

1 HB315
2 182388-7
3 By Representatives Johnson (K) and Pettus
4 RFD: Judiciary
5 First Read: 23-FEB-17

1
2 ENROLLED, An Act,

3 Relating to midwives; to amend Section 34-19-3, Code
4 of Alabama 1975; to exempt a midwife holding a current
5 midwifery certification from an organization accredited by the
6 Institute for Credentialing Excellence from the crime of
7 practicing midwifery without a license; and to make the
8 practice of lay midwifery a criminal offense; to add Sections
9 34-19-11 to 34-19-20, inclusive, to the Code of Alabama 1975;
10 to establish a State Board of Midwifery to license and
11 regulate the practice of certified professional midwifery; to
12 provide for the composition of the board and function of the
13 board; to specify requirements for the licensing of midwives
14 and provide for licensing fees; to establish guidelines for
15 the practice of midwifery; to provide for penalties for
16 violations; to amend Section 22-9A-7, Code of Alabama 1975,
17 relating to registration of births; to amend Section 34-43-3,
18 Code of Alabama 1975, relating to the definition of
19 therapeutic massage; to repeal Sections 34-19-2 through
20 34-19-10, inclusive, Code of Alabama 1975; and in connection
21 therewith would have as its purpose or effect the requirement
22 of a new or increased expenditure of local funds within the
23 meaning of Amendment 621 of the Constitution of Alabama of
24 1901, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as amended.

2 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

3 Section 1. Section 34-19-3, Code of Alabama 1975, is
4 amended to read as follows:

5 "§34-19-3.

6 "~~(a)~~ (a) It shall be unlawful for any ~~person~~
7 individual other than a licensed professional nurse who has
8 received a license from the State Board of Nursing and the
9 Board of Medical Examiners or a midwife who holds a current
10 midwifery certification from an organization accredited by the
11 Institute for Credentialing Excellence to practice ~~nurse~~
12 midwifery in this state. Any person violating this ~~subsection~~
13 ~~section~~ subsection shall be guilty of a ~~misdemeanor~~ violation.

14 "~~(b) Nothing in subsection (a) of this section shall~~
15 ~~be construed as to prevent lay midwives holding valid health~~
16 ~~department permits from engaging in the practice of lay~~
17 ~~midwifery as heretofore provided until such time as the permit~~
18 ~~may be revoked by the county board of health."~~

19 "(b) Any individual who is not a certified nurse
20 midwife and who is practicing midwifery in this state shall
21 obtain and maintain professional liability insurance with
22 limits of no less than one hundred thousand dollars (\$100,000)
23 per occurrence and three hundred thousand dollars (\$300,000)
24 aggregate for the protection of the mothers and children in
25 the care of the individual and shall enter into with the

1 mother a mutually agreed upon written emergency plan that is
2 signed and dated by both at least 30 days before the
3 reasonably anticipated date of each birth for which the
4 individual shall provide care.

5 "(c) No physician, other health care provider, or
6 hospital shall be civilly or criminally liable for any act or
7 omission or advice, care, or service provided by an individual
8 practicing midwifery outside of a hospital or resulting from
9 the choice of a woman to give birth to a child outside of a
10 hospital, provided the midwife is not employed to practice
11 midwifery by the physician, health care provider, or hospital
12 or is not practicing midwifery as an employee, partner,
13 member, or shareholder of a business entity in which the
14 physician, health care provider, or hospital participates by
15 way of receiving monetary or non-cash income and has actual
16 knowledge of the midwife's status as an employee, partner,
17 member, or shareholder of the business entity."

18 Section 2. Sections 34-19-11 to 34-19-20, inclusive,
19 are added to the Code of Alabama 1975, to read as follows:

20 §34-19-11.

21 The following words and phrases shall have the
22 following meanings, unless the context clearly indicates
23 otherwise:

24 (1) BOARD. The State Board of Midwifery.

1 (2) LICENSED MIDWIFE. A practitioner who holds a
2 certified professional midwife credential and is licensed by
3 the board to practice midwifery.

4 (3) MIDWIFERY. The provision of primary maternity
5 care during the antepartum, intrapartum, and postpartum
6 periods.

7 §34-19-12.

