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SYNOPSIS:

Under existing law, the Medical Association of the State of Alabama is the State Board of Health, and the State Committee of Public Health is comprised of 12 members of the board of censors of the Medical Association of the State of Alabama and the chairs of four specified health-related councils.

In practice, the entity known as the State Board of Health has minimal duties other than to hold an annual meeting. In its stead, the State Committee of Public Health carries out the duties and functions of the state's public health laws through a body corporate referred to as the Alabama Department of Public Health.

This bill would abolish the State Board of Health and would confer all duties and authorities provided by law to the State Committee of Public Health.

This bill would revise the membership of the State Committee of Public Health to include a physician member from each of the seven Congressional districts appointed by the Medical Association of the State of Alabama, four physician members appointed by specified specialty medical specialty societies, and the Governor or his or her designee, in addition to the chairs of the four specified councils of the State Committee of



29 Public Health.

30 Under existing law, the State Committee of
31 Public Health appoints the State Health Officer who
32 oversees the public health laws and, among other
33 duties, is authorized to take prompt measures to
34 prevent the spread of infectious diseases.

35 This bill would provide that the Governor shall
36 appoint the State Health Officer from a list of names
37 submitted by the State Committee of Public Health. This
38 bill would also set minimum qualifications for the
39 position of State Health Officer.

40 This bill would authorize the Governor,
41 Lieutenant Governor, Speaker of the House of
42 Representatives, or the President Pro Tempore of the
43 Senate to petition the State Committee of Public Health
44 to review certain actions taken by the State Health
45 Officer in certain circumstances and provide a
46 mechanism for discipline, including removal, of the
47 State Health Officer by the State Committee of Public
48 Health.

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

56 This bill would also provide exceptions for



57 orders or other directives relating to permits or
58 licenses, violations of public health laws, abatement
59 of unsanitary conditions, and certain quarantine or
60 isolation orders.

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

64

65

66 A BILL

67 TO BE ENTITLED

68 AN ACT

69

70 Relating to the Alabama Department of Public Health; to
71 amend Sections 22-1-1, 22-2-1, 22-2-4, 22-2-5, 22-2-6, and
72 22-2-8, Code of Alabama 1975, to abolish the State Board of
73 Health and confer all duties and authorities provided by law
74 to the State Committee of Public Health; to revise the
75 membership of the State Committee of Public Health; to
76 provide minimum qualifications for the State Health Officer;
77 to provide a mechanism to require the State Committee of
78 Public Health to review certain official actions taken by the
79 State Health Officer and take disciplinary action against the
80 State Health Officer; to add Section 22-2-8.1 to the Code of
81 Alabama 1975, to require certain emergency rules, orders, or
82 directives issued by the State Health Officer to be approved
83 by the Governor and a copy to be filed with the Secretary of
84 State before the emergency rule, order, or other directive has



85 the full force and effect of law; and to make nonsubstantive,
86 technical revisions to update the existing code language to
87 current style.

88 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

89 Section 1. Sections 22-1-1, 22-2-1, 22-2-4, 22-2-5,
90 22-2-6, and 22-2-8, Code of Alabama 1975, are amended to read
91 as follows:

92 "§22-1-1

93 For the purposes of this ~~title, the phrase "State~~
94 ~~Health Department"~~code, the Alabama Department of Public
95 Health shall mean the ~~State Board of Health or the~~ State
96 Committee of Public Health, ~~when acting for the State Board of~~
97 ~~Health."~~

98 "§22-2-1

99 ~~The Medical Association of the State of Alabama, as~~
100 ~~constituted under the laws now in force or which hereafter may~~
101 ~~be in force, is the~~ The State Board of Health is abolished.
102 All powers and duties of the State Board of Health, as those
103 powers and duties exist on September 30, 2024, are conferred
104 upon the State Committee of Public Health created under
105 Section 22-2-4, and the State Committee of Public Health shall
106 act as the State Board of Health for purposes of this code."

