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SYNOPSIS:

Under existing law, termination dates are established for enumerated state agencies. The agencies are periodically reviewed by the Alabama Sunset Committee. After the review process is completed, the committee prepares its recommendation for the agencies to the Legislature in the form of sunset bills which either continue, terminate, or continue with modification each agency reviewed.

This bill would provide for the continuance of the State Board of Midwifery until October 1, 2029, with the following change: To require that a board member resides in and be appointed from each congressional district in this state.

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



29 congressional district in this state.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

35 Section 2. The existence and functioning of the State
36 Board of Midwifery, created and functioning pursuant to
37 Sections 34-19-11 to 34-19-21, inclusive, Code of Alabama
38 1975, is continued until October 1, 2029, and those code
39 sections are expressly preserved.

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

42 "§34-19-12

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

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

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

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



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

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

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

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

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

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

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

81 (h) When choosing individuals to be considered by the
82 Governor for appointment to the board, the nominating
83 authorities shall strive to assure membership is inclusive and
84 reflects the racial, gender, geographic, urban, rural, and



85 economic diversity of the state. Commencing on June 1, 2025,
86 as the terms of the members serving on the board expire, the
87 membership of the board shall be appointed so that one member
88 resides in and is appointed from each congressional district
89 in this state.

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

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

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

102 (l) The board may employ, subject to the State Merit
103 System, investigators, inspectors, attorneys, and any other
104 agents, employees, and assistants as may from time to time be
105 necessary, and may use any other means necessary to enforce
106 the provisions of this chapter.

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

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



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

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

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

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

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

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

135 Section 4. The Legislature concurs in the
136 recommendation of the Sunset Committee as provided in Sections
137 1, 2, and 3.

138 Section 5. This act shall become effective on June 1,
139 2025.