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

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

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

18 (d) The members of the board shall be appointed for
19 staggered initial terms and subsequent terms shall be for a
20 minimum of four years or until his or her successor has been
21 appointed and qualified.

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

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

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

6 (1) Four members shall hold a valid certified
7 professional midwife credential from the North American
8 Registry of Midwives. These members shall be appointed from a
9 list of names submitted by the Alabama Birth Coalition or its
10 successor organization. One of these members shall be
11 appointed to an initial term of four years, one to a term of
12 three years, and two to a term of two years.

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

15 (3) One member shall be a licensed certified nurse
16 midwife or registered nurse licensed under Article 5 of
17 Chapter 21. This member shall be appointed from a list
18 submitted by the Alabama Board of Nursing. This member shall
19 be appointed to an initial term of three years.

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

24 (h) When choosing individuals to be considered by
25 the Governor for appointment to the board, the nominating

1 authorities shall strive to assure membership is inclusive and
2 reflects the racial, gender, geographic, urban, rural, and
3 economic diversity of the state.

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

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

11 (k) Members of the board shall serve without
12 compensation but shall be allowed travel and per diem expenses
13 at the same rate paid to state employees, to be paid from the
14 funds collected for the administration of this chapter, as
15 funds are available.

16 (l) The board may employ, subject to the State Merit
17 System, investigators, inspectors, attorneys, and any other
18 agents, employees, and assistants as may from time to time be
19 necessary, and may use any other means necessary to enforce
20 the provisions of this chapter.

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

1 a. The total number of births attended by the
2 licensed midwife in the previous year, including births where
3 the licensed midwife was assisting another licensed midwife.

4 b. The number of maternal transfers to a health care
5 facility from births attended by the licensed midwife,
6 including instances where the licensed midwife was assisting
7 another licensed midwife.

8 c. The number of infant transfers to a health care
9 facility from births attended by the licensed midwife,
10 including instances where the licensed midwife was assisting
11 another licensed midwife.

12 d. The total number of maternal deaths that births
13 attended by the licensed midwife, including instances where
14 the licensed midwife was assisting another licensed midwife.

15 e. The total number of infant deaths from births
16 attended by the licensed midwife, including instances where
17 the licensed midwife was assisting another licensed midwife.

18 (2) The board shall make the information collected
19 under this subsection available to the public in accordance
20 with federal law.

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

1 §34-19-13.

2 All funds received by the board under this chapter
3 shall be deposited in the State Treasury to the credit of the
4 board and all such funds are to be appropriated to the board
5 to defray the expenses incurred in carrying out this chapter.
6 The expenses shall include printing, stamps, stationery,
7 clerical help, travel, and other necessary expenditures. In
8 all cases, any fee that is received by the board shall not be
9 refunded, and no applicant shall have the right to recover any
10 part of a fee accompanying his or her application for
11 licensure or otherwise paid to the board except on the death,
12 disability, or retirement from practice of any applicant or
13 licensee between payment of any fee and the expiration of his
14 or her current renewal or the issuance of the initial license.
15 The books and records of the board shall be subject to audit
16 in the same manner and to the same extent as any other state
17 agency. The board shall keep a true and accurate account of
18 all funds received by the board and all expenditures made by
19 the board.

20 §34-19-14.

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

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

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

4 (3) Establish reasonable licensure fees, including,
5 but not limited to, initial application, renewal, and
6 reinstatement fees.

7 (4) Develop standardized forms including, but not
8 limited to, a midwife disclosure form, informed consent form,
9 emergency care form, and applications for licensure and
10 renewal.

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

14 (6) Establish levels of professional liability
15 insurance that must be maintained by a licensed midwife at a
16 limit of no less than one hundred thousand dollars (\$100,000)
17 per occurrence and three hundred thousand dollars (\$300,000)
18 aggregate.

19 (b) (1) The board shall adopt rules pursuant to the
20 Administrative Procedure Act to implement this chapter in a
21 manner consistent with the most current North American
22 Registry of Midwives Job Analysis and with essential documents
23 developed and published by the Midwives Alliance of North
24 America. The rules shall include, but not be limited to,
25 provision for all of the following:

1 a. Licensing procedures and requirements.

2 b. Minimum initial and continuing education
3 requirements for licensure.

4 c. Standards by which a licensed midwife shall
5 conduct risk assessment.