107 "§22-2-4

108 (a) There is hereby created a State Committee of Public
109 Health. ~~which shall be composed of 12 members of the board of~~
110 ~~censors of the Medical Association of the State of Alabama and~~
111 ~~the chairman~~ Beginning October 1, 2024, the committee shall
112 consist of:



113 (1) The chairs of the four councils ~~which are~~ created
114 in Section 22-2-9;

115 (2) The Governor or his or her designee;

116 (3) One physician from each Congressional district
117 appointed by the Medical Association of the State of Alabama;
118 ~~The medical doctor members of the committee shall be selected~~
119 ~~by the State Board of Health, one from each of the United~~
120 ~~States congressional districts and the remainder from the~~
121 ~~state at large.~~

122 (4) One physician appointed by the Alabama Medical
123 Directors Association;

124 (5) One physician appointed by the Alabama State
125 Society of Anesthesiologists; and

126 (6) Two physicians practicing medicine in rural areas
127 appointed by the Alabama Academy of Family Physicians, one
128 physician specializing in family medicine and the other being
129 either an obstetrician-gynecologist or a family medicine
130 physician with additional and specialized training in
131 obstetrics-gynecology.

132 (b) All physician members of the State Committee of
133 Public Health shall be residents of this state and shall be
134 licensed to practice medicine by the Medical Licensure
135 Commission of Alabama.

136 (c) A majority of the membership of the State Committee
137 of Public Health shall elect a ~~chairman and vice-chairman~~
138 chair and a vice-chair to serve one term of four years. ~~Upon~~
139 ~~incapacitation or resignation of the chairman, the~~
140 ~~vice-chairman~~ If the chair is unable to serve, the vice-chair



141 shall succeed to the ~~chairmanship~~ position of chair of the
142 committee. Each member of the State Committee of Public Health
143 shall have one vote, except the ~~chairman~~ chair who shall vote
144 only in case of a tie. The State Health Officer shall be ex
145 officio secretary to the committee, though not a member
146 thereof, and he or she shall have no vote.

147 (d) The members of the committee shall receive per diem
148 at a rate of ~~\$100.00~~ one hundred dollars (\$100) per day ~~or any~~
149 ~~portion thereof that such committee members shall be~~ when in
150 attendance at an official meeting or function of the
151 committee. In addition, each committee member shall receive
152 reimbursement for subsistence and travel in accordance with
153 state law for each day actively engaged in the duties of
154 ~~their~~ this or her office."

155 "§22-2-5

156 Whenever the words "State Board of Health" are used in
157 this ~~title, or in any chapter or subsection thereof, said~~
158 code, the words shall mean the "State Committee of Public
159 Health," as created in Section 22-2-4, ~~except when the State~~
160 ~~Board of Health is in actual session assembled. The State~~
161 ~~Committee of Public Health, as constituted by this chapter,~~
162 ~~shall have and possess all the prerogatives and powers and~~
163 ~~duties heretofore prescribed by law for the State Board of~~
164 ~~Health and shall act for said board. The State Board of Health~~
165 ~~may by a three-fifths vote alter or amend any action of the~~
166 ~~State Committee of Public Health, but only when said board is~~
167 ~~in session assembled."~~

168 "§22-2-6



169 ~~(a) When the State Board of Health is not in session,~~
170 ~~the State Committee of Public Health shall act for said board~~
171 ~~and have and discharge all the prerogatives and duties of said~~
172 ~~board, including the adoption and promulgation of rules and~~
173 ~~regulations.~~ Meetings of the State Committee of Public Health
174 shall be held monthly. A majority of the members shall
175 constitute a quorum. Special meetings of the committee may be
176 called by the ~~chairman~~ chair upon 10 days prior written notice
177 to the committee members ~~thereof~~.

178 (b) The State Committee of Public Health shall adopt
179 rules as necessary to promote and maintain public health in
180 this state."

181 "§22-2-8

182 (a) (1) The ~~State Committee of Public Health shall elect~~
183 ~~an executive officer who shall be~~ Governor shall appoint, from
184 a list of names submitted by the State Committee of Public
185 Health, a physician licensed in the State of Alabama to be
186 known as the State Health Officer ~~and~~. The State Committee of
187 Public Health shall fix his or her term of office and salary.
188 The qualifications of this individual shall be determined by
189 the State Committee of Public Health, which, at a minimum,
190 shall include possession of a full, active, and unrestricted
191 license to practice medicine in Alabama.

192 (2) Before entering upon the duties of ~~his~~ the office,
193 the State Health Officer shall execute to the State of Alabama
194 a bond, to be approved by the Governor, in the amount of five
195 thousand dollars (\$5,000) ~~.00,~~ for the faithful performance of
196 ~~his~~ these duties.



