



**House Boards, Agencies and Commissions Reported
Substitute for HB128**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to midwifery; to amend Section 34-19-12, as
10 last amended by Act 2025-166, 2025 Regular Session, and
11 Sections 34-19-14 and 34-19-16, Code of Alabama 1975, to
12 provide further for the powers of the State Board of Midwifery
13 and the practice of midwifery.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 34-19-12, as last amended by Act
16 2025-166, 2025 Regular Session, and Sections 34-19-14 and
17 34-19-16, Code of Alabama 1975, are amended to read as
18 follows:

19 "§34-19-12

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

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

25 (c) The board shall consist of seven members appointed
26 by the Governor and subject to confirmation by the Senate,
27 from a list of qualified individuals nominated by the
28 designated organization. Each list shall contain the names of



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29 at least two individuals for each position to be filled.

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

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

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

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

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

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

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

55 (4) One member shall have used midwifery services in
56 the state. This member shall be appointed from a list of names



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57 submitted by the Alabama Birth Coalition. This member shall be
58 appointed to an initial term of three years.

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

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

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

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

80 (l) The board may employ, subject to the State Merit
81 System, investigators, inspectors, attorneys, and any other
82 agents, employees, and assistants as may from time to time be
83 necessary, and may use any other means necessary to enforce
84 this chapter.



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85 (m) Pursuant to any terms and conditions adopted by the
86 board by official resolution, the board may accept gifts and
87 grants.

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

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

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

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

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

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

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

111 ~~(n)~~ (o) The board shall be subject to the Alabama Sunset
112 Law, Chapter 20, Title 41, as an enumerated agency as provided



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113 in Section 41-20-3, and shall have a termination date of
114 October 1, 2021, and every four years thereafter, unless
115 continued pursuant to the Alabama Sunset Law."

116 "§34-19-14

117 (a) The board shall do all of the following consistent
118 with this chapter:

119 (1) Approve, renew, suspend, or revoke licenses for the
120 practice of midwifery.

121 (2) Investigate and conduct hearings regarding
122 complaints against a licensed midwife in order to determine if
123 disciplinary action is warranted.

124 (3) Establish reasonable licensure fees, including, but
125 not limited to, initial application, renewal, and
126 reinstatement fees.

127 (4) Develop standardized forms, including, but not
128 limited to, a midwife disclosure form, informed consent form,
129 emergency care form, and applications for licensure and
130 renewal.

131 (5) Impose administrative fines, not to exceed one
132 thousand dollars (\$1,000) per violation, for violating this
133 chapter, a board rule, or a condition of a license.

134 (6) Establish levels of professional liability
135 insurance that must be maintained by a licensed midwife at a
136 limit of no less than one hundred thousand dollars (\$100,000)
137 per occurrence and three hundred thousand dollars (\$300,000)
138 aggregate.

139 (b) (1) The board shall adopt rules pursuant to the
140 Administrative Procedure Act to implement this chapter in a



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141 manner consistent with the most current North American
142 Registry of Midwives Job Analysis ~~and with essential documents~~
143 ~~developed and published by the Midwives Alliance of North~~
144 ~~America~~. The rules shall include, but not be limited to,
145 provision for all of the following:

146 a. Licensing procedures and requirements.

147 b. Minimum initial and continuing education
148 requirements for licensure.

149 c. Standards by which a licensed midwife shall conduct
150 risk assessment.

151 d. Standards for professional conduct.

152 e. A standard procedure for investigating complaints.

153 f. Requirements for clinical internships for
154 individuals seeking midwifery training.

155 (2) The rules shall ensure independent practice.

156 (c) A licensed midwife may not administer or perform
157 any of the following obstetric procedures which are outside of
158 the scope of the licensed practice of midwifery:

159 (1) An epidural, spinal, or caudal anesthetic.

160 (2) Any type of narcotic analgesia.

161 (3) Forceps or a vacuum extractor-assisted delivery.

162 (4) Abortion.

163 (5) Cesarean section or any surgery or surgical
164 ~~deliver~~delivery except minimal episiotomies.

