

1 SB240  
2 207851-3  
3 By Senators McClendon, Whatley, Albritton, Price, Chesteen,  
4 Allen, Butler, Scofield, Livingston, Sessions, Williams,  
5 Elliott, Orr, Marsh, Shelnut, Gudger, Barfoot, Beasley and  
6 Smitherman  
7 RFD: Healthcare  
8 First Read: 23-FEB-21

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8       SYNOPSIS:               Under existing law, the Medical Association  
9                               of the State of Alabama is the State Board of  
10                              Health. The State Board of Health serves as the  
11                              Alabama Department of Public Health and appoints a  
12                              State Health Officer to preside over the State  
13                              Board of Health.

14                             Under existing law, the State Committee of  
15                             Public Health is comprised of 12 members of the  
16                             Board of Censors of the Medical Association of the  
17                             State of Alabama plus four additional members. The  
18                             State Committee of Public Health acts as the State  
19                             Board of Health when the board is not in session.

20                             Also under existing law, a county board of  
21                             health is comprised of the board of censors of  
22                             county medical societies affiliated with the  
23                             Medical Association of the State of Alabama.

24                             This bill would abolish the State Board of  
25                             Health, including the position of State Health  
26                             Officer, and the State Committee of Public Health  
27                             under their current structure and membership and

1 would reconstitute the Alabama Department of Public  
2 Health, provide that all duties and  
3 responsibilities of the State Board of Health are  
4 duties of the department, and revise the  
5 authorities granted to the department.

6 This bill would create the position of  
7 Secretary of the Alabama Department of Public  
8 Health to be appointed by and serve at the pleasure  
9 of the Governor and would establish duties of the  
10 secretary.

11 This bill would create the position of State  
12 Medical Director and would establish duties of the  
13 medical director.

14 This bill would establish a State Health  
15 Advisory Board comprised of various health care  
16 professionals appointed by the Governor and would  
17 establish the duties of the advisory board.

18 This bill would revise the composition of  
19 county boards of health and abolish the position of  
20 county quarantine officer.

21 This bill would abolish the Council on  
22 Dental Health; the Council on Animal and  
23 Environmental Health; the Council on the Prevention  
24 of Disease and Medical Care; and the Council on  
25 Health Costs, Administration and Organization.

26 This bill would make technical changes to  
27 reflect the terminology created by this act.

1                   This bill would also make nonsubstantive,  
2                   technical revisions to update the existing code  
3                   language to current style.

4  
5                   A BILL  
6                   TO BE ENTITLED  
7                   AN ACT

8  
9                   Relating to the Alabama Department of Public Health;  
10                  to redesignate Chapters 22 through 49 of Title 22 as Subtitle  
11                  2 of Title 22, and Chapters 50 through 57, inclusive, of Title  
12                  22 as Subtitle 3 of Title 22, Code of Alabama 1975; to amend  
13                  Sections 22-1-1, 22-1-3, 22-2-1, 22-2-2, 22-2-3, 22-2-4,  
14                  22-2-5, 22-2-6, 22-2-7, 22-2-8, 22-3-1, 22-11A-38, 22-22A-2,  
15                  22-29-1, 22-37A-2, 34-15-2, and 34-15-5, Code of Alabama 1975;  
16                  to repeal Sections 22-2-9, 22-2-10, 22-2-11, 22-2-12, 22-2-13,  
17                  and 22-3-8, Code of Alabama 1975; to abolish the State Board  
18                  of Health, the State Committee of Public Health, the position  
19                  of State Health Officer, the position of county quarantine  
20                  officer, the Council on Dental Health, the Council on Animal  
21                  and Environmental Health, the Council on the Prevention of  
22                  Disease and Medical Care, and the Council on Health Costs,  
23                  Administration and Organization; to reconstitute the Alabama  
24                  Department of Public Health and revise the duties and  
25                  responsibilities of the department; to create the position of  
26                  Secretary of the Alabama Department of Public Health to be  
27                  appointed by the Governor and provide for the duties of the

1 secretary; to create the position of State Medical Director  
2 and provide for the duties of the medical director; to  
3 establish a State Health Advisory Board and provide for its  
4 membership and duties; to revise the composition of county  
5 boards of health; to make technical changes to reflect revised  
6 terminology; and to make nonsubstantive, technical revisions  
7 to update the existing code language to current style.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Chapters 22 through 49 of Title 22, Code  
10 of Alabama 1975, are redesignated as Subtitle 2 of Title 22,  
11 and Chapters 50 through 57, inclusive, of Title 22, Code of  
12 Alabama 1975, are redesignated as Subtitle 3 of Title 22.

13 Section 2. Sections 22-1-1 and 22-1-3, Code of  
14 Alabama 1975, are amended to read as follows:

15 "§22-1-1.

16 ~~"For the purposes of this title, the phrase "State~~  
17 ~~Health Department" shall mean the State Board of Health or the~~  
18 ~~State Committee of Public Health, when acting for the State~~  
19 ~~Board of Health.~~

20 "As used in this ~~title~~ subtitle, the following terms  
21 have the following meanings:

22 "(1) ADVISORY BOARD. The State Health Advisory Board  
23 established under Section 22-2-4. Any reference to the State  
24 Committee of Public Health means the State Health Advisory  
25 Board.

26 "(2) COUNTY BOARD OF HEALTH. A county board of  
27 health established pursuant to Section 22-3-1.

1           "(3) DEPARTMENT. The Alabama Department of Public  
2 Health. Any reference to the State Health Department, the  
3 State Board of Health, or the Board of Health means the  
4 Alabama Department of Public Health.