197 (b) (1) The State Health Officer, ~~so-elected shall,~~
198 under the direction of the State Committee of Public Health
199 and with the approval of the State Personnel Board, shall fix
200 the salaries of the medical employees of the State Committee
201 of Public Health. When the State Committee of Public Health is
202 not in session, the State Health Officer, as executive officer
203 of the Alabama Department of Public Health, shall act for ~~said~~
204 the committee and shall have and discharge all the
205 ~~prerogatives powers~~ and duties of ~~said-the~~ committee. ~~He-The~~
206 State Health Officer shall report his or her actions to the
207 committee at its next meeting after ~~such-the~~ action is taken,
208 and ~~such-the~~ action of the State Health Officer shall then be
209 subject to confirmation or modification by the committee.

210 (2) If the Governor, Lieutenant Governor, Speaker of
211 the House of Representatives, or President Pro Tempore of the
212 Senate determine, in his or her opinion, that the State Health
213 Officer has taken an official action that exceeds the State
214 Health Officer's statutory authority in a manner that
215 demonstrates a willful disregard for the office, he or she may
216 petition the State Committee of Public Health to determine
217 whether the State Health Officer should be disciplined and
218 whether the official action should be modified, reversed, or
219 affirmed. Disciplinary action may include removal from office.
220 This review shall be initiated within 30 days of receipt of
221 written notice sent by certified mail to the Chair of the
222 State Committee of Public Health.

223 (c) The State Health Officer shall exercise general
224 supervision over county boards of health and county health



225 officers and promptly report to ~~said~~ the county boards of
226 health any delinquencies of official duty on the part of ~~said~~
227 a county health ~~officers~~ officer which may come to his or her
228 knowledge. ~~, keep himself informed in regard to all diseases~~
229 ~~which may be in danger of invading the state~~

230 (d) The State Health Officer shall stay informed with
231 regard to an actual or potential outbreak of any disease
232 affecting the state and, as far as authorized by law, take
233 prompt measures to prevent ~~such invasions~~ an outbreak and keep
234 the Governor and the Legislature informed as to the health
235 conditions prevailing in the state, especially as to outbreaks
236 of any of the diseases enumerated in Chapter ~~11 of this~~
237 ~~title~~ 11A, and submit to the Governor and Legislature such
238 recommendations as he or she deems proper to control, ~~such~~
239 ~~outbreaks~~ prevent, or minimize the outbreak."

240 Section 2. Section 22-2-8.1 is added to the Code of
241 Alabama 1975, to read as follows:

242 §22-2-8.1

243 (a) An emergency rule, order, outbreak, or directive
244 relating to containment or mitigation measures to address a
245 disease outbreak that is generally applicable to the public at
246 large, or to businesses, institutions, or other entities,
247 shall not be effective unless the rule, order, or directive is
248 first approved by the Governor and a copy is filed in the
249 Office of the Secretary of State.

250 (b) Subsection (a) does not prohibit or restrict the
251 State Health Officer from issuing individualized orders or
252 directives to persons for violations of public health laws



253 under Title 22, Code of Alabama 1975, or rules adopted
254 thereunder, or closure of certain state waters for oyster
255 harvesting. Individualized orders or directives include, but
256 are not limited to, all of the following:

257 (1) Emergency suspensions or proposed revocations of
258 permits, licenses, or authorizations to engage in activities
259 governed by public health laws or rules thereunder.

260 (2) Fines issued for violations of public health laws.

261 (3) Directives to destroy adulterated or contaminated
262 food, milk, or milk products.

263 (4) Directives to abate unsanitary conditions caused or
264 maintained by a person which are, or are likely to become,
265 menaces to public health.

266 (5) Quarantine or isolation orders issued to
267 individuals having, or suspected of having, a communicable
268 disease.

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

274 (d) Nothing in this section shall permit the State
275 Health Officer or Governor to require an individual resident
276 to be vaccinated against COVID-19 or any variant thereof.

277 Section 3. This act shall become effective on October
278 1, 2024; provided, however, the provisions of Section 22-2-8,
279 Code of Alabama 1975, providing for the appointment of a State
280 Health Officer by the Governor shall become operative when a



281 vacancy occurs in the Office of the State Health Officer on or
282 after October 1, 2024.