

1 SB282  
2 183615-1  
3 By Senators McClendon, Holtzclaw, Bussman, Sanford,  
4 Coleman-Madison, Dunn, Albritton, Smith, Sanders, Figures,  
5 Ward, Marsh and Whatley  
6 RFD: Health and Human Services  
7 First Read: 07-MAR-17

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8 SYNOPSIS: Under existing law, certified nurse  
9 midwives are licensed by the State Board of Nursing  
10 and the Board of Medical Examiners to practice  
11 nurse midwifery.

12 This bill would establish a State Board of  
13 Midwifery to license and regulate the practice of  
14 certified professional midwifery.

15 This bill would provide for the composition  
16 of the board and function of the board; specify  
17 requirements for the licensing of midwives; provide  
18 for licensing fees; and establish guidelines for  
19 the practice of midwifery.

20 This bill also would provide for penalties  
21 for violations.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Licensing the practice of midwifery by adding  
21 Sections 34-19-11 to 34-19-19, inclusive, to the Code of  
22 Alabama 1975; to establish a State Board of Midwifery to  
23 license and regulate the practice of certified professional  
24 midwifery; to provide for the composition of the board and  
25 function of the board; to specify requirements for the  
26 licensing of midwives and provide for licensing fees; to  
27 establish guidelines for the practice of midwifery; to provide

1 for penalties for violations; to amend Section 22-9A-7, Code  
2 of Alabama 1975, relating to registration of births; to amend  
3 Section 34-43-3, Code of Alabama 1975, relating to the  
4 definition of therapeutic massage; to repeal Sections 34-19-2  
5 through 34-19-10, inclusive, Code of Alabama 1975; and in  
6 connection therewith would have as its purpose or effect the  
7 requirement of a new or increased expenditure of local funds  
8 within the meaning of Amendment 621 of the Constitution of  
9 Alabama of 1901, now appearing as Section 111.05 of the  
10 Official Recompilation of the Constitution of Alabama of 1901,  
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-19-11 to 34-19-19, inclusive,  
14 are added to the Code of Alabama 1975, to read as follows:

15 §34-19-11.

16 The following words and phrases shall have the  
17 following meanings, unless the context clearly indicates  
18 otherwise:

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

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

23 (3) MIDWIFERY. The provision of primary maternity  
24 care during the antepartum, intrapartum, and postpartum  
25 periods.

26 §34-19-12.

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

3 (b) The board shall consist of seven members  
4 appointed by the Governor and subject to confirmation by the  
5 Senate, from a list of qualified individuals nominated by the  
6 designated organization. Each list shall contain the names of  
7 at least two individuals for each position to be filled.

8 (c) The members of the board shall be appointed for  
9 staggered initial terms and subsequent terms shall be for a  
10 minimum of four years or until his or her successor has been  
11 appointed and qualified.

12 (d) The board shall meet at least twice each year,  
13 conducting its business in person or by electronic methods.

14 (e) The board shall elect one of its members to  
15 serve as chair for a two-year term. The chair may not serve  
16 consecutive terms.

17 (f) The composition of the board shall be as  
18 follows:

19 (1) Four members shall hold a valid certified  
20 professional midwife credential from the North American  
21 Registry of Midwives. These members shall be appointed from a  
22 list of names submitted by the Alabama Birth Coalition or its  
23 successor organization. One of these members shall be  
24 appointed to an initial term of four years, one to a term of  
25 three years, and two to a term of two years.

26 (2) One member shall be a licensed physician. This  
27 member shall be appointed from a list of names submitted by

1 the Medical Association of the State of Alabama. This member  
2 shall be appointed to an initial term of four years.

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

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

12 (g) When choosing individuals to be considered by  
13 the Governor for appointment to the board, the nominating  
14 authorities shall strive to assure membership is inclusive and  
15 reflects the racial, gender, geographic, urban, rural, and  
16 economic diversity of the state.

17 (h) All members of the board shall be immune from  
18 individual civil liability while acting within the scope of  
19 their duties as board members.

20 (i) Vacancies shall be filled by the Governor and  
21 confirmed by the Senate in the same manner as other  
22 appointments are made. In the case of a vacancy, the new  
23 appointee shall serve for the remainder of the unexpired term.

24 (j) Members of the board shall serve without  
25 compensation but shall be allowed travel and per diem expenses  
26 at the same rate paid to state employees, to be paid from the

1 funds collected for the administration of this chapter, as  
2 funds are available.