5           "(4) SECRETARY. The Secretary of the Alabama  
6 Department of Public Health. Any reference to the State Health  
7 Officer means the Secretary of the Alabama Department of  
8 Public Health.

9           "§22-1-3.

10           "No local board of health or other executive body  
11 for the exercise of public health functions other than ~~the a~~ a  
12 county board of health shall be established or exist in any  
13 county or municipality. No municipality shall have a municipal  
14 health officer or other like officer. No board, body, or  
15 organization or any official or ~~person~~ other individual,  
16 acting or claiming to be under any federal authority or acting  
17 without claim of federal or state authority, shall engage in  
18 any public health work except under the supervision and  
19 control of the ~~State Board of Health~~ Department of Public  
20 Health."

21           Section 3. Section 22-2-1, Code of Alabama 1975, is  
22 amended to read as follows:

23           "§22-2-1.

24           "(a) The Effective until October 1, 2022, the  
25 Medical Association of the State of Alabama, as constituted  
26 under the laws now in force or which hereafter may be in  
27 force, is the State Board of Health.

1           "(b) Effective on October 1, 2022, the Alabama  
2           Department of Public Health is reconstituted as the agency  
3           responsible for administering this subtitle, and the State  
4           Board of Health is abolished. On that date, the duties and  
5           responsibilities of the State Board of Health as set forth in  
6           law are deemed to be the duties and responsibilities of the  
7           Alabama Department of Public Health, and any reference to the  
8           State Board of Health means the Alabama Department of Public  
9           Health."

10           Section 4. Section 22-2-2, Code of Alabama 1975, is  
11           amended to read as follows:

12           "§22-2-2.

13           "~~The State Board of Health~~ department shall have  
14           ~~authority and jurisdiction~~ safeguard and promote the health of  
15           the residents of this state. The duties of the department  
16           shall include, but not be limited to, all of the following:

17           "(1) To exercise general control over the  
18           enforcement of ~~the laws relating to public health~~ this  
19           subtitle.

20           "(2) To investigate ~~the causes, modes or propagation~~  
21           ~~and means of prevention of~~ and provide epidemiological  
22           investigations and laboratory services in the detection and  
23           control of diseases, disorders, and disabilities and to  
24           provide research, conduct investigations, and disseminate  
25           information concerning reduction in the incidence and proper  
26           control of diseases, disorders, and disabilities.

1           ~~"(3) To investigate the influence of localities and~~  
2 ~~employment on the health of the people.~~

3           ~~"(4) (3) To inspect all schools, hospitals, asylums,~~  
4 ~~jails, theatres, opera houses, courthouses, churches, public~~  
5 ~~halls, prisons, stockades where convicts are kept, markets,~~  
6 ~~dairies, milk depots, slaughter pens or houses, railroad~~  
7 ~~depots, railroad cars, street railroad cars, lines of~~  
8 ~~railroads and street railroads (including the territory~~  
9 ~~contiguous to said lines), industrial and manufacturing~~  
10 ~~establishments, offices, stores, banks, club houses, hotels,~~  
11 ~~rooming houses, residences and other places of like character,~~  
12 ~~and whenever insanitary conditions in any of these places,~~  
13 ~~institutions or establishments or conditions prejudicial to~~  
14 ~~health, or likely to become so, are found, proper steps shall~~  
15 ~~be taken by the proper authorities to have such conditions~~  
16 ~~corrected or abated. To enter into and inspect any residence~~  
17 ~~or public place at reasonable times to determine the presence~~  
18 ~~of conditions detrimental to health or to determine compliance~~  
19 ~~with health laws, rules, or standards, and if the department~~  
20 ~~finds that conditions exist that are or may be detrimental to~~  
21 ~~public health, the department shall direct the proper~~  
22 ~~authority to correct or abate the conditions.~~

23           ~~"(5) (4) To examine the any source of supply, tanks,~~  
24 ~~reservoirs, pumping stations and avenues of conveyance~~  
25 ~~drinking water or any facility holding or conveying drinking~~  
26 ~~water, and whenever these waters are found polluted if the~~  
27 ~~department finds that drinking water is unsafe or conditions~~



1 ~~are discovered~~ exist likely to bring about their pollution,  
2 ~~proper steps shall be taken by~~ cause drinking water to be  
3 unsafe, the department shall direct the proper authorities to  
4 improve or correct conditions.

5 ~~"(6) To adopt and promulgate rules and regulations~~  
6 ~~providing proper methods and details for administering the~~  
7 ~~health and quarantine laws of the state, which rules and~~  
8 ~~regulations shall have the force and effect of law and shall~~  
9 ~~be executed and enforced by the same courts, bodies,~~  
10 ~~officials, agents and employees as in the case of health laws,~~  
11 ~~and a quorum, as provided for by the constitution of the~~  
12 ~~medical association of the State of Alabama, shall be~~  
13 ~~competent to act.~~

14 ~~"(7)~~ (5) To exercise supervision and control over  
15 county boards of health and ~~over~~ county health officers and  
16 ~~county quarantine officers~~ in the enforcement of the public  
17 ~~health laws of the state~~ this subtitle in their respective  
18 counties, and whenever any ~~such~~ county board of health, or  
19 county health officer ~~or county quarantine officer shall fail~~  
20 ~~or refuse~~ fails or refuses to discharge its or his or her  
21 duties, ~~said duties may be discharged by the State Board of~~  
22 ~~Health~~ the department may discharge those duties until proper  
23 arrangements are made to insure their discharge by ~~said~~ the  
24 respective county board of health or ~~said~~ county health  
25 officer ~~or said county quarantine officer, as the case may be.~~

26 ~~"(8) To act as an advisory board to the state in all~~  
27 ~~medical matters and matters of sanitation and public health."~~

1                   Section 5. Sections 22-2-3 and 22-2-4, Code of  
2 Alabama 1975, are amended to read as follows:

3                   "§22-2-3.