6 d. Standards for professional conduct.

7 e. A standard procedure for investigating
8 complaints.

9 f. Requirements for clinical internships for
10 individuals seeking midwifery training.

11 (2) The rules shall ensure independent practice.

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

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

16 (2) Any type of narcotic analgesia.

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

18 (4) Abortion.

19 (5) Cesarean section or any surgery or surgical
20 deliver except minimal episiotomies.

21 (6) Pharmacological induction or augmentation of
22 labor or artificial rupture of membranes prior to the onset of
23 labor.

24 (7) Except for the administration of local
25 anesthetic, administration of an anesthetic.

1 (8) Administration of any prescription medication in
2 a manner that violates the Alabama Uniform Controlled
3 Substance Act.

4 (9) Vaginal birth after a cesarean.

5 (d) A licensed midwife may not perform either of the
6 following:

7 (1) Delivery of a diagnosed multiple pregnancy.

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

10 §34-19-15.

11 (a) An individual desiring to be licensed as a
12 midwife shall apply to the board on forms provided by the
13 board. Applicants for licensure shall submit evidence
14 satisfactory to the board that he or she has met all of the
15 following requirements:

16 (1) Is at least 21 years of age.

17 (2) Is a citizen of the United States or, if not a
18 citizen of the United States, is legally present in the United
19 States with appropriate documentation from the federal
20 government.

21 (3) Has obtained a certified professional midwife
22 credential through an education program or pathway accredited
23 by the Midwifery Educational Accreditation Council or by
24 another accrediting agency recognized by the United States
25 Department of Education.

1 (b) Notwithstanding subdivision (3) of subsection
2 (a), the board may license the following:

3 (1) An applicant who has obtained a certified
4 professional midwife credential prior to January 1, 2020,
5 through a nonaccredited pathway, provided the applicant
6 obtains the Midwifery Bridge Certificate or completes an
7 educational program or pathway accredited by the Midwifery
8 Educational Accreditation Council or by another accrediting
9 agency recognized by the United States Department of
10 Education.

11 (2) An applicant who has maintained licensure in a
12 state that does not require an accredited education, provided
13 the applicant obtains the Midwifery Bridge Certificate or
14 completes an educational program or pathway accredited by the
15 Midwifery Educational Accreditation Council or by another
16 accrediting agency recognized by the United States Department
17 of Education.

18 (c) Licenses shall be valid for a period of 24
19 months.

20 (d) Following the contested case provisions of the
21 Administrative Procedure Act, the board may suspend or revoke
22 a license, or it may refuse to grant a license to an applicant
23 for licensure, if the licensee or applicant:

24 (1) Has obtained a license by means of fraud,
25 misrepresentation, or concealment of material facts, including

1 making a false statement on an application or any other
 2 document required by the board for licensure.

3 (2) Has engaged in unprofessional conduct pursuant
 4 to rules adopted by the board.

5 (3) Has been convicted of any felony.

6 (4) Has performed an act that exceeds the scope of
 7 practice granted by the board to the licensed midwife.

8 (5) Has had his or her license revoked, suspended,
 9 or denied in any other territory or jurisdiction of the United
 10 States for any act described in this subsection.

11 (e) The board shall maintain an up-to-date list of
 12 every individual licensed to practice midwifery pursuant to
 13 this chapter and individuals whose licenses have been
 14 suspended, revoked, or denied. The information on the list
 15 shall be available for public inspection during reasonable
 16 business hours and the information may be shared with others
 17 as deemed necessary and acceptable by the board. The list
 18 shall include the name of the individual, the date and the
 19 cause of action, the penalty incurred, and the length of the
 20 penalty.

21 §34-19-16.

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

24 (b) A licensed midwife shall ensure that the client
 25 has signed a midwife disclosure form provided by the board

1 indicating receipt of a written statement that includes all of
2 the following information:

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

5 (2) Antepartum, intrapartum, and postpartum
6 conditions requiring medical referral, transfer of care, and
7 transport to a hospital.

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

11 (4) Instructions for filing a complaint against a
12 licensed midwife.

13 (5) A statement that the licensed midwife must
14 comply with the federal Health Insurance Portability and
15 Accountability Act.

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

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

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

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

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

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

10 (g) A licensed midwife shall remain with the client
 11 during the postpartal period until the conditions of the
 12 client and newborn are stabilized.

