

SB101 ENGROSSED



1 SB101
2 6DYU331-2
3 By Senators Stutts, Williams, Allen
4 RFD: Children and Youth Health
5 First Read: 05-Feb-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to consent to medical treatment; to amend Sections 16-22-16.2, 22-8-4, 22-8-6, 22-8-9, and 22-8-10, Code of Alabama 1975; to add Sections 22-8-12 and 22-8-13 to the Code of Alabama 1975; to raise the age at which a minor may give legal consent to medical, dental, and mental health services for himself or herself; to provide exceptions for certain minors and certain services; to prohibit health care providers and governmental entities from denying a parent access to his or her minor child's health information, with exceptions; and to provide that it is the fundamental right of a parent to make decisions concerning the health care of his or her child.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-22-16.2, 22-8-4, 22-8-6, 22-8-9, and 22-8-10, Code of Alabama 1975, are amended to read as follows:

"§16-22-16.2

(a) Subject to appropriations by the Legislature, commencing with the 2023-2024 school year, each local board of education in the state shall employ a mental health service



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29 coordinator. The coordinator shall be responsible for
30 coordinating student mental health services throughout the
31 local school system.

32 (b) An individual hired as a coordinator shall possess
33 at least one of the following qualifications:

34 (1) Have a bachelor's degree in social work.

35 (2) Satisfy State Department of Education
36 qualifications for a school counselor.

37 (3) Satisfy State Department of Education
38 qualifications for a school nurse.

39 (4) Have professional mental health experience, or have
40 been licensed in a mental health occupation including, but not
41 limited to, licensure as a licensed professional counselor or
42 marriage and family therapist.

43 (5) Other qualifications as determined by the Alabama
44 Department of Mental Health and the State Department of
45 Education.

46 (c) Within one year after being hired as a mental
47 health service coordinator, an individual shall earn a
48 school-based mental health certificate by successfully
49 completing a certification program developed by the Alabama
50 Department of Mental Health.

51 (d) On or before the last day of the 2021 fiscal year,
52 and as requested thereafter, each local board of education
53 shall complete and submit to the Alabama Department of Mental
54 Health a needs assessment and resource map for the schools
55 under the jurisdiction of the board. The assessment shall
56 document the status of mental health for the entire school



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57 system and allow the local board of education to engage in a
58 quality improvement process to improve the provision of mental
59 health resources to students within the school system.

60 (e) The Alabama Department of Mental Health and the
61 State Department of Education may adopt rules and policies as
62 necessary for implementation of this section.

63 (f) The administration of this section shall be subject
64 to appropriations made by the Legislature.

65 (g) As used in this section, the term "local board of
66 education" and "school system" shall include the schools or
67 school systems provided by Chapter 1 of Title 21; Chapters
68 26A, 26B, and 26D of this title; and Article 4 of Chapter 1 of
69 Title 44.

70 (h) (1) For the purposes of this section, ~~7~~: (i) "mental
71 health services" includes services, treatment, surveys, or
72 assessments relating to mental health, including, but not
73 limited to, guidance counseling and any programming offered by
74 an employee or independent contractor of a local board of
75 education relating to mental health, suicide prevention, or
76 bullying prevention; ~~7~~ and (ii) "parent" includes a student's
77 parent or legal guardian, as applicable.

78 (2) a. Except as provided in paragraph b., no ~~No~~ student
79 of a public K-12 school ~~under the age of 14~~ 16 years of age
80 may be allowed to participate in ongoing school counseling
81 services including, but not limited to, mental health
82 services, unless specific written instruction has been granted
83 by the student's parent, ~~unless there is an imminent threat to~~
84 ~~the health of the student or others.~~ For the purposes of this



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85 section, this written permission is referred to as an ~~opt-in~~
86 opt in.

87 b. No school counselor may be precluded from providing
88 school counseling services due to:

89 1. An imminent threat to the health of the student or
90 others;

91 2. Suspected abuse, neglect, or exploitation; or

92 3. When there is an immediate necessity for immediate
93 grief counseling.

94 (3) All local boards of education in this state shall
95 adopt a policy concerning parent ~~opt-in~~ opt in for mental
96 health services. At a minimum, each policy shall contain the
97 following:

98 a. A provision for written notification, at least
99 annually, to parents about school provided or sponsored mental
100 health services. The notification shall include the purpose
101 and general description of each of the mental health services,
102 information regarding ways parents may review materials to be
103 used in guidance and counseling programs that are available to
104 students, and information regarding ways parents may allow,
105 limit, or prevent their student's participation in the
106 programs.

107 b. A provision requiring written permission by a parent
108 for his or her student to participate in mental health
109 services. This written permission shall be specific as to any
110 treatment and not broad in nature. This permission shall also
111 be required annually and may be rescinded at any time by
112 providing written notice to school administration.



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113 c. If a parent elects to ~~opt-in~~ opt in to mental health
114 services for his or her student, the counselor providing the
115 services shall keep the parent fully informed regarding
116 diagnosis, recommended counseling, or treatments, and the
117 parent shall have the authority to make final decisions
118 regarding counseling and treatments.

