

SB101 ENROLLED



1 SB101
2 5V4NE3M-2
3 By Senators Stutts, Williams, Allen
4 RFD: Children and Youth Health
5 First Read: 05-Feb-25



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Enrolled, 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, 22-8-13, and 22-8-14 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 coordinator. The coordinator shall be responsible for coordinating student mental health services throughout the local school system.

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

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



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

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

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

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

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

(d) On or before the last day of the 2021 fiscal year, and as requested thereafter, each local board of education shall complete and submit to the Alabama Department of Mental Health a needs assessment and resource map for the schools under the jurisdiction of the board. The assessment shall document the status of mental health for the entire school system and allow the local board of education to engage in a quality improvement process to improve the provision of mental health resources to students within the school system.

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



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

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

(h) (1) For the purposes of this section, (i) "mental health services" includes services, treatment, surveys, or assessments relating to mental health, including, but not limited to, guidance counseling and any programming offered by an employee or independent contractor of a local board of education relating to mental health, suicide counseling, or bullying counseling; ~~and~~ (ii) "parent" includes a student's parent or legal guardian, as applicable; and (iii) "imminent threat" means a known or foreseeable danger that could occur in the immediate or near future.

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

b. No school counselor or health care provider may be precluded from providing mental health services due to:



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85 1. An imminent threat to the health of the student or
86 others;

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

88 3. When there is an immediate necessity for immediate
89 grief counseling.

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

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

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

109 c. If a parent elects to ~~opt-in~~ opt in to mental health
110 services for his or her student, the counselor providing the
111 services shall keep the parent fully informed regarding
112 diagnosis, recommended counseling, or treatments, and the



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parent shall have the authority to make final decisions regarding counseling and treatments.

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

(i) Nothing in this section shall limit, preclude, or prevent the provision of any health care service to a minor when the health care provider providing the service has a good faith belief that one of the following conditions exist in regard to the minor:

(1) An imminent threat, as defined in subsection (h).

(2) Suspected abuse, neglect, or exploitation."

"§22-8-4

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

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

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

(3) A minor who meets any of the criteria as set forth in Section 22-8-5.

(4) A minor who is pregnant.

(5) A minor who is emancipated.

(6) A minor who is: (i) not dependent on a parent or legal guardian for support; and (ii) living apart from his or



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her parents or other individual in loco parentis.

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

(c) For the purposes of this section, a minor who is the parent of a child as provided in Section 22-8-5 or is pregnant may consent to any legally authorized medical, dental, or mental health services for his or her own child, and the consent of no other individual shall be necessary."

"§22-8-6

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

(1) Determine the presence of, ~~or to treat, pregnancy, venereal disease sexually transmitted infections,~~ drug dependency, or alcohol toxicity or;

(2) Determine the presence of any reportable disease, ~~and the;~~ and

(3) Prevent or determine the presence of pregnancy.

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

"§22-8-9

~~Any minor who is 14 years of age or older, or has graduated from high school, or is married, or having been married is divorced or is pregnant,~~ (a) Each of the following individuals may give effective consent to the donation of his



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or her bone marrow for the purpose of bone marrow transplantation:

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

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

(3) A minor who meets any criteria as set forth in Section 22-8-5.

(4) A minor who is pregnant.

(5) A minor who is emancipated.

(6) A minor who is: (i) not dependent on a parent or legal guardian for support; and (ii) living apart from his or her parents or other individual in loco parentis.

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

"§22-8-10

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

Section 2. Sections 22-8-12, 22-8-13, and 22-8-14 are added to the Code of Alabama 1975, to read as follows:



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197 §22-8-12

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

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

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

206 (b) A health care provider or governmental entity may
207 deny a parent or legal guardian access to his or her minor
208 child's health information if any of the following conditions
209 exist:

210 (1) The access is prohibited by a court order.

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

215 (3) The health care provider has reported the minor
216 child as a known or suspected victim of abuse or neglect
217 pursuant to Chapter 14 of Title 26.

218 (4) The provision of access to the parent or legal
219 guardian would be in violation of any federal laws or rules
220 protecting the confidentiality of participant health
221 information in substance use disorder treatment programs.

222 §22-8-13

223 Parents have the fundamental right and duty to make
224 decisions concerning the furnishing of health care services to



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225 their minor child, subject to the provisions of this chapter
226 and Section 16-22-16.2.

227 §22-8-14

228 Nothing in this chapter shall limit, preclude, or
229 prevent the provision of any health care service to a minor
230 when the health care provider providing the service has a good
231 faith belief that one of the following conditions exist in
232 regard to the minor:

233 (1) An imminent threat, as defined in Section
234 16-22-16.2.

235 (2) Suspected abuse, neglect, or exploitation.

236 Section 3. This act shall become effective on October
237 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 08-Apr-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-May-25

Senate concurred in House amendment 14-May-25

By: Senator Stutts