

1 SB255
2 218572-3
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

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to public health; to amend Sections 22-2-8,
12 Code of Alabama 1975, to require certain emergency rules,
13 orders, or directives issued by the State Health Officer to be
14 approved by the Governor and filed with the Secretary of State
15 before taking effect; to exempt entities that host events
16 involving the Department of Defense or the armed services from
17 state and local laws that conflict with certain federal
18 health-related laws or other directives; and to make
19 nonsubstantive, technical revisions to update the existing
20 code language to current style.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§22-2-8.

25 "(a) The State Committee of Public Health shall
26 elect an executive officer who shall be a physician licensed
27 in the State of Alabama to be known as the State Health

1 Officer and shall fix his or her term of office and salary.
2 The qualifications of this individual shall be determined by
3 the State Committee of Public Health. Before entering upon the
4 duties of ~~his~~ the office, the State Health Officer shall
5 execute to the State of Alabama a bond, to be approved by the
6 Governor, in the amount of five thousand dollars (\$5,000.00),
7 for the faithful performance of ~~his~~ the duties of the office.

8 "(b) The State Health Officer so elected ~~shall~~,
9 under the direction of the State Committee of Public Health
10 and with the approval of the State Personnel Board, shall fix
11 the salaries of the medical employees of the State Committee
12 of Public Health. When the State Committee of Public Health is
13 not in session, the State Health Officer, as executive officer
14 of the Department of Public Health, shall act for ~~said the~~
15 committee and shall have and discharge all the prerogatives
16 and duties of ~~said the~~ the committee. ~~He~~ The State Health Officer
17 shall report his or her actions to the committee at its next
18 meeting after ~~such the~~ the action is taken, and ~~such the~~ the action of
19 ~~the State Health Officer~~ shall then be subject to confirmation
20 or modification by the committee. The State Health Officer
21 shall exercise general supervision over county boards of
22 health and county health officers and promptly report to ~~said~~
23 the county boards of health any delinquencies of official duty
24 on the part of ~~said the~~ the county health officers which may come
25 to his or her knowledge, ~~keep himself informed in regard to~~
26 ~~all diseases which may be in danger of invading the state~~

1 "(c) The State Health Officer shall stay informed
2 with regard to an actual or potential outbreak of any disease
3 or pandemic affecting this state and, as far as authorized by
4 law, take prompt measures to prevent ~~such invasions~~ an
5 outbreak and keep the Governor and the Legislature informed as
6 to the health conditions prevailing in the state, especially
7 as to outbreaks of any of the diseases enumerated in Chapter
8 ~~11 of this title,~~ and submit to the Governor and Legislature
9 ~~such~~ recommendations as he or she deems proper to control,
10 prevent, or minimize ~~such outbreaks.~~ an outbreak.

11 "(d) (1) Any emergency rule adopted pursuant to
12 Section 41-22-5(b), order, or other directive issued by the
13 State Health Officer which would restrict, limit, or otherwise
14 burden the conduct of private citizens or businesses may not
15 take effect unless and until the emergency rule, order, or
16 other directive is approved by the Governor and a copy is
17 filed in the Office of the Secretary of State.

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

22 Section 2. An entity that hosts an event in the
23 state that is primarily aimed at or for the benefit of
24 employees of the Department of Defense or members of the armed
25 services, or an entity that hosts a group gathering in
26 connection with the event, shall be exempt from any state or
27 local law, regulation, or requirement that conflicts with a

1 regulation, law, or condition with a stated purpose related to
2 health and which is required by federal law, general order, or
3 requirement or assessment of the Department of Defense or a
4 branch of the armed services regarding requirements for all
5 individuals who attend, participate, or work at the event or
6 gathering.

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 23-FEB-22

Read for the second time and placed on the calen-
dar 1 amendment..... 01-MAR-22

Read for the third time and passed as amended 10-MAR-22

Yeas 29
Nays 0

Patrick Harris,
Secretary.