

1 SB43  
2 208591-3  
3 By Senator Price  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/13/2021

1 SB43

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4 ENROLLED, An Act,

5 Relating to the state Emergency Management Agency;  
6 to require the agency to develop guidelines for the volunteer  
7 designation of safer place facilities throughout the state to  
8 protect individuals during severe weather events.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) Before December 31, 2021, the state  
11 Emergency Management Agency, in cooperation with the Alabama  
12 Association of Emergency Managers and the Association of  
13 County Commissions of Alabama, shall develop uniform  
14 guidelines for use in identifying and volunteering safer place  
15 facilities throughout the state. At a minimum, the guidelines  
16 shall do all of the following:

17 (1) Provide local emergency management agencies with  
18 methods for notifying the community about safer places.

19 (2) Provide an application process, through the  
20 local emergency management agency, for those individuals and  
21 entities that own or control a structure for offering all or  
22 part of the structure for designation as a safer place  
23 facility. At a minimum, the application shall require the  
24 applicant to make a good faith determination that the  
25 structure meets all criteria identified by the guidelines and

1 that the applicant will not discriminate when making the  
2 structure available to the public. The application may be  
3 provided through the website of the local emergency management  
4 agency.

5 (3) Describe the circumstances and conditions of  
6 appropriate use and length of availability of a safer place  
7 facility.

8 (4) Require that the availability of a safer place  
9 will be nondiscriminatory on the basis of race, color,  
10 national origin, age, disability, sex, or religion.

11 (5) Provide that a designated safer place facility  
12 is not required to be available to the public at all times or  
13 to provide staff, food, water, medicine, electricity, air  
14 conditioning, first aid, telecommunication services, or any  
15 other life or health preserving goods or services before,  
16 during, or after a severe weather event.

17 (6) Provide a procedure for the withdrawal of a  
18 safer place designation.

19 (7) Require safer place facilities to satisfy  
20 applicable building codes at the time of construction, provide  
21 participants with improved protection from the elements, and  
22 not pose a direct threat to the health and safety of those  
23 participating including, but not limited to, the following:

24 a. A second means of exiting the facility in the  
25 event of fire or other emergency.

1           b. Smoke detectors which comply with applicable  
2 building codes.

3           c. Sufficient sanitary facilities that are in proper  
4 operating condition, are private, and are adequate for  
5 personal cleanliness and the disposal of human waste.

6           (8) Establish other procedures, criteria, and  
7 guidelines as necessary to further the purposes of this  
8 section.

9           (b) No state or local governmental entity shall  
10 provide, or offer to provide, compensation or financial  
11 support of any kind to any individual or entity relating to  
12 the designation or operation of a safer place facility.

13           (c) Due to the patent and obvious dangers associated  
14 with severe weather events, an individual who uses a safer  
15 place facility does not acquire the status of an invitee or  
16 licensee, and the individual who uses a designated safer place  
17 facility does so at his or her own risk, with full knowledge  
18 and appreciation of the associated risks.

19           (d) A local emergency management agency, pursuant to  
20 its emergency management functions may perform any task  
21 provided in the guidelines. Any individual who volunteers a  
22 structure as a safer place facility pursuant to this section  
23 is a volunteer for purposes of the Volunteer Service Act,  
24 Section 6-5-336, Code of Alabama 1975, during the time the  
25 structure is designated as a safer place. Any entity making a

1 facility available as a safer place shall be afforded the same  
2 protections granted to an emergency management worker,  
3 individual, partnership, association, or corporation by  
4 Section 31-9-16, Code of Alabama 1975.

5 Section 2. This act shall become effective  
6 immediately following its passage and approval by the  
7 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB43  
Senate 09-FEB-21  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 01-APR-21

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By: Senator Price