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4 SYNOPSIS:

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

9 This bill would provide for the Governor to
10 appoint the State Health Officer and would set minimum
11 qualifications for the position of State Health
12 Officer.

13 This bill would authorize the Governor to
14 approve or deny certain actions proposed by the State
15 Health Officer, and would prohibit a general emergency
16 rule, order, or other directive issued by the State
17 Health Officer from taking effect unless approved by
18 the Governor and a copy is filed with the Office of the
19 Secretary of State.

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

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25 A BILL

26 TO BE ENTITLED

27 AN ACT



29 Relating to the State Health Officer; to amend Section
30 22-2-8, Code of Alabama 1975, to require the Governor to
31 appoint State Health Officer and to provide minimum
32 qualifications for the position of State Health Officer; to
33 require certain emergency rules, orders, or directives issued
34 by the State Health Officer to be approved by the Governor and
35 a copy filed with the Secretary of State before the emergency
36 rule, order, or other directive has the full force and effect
37 of law; and to make nonsubstantive, technical revisions to
38 update the existing code language to current style.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

42 "§22-2-8

55 b. Possession of either a Master of Public Health
56 degree or Master of Business Administration degree, or a



57 similar degree in the field of health care or public health.

58 (2) Before entering upon the duties of ~~his~~the office,
59 the State Health Officer shall execute to the State of Alabama
60 a bond, to be approved by the Governor, in the amount of five
61 thousand dollars (\$5,000)~~\$5,000.00~~, for the faithful
62 performance of ~~his~~the duties of the office.

63 (b) The State Health Officer so elected~~shall~~, under
64 the direction of the State Committee of Public Health and with
65 the approval of the State Personnel Board, shall fix the
66 salaries of the medical employees of the State Committee of
67 Public Health. When the State Committee of Public Health is
68 not in session, the State Health Officer, as executive officer
69 of the Department of Public Health, shall act for ~~said~~the
70 committee and shall have and discharge all the prerogatives
71 and duties of ~~said~~the committee. ~~He~~The State Health Officer
72 shall report his or her actions to the committee at its next
73 meeting after ~~such~~the action is taken, and such action of the
74 State Health Officer shall then be subject to confirmation or
75 modification by the committee. The State Health Officer shall
76 exercise general supervision over county boards of health and
77 county health officers and promptly report to ~~said~~the county
78 boards of health any delinquencies of official duty on the
79 part of ~~said~~the county health officers which may come to his
80 or her knowledge, ~~keep himself informed in regard to all~~
81 ~~diseases which may be in danger of invading the state~~

82 (c) The State Health Officer shall stay informed with
83 regard to an actual or potential outbreak of any disease
84 affecting this state and, as far as authorized by law, take



85 prompt measures to prevent ~~such invasions~~an outbreak and keep
86 the Governor and the Legislature informed as to the health
87 conditions prevailing in the state, especially as to outbreaks
88 of any of the diseases enumerated in Chapter ~~11 of this title~~
89 11A, and submit to the Governor and Legislature ~~such~~
90 recommendations as he or she deems proper to control, prevent,
91 or minimize an outbreak~~such outbreaks~~.

92 (d) (1) The Governor shall have the authority to approve
93 or deny any action proposed by the State Health Officer which
94 would restrict, limit, or otherwise burden the conduct of
95 private citizens or businesses. No emergency rule adopted
96 pursuant to Section 41-22-5(b), order, or other directive
97 shall have the full force of law, unless the emergency rule is
98 first approved by the Governor and a copy filed in the Office
99 of the Secretary of State.

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

104 Section 2. This act shall become effective on the first
105 day of the third month following its passage and approval by
106 the Governor, or its otherwise becoming law; provided,
107 however, the provisions of this act providing for the
108 appointment of a State Health Officer by the Governor shall
109 become operative on the earlier of the vacancy in the Office
110 of the State Health Officer or the date when the next Governor
111 commences serving.