

ALABAMA

Minor Consent and Confidentiality

A Compendium of State and Federal Laws

National Center
for Youth Law

teenhealthlaw.org/compendium

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National Center for Youth Law

The National Center for Youth Law (NCYL) is a national, non-profit advocacy organization that has fought to protect the rights of children and youth for more than fifty years. Headquartered in Oakland, California, NCYL leads high impact campaigns that weave together litigation, research, policy development, and technical assistance.

What this compendium is:

This is a compendium of laws that may be relevant when minors wish to access certain types of sensitive health care and/or wish to access care on their own consent. Each state compendium begins with a chart entitled “quick guide.” The topics listed in the quick guide represent the categories of laws most frequently identified across all states. A circle next to a particular category signifies that a relevant state or federal law was found. Where a law was found, those laws are described in the “summary” section. Each state’s compendium ends with a list of resources, including links to a series of Appendices that delve deeper into key topics.

What this compendium is not:

This is not a comprehensive guide to all consent, confidentiality, and disclosure laws in any state. For example, the compendium does not include all laws that allow or require parents or persons acting *in loco parentis* to consent to care. Nor does it summarize disclosure laws that may allow or require disclosure of health information for mandated child abuse or public health reporting.

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Table of Contents

Quick Guide	1
General	2
Consent to Health Care	2
Confidentiality & Disclosure	4
Other	5
Resources	6
Appendices	7

Quick Guide

See glossary for explanation of categories and definitions of terms.

General

- S Age of Majority
- S Emancipation
- S Minor Marriage

Minor Consent to Health Care—Services

- S Abortion³
- Emergency Care
- F Family Planning/Contraceptives
- S Outpatient Mental Health Care
- S F Pregnancy Related Care
- S Reportable, Communicable, Infectious Disease Care
- Sexual Assault Care
- S F Sexually Transmitted Infection/Disease/HIV Care
- S Substance Use Care

Confidentiality and Disclosure

- S F Confidentiality/Access to Records
- S F Disclosure to Parents/Guardians
- F Insurance Claims/Billing

Minor Consent to Health Care—Minor's Status

- S Emancipated Minor
- S High School Graduate
- S Married Minor
- S Minor, Age or Maturity
- Minor in Armed Forces
- Minor Living Apart from Parent/Guardian
- S Minor Parent
- S Minor in State Custody
- S Pregnant Minor

Other

- S Bone Marrow Donation
- S Conversion Therapy,⁴ Case law
- S Emergency Care
- S Gender Affirming Care, Restrictions
- S Good Faith Reliance/Immunity from Liability
- S Minor Parent, Consent for Child's Care
- S Vaccination, Parent Consent

Key

- S State law found⁵
- F Federal/other law may apply

¹ The information in this chapter represents the state of the law as of May 2024 after a diligent search of statutes, regulations, case law, and guidance.

² This chapter does not address all the consent and confidentiality rules that may apply when minors are in special care situations such as living with a relative, in federal or state custody, or under court jurisdiction (including dependency, delinquency, or immigration custody).

³ This category includes parental involvement laws.

⁴ This category includes statutes or case law that ban conversion therapy or prohibit banning of conversion therapy.

⁵ Symbol indicates law found that either allows providers to offer services without parental consent or explicitly gives minors authority to consent.

General

Age of Majority

Ala. Code § 26-1-1 provides that the age of majority is 19. The section also provides that an unemancipated minor who is 18 years old and of sound mind, notwithstanding his or her minority, may enter into a binding contract as may be exercised by an individual of full legal age.

Emancipation

Ala. Code §§ 26-13-1 - 26-13-8 provide criteria for a minor age 18 years to be eligible for emancipation, the steps to file for emancipation in court, and the effects of a judgment of emancipation.

Minor Marriage

Ala. Code §§ 30-1-4, 30-1-5, and 30-1-9.1 provide that minors age 16 and 17 years may marry with parent consent; minors age 18 years may marry without parent consent.

