

1 HB601  
2 160269-1  
3 By Representative Hubbard (J)  
4 RFD: Health  
5 First Read: 13-MAR-14

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8 SYNOPSIS: This bill would provide to women the right  
9 to choose physiologic childbirth and would provide  
10 immunity to midwives and certain health care  
11 providers who provide care because of a woman's  
12 decision to have a physiologic childbirth.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

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18 Relating to midwives; to add Section 34-19-11 to the  
19 Code of Alabama 1975, to provide to women the right to choose  
20 physiologic childbirth; and to provide immunity from criminal  
21 prosecution to midwives and civil immunity to certain health  
22 care providers who provide care related to a physiologic  
23 childbirth.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 34-19-11 is added to the Code of  
26 Alabama 1975, to read as follows:

27 §34-19-11.

1           The following words have the following meanings:

2           (1) MIDWIFE. A person who holds a current midwifery  
3 certification from an organization accredited by the Institute  
4 for Credentialing Excellence and offers physical or emotional  
5 support, education, advice, or assistance, in good faith, to a  
6 woman choosing physiologic childbirth at the conclusion of her  
7 pregnancy outside of a hospital or medical facility.

8           (2) PHYSIOLOGIC CHILDBIRTH. Characterized by  
9 spontaneous onset and progression of labor, resulting in a  
10 spontaneous vaginal birth, accompanied by physiological blood  
11 loss.

12           Section 2. (a) A woman shall have the right to  
13 autonomy and self-determination in choosing where and with  
14 whom to give birth.

15           (b) When undergoing physiologic childbirth in the  
16 absence of a licensed health care provider, a woman may direct  
17 the necessary care rendered to herself and her infant.

18           (c) Any woman acting pursuant to subsections (a) and  
19 (b) assumes full responsibility for her actions and any  
20 outcome of her choice of childbirth method and location. If  
21 complications arise over the course of the labor, birth, or  
22 postpartum, the woman may seek medical care or direct others  
23 present to do so on behalf of herself or the child.

24           (d) Notwithstanding any other provision of law,  
25 including any provision of Chapter 19, Title 34, Code of  
26 Alabama 1975, no midwife assisting in the childbirth process

1 shall be criminally prosecuted for practicing as an unlicensed  
2 health care provider in this state.

3 (e) No licensed physician, nurse, pre-hospital  
4 emergency personnel, or health care institution shall be  
5 liable for any act or omission resulting from a woman's  
6 decision to have a physiologic childbirth outside of a  
7 hospital or medical facility.

8 Section 3. All laws or parts of laws which conflict  
9 with this act are repealed.

10 Section 4. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.