4                   "~~The State Board of Health shall submit to the~~  
5 ~~Governor an annual report of its transactions, in which report~~  
6 ~~recommendations as to needed health legislation may be~~  
7 ~~embodied.~~

8                   "(a) (1) Effective October 1, 2022, the position of  
9 Secretary of the Alabama Department of Public Health is  
10 created, and the position of State Health Officer is  
11 abolished. On that date, the duties and responsibilities of  
12 the State Health Officer as set forth in law are deemed to be  
13 the duties and responsibilities of the secretary, and any  
14 reference to the State Health Officer means the Secretary of  
15 the Alabama Department of Public Health.

16                   "(2) The department shall be under the supervision  
17 and control of the Secretary of the Alabama Department of  
18 Public Health. The secretary shall be appointed by and hold  
19 office at the pleasure of the Governor and shall serve until  
20 his or her successor is appointed. The salary of the secretary  
21 shall be set by the Governor and shall not be subject to  
22 Section 36-6-6. The secretary shall have extensive experience  
23 in the field of public health. The secretary shall be a member  
24 of the Governor's Cabinet who shall advise the Governor on  
25 matters of public health.

26                   "(b) The secretary's responsibilities shall include,  
27 but not be limited to, all of the following:

1           "(1) Conduct studies and investigations, collect and  
2 analyze health and vital data, and identify and describe  
3 health problems.

4           "(2) Plan, facilitate, coordinate, provide, and  
5 support programs for the prevention and control of illness and  
6 disease and the limitation of disabilities.

7           "(3) Establish and enforce health standards for the  
8 protection and promotion of the public's health, such as  
9 quality of health care services, reporting of disease, and  
10 regulation of health care facilities.

11           "(4) Improve the quality of public health and  
12 general health care services by providing consultation and  
13 technical training for health professionals and  
14 paraprofessionals.

15           "(5) Promote personal health by conducting general  
16 health education programs and disseminating health  
17 information.

18           "(6) Coordinate and integrate local, state, and  
19 federal programs and services affecting the public's health.

20           "(7) Continually assess and evaluate the  
21 effectiveness and efficiency of health service systems and  
22 public health programming efforts in the state.

23           "(8) Advise the Governor and Legislature on matters  
24 relating to public health.

25           "(9) As authorized by law, take prompt measures to  
26 control, prevent, minimize, or eliminate an outbreak of any  
27 disease or epidemic and keep the Governor and Legislature

1 informed as to the health conditions prevailing in the state,  
2 including, but not limited to, outbreaks of any notifiable  
3 diseases enumerated in Chapter 11A, and submit to the Governor  
4 and Legislature recommendations he or she deems proper to  
5 control, prevent, minimize, or eliminate an outbreak or  
6 epidemic.

7 "(10) Recommend to the Legislature appropriate  
8 changes in law necessary to carry out the mission of the  
9 department and improve its performance.

10 "§22-2-4.

11 "(a) ~~There is hereby created a~~ Effective until  
12 October 1, 2022, the State Committee of Public Health which  
13 shall be composed of 12 members of the board of censors of the  
14 Medical Association of the State of Alabama and the ~~chairman~~  
15 chair of the four councils which ~~that~~ are created in Section  
16 22-2-9. The medical doctor members of the committee shall be  
17 selected by the State Board of Health, one from each of the  
18 United States congressional districts and the remainder from  
19 the state at large.

20 "(b) Effective October 1, 2022, the State Health  
21 Advisory Board is created and the State Committee of Public  
22 Health is abolished. Any reference to the State Committee of  
23 Public Health means the State Health Advisory Board.

24 "(c) The advisory board shall consist of the  
25 following members appointed by the Governor, with initial  
26 members appointed not later than October 1, 2022:

1           "(1) Two physicians, licensed under Chapter 24 of  
2 Title 34, each of whom is appointed from a list of at least  
3 two nominees for each position selected by the Board of  
4 Medical Examiners. Initial terms shall be for five and three  
5 years, respectively.

6           "(2) A licensed professional nurse and an advanced  
7 practice nurse licensed under Chapter 21 of Title 34, each of  
8 whom is appointed from a list of at least two nominees  
9 selected by the Board of Nursing. Initial terms shall be for  
10 four and two years, respectively.

11           "(3) A registered dietitian licensed under Chapter  
12 34A of Title 34, appointed from a list of at least two  
13 nominees selected by the Board of Examiners for  
14 Dietetics/Nutrition Practice. The initial term shall be for  
15 one year.

16           "(4) A dentist licensed under Chapter 9 of Title 34,  
17 appointed from a list of at least two nominees selected by the  
18 Board of Dental Examiners of Alabama. The initial term shall  
19 be for five years.

20           "(5) A pharmacist licensed under Chapter 23 of Title  
21 34, appointed from a list of at least two nominees selected by  
22 the Alabama State Board of Pharmacy. The initial term shall be  
23 for three years.

24           "(6) A psychologist licensed under Chapter 26 of  
25 Title 34, appointed from a list of at least two nominees  
26 selected by the Alabama Board of Examiners in Psychology. The  
27 initial term shall be for four years.

1           "(7) An optometrist licensed under Chapter 22 of  
2 Title 34, appointed from a list of at least two nominees  
3 selected by the Alabama Board of Optometry. The initial term  
4 shall be for two years.

