

1 SB267
2 208864-4
3 By Senator Orr
4 RFD: Healthcare
5 First Read: 24-FEB-21

SYNOPSIS: Under existing law, municipalities have the power to adopt and enforce ordinances to compel vaccinations in order to prevent the introduction or spread of contagious, infectious, or pestilential diseases.

This bill would repeal existing law authorizing municipalities to adopt and enforce ordinances to compel vaccinations in order to prevent the introduction or spread of contagious, infectious, or pestilential diseases.

This bill would provide that if a specific immunization is ever required by law, exemptions from the mandatory immunization shall be provided for individuals who oppose immunization based on religious beliefs or otherwise sincerely held personal beliefs, as well as for those with certain medical conditions.

This bill would provide that during an epidemic, exemptions to mandatory immunization may be overridden in certain circumstances.

1 This bill would also require the Board of
2 Medical Examiners to adopt emergency rules in
3 certain circumstances.
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to health; to provide that if a specific
10 immunization is ever required under law, exemptions from the
11 mandatory immunization shall be provided for individuals who
12 oppose immunization based on religious beliefs or otherwise
13 sincerely held personal beliefs, as well as for those with
14 certain medical conditions; to provide that during an
15 epidemic, exemptions to mandatory immunization may be
16 overridden in certain circumstances; to require the Board of
17 Medical Examiners to adopt emergency rules in certain
18 circumstances; and to repeal Section 11-47-132, Code of
19 Alabama 1975, which authorizes municipalities to adopt and
20 enforce ordinances to compel vaccinations in order to prevent
21 the introduction or spread of contagious, infectious, or
22 pestilential diseases.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) For the purposes of this section, the
25 term "required immunization" means any mandatory or compulsory
26 vaccination required under law for an individual who has

1 reached the age of majority and is not a student of a K-12
2 public school.

3 (b) The Board of Medical Examiners shall adopt
4 emergency rules, upon the enactment of a law that mandates a
5 required immunization, defining medical contraindications to
6 that immunization.

7 (c) (1) If a physician licensed to practice medicine
8 in this state certifies that the required immunization is or
9 may be detrimental to an individual's health due to the
10 presence of one of the contraindications adopted by the Board
11 of Medical Examiners, the individual is not required to
12 receive the immunization as long as the contraindication
13 persists, except as provided in subsection (d). The board,
14 upon request by a physician licensed to practice medicine in
15 this state, may grant a medical exemption to a required
16 immunization for a contraindication not included on the list
17 adopted by the board.

18 (2) Except as provided in subsection (d), if the
19 bona fide religious beliefs or otherwise sincerely held
20 personal beliefs of an individual are contrary to any required
21 immunization, the individual shall be exempt from those
22 requirements.

23 (d) (1) If the Board of Medical Examiners makes a
24 determination that an epidemic is so severe that it results in
25 an imminent threat of loss of life, it may make a
26 recommendation to the Governor that the exemptions in
27 subdivision (c) (2) may no longer be permitted.

1 (2) If a recommendation is made pursuant to
2 subdivision (1), the Governor shall promptly request the
3 President Pro Tempore of the Senate and the Speaker of the
4 House of Representatives to determine whether to no longer
5 permit exemptions to required immunizations under subdivision
6 (c)(2). If the President Pro Tempore and the Speaker of the
7 House sign a joint proclamation to set aside any exemptions
8 under subdivision (c)(2), the exemptions shall no longer be
9 permitted.

10 (3) If exemptions are set aside pursuant to
11 subdivision (2), the Governor, the President Pro Tempore of
12 the Senate, and the Speaker of the House of Representatives
13 may jointly determine, at any later time, and after review of
14 appropriate health care guidelines, that it is once again safe
15 to permit the exemptions provided in subdivision (c)(2), the
16 Governor, the President Pro Tempore, and the Speaker of the
17 House shall then promptly sign a joint proclamation to
18 reinstate the exemptions.

19 (e) The Board of Medical Examiners shall adopt
20 emergency rules under this section pursuant to the emergency
21 rule requirements of Section 41-22-5(b).

22 Section 2. Section 11-47-132, Code of Alabama 1975,
23 providing for a system of compulsory vaccination by cities and
24 towns, is repealed.

25 Section 3. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

