

SB128 INTRODUCED



1 SB128
2 DEZJHHH-1
3 By Senator Melson
4 RFD: Healthcare
5 First Read: 20-Feb-24



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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 four physician members appointed by the Medical Association of the State of Alabama, six physician members appointed by specified specialty medicine organizations, and the Governor and the Commissioner of Agriculture and Industries or their designees, in addition to the chairs of the four specified



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29 health-related councils.

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 set minimum qualifications for
36 the position of State Health Officer.

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

46 This bill would authorize the Governor to
47 approve or deny certain actions proposed by the State
48 Health Officer, and would prohibit certain general
49 emergency rules, orders, and other directives issued by
50 the State Health Officer from taking effect unless
51 approved by the Governor with a copy filed in the
52 Office of the Secretary of State.

53 This bill would also make nonsubstantive,
54 technical revisions to update the existing code
55 language to current style.

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Department of Public Health; to amend Sections 22-1-1, 22-2-1, 22-2-4, 22-2-5, 22-2-6, and 22-2-8, Code of Alabama 1975, to abolish the State Board of Health and confer all duties and authorities provided by law to the State Committee of Public Health; to revise the membership of the State Committee of Public Health; to provide minimum qualifications for the State Health Officer; to provide a mechanism to require the State Committee of Public Health to review certain official actions taken by the State Health Officer and take disciplinary action against the State Health Officer; to require certain emergency rules, orders, or directives issued by the State Health Officer to be approved by the Governor and a copy to be filed with the Secretary of State before the emergency rule, order, or other directive has the full force and effect of law; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-1-1

For the purposes of this ~~title, the phrase "State~~



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85 ~~Health Department~~"code, the Alabama Department of Public
86 Health shall mean the ~~State Board of Health or the~~ State
87 Committee of Public Health, ~~when acting for the State Board of~~
88 ~~Health.~~"

89 "§22-2-1

90 ~~The Medical Association of the State of Alabama, as~~
91 ~~constituted under the laws now in force or which hereafter may~~
92 ~~be in force, is the~~ The State Board of Health is abolished.
93 All powers and duties of the State Board of Health, as those
94 powers and duties exist on September 30, 2024, are conferred
95 upon the State Committee of Public Health created under
96 Section 22-2-4, and the State Committee of Public Health shall
97 act as the State Board of Health for purposes of this code."

98 "§22-2-4

99 (a) There is hereby created a State Committee of Public
100 Health. ~~which shall be composed of 12 members of the board of~~
101 ~~censors of the Medical Association of the State of Alabama and~~
102 ~~the chairman~~ Beginning October 1, 2024, the committee shall
103 consist of the chairs of the four councils ~~which are~~ created
104 in Section 22-2-9, the Governor or his or her designee, the
105 Commissioner of Agriculture and Industries or his or her
106 designee, and 10 physicians. ~~The medical doctor members of the~~
107 ~~committee shall be selected by the State Board of Health, one~~
108 ~~from each of the United States congressional districts and the~~
109 ~~remainder from the state at large.~~ The physician members shall
110 be licensed to practice medicine, be residents of this state,
111 and have expertise within their respective specialty in
112 medicine. The physician members shall be appointed as follows:



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113 (1) An obstetrician-gynecologist appointed by the
114 Alabama Chapter of the American College of Obstetricians and
115 Gynecologists.

116 (2) A pediatrician appointed by the Alabama Chapter of
117 the American Academy of Pediatrics.

118 (3) A family medicine physician appointed by the
119 Alabama Academy of Family Physicians.

120 (4) An internal medicine physician, appointed by the
121 Alabama Chapter of the American College of Physicians.

122 (5) A radiologist appointed by the Alabama Chapter of
123 the Academy of Radiology.

124 (6) A psychiatrist appointed by the Alabama Chapter of
125 the American Academy of Psychiatric Medicine.

126 (7) An infectious disease physician appointed by the
127 Medical Association of the State of Alabama.

128 (8) A general surgeon appointed by the Medical
129 Association of the State of Alabama.

130 (9) A physician practicing geriatric medicine appointed
131 by the Medical Association of the State of Alabama.

132 (10) A maternal-fetal medicine physician appointed by
133 the Medical Association of the State of Alabama.

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



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

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

153 "§22-2-5

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

166 "§22-2-6

167 (a) ~~When the State Board of Health is not in session,~~
168 ~~the State Committee of Public Health shall act for said board~~



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169 ~~and have and discharge all the prerogatives and duties of said~~
170 ~~board, including the adoption and promulgation of rules and~~
171 ~~regulations.~~ Meetings of the State Committee of Public Health
172 shall be held monthly. A majority of the members shall
173 constitute a quorum. Special meetings of the committee may be
174 called by the ~~chairman~~ chair upon 10 days prior written notice
175 to the committee members ~~thereof~~.

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

179 "§22-2-8

180 (a) (1) The State Committee of Public Health shall elect
181 an executive officer who shall be a physician licensed in the
182 State of Alabama to be known as the State Health Officer and
183 shall fix ~~his~~ the term of office and salary. The
184 qualifications of this individual shall be determined by the
185 State Committee of Public Health, which at a minimum, shall
186 include:

187 a. Possession of a full, active, and unrestricted
188 license to practice medicine in Alabama; and

189 b. Possession of a Master of Public Health degree, a
190 Master of Business Administration degree, or a similar degree
191 in the field of health care or public health.

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.



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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 **(c)** The State Health Officer shall exercise general
221 supervision over county boards of health and county health
222 officers and promptly report to ~~said the~~ county boards of
223 health any delinquencies of official duty on the part of ~~said~~
224 a county health ~~officers officer~~ which may come to his or her



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225 knowledge., ~~keep himself informed in regard to all diseases~~
226 ~~which may be in danger of invading the state~~

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

237 (e) (1) The Governor shall have the authority to approve
238 or deny any action proposed by the State Health Officer which
239 would restrict, limit, or otherwise burden the conduct of
240 private citizens or businesses. No emergency rule adopted
241 pursuant to Section 41-22-5(b), order, or other directive
242 shall have the full force of law, unless the emergency rule is
243 first approved by the Governor and a copy filed in the Office
244 of the Secretary of State.

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

249 Section 2. This act shall become effective on October
250 1, 2024.