

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS COGHILL, Olson, Kelly, Dyson, Micciche, Dunleavy, Giessel

Introduced: 2/15/13

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act defining 'medically necessary abortion' for purposes of making payments
2 under the state Medicaid program."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 47.07 is amended by adding a new section to read:

5 **Sec. 47.07.068. Payment for abortions.** (a) The department may not pay for
6 abortion services under this chapter unless the abortion services are for a medically
7 necessary abortion or the pregnancy was the result of rape or incest. Payment may not
8 be made for an elective abortion.

9 (b) In this section,

10 (1) "abortion" has the meaning given in AS 18.16.090;

11 (2) "elective abortion" means an abortion that is not a medically
12 necessary abortion;

13 (3) "medically necessary abortion" means that, in a physician's
14 objective and reasonable professional judgment after considering medically relevant

1 factors, an abortion must be performed to avoid a threat of serious risk to the life or
2 physical health of a woman from continuation of the woman's pregnancy;

3 (4) "serious risk to the life or physical health" includes, but is not
4 limited to, a serious risk to the pregnant woman of

5 (A) death; or

6 (B) impairment of a major bodily function because of

7 (i) diabetes with acute metabolic derangement or severe
8 end organ damage;

9 (ii) renal disease that requires dialysis treatment;

10 (iii) severe pre-eclampsia;

11 (iv) eclampsia;

12 (v) convulsions;

13 (vi) status epilepticus;

14 (vii) sickle cell anemia;

15 (viii) severe congenital or acquired heart disease, class

16 IV;

17 (ix) pulmonary hypertension;

18 (x) malignancy if pregnancy would prevent or limit
19 treatment;

20 (xi) kidney infection;

21 (xii) congestive heart failure;

22 (xiii) epilepsy;

23 (xiv) seizures;

24 (xv) coma;

25 (xvi) severe infection exacerbated by pregnancy;

26 (xvii) rupture of amniotic membranes;

27 (xviii) advanced cervical dilation of more than six
28 centimeters at less than 22 weeks gestation;

29 (xix) cervical or cesarean section scar ectopic
30 implantation;

31 (xx) any pregnancy not implanted in the uterine cavity;

- 1 (xxi) amniotic fluid embolus; or
- 2 (xxii) another physical disorder, physical injury, or
- 3 physical illness, including a life-endangering physical condition caused
- 4 by or arising from the pregnancy that places the woman in danger of
- 5 death or major bodily impairment if an abortion is not performed.