13 (h) A licensed midwife shall instruct the client
 14 regarding the requirements of the administration of eye
 15 ointment ordered by the Department of Public Health pursuant
 16 to Section 22-20-2.

17 (i) A licensed midwife shall instruct the client
 18 regarding the requirements of administration of newborn health
 19 screening ordered by the Department of Public Health pursuant
 20 to Section 22-20-3.

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

24 (k) A licensed midwife shall collect clinical data
 25 under the Midwives Alliance of North America Statistics

1 Project for each client who initiates care and shall submit a
2 copy of the clinical data collected for each consenting client
3 to the board upon request.

4 (l) A licensed midwife shall report to the Alabama
5 Department of Public Health pursuant to Chapter 11A, of Title
6 22, Code of Alabama 1975, and any other law that requires
7 hospitals or physicians to report to the Alabama Department of
8 Public Health.

9 (m) A licensed midwife shall provide all information
10 required to be provided to new mothers pursuant to Section
11 22-20-3.1, Code of Alabama 1975, and all information required
12 to be provided to new mothers before discharge by hospitals,
13 as defined in Section 22-21-20, Code of Alabama 1975.

14 (n) A licensed midwife shall order those tests
15 provided in Section 22-20-3, Code of Alabama 1975, and any
16 rule adopted by the State Board of Health pursuant to that
17 section relating to the newborn screening program, to all
18 neonates in his or her care.

19 (o) A licensed midwife may order and administer a
20 urinalysis or blood glucose test as indicated.

21 §34-19-17.

22 (a) Except as provided in this section, it shall be
23 unlawful for an individual other than a licensed midwife to
24 practice midwifery in this state for economic remuneration or
25 to hold himself or herself out to be a licensed midwife unless

1 he or she is a licensed midwife as defined in this chapter. An
2 individual violating this section shall be guilty of a Class C
3 misdemeanor.

4 (b) An individual does not violate subsection (a) in
5 any of the following circumstances:

6 (1) The individual is a certified nurse midwife
7 acting in accordance with Sections 34-21-80 to 34-21-93,
8 inclusive.

9 (2) The individual is training under a licensed
10 midwife and is assisting the licensed midwife in the practice
11 of midwifery.

12 (3) The individual is providing gratuitous
13 assistance at childbirth.

14 (c) Nothing in this section shall be construed to
15 repeal, abridge, or modify Section 6-5-332, or any other Good
16 Samaritan statute.

17 §34-19-18.

18 (a) Nothing in this chapter shall be construed to
19 establish a standard of care for physicians or otherwise
20 modify, amend, or supersede any provision of the Alabama
21 Medical Liability Act of 1987 or the Alabama Medical Liability
22 Act of 1996, commencing with Section 6-5-540, et seq., or any
23 amendment thereto, or any judicial interpretation thereof.

1 (b) Nothing in this chapter shall be construed as
2 authorizing a licensed midwife to practice medicine or
3 prescribe medicine or drugs.

4 §34-19-19.

5 No physician, other health care provider, or
6 hospital shall be civilly or criminally liable for any act or
7 omission or advice, care, or service provided by an individual
8 practicing midwifery outside of a hospital or resulting from
9 the choice of a woman to give birth to a child outside of a
10 hospital, provided the midwife is not employed to practice
11 midwifery by the physician, health care provider, or hospital
12 or is not practicing midwifery as an employee, member, or
13 shareholder of a business entity in which the physician,
14 health care provider, or hospital participates byway of
15 receiving monetary or non-cash income and has actual knowledge
16 of the midwife's status as an employee, partner, member, or
17 shareholder of the business entity.

18 §34-19-20.

19 Individuals licensed as midwives as set forth in
20 this chapter shall be designated Licensed Midwives.

21 Section 3. Sections 22-9A-7 and 34-43-3, Code of
22 Alabama 1975, are amended to read as follows:

23 "§22-9A-7.

24 "(a) A certificate of birth for each live birth
25 which that occurs in this state shall be filed with the Office

1 of Vital Statistics, or as otherwise directed by the State
2 Registrar, within five days after the birth and shall be
3 registered if it has been completed and filed in accordance
4 with this section.

