

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 420
Department or Agency: Alabama State Board of Health Alabama Department of Public Health Office of General Counsel
Rule No.: 420-1-5.09
Rule Title: State Health Orders
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Sancha Howard
Sancha Howard

Date

Monday, December 18, 2023

REC'D & FILED
DEC 18, 2023
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA STATE BOARD OF HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
OFFICE OF GENERAL COUNSEL

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NO. & TITLE: 420-1-5.09 State Health Orders

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

To provide additional details for administering the health and quarantine laws of the state.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be held on January 17, 2024 at 9:00 a.m., at the Alabama Department of Public Health, RSA Tower, Suite 1540, Montgomery, Alabama 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

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Sancha Howard

Sancha Howard

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

420-1-5.09**State Health Orders.**

(1) Pursuant to Code of Ala. 1975, § 22-2-2(6), the State Board of Health is authorized to adopt and promulgate rules and regulations providing proper methods and details for administering the health and quarantine laws of the state. State law, Code of Ala. 1975, §§ 22-2-5 and 22-2-8, further delegates this authority to the State Committee of Public Health and to the State Health Officer.

(2) No emergency rule adopted pursuant Code of Ala. 1975, § 41-22-5(b), order, or other directive relating to containment or mitigation measures to address a disease outbreak that is applicable to the public at large, or to all businesses, entities, or institutions, shall be effective unless it is first approved by the Governor and a copy filed in the Office of the Secretary of State.

(3) Paragraph (2) shall not prohibit or restrict the State Health Officer from issuing individualized directives or orders to persons or businesses for violations of state law and/or rules adopted by the State Board of Health, or closure of certain state waters for oyster harvesting. Individualized directives or orders to persons or businesses include:

(a) Emergency suspensions or proposed revocations of permits, licenses, or authorizations to engage in activities governed by state law and/or State Board of Health rules;

(b) Fines issued for violations of state law and/or State Board of Health rules;

(c) Directives to destroy adulterated or contaminated food, milk, or milk products;

(d) Directives to abate insanitary conditions caused or maintained by an individual or business which are, or are likely to become, menaces to public health; and

(e) Quarantine and isolation orders issued to persons having, or suspected of having, a communicable disease.

(4) The State Health Officer shall report emergency rules, orders, or directives he or she issues to the State Committee of Public Health at its next meeting after such action is taken, and such action shall then be subject to confirmation or modification by the Committee.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§ 22-2-2, 22-2-5,
22-2-8, 41-22-4

History: New Rule: Filed: XX-XX-XXXX; effective XX-XX-XXXX.