



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS Hurricane Irma is a category four hurricane whose potential track includes the State of Florida and other parts of the Southeastern United States, including the State of Alabama;

WHEREAS Governors of neighboring states have issued proclamations declaring the existence of a State of Emergency due to Hurricane Irma;

WHEREAS Hurricane Irma poses conditions of disaster and extreme peril to the safety of persons and property within the State of Alabama and to those evacuating to the State from other states;

WHEREAS, upon recommendation of the State Health Officer, it is expected that large numbers of displaced individuals will have prescription drug needs of a chronic, urgent, or emergency nature in Alabama;

WHEREAS many of these displaced individuals may have their actual medications, copies of their prescriptions, or insurance billing report or insurance claim notification but pharmacists may not be able to readily obtain refill authorization from the prescriber thereof;

WHEREAS Section 34-23-70, Code of Ala. (1975), provides "[o]n prescriptions which may be refilled, written or oral authorization must be received [from the prescriber] before refilling unless the number of refills is indicated on the original prescription;"

WHEREAS Section 34-23-75, Code of Ala. (1975), allows only for emergency refilling of such prescriptions for up to seventy-two (72) hours; and

WHEREAS, under the current emergency conditions, this time frame is both impractical and inadequate and should be extended;

NOW, THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to relevant portions of the Alabama Emergency Management Act of 1955, § 31-9-1 *et seq.*, Code of Ala. (1975), do hereby declare that a State of Emergency exists in the State of Alabama and direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes. In addition, I direct the appropriate state agencies to exercise their statutory and regulatory authority to assist the communities and entities affected. I also direct the Alabama Emergency Management Agency to make the appropriate assessments of damages and seek the necessary state and federal assistance for the affected areas.

FURTHER, I extend the time frame of § 34-23-75, Code of Ala. (1975), from seventy-two (72) hours to thirty (30) days. This extension shall apply to both instances where seventy-two (72) hours is set out in the statute. All other provisions of said statute shall remain in full force and effect. To the extent that § 34-23-75 conflicts with the terms of this paragraph, the said statute is suspended or amended to be in compliance with this Order.

FURTHER, I direct the following:

1. That non-controlled prescriptions may be refilled upon the presentation of the actual medication bottle indicating the name of the prescriber, copies of prescriptions, insurance billing report or insurance claim notification, or other documentation which would provide the pharmacist sufficient information to adequately identify the non-controlled medication and the dosage thereof. To the extent that § 34-23-70 conflicts with the terms of this paragraph, the said statute is suspended or amended to be in compliance with this Order;
2. That each Alabama pharmacist covered by said statutes shall use his or her good judgment in refilling prescriptions for this extended period of time and under these conditions;

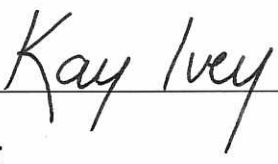
3. That this Order shall not apply to controlled substances; persons needing refills of controlled substance prescriptions who cannot produce the normally required bottle, prescription, or other documentation must seek and receive a new prescription from a person licensed to prescribe controlled substances in the State of Alabama; and
4. That the State Board of Health, as the lead agency for Emergency Support Function 8, is hereby authorized to promulgate emergency rules to implement this Order.

FURTHER, I declare that this Proclamation is supplemental to my emergency Proclamations of August 30, 2017; September 1, 2017; and September 6, 2017, including notice that the imposition of unconscionable prices (commonly referred to as “price gouging”) during this State of Emergency is unlawful;

FURTHER, I declare that this Proclamation and all subsequent orders, laws, rules or regulations issued pursuant hereto shall remain in full force and effect for the duration of the State of Emergency unless rescinded or extended by Proclamation.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 8th day of September, 2017.



Kay Ivey
Governor

ATTEST:



John H. Merrill
Secretary of State