

1 SB255
2 217652-1
3 By Senators Orr, Whatley, Givhan, Elliott, Melson, Barfoot,
4 Allen, Marsh, Stutts and Holley
5 RFD: Governmental Affairs
6 First Read: 23-FEB-22

8 SYNOPSIS: Under existing law the State Health Officer
9 is authorized to take prompt measures to prevent
10 the spread of infectious diseases.

11 This bill would prohibit an emergency rule,
12 order, or other directive issued by the State
13 Health Officer which would restrict, limit, or
14 otherwise burden the conduct of private citizens or
15 businesses from taking effect unless approved by
16 the Governor and a copy is filed with the Office of
17 the Secretary of State.

18 This bill would also make nonsubstantive,
19 technical revisions to update the existing code
20 language to current style.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the State Health Officer; to amend
27 Sections 22-2-8, Code of Alabama 1975, to require certain

1 emergency rules, orders, or directives issued by the State
2 Health Officer be approved by the Governor and a copy filed
3 with the Secretary of State before the emergency rule, order,
4 or other directive has the full force and effect of law; and
5 to make nonsubstantive, technical revisions to update the
6 existing code language to current style.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§22-2-8.

11 "(a) The State Committee of Public Health shall
12 elect an executive officer who shall be a physician licensed
13 in the State of Alabama to be known as the State Health
14 Officer and shall fix his or her term of office and salary.
15 The qualifications of this individual shall be determined by
16 the State Committee of Public Health. Before entering upon the
17 duties of ~~his~~ the office, the State Health Officer shall
18 execute to the State of Alabama a bond, to be approved by the
19 Governor, in the amount of five thousand dollars (\$5,000.00)~~7~~
20 for the faithful performance of ~~his~~ the duties of the office.

21 "(b) The State Health Officer so elected ~~shall~~,
22 under the direction of the State Committee of Public Health
23 and with the approval of the State Personnel Board, shall fix
24 the salaries of the medical employees of the State Committee
25 of Public Health. When the State Committee of Public Health is
26 not in session, the State Health Officer, as executive officer
27 of the Department of Public Health, shall act for ~~said~~ the

1 committee and shall have and discharge all the prerogatives
2 and duties of ~~said the~~ committee. ~~He~~ The State Health Officer
3 shall report his or her actions to the committee at its next
4 meeting after ~~such the~~ action is taken, and ~~such the~~ action of
5 ~~the State Health Officer~~ shall then be subject to confirmation
6 or modification by the committee. The State Health Officer
7 shall exercise general supervision over county boards of
8 health and county health officers and promptly report to ~~said~~
9 the county boards of health any delinquencies of official duty
10 on the part of ~~said the~~ county health officers which may come
11 to his or her knowledge, ~~keep himself informed in regard to~~
12 ~~all diseases which may be in danger of invading the state~~

13 "(c) The State Health Officer shall stay informed
14 with regard to an actual or potential outbreak of any disease
15 or pandemic affecting this state and, as far as authorized by
16 law, take prompt measures to prevent ~~such invasions~~ an
17 outbreak and keep the Governor and the Legislature informed as
18 to the health conditions prevailing in the state, especially
19 as to outbreaks of any of the diseases enumerated in Chapter
20 ~~11 of this title~~, and submit to the Governor and Legislature
21 ~~such~~ recommendations as he or she deems proper to control,
22 prevent, or minimize ~~such outbreaks.~~ an outbreak.

23 "(d) Any emergency rule adopted pursuant to Section
24 41-22-5(b), order, or other directive issued by the State
25 Health Officer which would restrict, limit, or otherwise
26 burden the conduct of private citizens or businesses may not
27 take effect unless and until the emergency rule, order, or

1 other directive is approved by the Governor and a copy is
2 filed in the Office of the Secretary of State, at which time
3 the emergency rule, order, or other directive has the full
4 force and effect of law."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.