3 (k) The board may employ, subject to the State Merit  
4 System, investigators, inspectors, attorneys, and any other  
5 agents, employees, and assistants as may from time to time be  
6 necessary, and may use any other means necessary to enforce  
7 the provisions of this chapter.

8 (l) The board shall be subject to the Alabama Sunset  
9 Law, Chapter 20, Title 41, as an enumerated agency as provided  
10 in Section 41-20-3, and shall have a termination date of  
11 October 1, 2021, and every four years thereafter, unless  
12 continued pursuant to the Alabama Sunset Law.

13 §34-19-13.

14 All funds received by the board under this chapter  
15 shall be deposited in the State Treasury to the credit of the  
16 board and all such funds are to be appropriated to the board  
17 to defray the expenses incurred in carrying out this chapter.  
18 The expenses shall include printing, stamps, stationery,  
19 clerical help, travel, and other necessary expenditures. In  
20 all cases, any fee that is received by the board shall not be  
21 refunded, and no applicant shall have the right to recover any  
22 part of a fee accompanying his or her application for  
23 licensure or otherwise paid to the board except on the death,  
24 disability, or retirement from practice of any applicant or  
25 licensee between payment of any fee and the expiration of his  
26 or her current renewal or the issuance of the initial license.  
27 The books and records of the board shall be subject to audit

1 in the same manner and to the same extent as any other state  
2 agency. The board shall keep a true and accurate account of  
3 all funds received by the board and all expenditures made by  
4 the board.

5 §34-19-14.

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

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

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

13 (3) Establish reasonable licensure fees, including,  
14 but not limited to, initial application, renewal, and  
15 reinstatement fees.

16 (4) Develop standardized forms including, but not  
17 limited to, a midwife disclosure form, informed consent form,  
18 emergency care form, and applications for licensure and  
19 renewal.

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

23 (6) Once a determination is made by the board that  
24 professional liability insurance is affordable and available,  
25 establish reasonable professional liability insurance  
26 requirements for licensed midwives.



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

8 a. Licensing procedures and requirements.

9 b. Minimum initial and continuing education  
10 requirements for licensure.

11 c. The allowable scope of midwifery practice  
12 regarding use of equipment, procedures, and administration of  
13 medication necessary for the safe practice of midwifery.

14 d. Standards by which a licensed midwife shall  
15 conduct risk assessment.

16 e. Standards for professional conduct.

17 f. A standard procedure for investigating  
18 complaints.

19 g. Requirements for clinical internships for  
20 individuals seeking midwifery training.

21 h. Standards regarding professional liability  
22 insurance.

23 (2) The rules shall ensure independent practice. The  
24 rules shall encourage and facilitate consultation and  
25 collaboration with other health care professionals and  
26 facilities, but shall not require any agreement, written or

1 otherwise, with any other health care professional or  
2 facility.

3 (3) The rules shall prohibit a licensed midwife from  
4 administering or performing any of the following obstetric  
5 procedures which are outside of the scope of the licensed  
6 practice of midwifery:

- 7 a. An epidural, spinal, or caudal anesthetic.
- 8 b. Any type of narcotic analgesia.
- 9 c. Forceps or a vacuum extractor-assisted delivery.
- 10 d. Abortion.
- 11 e. Cesarean section.

12 (4) The rules shall prohibit a licensed midwife from  
13 performing either of the following:

- 14 a. Delivery of a diagnosed multiple pregnancy.
- 15 b. Delivery of a baby whose position is diagnosed as  
16 non-cephalic at the onset of labor.

17 §34-19-15.

18 (a) An individual desiring to be licensed as a  
19 midwife shall apply to the board on forms provided by the  
20 board. Applicants for licensure shall submit evidence  
21 satisfactory to the board that he or she has met all of the  
22 following requirements:

- 23 (1) Is at least 21 years of age.
- 24 (2) Is a citizen of the United States or, if not a  
25 citizen of the United States, is legally present in the United  
26 States with appropriate documentation from the federal  
27 government.

1           (3) Has obtained a certified professional midwife  
2           credential through an education program or pathway accredited  
3           by the Midwifery Educational Accreditation Council or by  
4           another accrediting agency recognized by the United States  
5           Department of Education.