Consent to Health Care

Consent for healthcare refers to granting permission for a healthcare service. A healthcare provider generally must obtain consent before providing care. Adults typically consent to their own healthcare, except in cases of legal incapacity. State and federal laws and court decisions help establish who has the legal authority to provide consent on behalf of minors. Typically, federal and state law require parent or guardian consent for a minor's care. However, the laws in every state include exceptions that allow or require others to consent, in addition to or instead of a parent or guardian. These exceptions include exceptions that allow minors to consent to some or all health care based on the minor's "status" (situation in life) and exceptions that allow minors to consent to certain types of care based on the services sought. Sometimes, these laws are written in a way that allows providers to offer services without parental consent; sometimes, they are written in a way that explicitly gives minors the authority to consent. Federal law also allows minors to consent to specific care in some cases. See **Appendix B** for more on consent including the important role of parents and other adults in minors' healthcare.

The following sections summarize the minor consent laws in the state:

Minor Consent—Minor's Status**Emancipated Minor**

Ala. Code § 26-13-5 provides that court-ordered emancipation gives the minor, over the age of 18, the general right to do and perform all acts that the minor could lawfully do if age 19.

High School Graduate

Ala. Code § 22-8-4 provides that any minor who is age 14 years or older or has graduated from high school may give effective consent for any legally authorized medical, dental, health, or mental health services and the consent of no other person is necessary.

Married Minor

Ala. Code § 22-8-4 provides that any minor who is married or divorced may consent for any legally authorized medical, dental, health, or mental health services for themselves and the consent of no other person is necessary. *Ala. Code § 22-8-5* also provides that any minor who is married or divorced may consent for any legally authorized medical, dental, health, or mental health services.

Minor, Age or Maturity

Ala. Code § 22-8-4 provides that any minor who is age 14 years or older or has graduated from high school may give effective consent for any legally authorized medical, dental, health, or mental health services and the consent of no other person is necessary.

Minor Parent

Ala. Code § 22-8-5 provides that minors who have borne a child may consent for any legally authorized medical, dental, health, or mental health services for themselves or for their child.

Pregnant Minor

Ala. Code § 22-8-4 provides that any minor who is pregnant may consent for any legally authorized medical, dental, health, or mental health services for herself and the consent of no other person is necessary.

Minor Consent—Services

Abortion

Abortion is banned in Alabama, with limited exceptions, including to prevent a serious health risk to the pregnant individual, or in case of ectopic pregnancy and lethal fetal anomalies. The law also includes numerous restrictions and requirements that have not been repealed. See *Ala. Const. Art. I, § 36.06, Ala. Code §§ 26-23H-2 through 26-23H-8, 26-23A-1 through 26-23A-13*. For up to date information on the status of abortion restrictions in Alabama, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#).

To the extent abortion is legally permitted, minors may obtain an abortion, but *Ala. Code §§ 26-21-1 through 26-21-8* require parent or guardian for an unemancipated minor under age 18 years; the law includes a judicial bypass and exceptions for medical emergencies, as defined by the statute. For more information on judicial bypass, find the “Under Age ___” section on your state’s link in [If When How’s Abortion Laws by State](#).

For up to date information on the status of abortion protections and restrictions in all 50 states and DC, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#). See also **Appendix C**. These laws are changing rapidly, so consultation with counsel is also essential.

Family Planning/Contraceptives

No statute expressly authorizes minors to consent for contraceptives.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning, including contraception services. See **Appendix C** for discussion of contraception and the U.S. Constitution.

Outpatient Mental Health Care

Ala. Code § 22-8-4 provides that any minor who is age 14 years or older, or has graduated from high school, or is married or divorced, or is pregnant may give consent for any legally authorized mental health services and the consent of no other person is necessary.

Ala. Code § 22-8-6 provides that any minor may consent for any mental health services to determine the presence of or to treat pregnancy, venereal disease, drug dependency, alcohol toxicity, or any reportable disease, and the consent of no other person is necessary.

Ala. Code § 22-8-10 provides that the parent or legal guardian of a minor who is at least 14 years of age may authorize any mental health treatment services even if the minor has expressly refused such services if the parent or legal guardian and a mental health professional determine the necessity of clinical intervention.

Pregnancy-Related Care

Ala. Code § 22-8-6 provides that any minor may consent for any legally authorized medical, health, or mental health services to determine the presence of or to treat pregnancy and the consent of no other person is necessary.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning services, including certain pregnancy-related care.

Reportable, Communicable, Infectious Disease Care

Ala. Code § 22-8-6 provides that any minor may consent for any legally authorized medical, health, or mental health services to determine the presence of or to treat any reportable disease, including HIV, and the consent of no other person is necessary.