5 "(b) (1) When a birth occurs in an institution or en
6 route to the institution, the person in charge of the
7 institution or his or her designated representative shall
8 obtain the personal data, prepare the certificate, secure the
9 signatures required, and file the certificate as directed in
10 subsection (a) or as directed by the State Registrar within
11 the required five days. The physician or other person in
12 attendance shall provide the medical information required by
13 the certificate and certify to the facts of birth within 72
14 hours after the birth. If the physician, or other person in
15 attendance, does not certify to the facts of birth within the
16 72-hour period, the person in charge of the institution or his
17 or her designee shall complete and sign the certificate.

18 "(2) In all cases where a birth occurs in an
19 institution, the person in charge of the institution shall
20 provide a procedure for collection of the normal fee for a
21 certified copy of the birth certificate from the mother or
22 father. The fee shall be forwarded to the State Registrar when
23 a complete record of the birth is obtained, and the State
24 Registrar shall issue a certified copy of the birth
25 certificate to the mother or father of the child. The issuance

1 of a certified copy of the birth certificate by the State
2 Registrar shall not apply to births where the death of the
3 infant occurred a short time following the birth, unless the
4 certificate is requested by the father or mother, or where
5 adoption is indicated.

6 "(c) When a birth occurs outside an institution, the
7 certificate shall be prepared and filed by one of the
8 following in the indicated order of priority:

9 "(1) The physician or licensed midwife in attendance
10 at the birth or who sees the child within three days after the
11 birth.

12 "(2) Any other person in attendance at or
13 immediately after the birth.

14 "(3) The father, the mother, or in the absence of
15 the father and the inability of the mother, the person in
16 charge of the premises where the birth occurred.

17 "(d) When a birth occurs in a moving conveyance
18 within the United States and the child is first removed from
19 the conveyance in this state, the birth shall be registered in
20 this state and the place where it is first removed shall be
21 considered the place of birth. When a birth occurs on a moving
22 conveyance while in international waters or air space or in a
23 foreign country or its air space and the child is first
24 removed from the conveyance in this state, the birth shall be

1 registered in this state, but the certificate shall show the
2 actual place of birth as can be determined.

3 "(e) For the purposes of birth registration, the
4 mother is deemed to be the woman who gives birth to the child,
5 unless otherwise determined by law.

6 "(f) (1) If the mother was married at the time of
7 either conception or birth, or between conception and birth,
8 the name of the husband shall be entered on the certificate as
9 the father of the child, unless it is established by law that
10 he is not the father of the child.

11 "(2) If the mother was not married at the time of
12 either conception or birth or between conception and birth,
13 the name of the father shall not be entered on the certificate
14 unless paternity has been determined by a court of competent
15 jurisdiction or unless the legitimation process specified in
16 Sections 26-11-1 through 26-11-3, inclusive, or otherwise
17 provided by law has been completed.

18 "(3) If the father is not named on the certificate
19 of birth, no other information about the father shall be
20 entered on the certificate.

21 "(g) The birth certificate of a child born to a
22 married woman as a result of artificial insemination, with
23 consent of her husband, shall be completed in accordance with
24 subdivision (1) of subsection (f).

1 "(h) Either of the parents of the child shall attest
2 to the accuracy of the personal data entered on the
3 certificate in time to permit the filing of the certificate
4 within the five days prescribed in subsection (a).

5 "§34-43-3.

6 "For purposes of this chapter, the following terms
7 shall have the following meanings:

8 "(1) ADVERTISE. Distributing a card, flier, sign, or
9 device to any person or organization, or allowing any sign or
10 marking on any building, radio, television, or by advertising
11 by any other means designed to attract public attention.

12 "(2) BOARD. The Alabama Board of Massage Therapy
13 created pursuant to this chapter.

14 "(3) BOARD-APPROVED MASSAGE THERAPY SCHOOL. A school
15 where massage therapy is taught which is one of the following:

16 "a. If located in Alabama is approved by the board
17 as meeting the minimum established standards of training and
18 curriculum as determined by the board.

19 "b. If located outside of Alabama is recognized by
20 the board and by a regionally recognized professional
21 accrediting body.

22 "c. Is a postgraduate training institute accredited
23 by the Commission on Accreditation for Massage Therapy.