119 d. A provision requiring all records pertaining to
120 mental health services to be treated as health care records
121 and kept separately from academic records."

122 "§22-8-4

123 ~~(a) Any minor who is 14 years of age or older, or has~~
124 ~~graduated from high school, or is married, or having been~~
125 ~~married is divorced or is pregnant~~ Each of the following
126 individuals may give effective consent to any legally
127 authorized medical, dental, ~~health~~ or mental health services
128 for himself or herself, and the consent of no other person
129 shall be necessary:

130 (1) An individual who is 16 years of age or older.

131 (2) A minor who has graduated from high school.

132 (3) A minor who is married, or having been married is
133 divorced.

134 (4) A minor who is pregnant.

135 (5) A minor who is emancipated.

136 (6) A minor who is: (i) not dependent on a parent or
137 legal guardian for support; (ii) living apart from his or her
138 parents or other individual in loco parentis; and (iii)
139 managing his or her own financial affairs.

140 (b) For the purposes of this section, the term "medical



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141 services" includes the receipt of a vaccine.

142 (c) Notwithstanding any provision of law to the
143 contrary, an individual who is 18 years of age or older may
144 give effective consent to participate in any clinical trial,
145 and the consent of no other person shall be necessary."

146 "§22-8-6

147 (a) Any minor may give effective consent for any
148 legally authorized medical, ~~health~~ or mental health services
149 to ~~determine~~:

150 (1) Determine the presence of, ~~or to treat, pregnancy,~~
151 ~~venereal disease~~ sexually transmitted infections, drug
152 dependency, or alcohol toxicity ~~or any reportable disease,~~ and
153 ~~the~~; and

154 (2) Prevent or determine the presence of pregnancy.

155 (b) The consent of no other ~~person~~ shall be deemed
156 individual is necessary for a minor to receive any services
157 under this section."

158 "§22-8-9

159 ~~Any minor who is 14 years of age or older, or has~~
160 ~~graduated from high school, or is married, or having been~~
161 ~~married is divorced or is pregnant,~~ (a) Each of the following
162 individuals may give effective consent to the donation of his
163 or her bone marrow for the purpose of bone marrow
164 transplantation:

165 (1) An individual who is 16 years of age or older.

166 (2) A minor who has graduated from high school.

167 (3) A minor who is married, or having been married is
168 divorced.



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169 (4) A minor who is pregnant.

170 (5) A minor who is emancipated.

171 (6) A minor who is: (i) not dependent on a parent or
172 legal guardian for support; (ii) living apart from his or her
173 parents or other individual in loco parentis; and (iii)
174 managing his or her own financial affairs.

175 (b) A parent or legal guardian may consent to ~~such~~ bone
176 marrow donation on behalf of any ~~other~~ minor who is not
177 authorized to give his or her own effective consent to the
178 donation of his or her bone marrow pursuant to subsection
179 (a)."

180 "§22-8-10

181 (a) Notwithstanding Section 22-8-4, no minor under 16
182 years of age may receive medical treatment for any mental
183 health services without the written consent of the minor's
184 parent or legal guardian.

185 (b) The parent or legal guardian of a minor who is at
186 least ~~14~~ 16 years of age and under 19 years of age may
187 authorize medical treatment for any mental health services
188 even if the minor has expressly refused such treatment
189 services if the parent or legal guardian and a mental health
190 professional determine that clinical intervention is necessary
191 and appropriate. Access to the mental health records of the
192 minor will follow the Health Insurance Portability and
193 Accountability Act of 1996 (HIPAA) Public Law 104-191."

194 Section 2. Sections 22-8-12 and 22-8-13 are added to
195 the Code of Alabama 1975, to read as follows:

196 §22-8-12



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197 (a) Except as provided in subsection (b), no health
198 care provider or governmental entity may deny a parent or
199 legal guardian access to his or her minor child's health
200 information when:

201 (1) The health information is in the control of the
202 health care provider or governmental entity; and

203 (2) The parent or legal guardian requests access to the
204 health information.

205 (b) A health care provider or governmental entity may
206 deny a parent or legal guardian access to his or her minor
207 child's health information if:

208 (1) The access is prohibited by a court order; or

209 (2) The parent or legal guardian is a subject of an
210 investigation related to a crime against the minor child and a
211 law enforcement officer has requested that the information not
212 be released to the parent.

213 §22-8-13

214 Parents have the fundamental right and duty to make
215 decisions concerning the furnishing of health care services to
216 their minor child.

217 Section 3. This act shall become effective on October
218 1, 2025.



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221 Senate

222 Read for the first time and referred05-Feb-25
223 to the Senate committee on Children
224 and Youth Health
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226 Read for the second time and placed12-Feb-25
227 on the calendar:
228 0 amendments
229
230 Read for the third time and passed08-Apr-25
231 as amended
232 Yeas 30
233 Nays 2
234 Abstains 0
235
236

Patrick Harris,
Secretary.

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