

2  
3 ORR SUBSTITUTE FOR SB255  
4  
5  
6  
7

8 SYNOPSIS: Under existing law the State Health Officer  
9 is authorized to take prompt measures to prevent  
10 the spread of infectious diseases.

11 This bill would prohibit an emergency rule,  
12 order, or other directive issued by the State  
13 Health Officer which would restrict, limit, or  
14 otherwise burden the conduct of private citizens or  
15 businesses from taking effect unless approved by  
16 the Governor and filed with the Office of the  
17 Secretary of State.

18 This bill would also make nonsubstantive,  
19 technical revisions to update the existing code  
20 language to current style.  
21

22 A BILL  
23 TO BE ENTITLED  
24 AN ACT  
25

26 Relating to public health; to amend Sections 22-2-8,  
27 Code of Alabama 1975, to require certain emergency rules,

1 orders, or directives issued by the State Health Officer to be  
2 approved by the Governor and filed with the Secretary of State  
3 before taking effect; to exempt entities that host events  
4 involving the Department of Defense or the armed services from  
5 state and local laws that conflict with certain federal  
6 health-related laws or other directives; and to make  
7 nonsubstantive, technical revisions to update the existing  
8 code language to current style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 22-2-8, Code of Alabama 1975, is  
11 amended to read as follows:

12 "§22-2-8.

13 "(a) The State Committee of Public Health shall  
14 elect an executive officer who shall be a physician licensed  
15 in the State of Alabama to be known as the State Health  
16 Officer and shall fix his or her term of office and salary.  
17 The qualifications of this individual shall be determined by  
18 the State Committee of Public Health. Before entering upon the  
19 duties of ~~his~~ the office, the State Health Officer shall  
20 execute to the State of Alabama a bond, to be approved by the  
21 Governor, in the amount of five thousand dollars (\$5,000.00)~~7~~  
22 for the faithful performance of ~~his~~ the duties of the office.

23 "(b) The State Health Officer so elected ~~shall~~,  
24 under the direction of the State Committee of Public Health  
25 and with the approval of the State Personnel Board, shall fix  
26 the salaries of the medical employees of the State Committee  
27 of Public Health. When the State Committee of Public Health is

1 not in session, the State Health Officer, as executive officer  
2 of the Department of Public Health, shall act for ~~said the~~  
3 committee and shall have and discharge all the prerogatives  
4 and duties of ~~said the~~ committee. ~~He~~ The State Health Officer  
5 shall report his or her actions to the committee at its next  
6 meeting after ~~such the~~ action is taken, and ~~such the~~ action of  
7 ~~the State Health Officer~~ shall then be subject to confirmation  
8 or modification by the committee. The State Health Officer  
9 shall exercise general supervision over county boards of  
10 health and county health officers and promptly report to ~~said~~  
11 the county boards of health any delinquencies of official duty  
12 on the part of ~~said the~~ county health officers which may come  
13 to his or her knowledge, ~~keep himself informed in regard to~~  
14 ~~all diseases which may be in danger of invading the state~~

15 "(c) The State Health Officer shall stay informed  
16 with regard to an actual or potential outbreak of any disease  
17 or pandemic affecting this state and, as far as authorized by  
18 law, take prompt measures to prevent ~~such invasions~~ an  
19 outbreak and keep the Governor and the Legislature informed as  
20 to the health conditions prevailing in the state, especially  
21 as to outbreaks of any of the diseases enumerated in Chapter  
22 ~~11 of this title~~, and submit to the Governor and Legislature  
23 ~~such~~ recommendations as he or she deems proper to control,  
24 prevent, or minimize ~~such outbreaks.~~ an outbreak.

25 "(d) (1) Any emergency rule adopted pursuant to  
26 Section 41-22-5(b), order, or other directive issued by the  
27 State Health Officer which would restrict, limit, or otherwise

1 burden the conduct of private citizens or businesses may not  
2 take effect unless and until the emergency rule, order, or  
3 other directive is approved by the Governor and a copy is  
4 filed in the Office of the Secretary of State.

5 "(2) Subdivision (1) does not prohibit or restrict  
6 the State Health Officer from issuing individualized  
7 directives to private citizens and businesses for violations  
8 of state law and rules adopted by the State Board of Health."

9 Section 2. An entity that hosts an event in the  
10 state that is primarily aimed at or for the benefit of  
11 employees of the Department of Defense or members of the armed  
12 services, or an entity that hosts a group gathering in  
13 connection with the event, shall be exempt from any state or  
14 local law, regulation, or requirement that conflicts with a  
15 regulation, law, or condition with a stated purpose related to  
16 health and which is required by federal law, general order, or  
17 requirement or assessment of the Department of Defense or a  
18 branch of the armed services regarding requirements for all  
19 individuals who attend, participate, or work at the event or  
20 gathering.

21 Section 3. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.