5           "(d) After initial terms, each term shall be for  
6 five years, commencing on October 1. Members may serve no more  
7 than two full terms. If a vacancy occurs, the Governor shall  
8 fill the vacancy from the remaining names on the list. If the  
9 remaining nominees are no longer qualified or decline to  
10 serve, the Governor may request the appropriate licensing  
11 board to submit a new list of at least two nominees to fill  
12 the vacancy. Each licensing board responsible for selecting  
13 nominees for membership shall submit names to the Governor no  
14 later than September 1 of the year in which the term of office  
15 of the respective advisory board member expires. The Governor  
16 may remove a member for cause.

17           "(e) When making appointments, the Governor shall  
18 ensure that diversity of gender, race, and geographical areas  
19 is reflective of the makeup of this state.

20           ~~"(f) A majority of the State Committee of Public~~  
21 ~~Health shall elect a chairman and vice-chairman to serve one~~  
22 ~~term of four years. The advisory board shall select a chair~~  
23 ~~and a vice-chair from among its members, the terms of office~~  
24 ~~to be determined by the advisory board, but may not exceed~~  
25 ~~three consecutive years. Upon incapacitation or resignation of~~  
26 ~~the chairman chair, the vice-chairman shall succeed to the~~  
27 ~~chairmanship of the committee vice-chair shall succeed as~~

1 chair of the advisory board. A majority of members of the  
2 advisory board shall constitute a quorum. Each member of the  
3 ~~State Committee of Public Health~~ advisory board shall have one  
4 vote, ~~except the chairman who shall vote only in case of a~~  
5 ~~tie.~~ The ~~State Health Officer~~ secretary shall be an ex officio  
6 ~~secretary to the committee, though not a member thereof, and~~  
7 ~~he shall have no vote,~~ non-voting member of the advisory  
8 board.

9 "(g) The members of the ~~committee~~ advisory board  
10 shall receive a per diem at a rate of ~~\$100.00~~ two hundred  
11 dollars (\$200) per day or any portion thereof that ~~such~~  
12 ~~committee members shall be~~ members are in attendance at an  
13 official meeting or function of the ~~committee~~ advisory board.  
14 In addition, each ~~committee~~ member shall receive reimbursement  
15 for ~~subsistence~~ expenses and travel in accordance with state  
16 law for each day actively engaged in the duties of ~~their~~ his  
17 or her office."

18 Section 6. Sections 22-2-5, 22-2-6, 22-2-7, 22-2-8,  
19 22-3-1, 22-11A-38, 22-22A-2, 22-29-1, 22-37A-2, 34-15-2, and  
20 34-15-5, Code of Alabama 1975, are amended to read as follows:

21 "§22-2-5.

22 "~~Whenever the words "State Board of Health" are used~~  
23 ~~in this title, or in any chapter or subsection thereof, said~~  
24 ~~words shall mean the "State Committee of Public Health," as~~  
25 ~~created in Section 22-2-4, except when the State Board of~~  
26 ~~Health is in actual session assembled. The State Committee of~~  
27 ~~Public Health, as constituted by this chapter, shall have and~~

1 ~~possess all the prerogatives and powers and duties heretofore~~  
2 ~~prescribed by law for the State Board of Health and shall act~~  
3 ~~for said board. The State Board of Health may by a~~  
4 ~~three-fifths vote alter or amend any action of the State~~  
5 ~~Committee of Public Health, but only when said board is in~~  
6 ~~session assembled.~~

7 "The State Health Advisory Board shall have the  
8 following duties:

9 "(1) To advise the secretary on all public health  
10 matters within the department's scope of authority.

11 "(2) To adopt rules for the department.

12 "(3) To hear and determine appeals of administrative  
13 actions.

14 "(4) To develop public health policy for the state.

15 "(5) To undertake any other act required of the  
16 advisory board under this subtitle.

17 "§22-2-6.

18 ~~"When the State Board of Health is not in session,~~  
19 ~~the State Committee of Public Health shall act for said board~~  
20 ~~and have and discharge all the prerogatives and duties of said~~  
21 ~~board, including the adoption and promulgation of rules and~~  
22 ~~regulations. Meetings of the State Committee of Public Health~~  
23 ~~shall be held monthly. A majority of the members shall~~  
24 ~~constitute a quorum. Special meetings of the committee may be~~  
25 ~~called by the chairman upon 10 days prior written notice to~~  
26 ~~the members thereof.~~



1           "Any rules of the Alabama Department of Public  
2 Health, the State Committee of Public Health, or the State  
3 Board of Health in effect on October 1, 2022, shall continue  
4 in force and effect as a rule or order of the advisory board  
5 until amended, repealed, or superseded pursuant to law.

6           "§22-2-7.

7           ~~"The State Committee of Public Health and the State~~  
8 ~~Board of Health~~ Advisory Board shall be accountable to the  
9 Legislature ~~of Alabama~~ and shall make an annual report to the  
10 Legislature. The Legislature, or any committee thereof, ~~may,~~  
11 from time to time, may request certain information from the  
12 ~~State Board of Health and the State Committee of Public Health~~  
13 advisory board, and ~~both groups are hereby directed to the~~  
14 advisory board shall lend ~~their~~ its full cooperation in  
15 response to these requests.

16           "§22-2-8.

