STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS the Alabama Emergency Management Act of 1955, as amended, confers upon the Governor the power to proclaim a State of Emergency when there exist certain conditions of disaster or of extreme peril to the safety of persons and property within the State caused by natural or man-made disasters, Ala. Code §§ 31-9-3 and 31-9-8 (1975);

WHEREAS the National Weather Service is forecasting that the entire State may be severely affected by ice, snow, sleet, and freezing rain, as well as extreme and prolonged freezing temperatures, beginning on Monday, January 28, 2019;

WHEREAS, this winter storm system could cause significant damage to public and private property and poses a danger to the health and safety of the people of Alabama, including property damage, personal injury, and loss of life;

WHEREAS, disruption of essential utility systems could occur, causing extreme peril to the citizens in the State; and,

WHEREAS, this storm system therefore poses conditions of disaster and of extreme peril to the safety of persons and property within the State, and it is anticipated that these conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to section 8 of the Alabama Emergency Management Act of 1955, as amended, Ala. Code § 31-9-8 (1975), do hereby proclaim that a State of Emergency exists in the State of Alabama and direct the activation of the Emergency Operations Plan (EOP) and all appropriate annexes. The Alabama Emergency Management Agency State Operations Center, as well as all impacted Alabama Emergency Management Agency Divisions, shall be activated as of 3:00 p.m. CST on Monday, January 28, 2019;

FURTHER, I direct the activation of the Alabama National Guard, and I direct the appropriate 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 assessment of damages and seek the necessary State and Federal assistance for the affected areas.

FURTHER, I hereby proclaim and direct the following:

(I)

In accordance with sections 8-31-1 through 8-31-6 of the Code of Alabama, all persons are hereby placed on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices (i.e., to engage in "price gouging") for the sale or rental of any commodity or rental facility during the period of a declared State of Emergency.

(II)

Pursuant to 49 CFR 390.23, this declaration of a State of Emergency facilitates the waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMCSA), including, but not limited to, 49 CFR Part 395 (Hours of Service for Drivers) as it relates to providing emergency or disaster related materials, supplies, goods and services, which shall end after the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the initial declaration of emergency, unless sooner terminated, or as otherwise specified in the FMCSA's regulations, whichever is earlier. Motor carriers that have an Out-of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 CFR 390.23.

(III)

Section 9-17-109(d) of the Code of Alabama and rule 530-X-2.16(c) of the Alabama Administrative Code are hereby suspended during this State of Emergency to allow any propane gas dealer servicing the State of Alabama to fill any container belonging to another propane gas dealer which cannot or will not supply a customer.

(IV)

I instruct the appropriate agencies to take the necessary steps and issue the appropriate documents to expedite the movement of vehicles or vehicles and loads that are transporting emergency equipment, services and supplies, storm related debris, building and construction materials, or temporary emergency buildings and their components, subject to the following rules:

a. The documents shall be subject to approval and clearance by the Alabama Department of Transportation and the Alabama Law Enforcement Agency and shall cover specific designed State routes.
b. Transporters are responsible to ensure that they have proper oversize signs, markings, flags, and escorts as defined in the State of Alabama's rules and regulations.
c. Insurance requirements shall not be waived.
d. Nothing in this Proclamation shall be construed to allow any vehicle to exceed the weight limits posted for bridges and like structures, nor shall anything in this Proclamation be construed to relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Proclamation, or from any statute, rule, order or other legal requirement not specifically waived herein.

(V)

The refilling of prescription medications shall be subject to the following rules, and the State Board of Health, as the lead agency for Emergency Support Function (ESF) 8, is hereby authorized to promulgate emergency rules to implement this order:

a. The supply of prescription medication that may be refilled in an emergency under section 34-23-75 of the Code of Alabama is hereby increased from a 72-hour supply to a 30-day supply. This extension shall apply to both instances where 72 hours is set out in the statute. All other provisions of this statute shall remain in full force and effect. To the extent that section 34-23-75 conflicts with the terms of this paragraph, the statute is suspended or amended to be in compliance with this order.
b. 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 section 34-23-70 of the Code of Alabama conflicts with the terms of this paragraph, the statute is suspended or amended to be in compliance with this order. Each Alabama pharmacist covered by these statutes shall use his or her good judgment in refilling prescriptions for this extended period of time and under these conditions.

c. 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.

(VI)

Health care facilities that have invoked their emergency operations plans in response to this winter storm may implement the "alternative standards of care" plans provided therein, and such plans are declared to be the state-approved standard of care in health care facilities to be executed by health care professionals and allied professionals and occupations providing services in response to this disaster.

a. The "alternative standards of care" shall serve as the "standard of care" as defined in section 6-5-542(2) of the Code of Alabama, for the purposes of sections 6-5-540 *et seq.* The "degree of care" owed to patients by licensed, registered, or certified health care professionals for the purposes of section 6-5-484 shall be the same degree set forth in the "alternative standards of care." To the extent that the provisions of sections 6-5-540 *et seq.* are inconsistent with this order, the said provisions are hereby suspended.
b. All health care professionals and assisting personnel executing in good faith under the "alternative standards of care" are hereby declared to be "Emergency Management Workers" of the State of Alabama for the purposes of title 31 of the Code of Alabama.
c. The State Health Officer shall inform members of the public on how to protect themselves and of actions being taken in response to this disaster and shall seek such federal assistance as may be available.

(VII)

The local educational authorities may close any school or office based on local conditions, and any affected school system that is closed as a result and loses student days or employment days, or both, may appeal to the State Superintendent of Education for relief in fulfilling the local school calendar with respect to student days or employee days, or both, with no loss of income to employees.

(VIII)

State government offices may be closed at the direction of the Governor. State agency heads will receive instructions from the Governor's Office or the State Personnel Director if closures are authorized.

FURTHER, I proclaim that it is fair, reasonable, and appropriate that those State of Alabama employees who are required to perform disaster recovery and response services away from their home base of operation be reimbursed for the actual expenses they incur while performing these services on behalf of the State of Alabama. Therefore, I authorize and direct the reimbursement of actual and necessary expenses, as prescribed by the FPPM, for state employees who have been, are being, or may be called to service away from their home

base in response to this State of Emergency. All such claims for expense reimbursement must be reasonable and must be certified as such by the employee's agency head or appointing authority. To the extent that this order conflicts with any provision of state law, such law is hereby suspended for the duration of this State of Emergency, and this order shall control.

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 this State of Emergency, except as otherwise expressly specified.

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 28th day of January, 2019.

Kay Ivey

Kay Ivey
Governor

ATTEST:

John H. Merrill

John H. Merrill
Secretary of State