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

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

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

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

25          (d) Following the contested case provisions of the  
26          Administrative Procedure Act, the board may suspend or revoke

1 a license, or it may refuse to grant a license to an applicant  
2 for licensure, if the licensee or applicant:

3 (1) Has obtained a license by means of fraud,  
4 misrepresentation, or concealment of material facts, including  
5 making a false statement on an application or any other  
6 document required by the board for licensure.

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

9 (3) Has been convicted of a felony arising out of or  
10 connected with the practice of midwifery.

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

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

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

26 §34-19-16.

1 (a) A licensed midwife may provide midwifery care in  
2 the setting of the client's choice.

3 (b) A licensed midwife shall ensure that the client  
4 has signed a midwife disclosure form provided by the board  
5 indicating receipt of a written statement that includes all of  
6 the following information:

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

9 (2) Antepartum, intrapartum, and postpartum  
10 conditions requiring medical consultation, transfer of care,  
11 and transport to a hospital.

12 (3) A plan for medical consultation, transfer of  
13 care, and transport of the client or newborn or both when  
14 indicated by specific antepartum, intrapartum, or postpartum  
15 conditions.

16 (4) Instructions for filing a complaint against a  
17 licensed midwife.

18 (5) A statement that the licensed midwife must  
19 comply with the federal Health Insurance Portability and  
20 Accountability Act.

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

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

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

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

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

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

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

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

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

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

26 (k) A licensed midwife shall collect clinical data  
27 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 §34-19-17.

5 (a) Except as provided in this section, it shall be  
6 unlawful for an individual other than a licensed midwife to  
7 practice midwifery in this state for economic remuneration or  
8 to hold himself or herself out to be a licensed midwife unless  
9 he or she is a licensed midwife as defined in this chapter. An  
10 individual violating this section shall be guilty of a Class C  
11 misdemeanor.

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

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

17 (2) The individual is training under a licensed  
18 midwife and is assisting the licensed midwife in the practice  
19 of midwifery.

20 (3) The individual is providing gratuitous  
21 assistance at childbirth.

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

25 §34-19-18.

26 (a) Nothing in this chapter shall be construed to  
27 establish a standard of care for physicians or otherwise

1 modify, amend, or supersede any provision of the Alabama  
2 Medical Liability Act of 1987 or the Alabama Medical Liability  
3 Act of 1996, commencing with Section 6-5-540, et seq., or any  
4 amendment thereto, or any judicial interpretation thereof.

5 (b) The decisions, opinions, actions, and  
6 proceedings discussed, rendered, entered, or acted upon in  
7 good faith and without malice and on the basis of facts  
8 reasonably known or reasonably believed to exist of any peer  
9 review or North American Registry of Midwives Disciplinary  
10 Process shall be privileged and confidential, and no member  
11 thereof shall be liable for the decision, opinion, action, or  
12 proceeding.

13 §34-19-19.

14 Individuals licensed as midwives as set forth in  
15 this chapter shall be designated Licensed Midwives.

16 Section 2. Sections 22-9A-7 and 34-43-3, Code of  
17 Alabama 1975, are amended to read as follows:

18 "§22-9A-7.

19 "(a) A certificate of birth for each live birth  
20 ~~which~~ that occurs in this state shall be filed with the Office  
21 of Vital Statistics, or as otherwise directed by the State  
22 Registrar, within five days after the birth and shall be  
23 registered if it has been completed and filed in accordance  
24 with this section.

25 "(b) (1) When a birth occurs in an institution or en  
26 route to the institution, the person in charge of the  
27 institution or his or her designated representative shall



1 obtain the personal data, prepare the certificate, secure the  
2 signatures required, and file the certificate as directed in  
3 subsection (a) or as directed by the State Registrar within  
4 the required five days. The physician or other person in  
5 attendance shall provide the medical information required by  
6 the certificate and certify to the facts of birth within 72  
7 hours after the birth. If the physician, or other person in  
8 attendance, does not certify to the facts of birth within the  
9 72-hour period, the person in charge of the institution or his  
10 or her designee shall complete and sign the certificate.