17           ~~"(a) The State Committee of Public Health~~ secretary  
18 shall ~~elect an executive officer who shall be~~ appoint a  
19 physician licensed in the State of Alabama with extensive  
20 public health experience ~~to be known as the State Health~~  
21 ~~Officer~~ as the State Medical Director and shall fix his or her  
22 term of office and salary. ~~The qualifications of this~~  
23 ~~individual shall be determined by the State Committee of~~  
24 ~~Public Health. Before entering upon the duties of his office,~~  
25 ~~the State Health Officer shall execute to the State of Alabama~~  
26 ~~a bond, to be approved by the Governor, in the amount of~~  
27 ~~\$5,000.00, for the faithful performance of his duties. The~~

1 ~~State Health Officer so elected shall, under the direction of~~  
2 ~~the State Committee of Public Health and with the approval of~~  
3 ~~the State Personnel Board, fix the salaries of the medical~~  
4 ~~employees of the State Committee of Public Health. When the~~  
5 ~~State Committee of Public Health is not in session, the State~~  
6 ~~Health Officer, as executive officer of the Department of~~  
7 ~~Public Health, shall act for said committee and shall have and~~  
8 ~~discharge all the prerogatives and duties of said committee.~~  
9 ~~He shall report his actions to the committee at its next~~  
10 ~~meeting after such action is taken, and such action of the~~  
11 ~~State Health Officer shall then be subject to confirmation or~~  
12 ~~modification by the committee. The State Health Officer shall~~  
13 ~~exercise general supervision over county boards of health and~~  
14 ~~county health officers and promptly report to said county~~  
15 ~~boards of health any delinquencies of official duty on the~~  
16 ~~part of said county health officers which may come to his~~  
17 ~~knowledge, keep himself informed in regard to all diseases~~  
18 ~~which may be in danger of invading the state and, as far as~~  
19 ~~authorized by law, take prompt measures to prevent such~~  
20 ~~invasions and keep the Governor and the Legislature informed~~  
21 ~~as to the health conditions prevailing in the state,~~  
22 ~~especially as to outbreaks of any of the diseases enumerated~~  
23 ~~in Chapter 11 of this title, and submit to the Governor and~~  
24 ~~Legislature such recommendations as he deems proper to control~~  
25 ~~such outbreaks. The director shall serve at the pleasure of~~  
26 ~~the secretary.~~

1           "(b) The director's responsibilities shall include,  
2 but not be limited to, the following duties:

3           "(1) Provide input to the secretary and the advisory  
4 board on all programs and policies that require input and  
5 evaluation from a medical expert.

6           "(2) Stay informed with regard to an actual or  
7 potential outbreak of any disease or epidemic that poses a  
8 risk to the public health and safety of the residents of this  
9 state and make recommendations to the secretary with regard to  
10 measures to control, prevent, minimize, or eliminate an  
11 outbreak or epidemic.

12           "(3) Advise the secretary as needed on matters  
13 relating to promoting public health.

14           "§22-3-1.

15           ~~"The boards of censors of county medical societies~~  
16 ~~in affiliation with the Medical Association of the State of~~  
17 ~~Alabama and organized in accordance with the provisions of its~~  
18 ~~constitution, as it now or may hereafter exist, are~~  
19 ~~constituted county boards of health of their respective~~  
20 ~~counties, including all incorporated municipalities therein,~~  
21 ~~but shall be under the general supervision and control of the~~  
22 ~~State Board of Health. Whenever the name "county committee of~~  
23 ~~public health" or other name or expression referring to the~~  
24 ~~county committee of public health, as such, occurs in the Code~~  
25 ~~of Alabama or any other statute law of the State of Alabama,~~  
26 ~~or in the constitution of the Medical Association of the State~~  
27 ~~of Alabama or in the constitution of the medical society of a~~

1 ~~county in the State of Alabama, said name or expression shall~~  
2 ~~include and mean the county board of health provided for in~~  
3 ~~this section.~~

4 "(a) The county commission of any county, by  
5 resolution, may establish a county board of health, along with  
6 a determination of the number of members that will constitute  
7 the county board of health and the terms of board members. The  
8 presiding officer of the county commission, with the approval  
9 of a majority of members of the commission, shall appoint the  
10 members of the county board of health.

11 "(b) Members of a county board of health shall be  
12 comprised of the following:

13 "(1) The presiding officer of ~~each~~ the county  
14 commission ~~shall be a member of the county board of health in~~  
15 his county.

16 "(2) Two physicians licensed to practice medicine in  
17 this state, who shall be nominated by the medical association  
18 serving that county.

19 "(3) One nurse licensed to practice nursing in this  
20 state, who shall be nominated by the nursing association  
21 serving that county.

22 "(4) One dentist licensed to practice dentistry in  
23 this state, who shall be nominated by the dental association  
24 serving that county.

25 "(5) One pharmacist licensed to practice pharmacy in  
26 this state, who shall be nominated by the pharmacy association  
27 serving that county.

1           "(6) One veterinarian licensed to practice  
2 veterinary medicine in this state, who shall be nominated by  
3 the veterinary association serving that county.

4           "(7) Any additional members as determined by  
5 resolution of the county commission.

6           "(c) (1) An individual who does not reside in that  
7 county may not serve as a voting member of the board.

8           "(2) Any officer, administrator, or employee of the  
9 Medical Association of Alabama may not serve as a member of  
10 the board.

11           "(d) The county health director shall serve as an ex  
12 officio, non-voting member of the county board of health and  
13 shall serve as secretary to the board. In the absence of a  
14 county health director, the Secretary of the Department of  
15 Public Health or his or her designee shall serve in that  
16 capacity. The board shall elect a chair at its first meeting  
17 and annually thereafter.

