

**HB128 ENROLLED**



1 HB128

2 7BAQ6VV-3

3 By Representatives Lands, DuBose, Hall, Drummond, Clarke,  
4 Collins, McClammy, Fidler, Hollis

5 RFD: Boards, Agencies and Commissions

6 First Read: 13-Jan-26

7 PFD: 07-Jan-26



## HB128 Enrolled

1 Enrolled, An Act,

2

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 34-19-12, as last amended by Act  
10 2025-166, 2025 Regular Session, and Sections 34-19-14 and  
11 34-19-16, Code of Alabama 1975, are amended to read as  
12 follows:

13 "§34-19-12

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

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

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

24 (d) The members of the board shall be appointed for  
25 staggered initial terms and subsequent terms shall be for a  
26 minimum of four years or until his or her successor has been  
27 appointed and qualified.

28 (e) The board shall meet at least twice each year,



## HB128 Enrolled

29 conducting its business in person or by electronic methods.

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

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

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

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

44 (3) One member shall be a licensed certified nurse  
45 midwife or registered nurse licensed under Article 5 of  
46 Chapter 21. This member shall be appointed from a list  
47 submitted by the Alabama Board of Nursing. This member shall  
48 be appointed to an initial term of three years.

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

53 (h) When choosing individuals to be considered by the  
54 Governor for appointment to the board, the nominating  
55 authorities shall strive to assure membership is inclusive and  
56 reflects the racial, gender, geographic, urban, rural, and



## HB128 Enrolled

57 economic diversity of the state. Commencing on June 1, 2025,  
58 as the terms of the members serving on the board expire, the  
59 membership of the board shall be appointed so that one member  
60 resides in and is appointed from each congressional district  
61 in this state.

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

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

69 (k) Members of the board shall serve without  
70 compensation but shall be allowed travel and per diem expenses  
71 at the same rate paid to state employees, to be paid from the  
72 funds collected for the administration of this chapter, as  
73 funds are available.

74 (l) The board may employ, subject to the State Merit  
75 System, investigators, inspectors, attorneys, and any other  
76 agents, employees, and assistants as may from time to time be  
77 necessary, and may use any other means necessary to enforce  
78 this chapter.

79 (m) Pursuant to any terms and conditions adopted by the  
80 board by official resolution, the board may accept gifts and  
81 grants.

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



## HB128 Enrolled

85           a. The total number of births attended by the licensed  
86 midwife in the previous year, including births where the  
87 licensed midwife was assisting another licensed midwife.

88           b. The number of maternal transfers to a health care  
89 facility from births attended by the licensed midwife,  
90 including instances where the licensed midwife was assisting  
91 another licensed midwife.

92           c. The number of infant transfers to a health care  
93 facility from births attended by the licensed midwife,  
94 including instances where the licensed midwife was assisting  
95 another licensed midwife.

96           d. The total number of maternal deaths from births  
97 attended by the licensed midwife, including instances where  
98 the licensed midwife was assisting another licensed midwife.

99           e. The total number of infant deaths from births  
100 attended by the licensed midwife, including instances where  
101 the licensed midwife was assisting another licensed midwife.

102           (2) The board shall make the information collected  
103 under this subsection available to the public in accordance  
104 with federal law.

105           ~~(n)~~(o) The board shall be subject to the Alabama Sunset  
106 Law, Chapter 20, Title 41, as an enumerated agency as provided  
107 in Section 41-20-3, and shall have a termination date of  
108 October 1, 2021, and every four years thereafter, unless  
109 continued pursuant to the Alabama Sunset Law."

110           "§34-19-14

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



## HB128 Enrolled

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

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

118 (3) Establish reasonable licensure fees, including, but  
119 not limited to, initial application, renewal, and  
120 reinstatement fees.

121 (4) Develop standardized forms, including, but not  
122 limited to, a midwife disclosure form, informed consent form,  
123 emergency care form, and applications for licensure and  
124 renewal.

