

1 SB99
2 155813-1
3 By Senator Bussman
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

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8 SYNOPSIS: This bill would provide to women the right
9 to choose physiologic childbirth and would provide
10 immunity to midwives and certain health care
11 providers who provide care because of a woman's
12 decision to have a physiologic childbirth.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to midwives; to add Section 34-19-11 to the
19 Code of Alabama 1975, to provide to women the right to choose
20 physiologic childbirth; and to provide immunity from criminal
21 prosecution to midwives and civil immunity to certain health
22 care providers who provide care related to a physiologic
23 childbirth.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 34-19-11 is added to the Code of
26 Alabama 1975, to read as follows:

27 §34-19-11.

1 The following words have the following meanings:

2 (1) MIDWIFE. A person who holds a current midwifery
3 certification from an organization accredited by the Institute
4 for Credentialing Excellence and offers physical or emotional
5 support, education, advice, or assistance, in good faith, to a
6 woman choosing physiologic childbirth at the conclusion of her
7 pregnancy outside of a hospital or medical facility.

8 (2) PHYSIOLOGIC CHILDBIRTH. Characterized by
9 spontaneous onset and progression of labor, resulting in a
10 spontaneous vaginal birth, accompanied by physiological blood
11 loss.

12 Section 2. (a) A woman shall have the right to
13 autonomy and self-determination in choosing where and with
14 whom to give birth.

15 (b) When undergoing physiologic childbirth in the
16 absence of a licensed health care provider, a woman may direct
17 the necessary care rendered to herself and her infant.

18 (c) Any woman acting pursuant to subsections (a) and
19 (b) assumes full responsibility for her actions and any
20 outcome of her choice of childbirth method and location. If
21 complications arise over the course of the labor, birth, or
22 postpartum, the woman may seek medical care or direct others
23 present to do so on behalf of herself or the child.

24 (d) Notwithstanding any other provision of law,
25 including any provision of Chapter 19, Title 34, Code of
26 Alabama 1975, no midwife assisting in the childbirth process

1 shall be criminally prosecuted for practicing as an unlicensed
2 health care provider in this state.

3 (e) No licensed physician, nurse, pre-hospital
4 emergency personnel, or health care institution shall be
5 liable for any act or omission resulting from a woman's
6 decision to have a physiologic childbirth outside of a
7 hospital or medical facility.

8 Section 3. All laws or parts of laws which conflict
9 with this act are repealed.

10 Section 4. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.