

**SB171 INTRODUCED**



1 MELT11-1

2 By Senators Givhan, Sessions, Williams, Orr, Chambliss, Allen,

3 Scofield, Gudger, Butler, Elliott

4 RFD: Healthcare

5 First Read: 05-Apr-23

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SYNOPSIS:

Under existing law the State Health Officer is appointed by the State Committee of Public Health and is authorized to take prompt measures to prevent the spread of infectious diseases.

This bill would provide for the Governor to appoint the State Health Officer.

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

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

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the State Health Officer; to amend Section 22-2-8, Code of Alabama 1975, to revise appointment of the



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29 State Health Officer; to require certain emergency rules,  
30 orders, or directives issued by the State Health Officer to be  
31 approved by the Governor and a copy filed with the Secretary  
32 of State before the emergency rule, order, or other directive  
33 has the full force and effect of law; and to make  
34 nonsubstantive, technical revisions to update the existing  
35 code language to current style.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

39 "§22-2-8

40 (a) ~~The State Committee of Public Health shall elect~~  
41 Governor shall appoint an executive officer who shall be a  
42 physician licensed in the State of Alabama to be known as the  
43 State Health Officer, ~~and shall fix his term of office and to~~  
44 serve at the pleasure of the Governor. The State Committee on  
45 Public Health shall fix his or her salary. ~~The qualifications~~  
46 ~~of this individual shall be determined by the State Committee~~  
47 ~~of Public Health.~~ Before entering upon the duties of ~~his~~ the  
48 office, the State Health Officer shall execute to the State of  
49 Alabama a bond, to be approved by the Governor, in the amount  
50 of five thousand dollars (\$5,000) ~~\$5,000.00~~, for the faithful  
51 performance of ~~his~~ the duties of the office.

52 (b) The State Health Officer, ~~so elected shall, under~~  
53 ~~the direction of the State Committee of Public Health and~~ with  
54 the approval of the State Personnel Board, shall fix the  
55 salaries of the medical employees of the State Committee of  
56 Public Health. When the State Committee of Public Health is



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57 not in session, the State Health Officer, as executive officer  
58 of the Department of Public Health, shall act for ~~said~~the  
59 committee and shall have and discharge all the prerogatives  
60 and duties of ~~said~~the committee. ~~He~~The State Health Officer  
61 shall report his or her actions to the committee at its next  
62 meeting after ~~such~~the action is taken, ~~and such action of the~~  
63 ~~State Health Officer shall then be subject to confirmation or~~  
64 ~~modification by the committee.~~ The State Health Officer shall  
65 exercise general supervision over county boards of health and  
66 county health officers and promptly report to ~~said~~the county  
67 boards of health any delinquencies of official duty on the  
68 part of ~~said~~the county health officers which may come to his  
69 or her knowledge., ~~keep himself informed in regard to all~~  
70 ~~diseases which may be in danger of invading the state~~

71 (c) The State Health Officer shall stay informed with  
72 regard to an actual or potential outbreak of any disease or  
73 pandemic affecting this state and, as far as authorized by  
74 law, take prompt measures to prevent ~~such~~invasions ~~an~~  
75 outbreak and keep the Governor and the Legislature informed as  
76 to the health conditions prevailing in the state, especially  
77 as to outbreaks of any of the diseases enumerated in Chapter  
78 ~~11 of this title~~, and submit to the Governor and Legislature  
79 ~~such~~ recommendations as he or she deems proper to control,  
80 prevent, or minimize an outbreak ~~such outbreaks~~.

81 (d) (1) Any emergency rule adopted pursuant to Section  
82 41-22-5(b), order, or other directive issued by the State  
83 Health Officer which would restrict, limit, or otherwise  
84 burden the conduct of private citizens or businesses may not



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85 take effect unless and until the emergency rule, order, or  
86 other directive is approved by the Governor and a copy is  
87 filed in the Office of the Secretary of State, at which time  
88 the emergency rule, order, or other directive has the full  
89 force and effect of law.

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

94 Section 2. This act shall become effective on the first  
95 day of the third month following its passage and approval by  
96 the Governor, or its otherwise becoming law; provided,  
97 however, the provisions of this act providing for the  
98 appointment of a State Health Officer by the Governor shall  
99 become operative on the earlier of the vacancy in the Office  
100 of the State Health Officer or the date when the next Governor  
101 commences serving.