For a listing of diseases designated by the State Board of Health as notifiable diseases, see *Ala. Admin. Code r. 420-4-1, Appendix A1*, <https://www.alabamapublichealth.gov/infectiousdiseases/detect.html>

Sexually Transmitted Infection/Disease/HIV Care

Ala. Code § 22-8-6 provides that any minor may consent for any legally authorized medical, health, or mental health services to determine the presence of or to treat venereal disease and the consent of no other person is necessary.

Ala. Code § 22-11A-19 provides that, notwithstanding any other law, a minor age 12 or older who may have come into contact with any sexually transmitted disease (as designated by the State Board of Health), including HIV, may consent for medical care related to the diagnosis or treatment of such disease.

For a listing of diseases designated by the State Board of Health as sexually transmitted diseases, see *Ala. Admin. Code r. 420-4-1, Appendix A1*, <https://www.alabamapublichealth.gov/infectiousdiseases/detect.html>.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning, including STI/STD/HIV services.

Substance Use Care

Ala. Code § 22-8-6 provides that any minor may consent for any legally authorized medical, health, or mental health services to determine the presence of or to treat drug dependency or alcohol toxicity and the consent of no other person is necessary.

Confidentiality & Disclosure

Federal and state laws determine the privacy and confidentiality of medical and health information. Different laws may apply depending on the health services provided, the source of funding, the location of care, the type of provider, and the characteristics of the patient.

One law with overarching importance is the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule, a federal regulation that protects the privacy of patient health information held by health care providers who transmit certain information electronically and other “covered entities.” As a general rule, HIPAA prohibits healthcare providers from disclosing protected health information without a signed authorization. HIPAA specifies who must sign an authorization to release information. When minors have consented for their own care, HIPAA says the minors usually must sign the release. HIPAA includes exceptions that allow or require a provider to disclose protected information without an authorization in some circumstances, such as to meet state child abuse reporting requirements. HIPAA also addresses when parents and guardians may access a minor’s health information: It explains how this HIPAA rule intersects with state law and other federal laws regarding parent access, and includes rules for what to do about parent access when state law is silent, and for authorized limitations on access in some situations.

See **Appendix H** for a detailed discussion of HIPAA. Other appendices address other important federal health privacy laws that may apply in addition to, or instead of, HIPAA. See **Appendix I** (Title X, family planning), **Appendix J** (Part 2, substance use), **Appendix K** (FERPA, education records), **Appendix L** (insurance and billing), and **Appendix M** (21st Century Cures Act Information Blocking, EHI).

The following sections summarize selected state laws related to confidentiality, access to records, and disclosure to parents/guardians:

Confidentiality/Access to Records

Mental health

Ala. Code § 22-8-10 provides that: “[a]ccess to the mental health records of the minor will follow the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Public Law 104-191.” This section also allows a parent or guardian to consent for mental health treatment for a minor under specific circumstances; §§ 22-8-4 and 22-8-6 authorize minors to consent for themselves under specific circumstances.

Sexually transmitted disease/Infection/HIV

Ala. Code § 22-11A-22 provides that All information, reports and medical records concerning persons infected with sexually transmitted diseases designated by the State Board of Health shall be confidential. Individual medical records may be released on the written consent of the patient.

See **Appendix H** for information about minors’ access to and control of their medical information under HIPAA when they have consented to their own care.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See **Appendix K** for information about federal confidentiality protection for education records.

See **Appendix J** for information about federal confidentiality protections for certain substance use treatment records.

See **Appendix I** for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See **Appendix M** for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Disclosure of Health Information to Parents/Guardians

Sexually transmitted disease/Infection/HIV

Ala. Code § 22-11A-19 provides that the medical provider or facility providing diagnostic procedures or treatment related to any sexually transmitted disease (as designated by the State Board of Health), including HIV, may, but is not obligated to, inform the parent or guardian as to the treatment given or needed.

HIPAA rules relevant to disclosure to parents/guardians

See **Appendix H** for information about minors’ access to and control of their medical information under HIPAA when they have consented to their own care, the HIPAA rule when state law is silent as to parent access, and the HIPAA rule authorizing providers to limit access to records in certain circumstances.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See **Appendix K** for information about federal confidentiality protection for education records.

See **Appendix J** for information about federal confidentiality protections for certain substance use treatment records.

See **Appendix I** for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See **Appendix M** for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Insurance Claims/ Billing

See **Appendix L** for information about confidentiality protection in the billing and insurance claims process under the HIPAA Privacy Rule.