11 "(2) In all cases where a birth occurs in an  
12 institution, the person in charge of the institution shall  
13 provide a procedure for collection of the normal fee for a  
14 certified copy of the birth certificate from the mother or  
15 father. The fee shall be forwarded to the State Registrar when  
16 a complete record of the birth is obtained, and the State  
17 Registrar shall issue a certified copy of the birth  
18 certificate to the mother or father of the child. The issuance  
19 of a certified copy of the birth certificate by the State  
20 Registrar shall not apply to births where the death of the  
21 infant occurred a short time following the birth, unless the  
22 certificate is requested by the father or mother, or where  
23 adoption is indicated.

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

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

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

6           "(3) The father, the mother, or in the absence of  
7 the father and the inability of the mother, the person in  
8 charge of the premises where the birth occurred.

9           "(d) When a birth occurs in a moving conveyance  
10 within the United States and the child is first removed from  
11 the conveyance in this state, the birth shall be registered in  
12 this state and the place where it is first removed shall be  
13 considered the place of birth. When a birth occurs on a moving  
14 conveyance while in international waters or air space or in a  
15 foreign country or its air space and the child is first  
16 removed from the conveyance in this state, the birth shall be  
17 registered in this state, but the certificate shall show the  
18 actual place of birth as can be determined.

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

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

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

8           "(3) If the father is not named on the certificate  
9 of birth, no other information about the father shall be  
10 entered on the certificate.

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

15           "(h) Either of the parents of the child shall attest  
16 to the accuracy of the personal data entered on the  
17 certificate in time to permit the filing of the certificate  
18 within the five days prescribed in subsection (a).

19           "§34-43-3.

20           "For purposes of this chapter, the following terms  
21 shall have the following meanings:

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

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

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

3           "a. If located in Alabama is approved by the board  
4 as meeting the minimum established standards of training and  
5 curriculum as determined by the board.

6           "b. If located outside of Alabama is recognized by  
7 the board and by a regionally recognized professional  
8 accrediting body.

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

11           "(4) ESTABLISHMENT. A site, premises, or business  
12 where massage therapy is practiced by a licensed massage  
13 therapist.

14           "(5) EXAMINATION. A National Certification For  
15 Therapeutic Massage and Bodywork Examination administered by  
16 an independent agency or another nationally or internationally  
17 accredited exam administered by an independent agency per  
18 approval of the board. The examination will be accredited by  
19 the National Committee for Certifying Agencies. The board  
20 retains the right to administer a written, oral, or practical  
21 examination.

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

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

1           "(8) MASSAGE THERAPY INSTRUCTOR. A licensed massage  
2 therapist approved by the board to teach the practice of  
3 massage therapy.

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

6           "(10) SEXUALLY ORIENTED BUSINESS. A sex parlor,  
7 massage parlor, nude studio, modeling studio, love parlor,  
8 adult bookstore, adult movie theater, adult video arcade,  
9 adult motel, or other commercial enterprise which has as its  
10 primary business the offering for sale, rent, or exhibit, or  
11 the exhibit of, items or services intended to provide sexual  
12 stimulation or sexual gratification to the customer.

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

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

20           "(13) THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY  
21 MODALITIES. The mobilization of the soft tissue which may  
22 include skin, fascia, tendons, ligaments, and muscles, for the  
23 purpose of establishing and maintaining good physical  
24 condition. The term shall include effleurage, petrissage,  
25 tapotement, compression, vibration, stretching, heliotherapy,  
26 superficial hot and cold applications, topical applications,  
27 or other therapy which involves movement either by hand,

1 forearm, elbow, or foot, for the purpose of therapeutic  
2 massage. Massage therapy may include the external application  
3 and use of herbal or chemical preparations and lubricants such  
4 as salts, powders, liquids, nonprescription creams, mechanical  
5 devises such as T-bars, thumpers, body support systems, heat  
6 lamps, hot and cold packs, salt glow, steam cabinet baths or  
7 hydrotherapy. The term includes any massage, movement therapy,  
8 massage technology, myotherapy, massotherapy, oriental massage  
9 techniques, structural integration, or polarity therapy. The  
10 term shall not include laser therapy, microwave, injection  
11 therapy, manipulation of the joints, or any diagnosis or  
12 treatment of an illness that normally involves the practice of  
13 medicine, chiropractic, physical therapy, podiatry, nursing,  
14 midwifery, occupational therapy, veterinary, acupuncture,  
15 osteopathy, orthopedics, hypnosis, or naturopathics."

16 Section 3. Sections 34-19-2 to 34-19-10, inclusive,  
17 Code of Alabama 1975, are repealed.

18 Section 4. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 5. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.