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

128 (6) Establish levels of professional liability  
129 insurance that must be maintained by a licensed midwife at a  
130 limit of no less than one hundred thousand dollars (\$100,000)  
131 per occurrence and three hundred thousand dollars (\$300,000)  
132 aggregate.

133 (b) (1) The board shall adopt rules pursuant to the  
134 Administrative Procedure Act to implement this chapter in a  
135 manner consistent with the most current North American  
136 Registry of Midwives Job Analysis ~~and with essential documents~~  
137 ~~developed and published by the Midwives Alliance of North~~  
138 ~~America~~. The rules shall include, but not be limited to,  
139 provision for all of the following:

140 a. Licensing procedures and requirements.



## HB128 Enrolled

141           b. Minimum initial and continuing education  
142 requirements for licensure.

143           c. Standards by which a licensed midwife shall conduct  
144 risk assessment.

145           d. Standards for professional conduct.

146           e. A standard procedure for investigating complaints.

147           f. Requirements for clinical internships for  
148 individuals seeking midwifery training.

149           (2) The rules shall ensure independent practice.

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

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

154           (2) Any type of narcotic analgesia.

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

156           (4) Abortion.

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

159           (6) Pharmacological induction or augmentation of labor  
160 or artificial rupture of membranes prior to the onset of  
161 labor.

162           (7) Except for the administration of local anesthetic,  
163 administration of an anesthetic.

164           (8) Administration of any prescription medication in a  
165 manner that violates the Alabama Uniform Controlled  
166 ~~Substance~~Substances Act.

167           (9) Vaginal birth after a cesarean.

168           (d) A licensed midwife may not perform either of the



## HB128 Enrolled

169 following:

170 (1) Delivery of a diagnosed multiple pregnancy.

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

173 "§34-19-16

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

176 (b) A licensed midwife shall ensure that the client has  
177 signed a midwife disclosure form provided by the board  
178 indicating receipt of a written statement that includes all of  
179 the following information:

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

182 (2) Antepartum, intrapartum, and postpartum conditions  
183 requiring medical referral, transfer of care, and transport to  
184 a hospital.

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

188 (4) Instructions for filing a complaint against a  
189 licensed midwife.

190 (5) A statement that the licensed midwife must comply  
191 with the federal Health Insurance Portability and  
192 Accountability Act.

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

195 (7) References to current evidence regarding the safety  
196 of midwifery care in out-of-hospital settings, including a



## HB128 Enrolled

197 copy of the most recent statement by the American Congress of  
198 Obstetricians and Gynecologists on home birth.

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

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

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

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

210 (g) A licensed midwife shall remain with the client  
211 during the ~~postparta~~postpartum period until the conditions of  
212 the client and newborn are stabilized.

213 (h) A licensed midwife shall instruct the client  
214 regarding the requirements of the administration of eye  
215 ointment ordered by the Alabama Department of Public Health  
216 pursuant to Section 22-20-2.

217 (i) A licensed midwife shall instruct the client  
218 regarding the requirements of administration of newborn health  
219 screening ordered by the Alabama Department of Public Health  
220 pursuant to Section 22-20-3.

221 (j) A licensed midwife shall file a birth certificate  
222 for each birth in accordance with the requirements of Section  
223 22-9A-7.

224 ~~(k) A licensed midwife shall collect clinical data~~



## HB128 Enrolled

225 ~~under the Midwives Alliance of North America Statistics~~  
226 ~~Project for each client who initiates care and shall submit a~~  
227 ~~copy of the clinical data collected for each consenting client~~  
228 ~~to the board upon request.~~

229 ~~(l)~~ (k) A licensed midwife shall report to the Alabama  
230 Department of Public Health pursuant to Chapter 11A~~7~~ of Title  
231 22~~7~~ and any other law that requires hospitals or physicians to  
232 report to the Alabama Department of Public Health.

233 ~~(m)~~ (l) A licensed midwife shall provide all information  
234 required to be provided to new mothers pursuant to Section  
235 22-20-3.1, and all information required to be provided to new  
236 mothers before discharge by hospitals, as defined in Section  
237 22-21-20.

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

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

244 Section 2. This act shall become effective on October  
245 1, 2026.

