

HB126 ENGROSSED



1 HB126
2 XN4NZ7Z-2
3 By Representative Wilcox
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
6 PFD: 03-Feb-25



HB126 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Midwifery until October 1, 2029, with certain modifications; to amend Section 34-19-12, Code of Alabama 1975, to require that a board member resides in and be appointed from each congressional district in this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Midwifery until October 1, 2029, with additional recommendation for statutory change as set out in Section 3.

Section 2. The existence and functioning of the State Board of Midwifery, created and functioning pursuant to Sections 34-19-11 to 34-19-21, inclusive, Code of Alabama 1975, is continued until October 1, 2029, and those code sections are expressly preserved.

Section 3. Section 34-19-12, Code of Alabama 1975, is amended to read as follows:

"§34-19-12



HB126 Engrossed

29 (a) There is created and established a State Board of
30 Midwifery to implement and administer this chapter.

31 (b) The board shall pay all of its expenses from its
32 own funds and no expenses shall be borne by the State of
33 Alabama from the State General Fund.

34 (c) The board shall consist of seven members appointed
35 by the Governor and subject to confirmation by the Senate,
36 from a list of qualified individuals nominated by the
37 designated organization. Each list shall contain the names of
38 at least two individuals for each position to be filled.

39 (d) The members of the board shall be appointed for
40 staggered initial terms and subsequent terms shall be for a
41 minimum of four years or until his or her successor has been
42 appointed and qualified.

43 (e) The board shall meet at least twice each year,
44 conducting its business in person or by electronic methods.

45 (f) The board shall elect one of its members to serve
46 as chair for a two-year term. The chair may not serve
47 consecutive terms.

48 (g) The composition of the board shall be as follows:

49 (1) Four members shall hold a valid certified
50 professional midwife credential from the North American
51 Registry of Midwives. These members shall be appointed from a
52 list of names submitted by the Alabama Birth Coalition or its
53 successor organization. One of these members shall be
54 appointed to an initial term of four years, one to a term of
55 three years, and two to a term of two years.

56 (2) One member shall be a nurse practitioner. This



HB126 Engrossed

57 member shall be appointed to an initial term of four years.

58 (3) One member shall be a licensed certified nurse
59 midwife or registered nurse licensed under Article 5 of
60 Chapter 21. This member shall be appointed from a list
61 submitted by the Alabama Board of Nursing. This member shall
62 be appointed to an initial term of three years.

63 (4) One member shall have used midwifery services in
64 the state. This member shall be appointed from a list of names
65 submitted by the Alabama Birth Coalition. This member shall be
66 appointed to an initial term of three years.

67 (h) When choosing individuals to be considered by the
68 Governor for appointment to the board, the nominating
69 authorities shall strive to assure membership is inclusive and
70 reflects the racial, gender, geographic, urban, rural, and
71 economic diversity of the state. Commencing on June 1, 2025,
72 as the terms of the members serving on the board expire, the
73 membership of the board shall be appointed so that one member
74 resides in and is appointed from each congressional district
75 in this state.

76 (i) All members of the board shall be immune from
77 individual civil liability while acting within the scope of
78 their duties as board members, unless conduct is unreasonable.

79 (j) Vacancies shall be filled by the Governor and
80 confirmed by the Senate in the same manner as other
81 appointments are made. In the case of a vacancy, the new
82 appointee shall serve for the remainder of the unexpired term.

83 (k) Members of the board shall serve without
84 compensation but shall be allowed travel and per diem expenses



HB126 Engrossed

85 at the same rate paid to state employees, to be paid from the
86 funds collected for the administration of this chapter, as
87 funds are available.

88 (1) The board may employ, subject to the State Merit
89 System, investigators, inspectors, attorneys, and any other
90 agents, employees, and assistants as may from time to time be
91 necessary, and may use any other means necessary to enforce
92 the provisions of this chapter.

93 (m) (1) A licensed midwife shall file annually with the
94 board the following information on a form prepared by the
95 board and accessible on its website:

96 a. The total number of births attended by the licensed
97 midwife in the previous year, including births where the
98 licensed midwife was assisting another licensed midwife.

99 b. The number of maternal transfers to a health care
100 facility from births attended by the licensed midwife,
101 including instances where the licensed midwife was assisting
102 another licensed midwife.

103 c. The number of infant transfers to a health care
104 facility from births attended by the licensed midwife,
105 including instances where the licensed midwife was assisting
106 another licensed midwife.

107 d. The total number of maternal deaths from births
108 attended by the licensed midwife, including instances where
109 the licensed midwife was assisting another licensed midwife.

110 e. The total number of infant deaths from births
111 attended by the licensed midwife, including instances where
112 the licensed midwife was assisting another licensed midwife.



HB126 Engrossed

113 (2) The board shall make the information collected
114 under this subsection available to the public in accordance
115 with federal law.

116 (n) The board shall be subject to the Alabama Sunset
117 Law, Chapter 20, Title 41, as an enumerated agency as provided
118 in Section 41-20-3, and shall have a termination date of
119 October 1, 2021, and every four years thereafter, unless
120 continued pursuant to the Alabama Sunset Law."

121 Section 4. The Legislature concurs in the
122 recommendation of the Sunset Committee as provided in Sections
123 1, 2, and 3.

124 Section 5. This act shall become effective on June 1,
125 2025.



HB126 Engrossed

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House of Representatives

Read for the first time and referred04-Feb-25
to the House of Representatives
committee on Boards, Agencies and
Commissions
Read for the second time and placed05-Feb-25
on the calendar:
0 amendments
Read for the third time and passed06-Feb-25
as amended
Yeas 104
Nays 0
Abstains 0

John Treadwell
Clerk