

# HB143 INTRODUCED



1 HB143  
2 BIG9JQJ-1  
3 By Representative Shirey  
4 RFD: Health  
5 First Read: 07-Feb-24



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SYNOPSIS:

The State Health Officer is the top official of the State Board of Health. Among other duties, the State Health Officer has a duty to identify diseases and other conditions affecting public health and take measures to minimize, control, or abate such conditions. With this duty, the State Health Officer may adopt emergency rules and may issue orders or other directives.

This bill would provide that an emergency rule, order, or directive relating to a disease outbreak generally applicable to the public which is adopted or issued by the State Health Officer may not take effect unless and until the emergency rule, order, or directive is approved by the Governor and a copy is filed with the Secretary of State.

This bill would also provide exceptions for orders or other directives relating to permits or licenses, violations of public health laws, abatement of unsanitary conditions, and certain quarantine or isolation orders.

A BILL  
TO BE ENTITLED



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AN ACT

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31 Relating to the State Board of Health; to require  
32 certain emergency rules, orders, or directives issued by the  
33 State Health Officer and relating to disease outbreaks to be  
34 approved by the Governor and filed with the Secretary of State  
35 before taking effect.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. (a) An emergency rule, order, or directive  
38 relating to containment or mitigation measures to address a  
39 disease outbreak that is generally applicable to the public at  
40 large, or to businesses, institutions, or other entities,  
41 shall not be effective unless the rule, order, or directive is  
42 first approved by the Governor and a copy is filed in the  
43 Office of the Secretary of State.

44 (b) Subsection (a) does not prohibit or restrict the  
45 State Health Officer from issuing individualized orders or  
46 directives to persons for violations of public health laws  
47 under Title 22, Code of Alabama 1975, or rules adopted by the  
48 State Board of Health thereunder, or closure of certain state  
49 waters for oyster harvesting. Individualized orders or  
50 directives include, but are not limited to, all of the  
51 following:

52 (1) Emergency suspensions or proposed revocations of  
53 permits, licenses, or authorizations to engage in activities  
54 governed by public health laws or rules of the State Board of  
55 Health.

56 (2) Fines issued for violations of public health laws



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57 or rules of the State Board of Health.

58 (3) Directives to destroy adulterated or contaminated  
59 food, milk, or milk products.

60 (4) Directives to abate unsanitary conditions caused or  
61 maintained by a person which are, or are likely to become,  
62 menaces to public health.

63 (5) Quarantine or isolation orders issued to  
64 individuals having, or suspected of having, a communicable  
65 disease.

66 (c) The State Health Officer shall report emergency  
67 rules, orders, and directives he or she issues to the State  
68 Committee of Public Health at its next meeting after the  
69 action is taken, and the action shall then be subject to  
70 confirmation or modification by the committee.

71 Section 2. This act shall become effective on October  
72 1, 2024.