165 (6) Pharmacological induction or augmentation of labor
166 or artificial rupture of membranes prior to the onset of
167 labor.

168 (7) Except for the administration of local anesthetic,



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169 administration of an anesthetic.

170 (8) Administration of any prescription medication in a
171 manner that violates the Alabama Uniform Controlled
172 ~~Substance~~Substances Act.

173 (9) Vaginal birth after a cesarean.

174 (d) A licensed midwife may not perform either of the
175 following:

176 (1) Delivery of a diagnosed multiple pregnancy.

177 (2) Delivery of a baby whose position is diagnosed as
178 non-cephalic at the onset of labor."

179 "§34-19-16

180 (a) A licensed midwife may provide midwifery care in
181 the setting of the client's choice, except a hospital.

182 (b) A licensed midwife shall ensure that the client has
183 signed a midwife disclosure form provided by the board
184 indicating receipt of a written statement that includes all of
185 the following information:

186 (1) A description of the licensed midwife's education,
187 training, and experience in midwifery.

188 (2) Antepartum, intrapartum, and postpartum conditions
189 requiring medical referral, transfer of care, and transport to
190 a hospital.

191 (3) A plan for medical referral, transfer of care, and
192 transport of the client or newborn or both when indicated by
193 specific antepartum, intrapartum, or postpartum conditions.

194 (4) Instructions for filing a complaint against a
195 licensed midwife.

196 (5) A statement that the licensed midwife must comply



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197 with the federal Health Insurance Portability and
198 Accountability Act.

199 (6) The status of a licensed midwife's professional
200 liability insurance coverage.

201 (7) References to current evidence regarding the safety
202 of midwifery care in out-of-hospital settings, including a
203 copy of the most recent statement by the American Congress of
204 Obstetricians and Gynecologists on home birth.

205 (c) A licensed midwife shall ensure that the client has
206 signed an informed consent form provided by the board.

207 (d) For screening purposes only, a licensed midwife may
208 order routine antepartum and postpartum laboratory analyses to
209 be performed by a licensed laboratory.

210 (e) After a client has secured the services of a
211 licensed midwife, the licensed midwife shall document an
212 emergency care plan on a form provided by the board.

213 (f) A licensed midwife shall determine the progress of
214 labor and, when birth is imminent, shall be available until
215 delivery is accomplished.

216 (g) A licensed midwife shall remain with the client
217 during the postpartalpostpartum period until the conditions of
218 the client and newborn are stabilized.

219 (h) A licensed midwife shall instruct the client
220 regarding the requirements of the administration of eye
221 ointment ordered by the Alabama Department of Public Health
222 pursuant to Section 22-20-2.

223 (i) A licensed midwife shall instruct the client
224 regarding the requirements of administration of newborn health



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225 screening ordered by the Alabama Department of Public Health
226 pursuant to Section 22-20-3.

227 (j) A licensed midwife shall file a birth certificate
228 for each birth in accordance with the requirements of Section
229 22-9A-7.

230 ~~(k) A licensed midwife shall collect clinical data
231 under the Midwives Alliance of North America Statistics
232 Project for each client who initiates care and shall submit a
233 copy of the clinical data collected for each consenting client
234 to the board upon request.~~

235 ~~(1)~~ (k) A licensed midwife shall report to the Alabama
236 Department of Public Health pursuant to Chapter 11A~~T~~ of Title
237 22~~T~~ and any other law that requires hospitals or physicians to
238 report to the Alabama Department of Public Health.

239 ~~(m)~~ (1) A licensed midwife shall provide all information
240 required to be provided to new mothers pursuant to Section
241 22-20-3.1, and all information required to be provided to new
242 mothers before discharge by hospitals, as defined in Section
243 22-21-20.

244 ~~(n)~~ (m) A licensed midwife shall order those tests 1
245 provided in Section 22-20-3 and any rule adopted by the State
246 Board of Health pursuant to that section relating to the
247 newborn screening program, to all neonates in his or her care.

248 ~~(o)~~ (n) A licensed midwife may order and administer a
249 urinalysis or blood glucose test as indicated."

250 Section 2. This act shall become effective on October
251 1, 2026.