapter.

7132 (f) A security officer or armed security officer who
7133 works as such for six months or less per year may pay a
7134 one-time fee for special licensure by the ~~board~~ executive
7135 director. Any security officer or armed security officer who
7136 works as such for more than six months in a year shall be
7137 subject to all fees and requirements of this chapter. The
7138 ~~board~~ executive director, by rule, may establish the one time
7139 fee ~~that may not exceed one hundred dollars (\$100).~~"

7140 "§34-27C-9



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7141 Any person conducting training of security officers
7142 shall be licensed or certified as a certified trainer by the
7143 board. Any person seeking licensure or certification as a
7144 certified trainer shall pay all fees required by the ~~board~~
7145 executive director and meet all of the following
7146 qualifications:

7147 (1) Be 21 years of age or older.

7148 (2) Have a minimum of two years of supervisory
7149 experience with a contract security company, a proprietary
7150 company, or in federal, state, county, or municipal law
7151 enforcement.

7152 (3) Have a minimum of one year of experience in
7153 teaching security-related courses or have attended a board
7154 approved two-week instructor's course.

7155 (4) Submit proof of compliance with all instruction and
7156 training requirements established by the board."

7157 "§34-27C-15

7158 ~~There is created in the State Treasury, with funds~~
7159 ~~expended by the board to defray the expenses of administering~~
7160 ~~this chapter, a special revenue trust fund designated as the~~
7161 ~~Security Certification Fund.~~ All receipts collected by the
7162 board under this chapter shall be deposited in the ~~fund and~~
7163 ~~shall only be used to implement this chapter. Receipts~~
7164 ~~deposited into the fund shall be disbursed only by warrants of~~
7165 ~~the state Comptroller drawn upon the State Treasury on~~
7166 ~~itemized vouchers approved by the board. No funds shall be~~
7167 ~~withdrawn or expended except as budgeted and allotted~~
7168 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~



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7169 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
7170 ~~stipulated in the general appropriations act, other~~
7171 ~~appropriations acts, or this chapter. At the end of any fiscal~~
7172 ~~year following May 21, 2009, any unencumbered and unexpended~~
7173 ~~balance in the fund shall not revert to the General Fund of~~
7174 ~~the State Treasury under Section 41-4-93, but shall carry over~~
7175 ~~to the next fiscal year~~ Occupational and Professional
7176 Licensing Fund."

7177 Section 21. Relating to the Alabama Sickle Cell
7178 Oversight and Regulatory Commission; to amend Section 22-10B-3
7179 of the Code of Alabama 1975, to read as follows:

7180 "§22-10B-3

7181 (a) The Alabama Sickle Cell Oversight and Regulatory
7182 Commission shall be designated as the agency to insure the
7183 delivery of sickle cell services pursuant to Section 22-10B-5
7184 to affected persons in all counties in Alabama and assist in
7185 establishing geographical service delivery boundaries. The
7186 commission shall promulgate guidelines for creating uniformity
7187 in the delivery of services and the management of statewide
7188 programs.

7189 (b) The commission shall also promulgate rules pursuant
7190 to the Alabama Administrative Procedure Act for handling
7191 complaints regarding service and management of statewide
7192 programs and addressing any other discrepancies brought to the
7193 attention of the commission. The commission shall not have the
7194 authority to promulgate rules regarding medical care. Any rule
7195 promulgated shall not be construed to establish a standard of
7196 care for physicians licensed to practice medicine.



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7197 (c) Commencing on October 1, 2025, all documents,
7198 records, functions, and responsibilities held by or in the
7199 possession of the commission on that date shall be transferred
7200 to a division or office of the Alabama Department of Public
7201 Health, as determined by the State Health Officer, and under
7202 the supervision of the Department of Public Health in
7203 conjunction with the commission."

7204 Section 22. Relating to the Alabama Drycleaning
7205 Environmental Response Trust Advisory Board; to amend Section
7206 22-30D-8 of the Code of Alabama 1975, to read as follows:

7207 "§22-30D-8

7208 (a) There is hereby created the Alabama Drycleaning
7209 Environmental Response Trust Fund Advisory Board consisting of
7210 seven persons who are residents of the state appointed by the
7211 Governor of the state and confirmed by the Senate of the
7212 state. The members of the board shall be composed of one
7213 individual to represent the interest of each of the following
7214 groups, organizations, and entities:

7215 (1) Owners or operators of drycleaning facilities
7216 covered by this chapter that employ no more than 10 full-time
7217 employees.

7218 (2) Owners or operators of drycleaning facilities
7219 covered by this chapter that employ 11 or more full-time
7220 employees but no more than 24 full-time employees.

