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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 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

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



29 qualifications for the position of State Health Officer; to
30 require certain emergency rules, orders, or directives issued
31 by the State Health Officer to be approved by the Governor and
32 a copy filed with the Secretary of State before the emergency
33 rule, order, or other directive has the full force and effect
34 of law; and to make nonsubstantive, technical revisions to
35 update the existing 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) (1) The State Committee of Public Health shall elect
41 an executive officer who shall be a physician licensed in the
42 State of Alabama to be known as the State Health Officer and
43 shall fix ~~his~~the term of office and salary. The
44 qualifications of this individual shall be determined by the
45 State Committee of Public Health, which at a minimum, shall
46 include the following:

47 a. Possession of a full, active, and unrestricted
48 license to practice medicine in Alabama.

49 b. Possession of either a Master of Public Health
50 degree or Master of Business Administration degree, or a
51 similar degree in the field of health care or public health.

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



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

76 **(c)** The State Health Officer shall stay informed with
77 regard to an actual or potential outbreak of any disease
78 affecting this state and, as far as authorized by law, take
79 prompt measures to prevent ~~such invasions~~an outbreak and keep
80 the Governor and the Legislature informed as to the health
81 conditions prevailing in the state, especially as to outbreaks
82 of any of the diseases enumerated in Chapter ~~11 of this title~~
83 11A, and submit to the Governor and Legislature ~~such~~
84 recommendations as he or she deems proper to control, prevent,



85 or minimize an outbreak~~such outbreaks~~.

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

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

98 Section 2. This act shall become effective on the first
99 day of the third month following its passage and approval by
100 the Governor, or its otherwise becoming law.