



ALABAMA LEAGUE OF MUNICIPALITIES

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KEN SMITH
Executive Director

MAYOR RONNIE MARKS, ATHENS
President

TO: Mayors, Councilmembers, City Clerks
FROM: Alabama League of Municipalities
DATE: March 26, 2020
RE: Shelter in Place – ADPH and Dept. of Insurance

On March 25, 2020, the Attorney General of Alabama issued guidance regarding the ability of municipalities to adopt and enforce a local “Shelter in Place” ordinance. (You can view the AG’s guidance via the League’s COVID-19 Resource Links page here: <https://alalm.org/Assets/Files/ShelterinPlaceGuidance3.25.20uipgcl.pdf>) The Attorney General urges municipalities considering such action to coordinate with the State Health Officer to ensure that the proposed action is supported by and not inconsistent with state law.

The Alabama Department of Public Health (ADPH) has reached out to the League to offer its expectations for municipal shelter in place or similar health related curfew ordinances. ADPH advises that ordinances that are less restrictive than the State Health Officer’s (SHO) statewide order would not be acceptable as they would be inconsistent with state law. Additionally, ADPH recommends that such an ordinance include a provision stating that if future statewide orders, or portions thereof, become more restrictive, then the more restrictive statewide order or provisions will control. Municipalities in Jefferson and Mobile Counties should also make reference to applicable orders of those counties’ health officers.

ADPH has asked that *prior* to adopting a shelter in place or similar health related curfew ordinance, please email a copy of the ordinance to ADPH General Counsel, Brian Hale (brian.hale@adph.state.al.us), for review. ADPH will do its best to respond in a timely manner. Brian Hale can also be reached by phone at (334)206-5209.

Finally, in addition to hearing from ADPH on this issue, we have received a request from the Alabama Department of Insurance asking municipalities who are considering a shelter in place or similar health related curfew ordinance, to specifically provide that “**financial institutions, insurance companies and related financial services**” be listed as “essential business services” exempt from any curfew restrictions.

The voice of Alabama’s municipalities since 1935.