7221 (3) Owners or operators of drycleaning facilities
7222 covered by this chapter that employ 25 or more full-time
7223 employees.

7224 (4) Wholesale distributors covered by this chapter of



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7225 drycleaning agents with at least one operating in-state
7226 wholesale distribution facility.

7227 (5) An environmental group with statewide membership.

7228 (6) The environmental engineering community.

7229 (7) The real estate community owning real property on
7230 which a drycleaning facility or abandoned drycleaning facility
7231 is or has been located.

7232 (b) All initial members of the board shall be appointed
7233 by the Governor before November 21, 2000. The board shall hold
7234 its first meeting within 30 days after all appointments to the
7235 board are made by the Governor. The members' terms of office
7236 shall be three years and until their successors are selected
7237 and qualified; except that, of those first appointed, three
7238 shall have a term of one year; two shall have a term of two
7239 years; and two shall have a term of three years, all as
7240 designated by the Governor at the time of appointment. There
7241 is no limitation on the number of terms any appointed member
7242 may serve. If a vacancy occurs, the Governor shall appoint a
7243 replacement. Each member of the board shall have one vote
7244 concerning any matter coming before the board. Any board
7245 member may be removed by the Governor after notice and hearing
7246 for incompetence, neglect of duty, malfeasance in office, or
7247 moral turpitude.

7248 (c) At the first meeting of the board, and annually
7249 thereafter, the members shall select from among themselves a
7250 chair and vice chair. The board shall hold at least four
7251 regular meetings each year and such additional meetings as the
7252 chair deems desirable at a place within the state and time to



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7253 be fixed by the chair. Special meetings may be called by three
7254 or more members of the board upon delivery of written notice
7255 to each member of the board. Four members of the board shall
7256 constitute a quorum. All powers and duties conferred upon
7257 members of the board shall be exercised personally by the
7258 members and not by alternates or representatives. The members
7259 of the board shall receive the same per diem and travel
7260 allowance as paid to state employees for each day's attendance
7261 at an official meeting of the board.

7262 (d) Commencing on October 1, 2025, all documents,
7263 records, functions, and responsibilities held by or in the
7264 possession of the board shall be transferred to a division of
7265 the department, as determined by the director, and under the
7266 supervision of the department in conjunction with the board.

7267 ~~(d)~~ (e) The ~~board~~ department may hire or engage
7268 attorneys, consulting engineers, or other professional
7269 advisors as deemed necessary ~~by the board~~ to assist the board
7270 to carry out its activities and the ~~board~~ department may pay,
7271 at its sole discretion, such fees as it may determine for
7272 services of such attorneys, consulting engineers, or other
7273 professional advisors from monies in the fund.

7274 ~~(e)~~ (f) The State Health Officer, a representative of
7275 the department, and a representative of the Geological Survey
7276 of Alabama shall serve to advise the board as ex-officio
7277 members of the board, without a vote or compensation.

7278 ~~(f)~~ (g) No member of the board shall be liable to civil
7279 action for any act performed in good faith in the performance
7280 of his or her duty pursuant to this chapter."



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7281 Section 23. Sections 34-4-53, 34-17-25, 34-36-5, and
7282 34-40-7, Code of Alabama 1975, providing for the compensation
7283 or fees of members of the State Board of Auctioneers, the
7284 Alabama Board of Examiners of Landscape Architects, the
7285 Alabama Board of Electrical Contractors, and the Alabama Board
7286 of Athletic Trainers are repealed.

7287 Section 24. (a) The Legislative Services Agency Legal
7288 Division shall conform references in the Code of Alabama 1975,
7289 to any occupational or professional licensing board
7290 transferred to the Office of Occupational and Professional
7291 Licensing of the Alabama Department of Workforce to reflect
7292 the changes made in this act.

7293 (b) Unless explicitly stated in this act, this act is
7294 not intended to supersede any legislation enacted during the
7295 2025 or 2026 Regular Sessions of the Legislature that sunsets,
7296 amends, repeals, or adds to the Code of Alabama 1975, or any
7297 special session held before October 1, 2027, that sunsets,
7298 amends, repeals, or adds to the Code of Alabama 1975, relating
7299 to an occupational or professional licensing board covered by
7300 this act, and the Code Commissioner shall harmonize language
7301 to carry out this intent.

7302 Section 25. Sections 1, 21, 22, and 24 of this act
7303 shall become effective on October 1, 2025; and Sections 2
7304 through 20 and Section 23 of this act shall become effective
7305 on October 1, 2026.