1 "(4) ESTABLISHMENT. A site, premises, or business
 2 where massage therapy is practiced by a licensed massage
 3 therapist.

4 "(5) EXAMINATION. A National Certification For
 5 Therapeutic Massage and Bodywork Examination administered by
 6 an independent agency or another nationally or internationally
 7 accredited exam administered by an independent agency per
 8 approval of the board. The examination will be accredited by
 9 the National Committee for Certifying Agencies. The board
 10 retains the right to administer a written, oral, or practical
 11 examination.

12 "(6) LICENSE. The credential issued by the board
 13 which allows the licensee to engage in the safe and ethical
 14 practice of massage therapy.

15 "(7) MASSAGE THERAPIST. A person licensed pursuant
 16 to this chapter who practices or administers massage therapy
 17 or touch therapy modalities to a patron for compensation.

18 "(8) MASSAGE THERAPY INSTRUCTOR. A licensed massage
 19 therapist approved by the board to teach the practice of
 20 massage therapy.

21 "(9) PERSON. Any individual, firm, corporation,
 22 partnership, organization, association, or other legal entity.

23 "(10) SEXUALLY ORIENTED BUSINESS. A sex parlor,
 24 massage parlor, nude studio, modeling studio, love parlor,
 25 adult bookstore, adult movie theater, adult video arcade,

1 adult motel, or other commercial enterprise which has as its
2 primary business the offering for sale, rent, or exhibit, or
3 the exhibit of, items or services intended to provide sexual
4 stimulation or sexual gratification to the customer.

5 "(11) STUDENT OF MASSAGE THERAPY. Any person
6 currently enrolled in an Alabama massage therapy school
7 program approved by the board.

8 "(12) TEMPORARY PERMIT. A temporary permit issued at
9 the request of a massage therapist who is qualified according
10 to the Alabama massage therapy law prior to approval by the
11 board and not to exceed six months.

12 "(13) THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY
13 MODALITIES. The mobilization of the soft tissue which may
14 include skin, fascia, tendons, ligaments, and muscles, for the
15 purpose of establishing and maintaining good physical
16 condition. The term shall include effleurage, petrissage,
17 tapotement, compression, vibration, stretching, heliotherapy,
18 superficial hot and cold applications, topical applications,
19 or other therapy which involves movement either by hand,
20 forearm, elbow, or foot, for the purpose of therapeutic
21 massage. Massage therapy may include the external application
22 and use of herbal or chemical preparations and lubricants such
23 as salts, powders, liquids, nonprescription creams, mechanical
24 devises such as T-bars, thumpers, body support systems, heat
25 lamps, hot and cold packs, salt glow, steam cabinet baths or

1 hydrotherapy. The term includes any massage, movement therapy,
2 massage technology, myotherapy, massotherapy, oriental massage
3 techniques, structural integration, or polarity therapy. The
4 term shall not include laser therapy, microwave, injection
5 therapy, manipulation of the joints, or any diagnosis or
6 treatment of an illness that normally involves the practice of
7 medicine, chiropractic, physical therapy, podiatry, nursing,
8 midwifery, occupational therapy, veterinary, acupuncture,
9 osteopathy, orthopedics, hypnosis, or naturopathics."

10 Section 4. Nothing contained in this act shall be
11 construed to create a requirement that any health benefit
12 plan, group insurance plan, policy, or contract for health
13 care services that covers hospital, medical, or surgical
14 expenses, health maintenance organizations, preferred provider
15 organizations, medical service organizations,
16 physician-hospital organizations, or any other person, firm,
17 corporation, joint venture, or other similar business entity
18 that pays for, purchases, or furnishes group health care
19 services to patients, insureds, or beneficiaries in this
20 state, including entities created pursuant to Article 6,
21 commencing with Section 10A-20-6.01, of Chapter 20, Title 10A,
22 Code of Alabama 1975, provide coverage or reimbursement for
23 the services described or authorized in this act.

24 Section 5. Sections 34-19-2 to 34-19-10, inclusive,
25 Code of Alabama 1975, are repealed.

1 Section 6. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official ReCompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 7. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 25-APR-17.

Jeff Woodard
Clerk

| | | |
|--------|-----------|-------------------------------|
| Senate | 19-MAY-17 | Amended and Passed |
| House | 19-MAY-17 | Concurred in Senate Amendment |