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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 and would set minimum qualifications for the position of State Health Officer.

This bill would authorize the Governor to approve or deny certain actions proposed by the State Health Officer, and would prohibit a general emergency rule, order, or other directive issued by the State Health Officer 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



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

43 (a) (1) The ~~State Committee of Public Health shall elect~~  
44 Governor shall appoint, from a list of names submitted by the  
45 State Committee of Public Health, an executive officer who  
46 shall be a physician licensed in the State of Alabama to be  
47 known as the State Health Officer, and shall fix his term of  
48 office and to serve at the pleasure of the Governor. The State  
49 Committee of Public Health shall fix his or her salary. The  
50 qualifications of this individual shall be determined by the  
51 State Committee of Public Health, which at a minimum, shall  
52 include the following:

53 a. Possession of a full, active, and unrestricted  
54 license to practice medicine in Alabama.

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.