Other

This section summarizes a range of laws that may not explicitly address minor consent or disclosure of information but that health care providers often have questions about when minors seek care, especially when they seek care on their own.

Bone Marrow Donation

Ala. Code § 22-8-9 provides that any minor who is age 14 years or older, has graduated from high school, is married or divorced, or is pregnant may give consent for their bone marrow donation for the purposes of bone marrow transplantation. *Ala. Code § 22-8-9* allows a minor under age 14 years to donate bone marrow but only with consent of parent or legal guardian.

“Conversion Therapy,” Case law

For up to date information on the status of statutes or case law that ban conversion therapy for minors, or prohibit state entities from banning conversion therapy for minors in all 50 states and DC, see [Movement Advancement Project’s “Equality Maps: Conversion “Therapy” Laws.”](#) These laws are changing rapidly so consultation with counsel is essential.

Emergency Care

Ala. Code § 22-8-3 provides that any legally authorized medical, dental, health, or mental health services may be provided to minors of any age without the consent of a parent or legal guardian when, in the judgment of the physician, an attempt to secure consent would result in delay of treatment that would increase the risk to the minor’s life, health, or mental health.

Gender Affirming Care, Restriction

Ala. Code § 26-26-4(a) prohibits the administration of interventions, such as puberty blockers and hormone therapy, intended to affirm a minor’s gender identity when it conflicts with the minor’s sex as defined in *Ala. Code § 26-26-3*. In *Eknes-Tucker v. Marshall*, 603 F. Supp. 3d 1131, 1146 (M.D. Ala. 2022), the court issued a preliminary

injunction against enforcement of the ban, finding the prohibitions against puberty blockers and hormone therapy unconstitutional because they infringed on parents’ fundamental right to direct their children’s medical care, which includes the right to “treat their children with transitioning medications subject to medically accepted standards.” These laws are changing rapidly so consultation with counsel is essential.

For up to date information on the status of restrictions on gender affirming care for minors, see [Movement Advancement Project’s “Equality Maps: Bans on Best Practice Medical Care for Transgender Youth.”](#) See also **Appendix G** for further information about gender-affirming care.

Good Faith Reliance/Immunity from Liability

Ala. Code § 22-8-7 provides that a physician may rely in good faith upon the consent of a minor who professes to be, but is not, a minor whose consent alone is effective to medical, dental, health, or mental health services and the physician shall not be liable for not having consent.

Minor Parent, Consent for Child’s Care

Ala. Code § 22-8-5 provides that any minor who has borne a child may consent for any legally authorized medical, dental, health, or mental health services for their child.

Vaccination, Parent Consent

Ala. Code § 22-8-11 provides that notwithstanding *Ala. Code § 22-8-4*, no minor may receive a COVID-19 vaccination without the written consent of a parent or legal guardian.

Alabama Code <https://alison.legislature.state.al.us/code-of-alabama>

Alabama Administrative Code <https://admincode.legislature.state.al.us/>

Appendices

Appendix A. Glossary of Terms

Appendix B. Overview of Consent and Confidentiality When Minors Seek Health Care

Appendix C. Contraception, Abortion, and Pregnancy-Related Care for Minors: Consent and Confidentiality Considerations

Appendix D. Sexually Transmitted Infections, Sexually Transmitted Diseases, and HIV Care for Minors: Consent and Confidentiality Considerations

Appendix E. Mental Health Care for Minors: Consent and Confidentiality Considerations

Appendix F. Substance Use Care for Minors: Consent and Confidentiality Considerations

Appendix G. Gender Affirming Care for Minors: Consent and Confidentiality Considerations

Appendix H. HIPAA Privacy Rule and Confidentiality Implications for Minors' Health Information

Appendix I. Title X Family Planning Program and Family Planning Services for Minors

Appendix J. 42 CFR Part 2 and Confidentiality Implications for Substance Use Care for Minors

Appendix K. FERPA and Confidentiality Implications for School-Based and School-Linked Health Care for Minors

Appendix L. Confidentiality in Health Insurance Claims and Billing

Appendix M. Electronic Health Information, the 21st Century Cures Act, and Confidentiality for Minor Patients

Appendix N. State Law Table: Minor Consent/Access Based on Status

Appendix O. State Law Table: Minor Consent/Access for Specific Services