STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS the State of Alabama is under imminent threat of Tropical Storm Nate, which is expected to strengthen into a hurricane with the potential to make landfall in Mobile and Baldwin Counties;

WHEREAS this storm system is expected to bring increased rain activity and storm surge, with the threat of flooding and isolated tornadoes, the risk of which is expected to dramatically increase over the next 72 hours;

WHEREAS it is expected that this storm system will cause significant damage to public and private property and may seriously disrupt essential utility services and systems;

WHEREAS it is expected that the people of Alabama in the storm's path will be exposed to a substantial risk of physical injury or death;

WHEREAS this storm system therefore poses conditions of disaster and of extreme peril to the safety of persons and property within this State; and

WHEREAS 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, Ala. Code § 31-9-8 (1975), as amended, do hereby proclaim 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. The Alabama Emergency Management Agency State Operations Center, as well as all impacted Alabama Emergency Management Agency Divisions, shall be activated as of 7:00 a.m. CDT on Friday, October 6, 2017.

FURTHER, I hereby direct the activation of the Alabama National Guard, and I direct the appropriate state agencies to exercise their statutory authority to assist the affected communities and entities. I also direct the Alabama Emergency Management Agency to make the appropriate assessments of damages and to seek the necessary state and federal assistance for the affected areas.

FURTHER, I hereby proclaim and direct all of 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 a 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.

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 incompliance with this order.

c. 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.

d. 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.

e. 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 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 5th day of October, 2017.

Kay Ivey

Kay Ivey
Governor

ATTEST:

J. H. Merrill

John H. Merrill
Secretary of State