

HB126 ENROLLED



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



HB126 Enrolled

Enrolled, 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

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

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

(c) The board shall consist of seven members appointed by the Governor and subject to confirmation by the Senate,



HB126 Enrolled

from a list of qualified individuals nominated by the designated organization. Each list shall contain the names of at least two individuals for each position to be filled.

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

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

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

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

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

(2) One member shall be a nurse practitioner. This member shall be appointed to an initial term of four years.

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

(4) One member shall have used midwifery services in



HB126 Enrolled

the state. This member shall be appointed from a list of names submitted by the Alabama Birth Coalition. This member shall be appointed to an initial term of three years.

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

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

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

(k) Members of the board shall serve without compensation but shall be allowed travel and per diem expenses at the same rate paid to state employees, to be paid from the funds collected for the administration of this chapter, as funds are available.

(l) The board may employ, subject to the State Merit System, investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to enforce



HB126 Enrolled

the provisions of this chapter.

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

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

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

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

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

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

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

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



HB126 Enrolled

113 continued pursuant to the Alabama Sunset Law."

114 Section 4. The Legislature concurs in the
115 recommendation of the Sunset Committee as provided in Sections
116 1, 2, and 3.

117 Section 5. This act shall become effective on June 1,
118 2025.



HB126 Enrolled

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 06-Feb-25.

John Treadwell
Clerk

Senate

09-Apr-25

Passed