18           "(e) Beginning October 1, 2022, any county board of  
19 health in existence on that date shall be reconstituted as  
20 provided in this subsection. As positions on an existing  
21 county board of health expire, the presiding officer of the  
22 county commission, with the approval of a majority of members  
23 of the commission, shall appoint new members to the county  
24 board of health. Each member of the board appointed on or  
25 after October 1, 2022, shall be an individual who meets any of  
26 the qualifications described in subsection (b), as determined

1 by the county commission. Members shall be subject to the  
2 disqualifications described in subsection (c).

3 "§22-11A-38.

4 "~~The State Committee of Public Health is hereby~~  
5 ~~authorized to establish the~~ advisory board may adopt rules by  
6 which exceptions may be made to the confidentiality provisions  
7 of this article and establish rules for notification of third  
8 parties of such disease when exposure is indicated or a threat  
9 to the health and welfare of others. All notifications  
10 authorized by this section shall be within the rules  
11 established pursuant to this subsection.

12 "(b) Physicians and hospital administrators or their  
13 designee may notify pre-hospital transport agencies and  
14 emergency medical personnel of a patient's contagious  
15 condition. In case of a death in which there was a known  
16 contagious disease, the physician or hospital administrator or  
17 ~~their~~ his or her designee may notify the funeral home  
18 director.

19 "(c) The attending physician or the State Health  
20 Officer or his or her designee may notify the appropriate  
21 superintendent of education when a student or employee has a  
22 contagious disease that endangers the health and welfare of  
23 others.

24 "(d) Physicians or the State Health Officer or his  
25 or her designee may notify a third party of the presence of a  
26 contagious disease in an individual where there is a

1 foreseeable, real, or probable risk of transmission of the  
2 disease.

3 "(e) Any physician attending a patient with a  
4 contagious disease may inform other physicians involved in the  
5 care of the patient and a physician to whom a referral is made  
6 of the patient's condition.

7 "(f) No physician, employee of the health  
8 department, hospitals, other health care facilities or  
9 organizations, funeral homes, or any employee thereof shall  
10 incur any civil or criminal liability for revealing or failing  
11 to reveal confidential information within the approved rules.  
12 This subsection is intended to extend immunity from liability  
13 to acts which could constitute a breach of physician/patient  
14 privilege but for the protections of this subsection.

15 "(g) All persons who receive a notification of the  
16 contagious condition of an individual under this section and  
17 the rules established hereunder, shall hold such information  
18 in the strictest of confidence and privilege and shall take  
19 only those actions necessary to protect the health of the  
20 infected person or other persons where there is a foreseeable,  
21 real, or probable risk of transmission of the disease.

22 "(h) Notwithstanding the provisions of this section  
23 or any other provisions of law, the State Health Officer or  
24 his or her designee shall under the circumstances set forth  
25 below disclose such information as is necessary to establish  
26 the following: That an individual is seropositive for HIV  
27 infection, confirmed by appropriate methodology as determined

1 by the Board of Health; that the individual has been notified  
2 of the fact of his or her HIV infection; and that the  
3 individual has been counseled about appropriate methods to  
4 avoid infecting others with the disease. Such information  
5 shall be provided only under either of the following  
6 circumstances:

7 "(1) In response to a subpoena from a grand jury  
8 convened in any judicial circuit in the state, when such a  
9 subpoena is accompanied by a letter from the Attorney General  
10 or an Alabama district attorney attesting that the information  
11 is necessary to the grand jury proceedings in connection with  
12 an individual who has been charged with or who is being  
13 investigated for murder, attempted murder, or felony assault  
14 as a result of having intentionally or recklessly exposed  
15 another to HIV infection where the exposed person is later  
16 demonstrated to be HIV infected. Prior to release of such  
17 evidence to the grand jury, such evidence shall be reviewed in  
18 camera by a court of competent jurisdiction to determine its  
19 probative value, and the court shall fashion a protective  
20 order to prevent disclosure of the evidence except as shall be  
21 necessary for the grand jury proceedings.

22 "(2) In response to a subpoena from the State of  
23 Alabama or the defendant in a criminal trial in which the  
24 defendant has been indicted by a grand jury for murder,  
25 attempted murder, or felony assault as a result of having  
26 intentionally or recklessly exposed another to HIV infection  
27 where the exposed person is later demonstrated to be HIV



1 infected, and, if subpoenaed by the State of Alabama, such  
2 material has previously been presented to the appropriate  
3 grand jury for review pursuant to subdivision (1), ~~above~~.  
4 Prior to the introduction of such evidence in a criminal  
5 trial, it shall be reviewed by the court in camera to  
6 determine its probative value, and the court shall fashion a  
7 protective order to prevent disclosure of the evidence except  
8 as shall be necessary to prosecute or defend the criminal  
9 matter.

10 "(i) Nothing in this section shall be construed to  
11 mean a physician, hospital, health department, or health care  
12 facility, or employee thereof will be under any obligation to  
13 test an individual to determine ~~their~~ his or her HIV infection  
14 status.

15 "(j) Except as provided in this section, any  
16 information required pursuant to this article shall remain  
17 confidential.

18 "(k) Any person violating any provision of this  
19 section or approved guidelines shall be guilty of a Class "~~C~~"  
20 C misdemeanor.

21 "§22-22A-2.

22 "The Legislature finds the resources of the state  
23 must be managed in a manner compatible with the environment,  
24 and the health and welfare of the citizens of the state. To  
25 respond to the needs of its environment and citizens, the  
26 state must have a comprehensive and coordinated program of  
27 environmental management. It is therefore the intent of the

1 Legislature to improve the ability of the state to respond in  
2 an efficient, comprehensive, and coordinated manner to  
3 environmental problems, and thereby assure for all citizens of  
4 the state a safe, healthful, and productive environment.

