STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS the State of Alabama is under imminent threat of Hurricane Michael over the Gulf of Mexico, which has the potential to make landfall as a Category 3 Hurricane;

WHEREAS this storm system is expected to bring high winds and torrential rains, with the threat of flooding, storm surge, and isolated tornadoes, the risk of which is expected to dramatically increase over the next 48 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; and

WHEREAS this storm system therefore poses conditions of disaster and of extreme peril to the safety of persons and property within this 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 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 3:00 p.m. CDT on Monday, October 8, 2018.

FURTHER, I hereby direct the Alabama National Guard to prepare to be activated on order of the Governor, 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 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 the regulation that this declaration provides under 49 CFR 390.23.

(III)

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 designated 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.

(IV)

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.

(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.

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 this 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 October, 2018.

Kay Ivey

Kay Ivey
Governor

ATTEST:

J. H. Merrill

John H. Merrill
Secretary of State