

**SB101 INTRODUCED**



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



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SYNOPSIS:

Under existing law, a minor who is at least 14 years of age, who has graduated from high school, or who is married, divorced, or pregnant may give legal consent to medical, dental, and mental health services for himself or herself.

Also under existing law, any minor may give legal consent to participate in school counseling services, to donate bone marrow, or to determine the presence of or treat pregnancy, sexually transmitted infections, and alcohol or drug dependency.

This bill would require a minor to be at least 18 years of age to consent to medical, dental, and mental health services, including participation in school counseling services, receipt of a vaccine, and the donation of bone marrow, unless the minor is married, divorced, pregnant, emancipated, or living independently apart from his or her parents or legal guardian.

This bill would allow any minor to consent to services to prevent or treat pregnancy, sexually transmitted infections, and alcohol or drug dependency.

This bill would prohibit a health care provider or governmental entity from denying a parent access to his or her minor child's health information, unless a



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29 court order prohibits the access or the parent is under  
30 investigation for a crime against the child.

31 This bill would also provide that parents have a  
32 fundamental right to make decisions concerning the  
33 furnishing of health care services to their minor  
34 child.

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A BILL

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TO BE ENTITLED

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AN ACT

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

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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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  
56 follows:



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57 "§16-22-16.2

58 (a) Subject to appropriations by the Legislature,  
59 commencing with the 2023-2024 school year, each local board of  
60 education in the state shall employ a mental health service  
61 coordinator. The coordinator shall be responsible for  
62 coordinating student mental health services throughout the  
63 local school system.

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

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

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

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

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

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

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

83 (d) On or before the last day of the 2021 fiscal year,  
84 and as requested thereafter, each local board of education



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85 shall complete and submit to the Alabama Department of Mental  
86 Health a needs assessment and resource map for the schools  
87 under the jurisdiction of the board. The assessment shall  
88 document the status of mental health for the entire school  
89 system and allow the local board of education to engage in a  
90 quality improvement process to improve the provision of mental  
91 health resources to students within the school system.

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

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

97 (g) As used in this section, the term "local board of  
98 education" and "school system" shall include the schools or  
99 school systems provided by Chapter 1 of Title 21; Chapters  
100 26A, 26B, and 26D of this title; and Article 4 of Chapter 1 of  
101 Title 44.

102 (h) (1) For the purposes of this section, (i) "mental  
103 health services" includes services, treatment, surveys, or  
104 assessments relating to mental health, including, but not  
105 limited to, guidance counseling and any programming offered by  
106 an employee or independent contractor of a local board of  
107 education relating to mental health, suicide prevention, or  
108 bullying prevention; and (ii) "parent" includes a student's  
109 parent or legal guardian, as applicable.

110 (2) a. Except as provided in paragraph b., no ~~No~~ student  
111 of a public K-12 school under ~~the age of 14~~ 18 years of age  
112 may be allowed to participate in ongoing school counseling



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113 services including, but not limited to, mental health  
114 services, unless specific written instruction has been granted  
115 by the student's parent, ~~unless there is an imminent threat to~~  
116 ~~the health of the student or others~~. For the purposes of this  
117 section, this written permission is referred to as an ~~opt-in~~  
118 opt in.

119 b. No school counselor may be precluded from providing  
120 school counseling services due to:

121 1. An imminent threat to the health of the student or  
122 others;

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

124 3. When there is an immediate necessity for immediate  
125 grief counseling.

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

130 a. A provision for written notification, at least  
131 annually, to parents about school provided or sponsored mental  
132 health services. The notification shall include the purpose  
133 and general description of each of the mental health services,  
134 information regarding ways parents may review materials to be  
135 used in guidance and counseling programs that are available to  
136 students, and information regarding ways parents may allow,  
137 limit, or prevent their student's participation in the  
138 programs.

139 b. A provision requiring written permission by a parent  
140 for his or her student to participate in mental health



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141 services. This written permission shall be specific as to any  
142 treatment and not broad in nature. This permission shall also  
143 be required annually and may be rescinded at any time by  
144 providing written notice to school administration.

145 c. If a parent elects to ~~opt-in~~ opt in to mental health  
146 services for his or her student, the counselor providing the  
147 services shall keep the parent fully informed regarding  
148 diagnosis, recommended counseling, or treatments, and the  
149 parent shall have the authority to make final decisions  
150 regarding counseling and treatments.

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

154 "§22-8-4

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

162 (1) An individual who is 18 years of age or older.

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

164 (3) A minor who is married, or having been married is  
165 divorced.

166 (4) A minor who is pregnant.

167 (5) A minor who is emancipated.

168 (6) A minor who is: (i) not dependent on a parent or



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169 legal guardian for support; (ii) living apart from his or her  
170 parents or other individual in loco parentis; and (iii)  
171 managing his or her own financial affairs.

172 (b) For the purposes of this section, the term "medical  
173 services" includes the receipt of a vaccine."

174 "§22-8-6

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

178 (1) Determine the presence of, ~~or to treat, pregnancy,~~  
179 ~~venereal disease sexually transmitted infections,~~ drug  
180 dependency, or alcohol toxicity ~~or any reportable disease, and~~  
181 ~~the; and~~

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

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

186 "§22-8-9

187 ~~Any minor who is 14 years of age or older, or has~~  
188 ~~graduated from high school, or is married, or having been~~  
189 ~~married is divorced or is pregnant,~~ (a) Each of the following  
190 individuals may give effective consent to the donation of his  
191 or her bone marrow for the purpose of bone marrow  
192 transplantation:

193 (1) An individual who is 18 years of age or older.

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

195 (3) A minor who is married, or having been married is  
196 divorced.





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197 (4) A minor who is pregnant.

198 (5) A minor who is emancipated.

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

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

208 "§22-8-10

209 (a) Notwithstanding Section 22-8-4, no minor may  
210 receive medical treatment for any mental health services  
211 without the written consent of the minor's parent or legal  
212 guardian.

213 (b) The parent or legal guardian of a minor who is ~~at~~  
214 ~~least 14 years of age and~~ under ~~19~~ 18 years of age may  
215 authorize medical treatment for any mental health services  
216 even if the minor has expressly refused such treatment  
217 services if the parent or legal guardian and a mental health  
218 professional determine that clinical intervention is necessary  
219 and appropriate. Access to the mental health records of the  
220 minor will follow the Health Insurance Portability and  
221 Accountability Act of 1996 (HIPAA) Public Law 104-191."

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

224 §22-8-12



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

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

231 (2) The parent or legal guardian requests access to the  
232 health information.

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

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

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

241 §22-8-13

242 Parents have the fundamental right and duty to make  
243 decisions concerning the furnishing of health care services to  
244 their minor child.

245 Section 3. This act shall become effective on October  
246 1, 2025.