

SB74 INTRODUCED



1 SB74
2 JEV8FN-1
3 By Senators Givhan, Barfoot, Williams, Butler, Stutts,
4 Shelnut, Elliott, Kelley, Allen, Jones, Gudger, Bell,
5 Kitchens, Orr
6 RFD: Healthcare
7 First Read: 07-Feb-24



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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 with a copy filed in 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



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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 the 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 to be filed with the Secretary of State before the
36 emergency rule, order, or other directive has the full force
37 and effect of law; and to make nonsubstantive, technical
38 revisions to update the existing code language to current
39 style.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Section 22-2-8, Code of Alabama 1975, is
42 amended to read as follows:

43 "§22-2-8

44 (a) (1) ~~The State Committee of Public Health shall elect~~
45 Governor shall appoint an executive officer who shall be a
46 physician licensed in the State of Alabama to be known as the
47 State Health Officer, ~~and shall fix his term of office and to~~
48 serve at the pleasure of the Governor. The State Personnel
49 Board shall fix his or her salary. The qualifications of this
50 individual shall ~~be determined by the State Committee of~~
51 ~~Public Health~~ include possession of a full, active, and
52 unrestricted license to practice medicine in Alabama.

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



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57 performance of ~~his~~the duties of the office.

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

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



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85 recommendations as he or she deems proper to control, prevent,
86 or minimize an outbreak~~such outbreaks~~.

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

96 (2) Subdivision (1) does not prohibit or restrict the
97 enforcement of violations of state law and rules adopted by
98 the State Board of Health.

99 (3) Nothing in this section shall allow the State
100 Health Officer or the Governor to require an individual to be
101 vaccinated against COVID-19 or any variant thereof."

102 Section 2. This act shall become effective on October
103 1, 2024; provided, however, the provisions of this act
104 providing for the appointment of a State Health Officer by the
105 Governor shall become operative on the earlier of the vacancy
106 in the Office of the State Health Officer or the date when the
107 next Governor commences serving.