

1 SB333
2 149496-2
3 By Senators Sanford and Beason
4 RFD: Health
5 First Read: 12-MAR-13

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8 SYNOPSIS: Under existing law, a pregnant woman may
9 elect to give birth in a hospital attended by a
10 nurse midwife or a physician.

11 This bill would allow a pregnant woman to
12 choose the location and method of childbirth.

13 This bill would provide that a health care
14 provider would be immune from liability for any
15 complications arising from a female's choice of
16 childbirth method.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to childbirth; to amend Section 34-19-8,
23 Code of Alabama 1975, to allow childbirth to be planned in a
24 hospital, a birthing center, or a location chosen by the
25 pregnant woman; to allow a pregnant female to choose her
26 location and method of childbirth; to provide immunity to

1 physicians and health care professionals under certain
2 circumstances; and to provide an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 34-19-8, Code of Alabama 1975, is
5 amended to read as follows:

6 "§34-19-8.

7 "It shall be unlawful for any person holding a
8 license as a nurse midwife to attend any cases except cases of
9 normal childbirth, as defined in Section 34-19-2, or to
10 perform manipulations of any kind. In all cases in which the
11 child is not delivered spontaneously within a reasonable time,
12 the nurse midwife shall notify a qualified physician
13 immediately and make no effort to deliver the child except
14 under the authorization and supervision of such physician.

15 ~~"All deliveries must be planned to take place in the~~
16 ~~hospital. Deliveries may be planned to take place in a~~
17 ~~hospital, a birthing center, or a location chosen by the~~
18 ~~pregnant woman."~~

19 Section 2. (a) A pregnant woman may choose a method
20 of childbirth to involve a physician delivery or delivery by a
21 nurse midwife pursuant to Chapter 19 of Title 34, Code of
22 Alabama 1975.

23 (b) Any person, physician, nurse, midwife, or a
24 nurse midwife, or other health care provider or their agents
25 or employees, who, in good faith, participates, advises, or
26 provides aid or treatment to a pregnant woman, regarding her
27 personal choice of the location and method of childbirth shall

1 be immune from any lawsuit or legal proceeding for any and all
2 claims arising out of or related to his or her official duties
3 with respect to the woman's choice of childbirth method or
4 location.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.