5 "(1) To this end an Alabama Department of  
6 Environmental Management is created by this chapter within the  
7 Executive Branch of State Government in order to effect the  
8 grouping of state agencies ~~which~~ that have primary  
9 responsibility for administering environmental legislation  
10 into one department, to promote economy and efficiency in the  
11 operation and management of environmental programs, to  
12 eliminate overlapping or duplication of effort within the  
13 environmental programs of the state, to provide for timely  
14 resolution of permitting actions, to improve services to the  
15 citizens of the state, to protect human health and safety, to  
16 develop and provide for a unified environmental regulatory and  
17 permit system, to provide that the responsibility within the  
18 Executive Branch for the implementation of environmental  
19 programs and policies is clearly fixed and ascertainable, and  
20 to insure that government is responsive to the needs of the  
21 people and sufficiently flexible to meet changing conditions.

22 "(2) It is also declared to be the intent of the  
23 Legislature to retain for the state, within the constraints of  
24 appropriate federal law, the control over its air, land, and  
25 water resources and to secure cooperation between agencies of  
26 the state, agencies of other states, interstate agencies, and  
27 the federal government in carrying out these objectives.

1           "(3) It is the intent of the Legislature to  
2 recognize the unique characteristics of the Alabama coastal  
3 region and to provide for its protection and enhancement  
4 through a continued coastal area program.

5           "(4) It is not the intent of the Legislature to  
6 abrogate any of the powers or duties of the ~~State Board of~~  
7 ~~Health which are found in Sections 22-2-1 through 22-2-14~~  
8 Alabama Department of Public Health under Subtitle 1.

9           "§22-29-1.

10           "For the purposes of this chapter, unless otherwise  
11 indicated, the following terms shall have the meanings  
12 respectively ascribed to them by this section:

13           "(1) AUTHORITY. The public corporation organized  
14 pursuant to ~~the provisions of~~ this chapter as a public  
15 corporation, agency, and instrumentality of the state.

16           "(2) AUTHORIZING RESOLUTION. A resolution or order  
17 adopted by the board of directors authorizing the issuance of  
18 bonds by the authority or providing for an indenture of trust  
19 under and pursuant to which its bonds are to be issued.

20           "(3) BOARD OF DIRECTORS. The board of directors of  
21 the authority.

22           "(4) BOARD. ~~The~~ Any reference to the State Board of  
23 Health of the State of Alabama or the State Committee of  
24 Public Health or the State Health Officer, whichever at the  
25 time has the authority to act in health matters pursuant to  
26 Sections 22-1-3, 22-2-1, 22-2-2, 22-2-6 and 22-2-8 or the  
27 board means the Alabama Department of Public Health.

1           "(5) BONDS. The bonds issued by the authority under  
2 ~~the provisions of~~ this chapter.

3           "(6) BOND SERVICE CHARGES. With respect to an issue  
4 of bonds, an amount sufficient to pay the principal of and  
5 interest on such bonds as such principal matures and such  
6 interest comes due, the fees and expenses of paying such  
7 principal and interest or of redeeming such bonds and, if  
8 required by the authorizing resolution, payments into a  
9 principal and interest reserve fund for the better security of  
10 such bonds.

11           "(7) FEDERAL WATER POLLUTION CONTROL ACT. The act of  
12 Congress so designated P.L. 84-660, approved July 9, 1956, as  
13 amended by P.L. 87-88, approved July 20, 1961, P.L. 89-234,  
14 approved October 2, 1965, P.L. 89-753, approved November 3,  
15 1966, and P.L. 91-224, approved April 3, 1970, being 33  
16 U.S.C.A., §466 et seq. and 33 U.S.C.A., §1151 et seq., as such  
17 act may be hereafter amended.

18           "(8) LOCAL PUBLIC BODY. Such term includes each  
19 county, incorporated city or town, public board, district or  
20 other public body created by, or pursuant to, state law and  
21 having jurisdiction over the disposal of sewage, industrial  
22 wastes or other wastes. It includes ~~also~~ any combination of  
23 two or more of the foregoing having such jurisdiction.

24           "(9) PROJECT. The water pollution control project of  
25 a local public body, to consist of one or more treatment works  
26 to prevent the discharge of untreated or inadequately treated  
27 sewage, industrial wastes, l or other wastes into any waters,

1 for which a federal grant has been applied for by such local  
2 public body under Section 8 of the Federal Water Pollution  
3 Control Act.

4 "(10) STATE HEALTH OFFICER. ~~The executive officer of~~  
5 ~~the State Board of Health as provided for in Section 22-2-8~~  
6 Any reference to the State Health Officer means the Secretary  
7 of the Alabama Department of Public Health created under  
8 Section 22-2-3.

9 "(11) STATE. The State of Alabama.

10 "(12) TREATMENT WORKS. The various devices used in  
11 the treatment of sewage, industrial wastes, l or other wastes of  
12 a liquid or solid nature, including the necessary intercepting  
13 sewers, outfall sewers, pumping, power, l and other equipment  
14 and their appurtenances, including any extensions,  
15 improvements, remodeling, additions, l and alterations thereof.

16 "§22-37A-2.

17 "As used in this chapter, the following terms have  
18 the following meanings:

19 "(1) ACCREDITED INDIVIDUAL. An individual who  
20 engages in lead hazard reduction activities, who has  
21 successfully completed a Safe State accredited lead training  
22 course appropriate for the type or category of lead hazard  
23 reduction activity to be provided, who meets all other  
24 personal accreditation requirements established by Safe State  
25 under this chapter, and who holds a valid registration in the  
26 state accreditation registry for the relevant type or category  
27 of lead hazard reduction activity.

1           "(2) ACCREDITED LEAD TRAINING COURSE. A course of  
2 instruction which has been reviewed and accredited by Safe  
3 State as meeting or exceeding training requirements  
4 established under Title IV of the Federal Toxic Substances  
5 Control Act (Public Law 99-519, 100 Stat. 2970, 15 U.S.C.  
6 §2601 et seq., as amended).

7           "(3) BOARD. ~~The~~ Any reference to the State Board of  
8 Health as defined in Section 22-2-1 or board means the Alabama  
9 Department of Public Health.

10           "(4) INDOOR. The enclosed portions of buildings  
11 including public buildings, residences, and commercial  
12 buildings. For the purposes of this chapter, "indoor" shall  
13 include the exterior surfaces and all common areas of the  
14 structure including any attached or unattached structure  
15 located within the same lot line, including but not limited  
16 to, garages, play equipment, and fences.

17           "(5) LEAD HAZARD REDUCTION ACTIVITIES. Activities  
18 designed to reduce exposure to lead in residences or public  
19 buildings and may include inspections, risk assessments,  
20 repair, enclosure, encapsulation, or removal of lead-based  
21 paint or lead contamination, or both, and the design and  
22 planning of such activities, and other related activities as  
23 established in Title IV of Toxic Substances Control Act,  
24 Public Law 99-519, 100 Stat. 2970, 15 U.S.C. §2601 et seq., as  
25 amended, which are to be performed in residences or public  
26 buildings.

1           "(6) PERSON. An individual, firm, partnership,  
2 corporation, commission, state agency, county governmental  
3 body, municipal corporation, party, company, association, or  
4 any other public or private legal entity.

5           "(7) PUBLIC BUILDING. A building designed for public  
6 access and maintained for the public benefit through the use  
7 of state or local government funds, including public housing,  
8 schools, day care centers, and government facilities, or any  
9 location at which Title IV of the Federal Toxic Substances  
10 Control Act, or regulations thereunder, require lead-based  
11 paint activities be performed by an accredited individual, as  
12 those terms are defined in that act, such as commercial  
13 buildings and bridges. This term shall not apply to any of the  
14 following:

15           "a. Business facilities where access is principally  
16 limited to employees.

17           "b. Private clubs and residences.

18           "c. Commercial buildings.

19           "(8) SAFE STATE. The Safe State Program, a division  
20 of the University of Alabama.

21           "(9) STATE HEALTH OFFICER. ~~The~~ Any reference to the  
22 State Health Officer as defined in Section 22-2-8 means the  
23 Secretary of the Alabama Department of Public Health created  
24 under Section 22-2-3.

25           "§34-15-2.

26           "(a) This chapter shall operate as, or as a part of  
27 or in conjunction with, any rules ~~and regulations~~ affecting

1 hotels ~~provided and promulgated by the State Board of Health~~  
2 adopted by the State Health Advisory Board for maintaining and  
3 protecting the public health. Effective October 1, 2022, any  
4 reference in this chapter to rules adopted by the State Board  
5 of Health or the State Committee of Public Health means rules  
6 adopted by the State Health Advisory Board.

7 " (b) Effective October 1, 2022, any reference in  
8 this chapter to an act or duty of the State Board of Health  
9 means an act or duty of the Alabama Department of Public  
10 Health.

11 "§34-15-5.

12 "The ~~State Health Officer~~ Secretary of the Alabama  
13 Department of Public Health is ex officio State Hotel  
14 Inspector, and the inspectors of the ~~State Board of Health, or~~  
15 ~~that may hereafter be of the State Board of Health,~~ Alabama  
16 Department of Public Health are ex officio assistant hotel  
17 inspectors, and ~~such~~ the assistants shall be, in the  
18 inspection of hotels as provided for in this chapter, under  
19 the exclusive direction and supervision of the State Hotel  
20 Inspector."

21 Section 7. (a) Sections 22-2-9 and 22-2-10, Code of  
22 Alabama 1975, creating the Council on Dental Health, the  
23 Council on Animal and Environmental Health, the Council on the  
24 Prevention of Disease and Medical Care, and the Council on  
25 Health Costs, Administration and Organization, are repealed.

26 (b) The intent of this section is to abolish the  
27 councils referenced in subsection (a).



1           Section 8. Sections 22-2-11, 22-2-12, 22-2-13, and  
2 22-3-8, Code of Alabama 1975, relating to personnel of the  
3 State Health Department, recovery of expenses, and county  
4 quarantine officers, are repealed.

5           Section 9. (a) Any reference to the State Board of  
6 Health in the Code of Alabama 1975, means the Alabama  
7 Department of Public Health, and any reference to the State  
8 Health Officer in the Code of Alabama 1975, means the  
9 Secretary of the Alabama Department of Public Health.

10           (b) The Code Commissioner shall conform references  
11 to subtitles in Title 22 to reflect the reorganization in this  
12 act of Title 22, Code of Alabama 1975, at a time determined to  
13 be appropriate by the commissioner.

14           (c) The Code Commissioner shall conform references  
15 to the State Board of Health, the State Health Officer, and  
16 the State Committee of Public Health to reflect the  
17 definitions in Section 22-1-1, Code of Alabama 1975, at a time  
18 determined to be appropriate by the commissioner.

19           Section 10. Sections 1, 3, and 5 of this act shall  
20 become effective immediately, and the remaining sections of  
21 this act shall become effective October 1, 2022, following its  
22 passage and approval by the Governor, or its otherwise  
23 becoming law.